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**Your reference:**  
**Our reference:** 2020/479  
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## Application for Re-accreditation – Norwegian National Human Rights Institution

Reference is made to your much appreciated letter of 1 April 2022 informing us that the Norwegian National Human Rights Institution is scheduled for re-accreditation during the session of the Sub-Committee on Accreditation (SCA) from 03 to 07 October 2022 (in case the session is held in-person) or from 03 to 14 October 2022 (in case the session is held remotely).

The Norwegian National Human Rights Institution was established in 2015 and is still a young national human rights institution. We were honored and proud to receive A-status in March 2017. Five years later, we have an organization that evaluators found to be fit for purpose and to be delivering at a high level on its mandate. But we are also humble, conscious that impact for those most affected is a long-term challenge where we hope to continually improve in the next five years.

We hereby submit our application for re-accreditation in accordance with Article 15 of the GANHRI Statute. Our application consists of this cover letter and the following documents:

- Detailed Statement of Compliance with the Paris Principles;
- Overview of annexes, which include:
- Founding legislation and regulation (in Norwegian and English);
- Organizational structure including details of board, staff and annual budget;
- Annual report to Parliament 2021 (English translation of all main sections); and
- Another ten – 10 – annexes in further support of the information provided in our Statement of Compliance, regarding strategic and operational matters, e.g. strategy, annual plan, sub-strategies and working processes, as well as substantive work and outputs e.g. legislative commentaries to Government and Parliament on various issues; and outreach through the media.

Our application is submitted both in hard copy and in electronic format at the address/emails provided as indicated above.

We look forward to receiving your summary of the information we have provided before it is shared with the SCA and stand ready to respond in a timely manner.

Please also be advised that we have informed civil society and ombud institutions that the SCA welcomes supplementary information from third parties. We have shared this information with our Advisory Committee by email and have published it to a broader public using social media.

We look forward to a constructive dialogue with the SCA in October.

Best regards  
Norwegian National Human Rights Institution

Marit Berger Røslund  
Chair of the Board

Adele Matheson Mestad  
Director

This document is approved electronically and is valid without signature.

Copy to:

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**STATEMENT OF COMPLIANCE WITH THE PARIS PRINCIPLES OF THE  
Norwegian National Human Rights Institution  
7 June 2022**

**CHARACTER OF THE NHRI**

**1. ESTABLISHMENT**

***The Paris Principles state that an institution's mandate shall be clearly set forth in a constitutional or legislative text (...).***

*The GANHRI has adopted the following General Observation on the Establishment of NHRIs: "An NHRI must be established in a constitutional or legal text. Creation by an instrument of the Executive is not adequate to ensure permanency and independence"*

*Discuss the instruments that establish the NHRI. Please explain:*

- *When and by what enabling law the NHRI was established;*
- *The legal status is of the NHRI, i.e. whether it has been established by legislation or if it is entrenched in the Constitution;*
- *If there is any other mechanism that gives the NHRI its legitimacy;*
- *The geographic jurisdiction of the NHRI.*

The Norwegian National Human Rights Institution (in Norwegian: NIM, hereafter the Norwegian Institution) was established on 1 July 2015. The Act establishing the Norwegian National Human Rights Institution (hereafter: the Act) as well as the Regulations of the Norwegian National Human Rights Institution (hereafter: the Regulations), were passed by Parliament in May 2015 (see Annexes 1-4).

The National Institution is an independent body with a broad human rights mandate. Section 2 of the Act clearly states that the Institution shall "discharge its functions in a free and independent manner" within the framework of the Act and Regulations.

Furthermore, Section 1 of the Regulations provide that the National Institution "shall work to strengthen the implementation of human rights in accordance with the Paris Principles relating to the Status of National Institutions".

In the Norwegian context, the institutional model chosen is optimal in terms of its legitimacy, authority and independence. This is due to the existence of multiple ombud institutions and other bodies with mandates addressing human rights. The preparatory works of the Act emphasise the role of the National Institution as a facilitator and coordinator in relation to all national human rights actors.

The Norwegian Institution was found to be in full compliance with the UN standards for national human rights institutions (hereafter: NHRIs), the Paris Principles, and was attributed A-status in 2017. At the same time, we received recommendations from the SCA for further alignment with the Paris Principles. We refer to relevant follow-up at the end of this section.

Human rights are enshrined in the Norwegian Constitution and in the Human Rights Act of 1999. The Human Rights Act was a significant step in strengthening legal enforcement of human rights in our domestic legal order, incorporating the ECHR, ICCPR, ICESCR, CRC and CEDAW with precedence over ordinary Norwegian legislation. Several other conventions ratified by Norway have also been implemented in Norwegian law, for example in the Discrimination Act of 2018. In 2014 the Norwegian Constitution was amended to include a new chapter on human rights, providing a substantive bill of rights in the constitution. The

legitimacy of human rights in general is also well established in Norwegian political culture as well as in the commitments and policies on human rights adopted by consecutive governments of varying political orientations. Norway has for decades been at the forefront of international human rights initiatives, including development of human rights standards, and follow-up in national law, policy and practice. Taken together, this has greatly increased awareness of human rights commitments and their relevance at the national level.

There is no geographic limitation to the National Institution's mandate which applies to the entire territory of Norway. Both the Act (Section 1), as well as preparatory works to the Act highlight that the Institution operates with a broad mandate to "promote and protect human rights in accordance with the Constitution, the Human Rights Act and other legislation, international treaties and other international law". The Act goes on to specify all key responsibilities set out in the Paris Principles i.e. to monitor, report, advise, inform, promote and cooperate both nationally and internationally.

### **Follow-up of SCA recommendations from 2017**

The legislative framework set out above has been unchanged since the Norwegian Institution was established in 2015. At present, there are some proposed amendments to the Act and Regulations which are pending consideration by Parliament. We look forward to informing the SCA of the outcome of these proceedings before the SCA session in October.

The amendments are based on two reviews initiated by Parliament. The most important is the *Evaluation of the Norwegian National Human Rights Institution (2020)*, which took place after four years in operation as mandated in the preparatory works to the Act in 2014. The second initiative is a cross-cutting review of four independent bodies under parliament (including the Norwegian Institution) to mainstream administrative practices. The SCA recommendations from 2017 have been forwarded to the executors of both reviews. The Presidium followed-up on both reviews by proposing some legislative amendments to Parliament in March 2022.

In our submission of comments to the Constitutional Parliamentary Committee regarding the proposed amendments to the Act and Regulations (see Annex 17), we refer to the SCA recommendations and include them as an attachment. Our submission focuses primarily on:

- Clarifying the dismissal criteria and processes for the board and director,
- Strengthening plurality in governance and appointment procedures, and
- Encouraging ratification.

The Committee is also considering proposals that the Director of the Norwegian Institution be appointed by the Board rather than the Parliament, and that the Director's six-years term of office be once renewable rather than non-renewable. We support the first proposal regarding appointment by the board and agree with the evaluation findings that this would enhance independence. However, we have advised against the second proposal regarding a renewable term for the Director because we believe this would weaken independence in the first term of office.

Overall, we believe that the proposed amendments will have a positive impact on how we carry out our work to promote and protect human rights in line with the Paris Principles and see them as relevant with regards to independence (section 2), composition, appointment and tenure (section 3) and encouraging ratification (section 6.2.2).

### **Evaluation of the Norwegian Institution 2020**

When Parliament approved the Act and Regulations in May 2015, it was agreed that the Norwegian Institution should be evaluated after four years in operation. The parliamentary evaluation was conducted by external consultants from June to December 2020. All relevant documents were reviewed, and 47 interviews were conducted with key national stakeholders

and three members of the international NHRI network (GANHRI, ENNHRI and the Danish Institute of Human Rights).

The main purpose of the evaluation was to assess whether the Norwegian Institution had performed its statutory tasks and used its resources in an appropriate manner, in line with the main purpose of its establishment - to strengthen the implementation of human rights in Norway.

The main findings of the evaluation:<sup>1</sup>

- The Norwegian Institution works with a wide range of human rights topics, in line with its broad mandate, and maintains a generally high level of professionalism. The Institution is also perceived as legally strong and accountable in the area of human rights, which supports its role as a professional and independent institution.
- The Norwegian Institution has a high level of activity and output in relation to its resources.
- The Norwegian Institution has robust structures and is well organised in line with good practices of business management. This is seen as crucial - since the institution has a complex mandate that requires highly competent and autonomous employees who must cover a wide range of both tasks and working methods.
- The Norwegian Institution has set up good systems and processes for prioritisation that are transparent and necessary for the institution's legitimacy. The Advisory Committee works well, as does the cooperation with ombud institutions with overlapping mandates, and the institution has good and inclusive processes for international reporting.
- The Norwegian Institution's activities show that the institution successfully prioritises a broad set of human rights issues, but it is also suggested that the relationship between reactive tasks and planned projects be assessed on an ongoing basis.
- The Institution receives good feedback on core activities such as consultation statements on proposed legislation and the preparation of reports. The competence among the employees reveals solid legal expertise, as required by the institution's mandate, but it is suggested to consider broadening its competence in social sciences.
- The Norwegian Institution is still a young organisation and should continue its work to reach broader audiences.
- The incorporation of Gáldu, the former centre for indigenous peoples, has been successful and indigenous issues have consistently been given high priority.
- Overall, the Act works well and is comprehensive. Yet it is proposed that the board should be able to hire and dismiss the director and that it should be considered if the composition of the board should reflect civil society to a greater extent.
- There is potential for further development in the areas of information, research and training.

