



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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10 October 2022

**Dear Ms. Adele Matheson Mestad,**

On behalf of the Secretariat to the Global Alliance of National Human Rights Institutions (GANHRI), I am writing to inform you of the recommendations that the GANHRI Sub-Committee on Accreditation (SCA) has made regarding the re-accreditation of your institution, which was considered at the SCA session held from 3 to 7 October 2022.

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

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

Please direct any future correspondence on the recommendations to [cynthia.radert@un.org](mailto:cynthia.radert@un.org) and [johnny.white@un.org](mailto:johnny.white@un.org)

Yours sincerely,

Cynthia Radert

Secretary, GANHRI Sub-Committee on Accreditation  
Deputy Chief, National Institutions and Regional Mechanisms Section

**Ms. Adele Matheson Mestad**

Director

The Norwegian National Human Rights Institution

Akersgata 8

0158 Oslo, Norway

**cc: Mr. Gabriel Almeida, ENNHRI**

## **2.7 Norway: The Norwegian National Human Rights Institution (NNHRI)**

**Recommendation:** the SCA recommends that the NNHRI be re-accredited with **A** Status.

The SCA highlights that NHRIs that have been accredited A status should take reasonable steps to enhance their effectiveness and independence, in line with the Paris Principles and the recommendations made by the SCA during this review.

The SCA encourages the NNHRI to continue to actively engage with the OHCHR, GANHRI, ENNHRI, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.

### **The SCA notes:**

#### **1. Selection and appointment**

Section 5 of the Act of 22 May 2015 establishing the NNHRI (the Act provides that members of the NNHRI Board and the Director are elected by Parliament. Section 2 of the NNHRI Regulation (Regulation) stipulates that the Parliament shall actively inform the public about the possibility to nominate candidates. In addition, Section 7 of the Act provides that the Director is appointed by Parliament through an external announcement and based on the recommendation of the Parliament's Presidency.

The SCA acknowledges information received from the NNHRI that civil society groups have been active in the process of selection and appointment of members of the Board and the Director. However, the SCA notes that the current law is not explicit on the process of selection and appointment, including the requirements to publicize vacancies and civil society participation. The SCA notes that the NNHRI is advocating for amendments to the enabling law to explicitly provide for civil society participation.

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

The SCA recommends the NNHRI to continue to advocate for the formalization and application of a process that includes promote broad consultation and/or participation in the application, screening, selection and appointment process.

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

#### **2. Dismissal**

Section 7 of the enabling law of the NNHRI provides that the Parliaments Presidency may dismiss the Director if he or she is guilty of a gross dereliction of duty or other breach of the employment contract that is incompatible with the trust required to serve as Director of the NNHRI. The SCA is of the view that the current dismissal process does not guarantee

sufficient security of tenure and a stable mandate as it could be subject to the discretion of the appointment authority.

The SCA notes information from the NNHRI that, as the Parliament is the appointing authority, Board members can be dismissed on a majority decision by Parliament. The SCA notes that the law is silent on the grounds and procedure for dismissal of Board members. However, the SCA acknowledges efforts made by the NNHRI to advocate for amendments to its enabling law to explicitly provide for a dismissal process of Board members.

The SCA reiterates its view that, in order to address the Paris Principles requirement for a stable mandate, which is important in reinforcing independence, the enabling legislation of an NHRI must contain an independent and objective dismissal process. The dismissal must be made in conformity with all the substantive and procedural requirements prescribed by law. The grounds for dismissal must be clearly defined and appropriately confined to those actions that impact adversely on the capacity of the member to fulfil his or her mandate. Where appropriate, the legislation should specify that the application of a particular ground must be supported by a decision of an independent body with appropriate jurisdiction. The dismissal should not be allowed solely on the discretion of the appointing authorities. It must be made in strict conformity with all the substantive and procedural requirements as prescribed by law. Such requirements ensure the security of tenure of the members of the governing body and are essential to ensure the independence of, and public confidence in, the senior leadership of an NHRI.

The SCA reiterates its previous recommendation that the NNHRI continue its efforts to advocate for appropriate amendments to its law to provide for an independent and objective dismissal process for the Director and Board members, where appropriate supported by the decision of an independent body with appropriate jurisdiction.

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

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

The enabling law of the NNHRI is silent on the ratification or accession to international human rights instruments. The SCA acknowledges that the NNHRI is interpreting its mandate broadly and that it undertakes this role in practice.

The SCA emphasizes that encouraging the ratification of, or accession to international human rights instruments, and the effective implementation of international human rights instruments to which the state is a party, is a key function of an NHRI. The Paris Principles further prescribe that NHRIs should promote and encourage the harmonization of national legislation, regulations and practices with these instruments. The SCA considers it important that these duties form an integral part of the enabling legislation of an NHRI. In fulfilling this function, the NHRI is encouraged to undertake activities which may include the following:

- a) Monitoring developments in international human rights law;
- b) Promoting State participation in advocacy for and the drafting of international human rights instruments;

- c) Conducting assessments of domestic compliance with and reporting on international human rights obligations, for example, through annual and special reports and participation in the Universal Periodic Review process.

The SCA reiterates its previous recommendation that the NNHRI advocate for amendments to its enabling legislation to provide the NNHRI with an explicit mandate to encourage ratification or accession to international human rights instruments.

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