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<sup>1</sup> The evaluation in full is only available in Norwegian, see [https://www.stortinget.no/globalassets/pdf/evalueringsrapporter/rapport\\_evaluering-av-nim.pdf](https://www.stortinget.no/globalassets/pdf/evalueringsrapporter/rapport_evaluering-av-nim.pdf).

## 2. INDEPENDENCE

***Independence is a fundamental pillar of the Paris Principles. All the provisions in the section "Composition and guarantees of independence and pluralism" aim to ensure independence through composition, representation, infrastructure, stable mandate of the NHRI.***

*The GANHRI has adopted the following General Observation on the **administrative regulation** of NHRIs: "The classification of an NHRI as a public body has important implications for the regulation of its accountability, funding, and reporting arrangements. In cases where the administration and expenditure of public funds by an NHRI is regulated by the Government, such regulation must not compromise the NHRI's ability to perform its role independently and effectively. For this reason, it is important that the relationship between the Government and the NHRI be clearly defined".*

*To preserve the independence of members, the GANHRI has strongly recommended that "provisions be included in national law to protect legal liability for actions undertaken in the official capacity of the NHRI".*

*Discuss the mechanisms that guarantee the independence of the NHRI. Please explain:*

- *The nature of the Institution's accountability (i.e. whether the NHRI is accountable to parliament, a ministry, government department, head of state, etc.);*
- *Whether or not the NHRI receives instruction from the government;*
- *By what means conflicts of interest are avoided;*
- *Whether or not members incur legal liability for actions taken in their official capacity.*

The Norwegian National Human Rights Institution is an independent body. The Act (Section 11) as well as the Regulations (Sections 7 and 9) prescribe direct reporting to Parliament. The annual report describes the human rights situation in Norway and includes an annual activity report and financial report (Annex 5 and 6). The Board and the Director also submit a joint proposal for the budget directly to the Parliament (Annex 13).

The National Institution is governed by an independent Board that is appointed by the Parliament. According to the Act (Section 6) and the Regulations (Section 2) the Board has overall responsibility for the National Institution's activities, finances and operation.

It is specified in Section 2 of the Act that the Institution "discharges its functions in a free and independent manner and shall itself decide how its work will be organised and carried out". The authorities, including the Parliament, do not issue any specific instructions with regard to operational or substantive matters.

The budget of the institution is a separate chapter in the state budget. The budget proposal is presented directly to the Parliament. The Government is not involved in budget preparation, review or approval. The financial report is reviewed by the Auditor-General, an independent body under Parliament.

The Norwegian Public Administration Act sets out general rules on conflicts of interest. Such regulation is applicable to the Board and staff of the Norwegian Institution. Furthermore, the Institution operates with a clear policy to avoid any risk of possible conflict of interest. In practice there are limitations on the types of activities both Board and staff members can be engaged in outside the institution. One example is the resignation of a former Chair of the Board after having been appointed Supreme Court Judge as of 1.1.2017.

The Director is responsible for the overall day-to-day operation of the institution and is also appointed by Parliament. According to Section 7 of the Act, Parliament can only dismiss the

Director if "he/she is guilty of gross dereliction of duty or other material breach of the employment contract that is incompatible with the trust required to serve in the position of director of the national institution".

In the preparatory work of the Act, it is stated that this provision is meant to give the Director a stronger employment security than what follows from the Act relating to civil servants and the Working Environment Act.<sup>2</sup>

There is no functional immunity as in provisions to protect against legal liability for actions undertaken in the official capacity of state servants. Such immunity will typically apply to foreigners in diplomatic service but is otherwise not part of Norwegian legal culture. This is the situation for all public institutions on an equal basis, including the Norwegian Institution. This matter has not been an issue and we do not consider it necessary. Asking for such a provision could actually negatively affect our legitimacy, asking for special protection not provided to all.

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<sup>2</sup> Refer to information in section 1 on follow-up of SCA recommendations.

### 3. **COMPOSITION, APPOINTMENT PROCESS, TENURE**

#### 3.1 **Composition**

***The Paris Principles state that "the composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:***

- (a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;***
- (b) Trends in philosophical or religious thought;***
- (c) Universities and qualified experts;***
- (d) Parliament;***
- (e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).***

***The GANHRI has adopted the following General Observations on the composition and pluralism of NHRIs:***

- Ensuring pluralism:*** The Sub-Committee notes there are diverse models of ensuring the requirement of pluralism set out in the Paris Principles. However, the Sub-Committee emphasises the importance of National Institutions to maintain consistent relationships with civil society and notes that this will be taken into consideration in the assessment of accreditation applications. The Sub-Committee observes that there are different ways in which pluralism may be achieved through the composition of the National Institution, for example:

- 1. Members of the governing body represent different segments of society as referred to in the Paris Principles;***
- 2. Pluralism through the appointment procedures of the governing body of the National Institution, for example, where diverse societal groups suggest or recommend candidates;***
- 3. Pluralism through procedures enabling effective cooperation with diverse societal groups, for example advisory committees, networks, consultations or public forums; or***
- 4. Pluralism through diverse staff representing the different societal groups within the society.***

***The Sub-Committee further emphasises that the principle of pluralism includes ensuring the meaningful participation of women in the National Institution.***

- Government representatives on National Institutions:*** The Sub-Committee understands that the Paris Principles require that Government representatives on governing or advisory bodies of National Institutions do not have decision making or voting capacity.

*Discuss how your NHRI meets the requirement of pluralism. Please explain:*

- Whether your founding law requires a diverse composition of members<sup>3</sup>;***
- Which authority/group may nominate candidates for membership;***

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<sup>3</sup> Members refers to those individuals that are appointed or elected under the NHRI's founding law (i.e. Chair, Commissioners, Ombudsmen, Deputy Ombudsmen) and with whom the NHRIs functions are vested.



- *The composition of the NHRI's membership, i.e. what positions are created by the enacting law and what positions are currently filled and are in operation (Please include heads and deputy heads of the organization);*
- *How the groups mentioned at the letters a-e as above are represented;*
- *Representation of women;*
- *Representation of ethnic or minority groups (e.g. indigenous, religious minorities, etc);*
- *Representation of particular groups (e.g. people with a disability, etc).*

The Norwegian Institution is composed of the Board, which has overall responsibility for the Institution, the Director, who is in charge of day-to-day operations and members of staff. The Advisory Committee is also a statutory body. The institution is fully staffed and operational. The present Board was appointed for the period 1 July 2019–30 June 2023.

Pluralism is ensured through multiple mechanisms within all organs of the institution. According to the Act (Section 5) and the Regulations (Section 2), the Board is to have a variety of competencies and expertise on human rights law as well as organisational management. As a minimum, one member of the board should have specialised competence on indigenous Sami issues. The Board consists of five members and each gender should have a minimum of two representatives. The Board has three women representatives as well as one indigenous Sami representative. Four members are lawyers, including both the Chair and Deputy Chair, and one member is a medical doctor.

The Chair of the Board, Ms. Marit Berger Røsland, is a practicing lawyer, presently working for Equinor, Norway's largest oil and gas company, and is a former politician, Secretary of State and Minister of European Affairs. The Deputy Chair, Mr. Nils Asbjørn Engstad, is a judge of the 2<sup>nd</sup> instance Court of Hålogaland (northern provinces) and heads the Finnmark Land Tribunal ("Utmarksdomstolen"), which considers disputes concerning the rights to land and water in the Finnmark Region of both the Sami people and others.

Board members are appointed by the Norwegian Parliament. According to Section 2 of the Regulations, Parliament shall actively inform the public about the possibility to nominate candidates. Parliament announces this on its website and receives nominations by email. Anyone can nominate candidates.

Civil society groups and academia availed themselves of this opportunity once again in 2019 when a Board was to be elected for the second time since the Norwegian Institution was established. The Board members appointed included three continuing members and two new members, one of them from the published list of 32 nominees. For the position of Chair of the Board we do not know how many candidates were nominated.

The Director of the institution is required to have legal or other relevant human rights skills and should have work experience in the field of human rights. The current Director Ms. Adele Matheson Mestad, is a human rights expert, a former Deputy Director and Acting Director of the Norwegian Institution, and an experienced lawyer with the Attorney General's Office (civil affairs).

The Law requires that the staff consist of a broad range of expertise, including on the rights of indigenous peoples and minorities. As of 1 January 2022, gender representation was 59 % women and 41 % men. There is a strong representation of Sami indigenous people, based in our regional office in Kautokeino. Due to staff on leave, there are at present few representatives from other minorities. This is a priority in our recruitment strategy. Professional backgrounds are predominantly legal, but also political and social sciences, media/communication and administration, including human resources/accounting and archiving. For full overview of the Board, Director and staff, see Annex 8.

The Advisory Committee is established by the Act (Section 9) and the Regulations (Section 6). It consists of representatives from civil society groups such as the Norwegian Federation of organisations of disabled people, the Norwegian Bar Association and the Norwegian Organisation for Asylum Seekers. It also includes representatives from all four national ombudsman institutions, academia and other experts. The Committee is a permanent consultative body that provides input on the institution's work. The meetings of the Committee are an arena for exchange of information, ideas and coordination of activities as well as advice to the Norwegian Institution. For an overview of current members of the Advisory Committee, see Annex 9.

### 3.2 Selection and appointment

*The GANHRI has adopted the following **General Observations on selection and appointment**:*

- **Selection and appointment of the governing body:** *The Sub-Committee notes the critical importance of the selection and appointment process of the governing body in ensuring the pluralism and independence of the National Institution. In particular, the Sub-Committee emphasises the following factors:*
  1. *A transparent process*
  2. *Broad consultation throughout the selection and appointment process*
  3. *Advertising vacancies broadly*
  4. *Maximising the number of potential candidates from a wide range of societal groups*
  5. *Selecting members to serve in their own individual capacity rather than on behalf of the organization they represent.*

*Discuss how members of the NHRI are selected and appointed. Please explain:*

- *The legal provisions (in your founding law or elsewhere) regarding the selection and appointment of members to the NHRI;*
- *The selection process and appointment procedure in practice (please indicate how publicity, transparency, broad consultation, openness to different groups of societies are enshrined in the enabling legislation and operate in practice);*
- *Whether and how these procedures ensure adequate representation of civil forces (e.g. civil society) involved in the promotion and protection of human rights*
- *Cooperation with the representatives of the groups mentioned above in 3.1;*
- *Membership criteria.*

The statutory management structure of the Norwegian institution consists of the Board and the Director. They are both appointed by Parliament and the respective appointment processes are considered to be fully transparent.

As was pointed out above, Section 5 of the Act and Section 2 of the Regulations require that the appointment of the Board members be preceded by an open invitation to nominate candidates. This is posted on the Parliament's website encouraging anyone to propose board members, preferably with a brief justification, and send it to the Presidium by email. This ensures nomination of a maximum number of potential candidates. The list of proposed candidates is published.

Criteria for selecting Board members (provided for by the Act) require that selected candidates have necessary qualifications and competencies. It is stipulated by law that the board members shall represent various disciplines, including legal expertise on human rights, and that the board shall have expertise in business management. Furthermore, due consideration must be given to gender balance and representation of indigenous Sami

competencies. The board is elected by the Parliament on the recommendation of the Presidium.

The Director of the Institution is appointed based on an open recruitment process. The list of applicants is made public and shortlisted candidates are interviewed by the Presidium, which is the Parliament's highest administrative body. There are no further provisions specifying the process, but practice is aligned with established procedures for recruitment to public leadership positions, including multiple interviews and support from a professional recruitment consultant. The successful candidate that is appointed by the Parliament must meet the requirements in Section 7 of the Act namely "formal qualifications and personal suitability, including legal qualifications or other human rights qualifications, and he or she should preferably have experience of human rights work".

The actual process for the appointment of both Board and Director is conducted by the Presidium. In the Norwegian Parliament, the Presidium consists of six representatives who serve as speakers of the house. The Presidium includes members who represent both the opposition and ruling parties. The Presidium is headed by the President of Parliament, presently Masud Gharakhani from the Labour Party, who holds the highest public office in Norway after the King.

### 3.3. Tenure

***The Paris Principles state that in order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.***

*The GANHRI has adopted the following **General Observations on membership tenure**:*

- **Full-time Members:** *Members of the NHRIs should include full-time remunerated members to:*
  1. *Ensure the independence of the NHRI free from actual or perceived conflict of interests;*
  2. *Ensure a stable mandate for the members;*
  3. *Ensure the ongoing and effective fulfilment of the mandate of the NHRI.*
- **Guarantee of tenure for members of governing bodies:** *Provisions for the dismissal of members of governing bodies in conformity with the Paris Principles should be included in the enabling laws for NHRIs.*
  1. *The dismissal or forced resignation of any member may result in a special review of the accreditation status of the NHRI;*
  2. *Dismissal should be made in strict conformity with all the substantive and procedural requirements as prescribed by law;*
  3. *Dismissal should not be allowed based on solely the discretion of appointing authorities.*

*Discuss how the tenure of the NHRIs' members is ensured. Please explain:*

- *The terms of office of members (and if it is specified in the founding law);*
- *Whether members are full and/or part-time;*
- *Whether the members receive adequate remuneration;*
- *Whether the members' terms are renewable;*
- *The grounds and procedures for dismissal and/or resignation of a member and how they operate in practice;*
- *If there is an advisory body in addition to the members, and if so, please set out the membership requirements of this body.*

The Director of the National Institution, as well as the Board members, have clearly defined terms of office as provided by the Act According to the Act (Section 7), the Director is appointed for a period of six years, without the possibility of reappointment.<sup>4</sup> The Act also provides (Section 5) that members of the Board are appointed for a period of four years and specifies that no one may serve on the board for more than two consecutive terms.

Remuneration of the Board Members is defined by the Parliament in accordance with Section 2 of the Regulations, "based on the government's recommended rates for committee remuneration". According to Section 3 of the Regulations, salary, pension and other working conditions for the Director are determined by the Parliament. The salary of the Director is adequate and comparable to salaries of heads of other similar institutions.

Section 7 of the Act defines the exceptional circumstances under which the Director can be dismissed by the Presidency. This may occur only if "he/she is guilty of gross dereliction of duty or other material breach of the employment contract that is incompatible with the trust required to serve in the position of director of the national institution". In practice, there is a clear understanding and respect for the independence and autonomy of the Director. The opinions and positions of the Director would under no circumstances, constitute grounds for her/his dismissal or other types of reprisals. We believe that greater clarity as to criteria and process for dismissal of the board as well as the director would be helpful and have suggested this to Parliament.<sup>5</sup>

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<sup>4</sup> Refer to information in section 1 on follow-up of SCA recommendations, including proposal for the director to be appointed for a term of eight years renewable.

<sup>5</sup> Refer to information in section 1 on follow-up of SCA recommendations, including need to clarify criteria and process for dismissal of the board and director.

## 4. ORGANIZATIONAL INFRASTRUCTURE

### 4.1 Infrastructure

***The Paris Principles state that the national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.***

*Discuss the NHRI's infrastructure.*

*Please explain:*

- *The organisational structure of the NHRI;*
- *How the NHRI's infrastructure (including staff and resources) is allocated;*
- *How the NHRI's infrastructure allows it to function according to its mandate;*
- *Evidence that the NHRI is adequately resourced and staffed.*

*Please provide:*

- *An organizational chart of the NHRI's structure.*

The Norwegian Institution was established in 2015 and is now a more mature organisation. The evaluation conducted in 2020 found the Norwegian Institution to be well organised, operating effectively and fulfilling its mandate. It has two offices and consists of 20 full-time and six part-time staff members. The budget for 2021 is NOK 26 million (Euro 2,6 million) and more than 80% of the budget is dedicated to salary expenses. The Institution's budget has increased by 26 % since 2017. 21 staff members are located in Oslo and five staff members are in the regional office in Kautokeino.

The regional office in Kautokeino, located in the heart of the indigenous Samí territory, has been successfully integrated in the National Institution and ensures special competence on indigenous peoples' rights. The operational work across both offices is organised in four units: Legal analysis; Monitoring, policy and advocacy; Communication and Administration (see organisational chart in Annex 7).

The Institution has developed its second strategic plan covering the period 2022-2024 (see Annex 10). The strategy was developed through an inclusive process, involving all staff members, the Advisory Committee and the Board. The strategy sets out four thematic priorities and one cross cutting focus area. Clear strategic priorities allow for effective and efficient use of resources.

We maintain broad and systematic monitoring of the human rights situation in Norway to ensure an independent knowledge base that help us identify challenges and measure progress. Through prioritisation methodology (Annex 15) we are able to focus on the most relevant and urgent human rights challenges. Strengthening our communication work has helped us increase outreach to ensure greater impact.

The National Institution is focusing on coordination and cooperation with different actors to increase synergies. Norway has well developed institutions and bodies that work on the protection and promotion of human rights. This includes different ombudsman institutions and civil society actors.

The National Institution does not have an individual complaint mechanism (cf. the Act Section 3). Nevertheless, we have established an effective referral procedure to the Parliamentary Ombudsman and Equality and Anti-Discrimination Ombudsman. Both these bodies address individual complaints. This allows us to optimise allocation of resources to systemic issues. We have developed effective communication strategies to gain access to key media actors as well as to using the full potential of social media.

## 4.2 Staffing

**The Paris Principles state that the NHRIs should be able to have its own staff.**  
*The GANHRI has adopted the following General Observation on staffing:*

- **Staff of an NHRI:** *As a principle, NHRIs should be empowered to appoint their own staff.*
- **Staffing by secondment:** *In order to guarantee the independence of the NHRI, the Sub Committee notes, as a matter of good practice, the following:*
  1. *Senior level posts should not be filled with secondees;*
  2. *The number of seconded should not exceed 25% and never be more than 50% of the total workforce of the NHRI.*

*Discuss the NHRI's staffing. Please explain:*

- *How staff of the NHRI are hired;*
- *If there are any limitations on the NHRI's authority to hire staff;*
- *Which current positions (if any) are filled by secondees;*
- *What percentage of the staff (including senior position) is seconded;*
- *Whether and how the staff reflects the principle of pluralism.*

*Please provide:*

- *A list of the staff of the NHRI or, if provided in another document, refer to the organisational chart illustrating the staffing structure of the NHRI (please indicate gender distribution).*

The National Institution has full autonomy in hiring its staff. This is set out in the Act (Section 8), according to which "staff members are appointed by the Board based on recommendations by the Director". The Regulations (Section 4) further provide that the Institution must have its own staff regulations that are approved by the Parliament. Such regulation is approved by the Presidency of Parliament and was last updated in 2020.

The Board approves the opening of new positions. Recruitments are conducted through an open and transparent process in accordance with general eligibility principles under which the public institutions are required to hire the most qualified applicants. The Director determines the salaries of the staff members.

According to The Act (Section 8) the staff must reflect a "broad range of expertise, including on the rights of indigenous peoples and minorities". The Institution's staff reflects the principle of plurality, see point 3.1.

The number of staff as of 1 January 2022 was 26 persons, equal to 20,8 full-time staff as some are part-time. 59 % of the institution's staff are women and 41% are men, including Sami indigenous persons and ethnic minority representation. The need to enhance plurality among staff is a priority in the sub-strategy on human resources. Among the leadership of the institution, 4 of 5 are women. We also had a total of 17 interns working with us in 2021, mainly law students in their final semesters of university.

There are no secondees working within the Institution.

## 4.3 Premises (accessibility)

***The Paris Principles state that the NHRIs should be able to have its own (...) premises and that, within the framework of its operation, the national institution shall (...) set up local or regional sections to assist it in discharging its functions.***

*Discuss the NHRI's premises. Please explain:*

- *The presentation of the main premises of your organization;*
- *Whether the NHRI has local or regional offices;*
- *If so, how local and regional offices communicate with the main office;*
- *How the public can access the NHRI's offices;*
- *Whether the NHRI's offices are accessible to people with disabilities;*

*Please also describe procedures and mechanisms of the NHRI to ensure accessibility to the broader population and in particular, to people who are exposed to human rights violations or non-fulfilment of their rights, i.e. women, ethnic, linguistic, religious or other minorities, non-nationals and persons with disability, as well as the poor.*

The Norwegian Institution has offices in two locations, the head office in Oslo and a regional office in Kautokeino.

The head office is located in the same building as the Parliamentary Ombud, but on a separate floor. The National Institution has a full floor which accommodates all staff with office space and interns with workstations. There is also a common area with a meeting/lunch table, a small library and kitchen facilities. We have access to three meeting rooms on the ground floor.

The main office is located in the centre of the city of Oslo and is very close to the Parliament. The office is easily accessible for the public, from suburban Oslo by subway, and from other regions by proximity to the Central Station.

The regional office in Kautokeino is located in the heart of the largest Sami territory in Norway. It is located in the same building as the Sami University of Applied Sciences with easy access for the public and for staff to all relevant facilities. It is also within proximity of the Sami Parliament in Karasjok, which also has offices in Kautokeino.

The two offices communicate predominately using online meetings. These include weekly full staff meetings and separate bi-weekly leadership meetings with the regional office. Based on cross-cutting units and teams, there are also frequent bilateral meetings and consultations. There are normally two full staff seminars per year where all staff meet physically, and staff from regional office have periodic stays in Oslo on a rotational basis.

The National Institution receives phone and email communications from individuals, as well as visitors to its premises. The facilities meet accessibility standards for persons with disabilities.

#### **4.4 Budget**

***The Paris Principles state that the national institution shall have an (...) adequate funding (...) and not be subject to financial control which might affect its independence.***

*The GANHRI has adopted the following General Observation on **Adequate Funding**: Provision of adequate funding by the state should, as a minimum include:*

- *the allocation of funds for adequate accommodation, at least its head office;*
- *salaries and benefits awarded to its staff comparable to public service salaries and conditions;*
- *remuneration of Commissioners (where appropriate); and*

- *the establishment of communications systems including telephone and internet.*

*Adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of the improvement of the organization's operations and the fulfillment of their mandate. Funding from external sources, such as from development partners, should not compose the core funding of the NHRI as it is the responsibility of the state to ensure the NHRI's minimum activity budget in order to allow it to operate towards fulfilling its mandate. Financial systems should be such that the NHRI has complete financial autonomy. This should be a separate budget line over which it has absolute management and control.*

*Discuss the NHRI's budget. Please explain:*

- *How the NHRI's budget is developed, submitted and approved (e.g. if it is drafted by the NHRI, presented directly to parliament or through a government ministry or other body, the influence of that body);*
- *Whether or not the NHRI has control over the management and expenditure of its allocated budget (i.e. if the NHRI is financially independent from the government in how its budget is spent).*
- *Whether -and what percentage of- the NHRI budget is donor funded.*

*Please provide:*

- *information relating to the budget of the NHRI, its accounts and financial records;*

The Norwegian Institution has been supported by substantial budget increases in the establishment phase. The budget has increased by 26 % from 2017 to 2021 when the budget allocated was NOK 26 million (Euro 2,6 million).

The Financial Report for 2021 shows expenses totalling NOK 25 956 400 and that more than 80% of the total expenses is dedicated to salary expenses (Annex 6).

The budget for 2022 is NOK 26 million (Annex 13). In our budget request to the Presidium for 2023 we hope to secure two additional positions, increasing the budget to NOK 28,6 million. In years to come, we foresee that the annual budget will level off and stabilise.

According to the Act (Section 6), the Board has overall responsibility for financial matters while the Director has responsibility for the day-to-day operations. Financial reports are sent to Parliament Presidium in the name of both the Board Chair and the Director.

The Institution develops and submits its budget directly to the Parliament as described above (see point 2 on independence). The budget is a separate/dedicated item in the national state budget. The Institution has full responsibility for the management and allocation of expenditures. The financial report is reviewed by the Auditor-General's Office.

The Institution does not receive donor funding. The preparatory works show that the Parliament considered this a safeguard for the Institution's independence. However, the Norwegian Institution assesses that it is possible to apply for additional funding from external sources provided they cannot in any way call into question our independence.



## 5. WORKING METHODS

*Please indicate whether your organization has adopted internal regulations and/or an annual/strategic plan. Briefly describe its main elements.*

Section 6 of the Act states that the Institution shall have an overall strategy and activity plans, both are approved by the Board. In 2021, the Norwegian Institution developed its second overall strategy, covering the three-year period from 2022-2024 (see Annex 10). The strategy was developed through an inclusive process, involving all staff members, the Advisory Committee and the Board and was ultimately approved by the Board.

The strategy sets out four thematic priorities: (1) vulnerable groups, (2) climate and human rights, (3) indigenous and national minorities and (4) freedom of expression and the right to privacy. In addition, the human rights responsibility of municipalities is identified as a particular focus across all thematic areas. Furthermore, some aspects of our mandated functions are to be strengthened, including providing advice to Parliament and to systemise promoting human rights research and education.

This overall strategy is further developed and detailed in sub-strategies and methodologies for selected work areas. These include methods for prioritisation of human rights issues (annex 15), methods for monitoring and information gathering (annex 14) and a communication strategy (annex 11). Other sub strategies address research and education, indigenous peoples and human resources.

These documents are the basis for specifying annual action plans, most recently for 2022 (Annex 12). These tools help us to break down overall objectives into specific project outlines with corresponding tasks, responsible persons as well as deadlines.

### 5.1 Regular meetings

***The Paris Principles state that within the framework of its operation, the national institution shall meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened.***

*Discuss how the meetings of the NHRI's members operate. Please explain:*

- *The frequency and composition of the NHRI meetings in practice (at the senior and staff level).*

The National Institution has numerous regular meetings. These meetings are held to ensure good communication and internal information flow. This is important for dissemination, coordination and ownership of decision making. The most important fora are:

- Weekly Monday meeting for all staff chaired by the Director;
- Weekly leadership meeting chaired by the Director;
- Weekly meetings in the communication unit chaired by the Head of Office;
- Weekly meetings in the administration unit chaired by the Head of Office;
- Monthly meetings in monitoring and reporting unit chaired by the Assistant Director;
- Monthly overall monitoring meetings for all staff chaired by Senior Policy Advisor/ intern;
- 5-6 yearly Board meetings chaired by Chair of the Board;
- 4-5 meetings in the Advisory Committee chaired by Director; and
- 1 annual full staff planning seminar.

The Board meetings are called by the Director, who in consultation with the Chair of the Board, proposes the agenda, prepares the issues to be discussed, and records minutes from the meetings. The minutes are published on the National Institution's website.

The Director also calls the meetings in the Advisory Committee, proposes the agenda based on suggestions from staff and inputs from the committee, and prepares the issues to be discussed. The minutes are published on the website.

The weekly full staff meetings are held to discuss day-to-day issues and follow-up of activity plans. Separate meetings with the leadership and the Kautokeino regional office are held to address any office-particular issues. Strategy and other overarching issues are subject to discussion at periodic planning meetings and internal seminars.

## 5.2 Working groups

***The Paris Principles state that within the framework of its operation, the national institution shall establish working groups from among its members as necessary.***

*Discuss the NHRI's working groups (if any). Please explain:*

- *Whether the NHRI has established any working groups;*
- *If so, what are the mandate, composition and working methods of these groups.*

The establishment of working groups is a format frequently used to ensure involvement of relevant stakeholders. This is done through numerous consultation fora, working groups and meetings with thematically relevant sub-set of actors as part of ongoing work. Working groups are most often based on a common interest in a particular human rights issue or a specific vulnerable group. Reference groups with a formal mandate are usually linked to larger projects. Some examples include a broad NGO-coalition working group for follow-up of UN recommendations, active since June 2021 and ongoing; and reference groups established to guide key projects on topics such as the human rights responsibility of municipalities, statistics on indigenous persons, hate speech against minorities and the human rights of persons with a drugs addiction. Informal consultations have taken place in relation to proposed legislation on topics as the use of coercive treatment (mental health care, persons with disability and older persons) and privacy/data protection and covert surveillance.

For further information on establishing professional relationships with different actors, see section 8.

## GENERAL MANDATE

### 6. GENERAL COMPETENCE AND RESPONSIBILITIES

For each of the functions described in the following sections, please discuss:

- the relevant provisions in the NHRI's founding law,
- the powers the NHRI is vested with (e.g. if it can act on its own initiative), and
- concrete examples of how the NHRI fulfils the function in practice.

#### 6.1 Mandate to promote and protect human rights

**The Paris Principles state that a national institution shall be vested with competence to promote and protect human rights. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text (....). Within the framework of its operation, the national institution shall freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petition.**

*The GANHRI has adopted the following General Observation on **Human rights mandate**: All NHRIs should be mandated with specific functions to both protect and promote human rights, such as those listed in the Paris Principles.*

Discuss the broad legal mandate of the NHRI. Please explain:

- How human rights are defined in the NHRI's founding law;
- Which rights the NHRI is mandated to address: e.g. civil, political, social, economic and cultural;
- If the institutions' mandate refers to any limitation in the mandate or jurisdiction (e.g. rights or areas of the countries that are excluded);
- Broadly, how the NHRI is able to exercise its mandate in practice.

Section 1 of the Act (the purpose and scope) provides that the primary function of the National Institution is to promote and protect human rights in accordance with the Constitution, the Human Rights Act and other legislation, international treaties and other international law. This definition ensures a broad and encompassing scope of application of human rights standards. The Act does not place any thematic limitations on the areas of human rights that can be addressed by the Institution.

The National Institution has defined 17 human rights areas in which it groups its substantive work (Annex 16). This includes the full range of human rights and freedoms, namely civil, political, economic, social and cultural rights, as well as the rights of indigenous peoples and vulnerable minorities.

The core mandate of the Institution is defined in Section 3 of the Act. The mandate is to monitor and report on the human rights situation in Norway, including giving recommendations to ensure that Norway's human rights obligations are fulfilled; advise the Parliament, the Government, the Sami (indigenous peoples) Parliament and other public bodies as well as private parties on the implementation of human rights; promote human rights through teaching, education and research and disseminate information about human rights. Furthermore, the National Institution is mandated to facilitate cooperation on human rights issues nationally and participate in international cooperation to promote and protect human rights.

For communication purposes, the Norwegian Institution has condensed this to four key functions, or roles, that of advisor, watchdog (monitoring), facilitator and bridge builder.

In practice, the Norwegian Institution exercises these functions by monitoring the full range of human rights and publishing reports with recommendations at its own initiative. The Institution regularly issues opinions and comments on different laws, legislative drafts and governmental strategies and reports (approx. 50 in 2022) and takes part in Parliamentary hearings on relevant human rights topics. The Norwegian Institution has in recent years expanded its protection activities to include third-party (amicus curiae) interventions to courts, both nationally and internationally at the European level.

The National Institution cooperates with the Law Faculties of three universities (Oslo, Bergen, Trondheim), particularly in relation to relevant research projects and human rights education.

The National Institution cooperates with civil society actors, ombudsman institutions, and relevant governmental agencies through both formal cooperation fora and on an ad hoc basis. In addition, the National Institution is heavily involved in reporting to the UN treaty bodies and the Universal Periodic Review (UPR), as well as to regional bodies and procedures. We have established procedures for consultations with the relevant ministries at the different stages of the reporting processes. The Institution participates regularly in NHRI networks both globally and regionally and plays an active role in the international activities and in two ENNHRI working groups. We are one of the NHRI's which has taken a lead in the area of human rights and climate change by spearheading two third-party interventions on behalf of ENNHRI to the European Court of Human Rights.

## 6.2 Advisory Functions

***The Paris Principles state that a national institution shall, inter alia, have the responsibility to submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights (...).***

*Discuss the legal provisions for this function and how the NHRI carries out this responsibility in relation to the following functions:*

The advisory function is clearly set out in Section 3(b) of the Act whereby the Institution should provide advice to the Parliament, the Government, the Sami Parliament and other public bodies and private parties on the implementation of human rights”.

In order to provide advice, the Institution conducts regular monitoring and analysis of the human rights situation in Norway as provided for in Section 3(a). Challenging topics are identified and analysed against international standards in order to provide advice and recommendations to relevant authorities.

The Institution can carry out such analysis at its own initiative (proactive) or in response to other initiatives (reactive). The Norwegian Institution aims to dedicate 40 % of its capacity to own initiatives while 60 % is set aside for reactive work. As a general rule, the Institution prioritizes its advisory function, including responding to all human rights related government proposals subject to a public hearing. Reactive activities are undertaken in line with the institution’s Methodology for prioritisation of issues (Annex 15) and in a manner that supports its strategic priorities.

On issues raised on our own initiative, we usually prepare thematic reports and advisory opinions as exemplified by our reports on [Human Rights Protection against Interference in Traditional Sami Areas](#) (2022), [Climate and Human Rights](#) (2021), [A human Rights-Based Approach to Sámi Statistics in Norway](#) (2020) and [Violence and Abuse in Sámi Communities](#) (2018), all available in English. Other examples of thematic reports (only in Norwegian) are "Municipalities and Human Rights" (2021), including a national survey among municipal leaders, "Why is Norway convicted in the European Court of Human Right? A status report on the child welfare services" (2020) and "Freedom of expression for persons with disabilities" (2022), including qualitative interviews.

In response to other initiatives, we closely follow both the Parliament's and the Government's public consultation processes on proposed legislation, policy and plans. The more than 50 commentaries submitted in 2021, addressed issues such as health services for illegal immigrants, COVID-19 (various sectors), disabilities and coercive treatment and prevention of serious and fatal domestic violence. See full overview 2021 of all consultation processes considered by the Norwegian Institution in Annex 21.

Advice to the authorities will take different forms. These will normally include recommendations to improve the legislative or policy framework; to improve administrative practices; to provide better statistical data; as well as the need to conduct different assessment/studies in order to develop a deeper understanding of different human rights challenges and come up with clearly defined measures to improve the situation.

Furthermore, we contact the relevant decision-makers directly when prompted to do so by our monitoring work. The purpose of such contacts and meetings is to communicate our concerns and provide advice on how to respond to the human right challenges identified.

### 6.2.1 Functions regarding national legislation

***The Paris Principles state that a national institution shall have the responsibility to promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation.***

***It is also stated that a NHRI shall have responsibilities in relation to any of the following areas:***

***(i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures.***

*Discuss how the NHRI carries out this function. Please explain:*

- *The legal provisions that vest the NHRI with this function;*
- *How the NHRI carries out this function in practice;*
- *What recommendations the NHRI has made on legislative and administrative provisions; amendment of legislation and bills, etc.;*
- *What advocacy the NHRI has undertaken to harmonize national laws and practices to international standards and/or to implement recommendation of international human rights system).*

The Institution has a clear mandate to recommend and advise authorities on all relevant issues with regards to protecting and promoting human rights. Within this mandate it is particularly important to make sure that national legislation is in accordance with human rights. The Institution focuses on both existing legislation and draft legislation. The Institution regularly reviews legislation in order to assess compliance with the human rights standards. If this is not the case, we recommend how it may be changed.

The Norwegian Institution engages with the legislative process in Norway at three stages:

- Inputs at the initial stage of legislative drafting to help authorities examine human rights aspects of the issue;
- Formal comments on draft legislation when it is circulated to the public for comments, criticism and recommendations;
- Comments to Parliament’s public hearing during the final stage of legislative drafting.

To provide advice at all stages of the legislative process has proved to be an effective approach in exercising this part of our mandate.

Examples of inputs to legislative processes includes issues such as care of unaccompanied asylum-seeking minors, healthcare for illegal immigrants, coercive treatment of persons with disabilities and the human rights dimensions of climate change. A full overview of all public consultations considered by the National Institution in 2021 is available in annex 21. Three concrete examples translated to English are found in Annexes 17 (NIM Act amendments), 18 (ratification of OP3 CRC) and 19 (coercive treatment in the healthcare sector).

## 6.2.2 Encouraging ratification and implementation of international standards

***The Paris Principles state that a national institution shall have the responsibility to encourage ratification of international human rights instruments to which the State is a party, and to ensure their effective implementation.***

*The GANHRI has adopted the following General Observations on NHRIs’ **encouraging ratification or accession to international human rights instruments**: The Sub-Committee interprets that the function of encouraging ratification or accession to international human rights instruments, set out in the Paris Principles, is a key function of a National Institution. The Sub-Committee therefore encourages the entrenchment of this function in the enabling legislation of the National Institution to ensure the best protection of human rights within that country.*

*Discuss how the NHRI carries out this function. Please explain:*

- *The legal provisions that vest the NHRI with this function;*
- *How the NHRI carries out this function in practice;*
- *Examples of advocacy or awareness raising campaigns the NHRI has undertaken to encourage ratification or accession to international instruments.*

At the general level, Section 1 of the Regulations provide that we should operate in full compliance with the Paris Principles. Thus, we actively encourage ratification of relevant human right instruments.<sup>6</sup>

Norway has ratified a substantial number of international and regional human rights treaties but has delayed ratification of the UN’s International Convention for the Protection of All Persons from Enforced Disappearance (CED). The authorities have so far decided not to ratify

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<sup>6</sup> Refer to information in section 1 on follow-up of SCA recommendations, including the possibility of adding the encouraging ratification as a legislative function.

the three Optional Protocols providing individual complaint procedures under the ICESCR, CRC and CRPD respectively.

The National Institution has earlier raised the issue of Norway's lack of ratification of CED with the Ministry of Justice as well as the Ministry of Foreign Affairs. Thus, we are pleased to report that Norway now has ratified CED. The Convention came into force 21 September 2019 and Norway submitted its initial report to the committee in 2021.

The ratification of the three individual complaints mechanisms is an issue that we now have raised again. We have at this stage chosen to pursue a strategy of delinking the three Optional Protocols and focussing on the complaints mechanism for children's rights. We developed an advocacy plan also here, starting with research for a report on the consequences of ratification, followed up with a letter to the Minister of Children and Family Affairs and emphasized the need for a complaint mechanism for children in a meeting with the minister. We intervened in Parliament on behalf of a private proposal in February 2022 calling for the ratification or a review of CRC committee practices (Annex 18). Unfortunately, the proposal did not pass.

The most pressing issue at this time is to ensure that the CRPD is incorporated in national law, preferably in the Human Rights Act. We have developed a comprehensive advocacy plan in close cooperation with NGOs and the Equality ombud (LDO). Measures have included a joint letter from the Norwegian Institution and LDO to the Ministry in 2020; a high-level dialogue meeting with all stake holders; and a thematic report from the Norwegian Institution on incorporation of CRPD, especially sections 12 and 14. The NGO coalition for CRPD has invited NIM and LDO to present at a public seminar in August 2022. An op-ed from us was published in a national newspaper in November 2021 and has been summarized in English (Annex 20). Furthermore, there are consultations with parliamentarians to build broader understanding and support for the issue. We hold regular consultations with like-minded institutions, civil society organisations and representatives of academia to expand the support base.

### 6.3 Monitoring functions

***The Paris Principles state that a NHRI shall have responsibilities in relation to (...) any situation of violation of human rights which it decides to take up; and (...) on drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government.***

*Discuss how the NHRI carries out this function. Please explain:*

- *The legal provisions that vest the NHRI with this function;*
- *How the NHRI carries out this function in practice;*
- *How the NHRI is active in monitoring domestic human rights situations (e.g. decision-making bodies, courts, government agencies), including visiting places of deprivation of liberty, etc.*
- *Whether the Institution monitors government compliance with its advice and recommendations.*

According to Section 3(a) of the Act, the National Institution is explicitly mandated to monitor and report on the human rights situation in Norway, including making recommendations to ensure that Norway's human rights obligations are fulfilled.

We have established a comprehensive monitoring methodology to map the human rights situation in Norway in a systematic and comprehensive manner.

Monitoring is based on:

- a) We gather a wide range of relevant sources according to a pre-determined list of sources i.e. decisions by the Supreme Court; decisions by national complaints mechanisms; legislative initiatives, strategies, action plans and other relevant documentation from Government; complaints to and decisions and views by international human rights mechanisms; reports and recommendations from the UN and regional human rights monitoring bodies; cases from national ombudsman institutions; and other relevant reports, publications and research by civil society actors and academia (see Annex 14).
- b) Media monitoring on the full range of human rights themes and vulnerable groups, requiring additional key terms to exclude irrelevant findings, and selecting a limited range of news providers.
- c) Quantitative surveys, usually in cooperation with a professional polling/survey company.
- d) Qualitative interviews, usually conducted with the guidance of a staff member with relevant social science expertise.
- e) Visits to institutions, mainly for interviews, context and insight.
- f) Consultations with civil society actors.
- g) Compilation of information received directly from individual stakeholder meetings.

This provides a basis for us to analyse and identify systemic challenges that emerge.

The National Institution has developed a clearly defined methodology for prioritisation of human rights issues which should be selected for further research, reporting and advocacy (see Annex 15). We also closely follow the outcome of our advocacy efforts and measure and assess results.

### 6.3.1 Investigation

***The Paris Principles state that within the framework of its operation, the national institution shall: hear any person and obtain any information and any documents necessary for assessing situations falling within its competence.***

*Please complete this section if the NHRI does not have quasi-jurisdictional competence as set out in section 7 below.*

*Discuss how the NHRI carries out this function. Please explain:*

- *The legal provisions that vest the NHRI with this function;*
- *Whether individuals, government, public bodies etc are obliged to provide the NHRI with requested documentation;*
- *How the NHRI carries out this function in practice (e.g. in the conduct of public inquires).*

The Norwegian Institution's mandate to obtain necessary information is set out in Section 10 of the Act (Assistance from public authorities). It states that "public authorities and other parties that carry out tasks on behalf of the government administration shall provide such assistance as is necessary to enable the national institution to discharge its functions under this Act".

We have developed a working methodology for carrying out in-depth investigations into selected human rights topics. For such investigations, the Institution uses different research methods including legal analysis, desk research, surveys, interviews and on-site visits.



Relevant examples include a forthcoming report on attitudes towards indigenous people and national minorities in Norway which includes both legal analysis and quantitative survey data and a recently published report on freedom of expression for persons with disabilities which includes both legal analysis and qualitative data from in-depth interviews.

We undertake on-site visits most often to have meetings and conduct interviews with key informants, and to gain first-hand insight in the situation or setting. Relevant examples include a visit to a high security prison to gather information on developments in the use of solitary confinement and a visit to a psychiatric hospital for insight on the use of coercion in mental health.

Based on the factual findings and legal analysis the Institution then publishes thematic reports or uses information obtained to request further information from responsible authorities. Thematic reports also include recommendations to the relevant authorities, and an accompanying advocacy plan is developed for internal purposes.

### 6.3.2 Reporting

***The Paris Principles state that a NHRI shall have responsibilities in relation to (...) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters.***

*The GANHRI has adopted the following General Observations on:*

- **Annual Report:** *The Sub-Committee stresses the importance for an NHRI to prepare and publicize an annual report on its national situation with regard to human rights in general, and on more specific matters. This report should include an account of the activities undertaken by the NHRI to further its mandate during that year and should state its opinions, recommendations and proposals to address any human rights issues of concern.*
- **Recommendations** *by NHRIs: NHRI recommendations contained in annual, special or thematic human rights reports should normally be discussed within a reasonable amount of time, not to exceed six months, by the relevant government ministries as well as the competent parliamentary committees. These discussions should be held especially in order to determine the necessary follow up action, as appropriate in any given situation. NHRIs as part of their mandate to promote and protect human rights should ensure follow up action to recommendations contained in their reports.*

*Discuss how the NHRI carries out this function. Please explain:*

- *The legal provisions that vest the NHRI with this function;*
- *How the NHRI carries out this function in practice;*
- *How annual and thematic reports are delivered (e.g. publicity, distribution, and languages available; authorities to which it is submitted);*
- *Whether relevant parties (individuals, government, public bodies etc) are obliged to formally respond to the recommendations and reports of the NHRI;*
- *How the NHRI follows up with authorities on its recommendations.*

According to Section 11 of the Act and Section 7 of the Regulations, the National Institution submits an annual report to Parliament. Section 3(a) of the Act provides the mandate for general human rights reporting.<sup>7</sup>

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<sup>7</sup> Refer to information in section 1 on follow-up of SCA recommendations, whereby thematic reports in addition to Annual Report to be presented to Parliament.

The annual report is submitted to Parliament by 1 April each year (see 2021 report at Annexes 5 and 6).<sup>8</sup> It gives an overview of the human rights situation for the previous year and presents five areas of main recommendations. These are followed by statistics and factual information on national and international case law and the Norwegian Institution's activity and financial reports. The Director usually presents the Report to both the Parliamentary Committee on Scrutiny and Constitutional Affairs and of the Parliamentary Committee on Justice. The report is debated in the plenary.

The general overview of the human rights situation in Norway is based on our monitoring of 17 thematic human rights areas (see Annex 16).

The Institution publishes all reports and distributes them widely. As a general rule, all publications are accompanied by a launch seminar, discussions with responsible authorities and other stakeholders. As of 2021, reports are only published digitally unless particular circumstances require printed copies. Reports are promoted also using social media, press releases and opinion pieces in national newspapers. Thematic reports are also submitted to relevant ministries, e.g. the report on the human rights responsibility of municipalities was handed over to the Ministry of Local Government and Regional Development, and the report on incorporating the CRPD was handed over to the Ministry of Culture and Equality.

The Parliamentary Standing Committee on Scrutiny and Constitutional Affairs considers the Annual Report and is obligated to submit a proposal to the plenary for a decision recognizing the report. Furthermore, the Sami Parliament has, at its own initiative, moved to consider the Annual Report.

Recommendations on various topics are followed up with relevant authorities on an ongoing basis. For further information on general human rights reporting, please refer to chapters on investigation (chapter 6.3.1) and reports to treaty bodies and UPR (chapter 8.3).

## 6.4 Promotional functions

### 6.4.1 By raising awareness on human rights norms and issues

***The Paris Principles state that a national institution shall have the responsibility to publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.***

*Discuss how the NHRI carries out this function. Please explain:*

- *The legal provisions that vest the NHRI with this function;*
- *How the NHRI carries out this public education function in practice;*
- *Whether it makes publications or services available in several languages and if it makes interpretation available;*
- *What public awareness campaigns the NHRI has undertaken in relation to combating racism.*

The Norwegian Institution's awareness-raising function is set out in Section 3(c) of the Act, which mandates us to disseminate information about human rights, including providing information to individuals about national and international individual complaints mechanisms.

We use various channels and tools to reach out to the broader public. Among them are podcasts, streamed seminars – a format generated by necessity in corona-times – and

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<sup>8</sup> The full Financial Report to Parliament, including remarks and the statement from the Office of the Auditor General is available only in Norwegian, see <https://www.nhri.no/wp-content/uploads/2022/05/NIM-arsregnskap-2021-og-RR-beretning-nettversjon.pdf>.

different events, often in cooperation with other organisations. Examples mentioned in the 2021 Annual Report include a podcast on freedom of expression with guest experts in different fields (6 episodes). Another example is a series of six outdoor seminars streamed from the Director's garden called "human rights in the garden", discussing for example human rights during national emergencies or crises, sigganism and LGBTI-rights with invited guests from civil society, academia, politicians and other stake holders.

We also raise awareness through presentations and lectures at a wide range of events organised by civil society, universities and other partners. In relation to the issue of racism we cooperate closely with the Equality- and Anti-Discrimination Ombud (LDO). On the International Day for the Elimination of Racial Discrimination, both institutions gave speeches at an event hosted by the Directorate of Children and education and family affairs (BUFDIR).

#### 6.4.2 Through programmes for teaching and research

***The Paris Principles state that a national institution shall have the responsibility to assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles.***

*Discuss how the NHRI carries out this function. Please explain:*

- *The legal provisions that vest the NHRI with this function;*
- *How the NHRI carries out this education function in practice;*
- *Examples of the NHRI's initiatives in such programmes in schools, universities and professional groups.*

The Norwegian Institution's mandate to promote education, training and research is set out in Section 3(d) of the Act. Our strategic focus as stated in the sub-strategy on communication 2022-2024 is to strengthen human rights education in upper secondary school and in high school. We are following this up by targeted development of digital teaching programs on human rights every year. We also focus on education of professional groups that in different ways engage with and ultimately impact human rights challenges, e.g. the police, as well as medical, health and social services personnel.

In 2021 we produced eleven educational videos on various human rights topics, particularly targeting young people. We integrated the videos in a teaching program with questions and tasks and made it available to municipalities. The program is now available to all on a professional provider called the "student channel" (Elevkanalen).

In targeting professional groups, we are presently cooperating with the University of Oslo and the University of Tromsø in developing a programme for psychology students, producing videos to accompany the teaching materials. The goal is to strengthen the student's awareness of the rights of indigenous peoples, in particular Sámi history and their right to health.

Our staff frequently provide individual lectures to different universities, organisations and institutions. For the first time, we this year delivered a lecture on freedom of expression to a group of 40 inmates in a prison in southern Norway.

We are often asked to receive school classes at our offices and have so far been able to accommodate this whenever asked.

To encourage research on human rights, we regularly advertise and receive student interns for shorter periods, provide student scholarships and office space for longer periods and have part-time student positions on some key areas of work.

Some senior part time staff members hold PhDs and are engaged in research and teaching programmes at universities.

Staff members are encouraged to publish in academic and professional journals and to participate in research networks in their field of expertise. For example, several staff members participate in the Nordic Research Network for Sami and Indigenous Peoples Law (NORSIL), which together with Routledge will publish an upcoming book featuring a chapter from a staff member. Various staff members also act as supervisors for graduating students working on their theses for Master degrees in human rights.

### 6.4.3 By addressing public opinion

***The Paris Principles state that within the framework of its operation, the national institution shall address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations.***

*Discuss how the NHRI carries out this function. Please explain:*

- *The legal provisions that vest the NHRI with this function;*
- *How the NHRI carries out this public education function in practice;*
- *What policies and strategies the NHRI has to engage with the media.*

Section 1 of the Act includes a clear mandate to promote human rights. External communication is key in this regard. In 2018, the Norwegian Institution established a Communication unit tasked to convey the Norwegian Institution's work and recommendations and to contribute to increased knowledge of the institution.

In the period 2018-2020 we registered that the Norwegian Institution was mentioned in approx. 1700 media reports; published approx. 950 posts in own SoMe channels; organised or co-organised 41 events and participated in approx. 800 meetings and events. The numbers have steadily increased, as have the number of inquiries we receive and the number of visitors to institution's website [www.nhri.no](http://www.nhri.no) (484 page views per day in 2021).

The current sub-strategy on communication for the period 2022-2024 shows that we have special focus on communication as a tool for (1) change and follow-up of our recommendations, (2) more engagement with decision makers, especially members of Parliament and at the municipal level, and (3) international cooperation and inclusion nationally.

To inform the public about human rights in general and contribute to the public discourse on challenging human rights issues we organise and participate in debates, write open letters and publish opinion pieces and in major media channels. Fifteen examples are listed in the Annual Report for 2021 on topics such as the COVID-19 pandemic, climate change, hate speech, child protection and welfare services, incorporation of the CRPD and indigenous land rights.

Engagement with decision makers includes organising a human rights seminar with Parliament and securing commitment to cooperation from the president of the Association of Municipalities. Communication in English will facilitate international cooperation, exemplified by translating reports on climate and human rights (side event at UN COP26) and a human rights-based approach to Sami statistics (side event at UN Permanent Forum on Indigenous Issues). Communication in Sámi language is inclusive and important for those affected, exemplified by translating the report on Violence in Sámi communities.

**7. QUASI-JURISDICTIONAL FUNCTIONS (optional, only for those NHRIs having quasi-judicial powers)**

***The Paris Principles state that a national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, and associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:***

***(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;***

***(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;***

***(c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;***

***(d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.***

*Discuss how the NHRI carries out this function. Please explain:*

- *The legal provisions that vest the NHRI with this function;*
- *How the NHRI carries out this complaints handling function in practice (i.e. an overview of the mechanisms and procedures adopted to receive, investigate, and handle complaints received).*

*Please provide an account of complaints-handling statistics (e.g. number and typology of complaints received and processed; resolved; dismissed; referred).*

The National Institution is not mandated to process individual complaints of human rights violations according to Section 3 of the Act. But it is obligated to provide information and guidance on national and international complaint mechanisms.

In Norway, the Parliamentary Ombudsman and the Discrimination Tribunal are mandated to receive individual complaints addressing human rights issues. The National Institution will normally refer complaints to these two mechanisms.

We provide guidance to the public through frequently asked question and answers posted on our website. We receive 150-200 requests pertaining to individual situations on an annual basis, either by email or by telephone. Questions on complaints to the ECoHR are most frequent. Other topics range from freedom of expression, child welfare system and drug abuse, to municipalities, schools and the court system. One designated staff member is responsible for ensuring replies to all requests, and also to summarise topics and issues addressed in requests received as part of general monitoring. This is a supplement to our broader monitoring where we identify human rights challenges in Norway (see chapter 6.3).

## **8. RELATIONSHIP WITH RELEVANT HUMAN RIGHTS STAKEHOLDERS AND OTHER BODIES**

### **8.1 Relationships with Civil Society**

***The Paris Principles state that within the framework of its operation, the national institution shall, in view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.***

*Discuss how the NHRI carries out this responsibility. Please explain:*

- *Whether the provisions in the NHRI's founding law formalises relationships between the NHRI and civil society;*
- *How the NHRI has developed relationships with NGOs in practice;*
- *Which civil society groups the NHRI cooperates with (i.e. NGOs, trade unions, professional organisations, individuals or organisations espousing trends in philosophical or religious thought, universities and qualified experts, parliament and government departments);*
- *How frequent and what type of interaction the NHRI has with NGOs (e.g. workshops, meetings, joint projects, through complaints handling).*

The Norwegian Institution's general mandate in Section 3(e) of the Act is to promote cooperation with governmental and non-governmental entities working on human rights issues. The preparatory works for the Act also highlight the role of the Institution to facilitate and coordinate cooperation with and between different human rights actors.

A more formalised relationship with civil society is provided for in Section 9 of the Act and Section 6 of the Regulations, which establish the Institution's Advisory Committee. The Committee has representatives from civil society, academia, other relevant professionals, the Parliamentary Ombudsman, the Equality and Anti-Discrimination Ombudsman, the Children Ombudsman and a member with expertise on Sami issues (see Annex 9).

The Advisory Committee is a statutory body but does not have decision making powers and is appointed by the Institution's Board at the proposal of the Director. The Director has decided to adopt an open and fully transparent process for consideration of interested candidates. An invitation for expression of interest is advertised on our website, disseminated in social media and sent by email to a large number of organisations engaged in international reporting processes as well as to resource persons with relevant expertise.

The Advisory Committee meets four times per year to discuss topics, provide input and feedback as well as sharing of information.

The Norwegian Institution also participates in various civil society and academic networks, e.g. the Children's Rights Forum and a network on refugee and asylum seeker issues.

In addition, we cooperate with relevant actors in civil society on current topics that raise human rights challenges and inform them about ongoing developments that are important for them to fulfil their respective mandates.

The Norwegian Institution's Director has regular meetings with the ombud institutions and the Director of the Norwegian Data Protection Authority. We also work closely with climate organisations and others who prioritise human rights and climate change, have established a tech network for demanding consultations on freedom of expression and privacy, work with

the Fritt Ord Foundation, the Rafto Foundation for Human Rights and the National Contact Point for Responsible Business Conduct Norway (OECD contact point).

## 8.2 Relationship with other bodies

***The Paris Principles state that within the framework of its operation, the national institution shall maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions).***

*The GANHRI has adopted the following General Observations on **Cooperation with other human rights institutions**: NHRIs should closely cooperate and share information with statutory institutions established also for the promotion and protection of human rights, for example at the state level or on thematic issues, as well as other organizations, such as NGOs, working in the field of human rights and should demonstrate that this occurs in their application to the GANHRI Sub-Committee.*

Discuss how the NHRI carries out this responsibility. Please explain:

- Whether the provisions in the NHRI's founding law formalise relationships between the NHRI and other bodies with human rights responsibilities;
- How the NHRI has developed relationships with these bodies in practice;
- Which bodies the NHRI cooperates with (i.e. governmental agencies, the justice system, the parliament, any human rights committees, or any other bodies that might affect the human rights situation in the country);
- How frequent and what type of interaction the NHRI has with such bodies (e.g. training, consultations, meetings, joint projects, through complaints handling)
- The NHRI's relationship with other human rights institutions at the national level (e.g. specialised human rights institutions, ombudsmen) (OPTIONAL: only for NHRIs operating in countries where such bodies have been established).

The Norwegian Institution has a general mandate in the Act (Section 3(e)) to promote cooperation with governmental and non-governmental entities working on human rights issues.

The National Institution has initiated cooperation with the ombudsman institutions at the national level. The National Institution, the Parliamentary Ombud, the Equality and Anti-discrimination Ombud and the Children's Ombud hold regular meetings on a rotational basis, to discuss common issues and facilitate coordination. An example is advocacy efforts in relation to the incorporation of the CRPD.

Furthermore, and as mentioned earlier, the National Institution is a member of the Advisory Committee of the Parliamentary Ombud which has the role as National Preventive Mechanism.

## 8.3 Cooperation with the United Nations and other organizations

***The Paris Principles state that a national institution shall have the responsibility to cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights. It is important for NHRIs to engage with the international human rights system, in particular the Human Rights Council and its mechanisms (Special Procedures Mandate Holders) and the United Nations Human Rights Treaty Bodies. This means generally NHRIs providing input to, and participating in, these human rights mechanisms and following up at the national level to the recommendations resulting from the international human rights system. In***

**addition, NHRIs should also actively engage with the GANHRI and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRIs.**

*The GANHRI has adopted the following General Observations on the **Interaction with the International Human Rights System**: The Sub-Committee would like to highlight the importance for NHRIs to engage with the international human rights system, in particular the Human Rights Council and its mechanisms (Special Procedures Mandate Holders) and the United Nations Human Rights Treaty Bodies. This means generally NHRIs making an input to, participating in these human rights mechanisms and following up at the national level to the recommendations resulting from the international human rights system. In addition, NHRIs should also actively engage with the GANHRI and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRIs.*

*Discuss how the NHRI carries out this function. Please explain:*

- *The legal provisions that vest the NHRI with this function;*
- *How the NHRI carries out this function in practice;*
- *Which UN mechanisms the NHRI has engaged with (e.g. Human rights Council, UPR, Treaty Bodies, Special procedures mandate holders, Commission on the Status of Women, etc)*
- *Which regional mechanisms the NHRI has engaged with (e.g. regional human rights commissions, courts, etc);*
- *The type of interaction the NHRI has had with these bodies (e.g. sending information, parallel reports, amicus curiae briefings; attending the meetings; acting as an implementing partner etc)*
- *How your NHRI has followed up at the national level to the recommendations resulting from these bodies, etc.);*
- *Which UN agencies the NHRI has engaged with (e.g. OHCHR regional or field offices, UNDP, UNCHR, human rights components of UN peacekeeping missions, etc);*
- *The type of interaction the NHRI has had with these bodies (e.g. sharing information, undertaking joint activities, acting as an implementing partner etc).*

The Institution's Act (Section 3(f)) mandates us to take part in international cooperation to promote and protect human rights.

Cooperation with the international monitoring mechanisms is a key element of international engagement. The National Institution submits supplementary (shadow) reports to international monitoring mechanisms including the UPR. We have provided inputs to all UN treaty bodies at all stages of their periodic reviews of Norway in the period 2017 - 2020. We have also provided supplementary reports and had interactions with some Council of Europe mechanisms, namely the Istanbul Convention and conventions relevant for national minorities.

We plan to maintain our strong engagement in the next reporting cycle. We have already provided inputs to the [CEDAW \(2020\)](#) and [CAT committees \(2021\) in developing their List of issues prior](#) to Norway's reporting. We have also provided the Government with inputs on its draft report under both conventions.

To facilitate follow-up of international recommendations we produced a publication where all UN recommendations from treaty bodies (and the UPR) were compiled thematically. The [Compilation of Recommendations to Norway by UN human rights monitoring bodies 2017 – 2020](#), was the start of an informal working group of NGOs, LDO (discrimination ombud) and the Norwegian Institution to strengthen implementation through thematic dialogue meetings.

The methodology we use is to invite the three national ombudsman institutions to provide their input and will draw on supplementary reports submitted in the previous cycle by the interim national institution.



We provide civil society with information on international reporting as to process and timing. The NGO Forum, a network of more than 40 NGOs engaged in human rights issues, normally submits a joint supplementary report.

Cooperation with the international network of NHRIs is another key priority. We participate regularly in meetings in both GANHRI and ENNHRI, take part in statements and respond to questionnaires. We also participate in ENNHRI's Legal Working Group and Core Group on the Climate Crisis and Human Rights, through which we have led the work on joint statements and third-party interventions to the ECtHR. The most recent example is [ENNHRI's Written observations in the case of Greenpeace Nordic and Others v. Norway](#).

## SPECIFIC MANDATE (OPTIONAL)

**\*\*\*only for those NHRIs which have been formally designated as NPM, by States that have ratified OPCAT\*\*\***

### 9. NATIONAL PREVENTIVE MECHANISM UNDER OPCAT

***Under OPCAT: "Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions (Art. 17). NPMs will be allowed to visit any place under the State jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention)). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment (art.4). The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel. (2) The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country. (3) The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms. (4) When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights Article 18: (1). For more information please refer to art. 19-23 and 35 of OPCAT.***

Please discuss how the NHRI carries out its function. Please explain<sup>9</sup>:

1. Are the mandate and powers of the NPM clearly and specifically established in national legislation as a constitutional or legislative text?
2. How "places of deprivation of liberty" visited by the NPM are defined? Is this definition in line with the OPCAT requirements?
3. Is the NPM established by a public, inclusive and transparent process?
4. Does it include civil society and other actors involved in the prevention of torture?
5. Has the designation of the NHRI as the NPM be open for debate, involving civil society?
6. How the independence of the NPM is fostered?
7. What is the process of selection and appointment of members?
8. Are ways to avoid questions of conflict of interest in place?
9. Are there stated criteria relating to the experience and expertise required to carry out NPM work effectively and impartially?
10. Is the NPM gender-balanced?
11. Does the NPM have adequate representation of ethnic, minority and indigenous groups?
12. Has the State taken the necessary measures to ensure that the expert members of the national preventive mechanism have the required capabilities and professional knowledge?

<sup>9</sup> Questions in this section are mainly based on the guidelines for the ongoing development of NPM published in the first annual report of the Subcommittee on Prevention of Torture and other cruel, inhuman or degrading treatment or punishment (February 2007- March 2008), pages 28-29.

13. *Have ad-hoc training been provided to the NPM?*
14. *Have adequate resources been provided for the specific work of the NPM (in accordance with article 18, 3 of the OPCAT)? Are they ring-fenced, in terms of both budget and human resources?*
15. *Does the work programme of the NPM cover all potential and actual places of deprivation of liberty?*
16. *Does the scheduling of the NPM visits ensure effective monitoring of such places with regard to safeguards against ill-treatment?*
17. *Have working methods of the NPM been developed? Have they ever been reviewed with a view to effective identification of good practice and gaps in protection?*
18. *Does the NPM report on visits with feedback on good practice and gaps in protection to the institutions concerned?*
19. *Does the NPM address recommendations to the responsible authorities on improvements in practice, policy and law?*
20. *Has the NPM established an ongoing dialogue with authorities based on the recommendations for changes arising from the visits and the action taken to respond to such recommendations (as per article 22 of the OPCAT)?*
21. *Does the NPM publish its annual report (as per article 23 of the OPCAT)?*
22. *Does the NPM communicate with the international human rights system and, in particular, with the Sub-committee on Prevention?*

The Parliamentary Ombud in Norway has the role as the National Preventive Mechanism. As mentioned earlier, the National institution is a member of the NPM's Advisory Committee and we cooperate with the NPM on a case-by-case basis.

We cooperate and coordinate in terms of focus on specific groups and institutions both formally as members on our respective advisory committees and informally through periodic and ad hoc meetings on selected issues.

An example is our report on the human rights of older persons (2019), where we among other issues, raised concerns about the use of coercive treatment and excessive medication among residents in nursing homes. The NPM later initiated on-site visits to various nursing homes, providing valuable information and recommendations for improvements at the institutional level. More recently we have surveyed (cf. report on municipalities, 2021) and are following up with municipal leaders on how they implement their duty to protect e.g. older persons as one of three vulnerable groups.

For other groups, the parallel engagement of various actors was considered useful for effective protection. Solitary confinement of prisoners and families with children held at Trandum National Holding Centre before deportation, are relevant examples of this.

Furthermore, all reports from the NPM's visits to places where persons are deprived of their liberty are included in our monitoring methodology and are important sources of information when mapping the human rights situation and deciding which human rights challenges should be prioritised for specific follow-up.

## List of Annexes

### Application for Re-accreditation from the Norwegian National Human Rights Institution

#### Founding/core documents:

1. Act of 22 May 2015 establishing the Norwegian National Human Rights Institution (original in Norwegian)
2. Act of 22 May 2015 establishing the Norwegian National Human Rights Institution (English, unofficial translation)
3. Regulation of the Norwegian National Human Rights Institution (original in Norwegian)
4. Regulation of the Norwegian National Human Rights Institution (English, unofficial translation)

#### Annual reporting 2021:

5. Annual Report 2021 to Parliament (English translation of table of content and main chapters)
6. Financial Report 2021, simplified version (partially translated)

#### Organization:

7. Organisational chart
8. List of Board, Director and staff members
9. List of Advisory Committee members

#### Strategy, plans, budget and other key documents:

10. Strategy 2022-2024 (English translation)
11. Sub-strategy communication (Norwegian)
12. Annual plan 2022 (English translation)
13. Budget 2022 as approved by Parliament (English, partial translation)
14. Monitoring methodology: information gathering (English, partial translation)
15. Methodology for prioritisation of issues (Norwegian)
16. Norwegian Institution's human rights areas (English, partial translation)

Selected outputs 2020-2022:

17. Comments to Parliament on NIM-Act amendments, April 2022 (English translation)
18. Comments to Parliament on ratification of OP3 CRC, February 2022 (English summary)
19. Comments to Government on coercion in the healthcare sector, November 2021 (English summary)
20. Newspaper Vårt Land: Op-ed on incorporation of CRPD, March 2020 (English summary)
21. Full overview 2021 of all public consultation processes considered by the Norwegian Institution (Norwegian)

Further supporting documents are hyperlinked in the text of our Statement of Compliance.