



European Network of  
National Human Rights Institutions

# Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

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**The situation in Norway**



# Norway Country Report

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## Overview

### Name of NHRI and mandate:

- Norwegian National Human Rights Institution (NNHRI)
- NHRI mandate

### Sources:

- NHRI: [ENNHRI, State of the Rule of Law in Europe in 2022, Norway Country Report](#)
- Sub-Committee on Accreditation: [SCA Report October 2022](#)

### Good practices and improvements:

- **CM Recommendation 1:** The Norwegian National Human Rights Institution (NNHRI) is an NHRI accredited with A-status.
- **CM Recommendation 8 & 12: access to information and cooperation:** The NNHRI reports having adequate access to policy-makers, good involvement throughout the policy-making process and constructive dialogue with national authorities.
- **CM Recommendation 9: effective facilitation of follow-up to NHRI recommendations:** The NNHRI reports timely implementation of its recommendations. While no legal obligation is in place to follow up the NNHRI recommendation, procedures are in place that facilitate follow-up to the NNHRI recommendations. According to consistent practice, the Government informs the Parliament annually on the follow-up to the recommendations contained in the annual report the NHRI submits to Parliament. While most NNHRI

recommendations are made when consulted in the processes of preparing new legislation, the NNHRI submissions are normally referred to in the final proposal to parliament and thus made available for parliament in their decision-making process.

### Key areas where improvement is needed:

- **CM Recommendation 6 & 10:** enhanced resources to expand breath of its mandate: while indicating its resources allocated are sufficient to enable it to carry out its mandate in an efficient way, the NNHRI has proposed to Parliament to allocate additional resources to the NHRI in order to expand its activities.

## Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

### I. Establishment of NHRIs

<b>Principle 1</b>	Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles
<b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b>	<i>SCA Report October 2022, p. 25</i> The SCA recommends that the NNHRI be re-accredited with A Status.
<b>Principle 2</b>	Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.

<b>Assessment of implementation by the NHRI</b>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>The Norwegian Institution functions on a legislative basis.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>The law establishing the NHRI and its mandate is the National Institution Act of 22 May 2015.</p>
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## II. Strengthening of NHRIs

<p><b>Principle 3.1</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is <b>as broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor and analyse</b> the human rights situation in the country, <b>publish reports</b> on these findings and <b>address recommendations</b> to public authorities at national, regional and local levels and, when applicable, to private entities, and present an <b>annual report</b> to the relevant authorities, including before parliament, for its consideration.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The NHRI publishes thematic reports and is consulted in the process of elaborating new legislation. The NHRI presents an annual report to Parliament.</p>
<p><b>Principle 3.2</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is <b>as broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>freely address public opinion, raise public awareness</b> on human rights and <b>carry out education and training</b> programmes;</li> </ul>

<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>Raising public awareness on human rights, as well as training and education are important activities for the NHRI.</p>
<p><b>Principle 3.3</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <p>- <b>fully address all alleged human rights violations</b> by all administrative authorities, other relevant State entities and, when applicable, private entities</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The NHRI has good access to public authorities. According to section 10 in the Act of 22.05.2015 relating to the Norwegian National Institution for Human Rights, "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".</p>

<p><b>Principle 3.4</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- have <b>unfettered access to all relevant premises</b>, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The NHRI has access to places of deprivation of liberty, including to relevant individuals deprived of their liberty. See reference to section 10 of the NHRI act above</p>
<p><b>Principle 3.5</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor existing and draft policies and legislation</b> with human rights implications before, during and after their adoption in order to <b>advise</b> the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by <b>making relevant and concrete recommendations</b>.</li> </ul>



<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>The Institution has adequate access to information and to policy makers and is it involved in all stages of legislation and policy making with human rights implications.</p>
<p><b>Principle 3.6</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>contribute to an effective justice system</b> for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.2</i></p> <p>The Institution has the mandate to contribute to access to justice for individuals, including through awareness-raising.</p> <p>The Institution may also give input to the court, including through third party interventions concerning general questions within its mandate.</p>

<p><b>Principle 3.7</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <p>- <b>encourage the signature, ratification of and accession</b> to international human rights treaties and <b>contribute to the effective implementation</b> of such treaties, as well as related judgments, decisions and recommendations as well as to <b>monitor States' compliance with them.</b></p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2022, p.27</i></p> <p>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.</p> <p>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.</p>

<p><b>Principle 4</b></p>	<p>The process of <b>selection and appointment of the leadership of a NHRI</b> should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The selection and appointment of the leadership is competence based, transparent and participatory. There is an obligation to publicize vacancies broadly.</p> <p>Practice has been consistent: the public, including civil society, is invited to present candidates in the processes of appointing board members and a director. The list of applicants is also made public, which contributes to ensuring transparency.</p> <p>The mandate of the current board expires on 1 July 2023 and Parliament has recently started a process of appointing new board members, i.a. by actively inviting the “public at large” to submit candidates. This is in accordance with Section 5 of the NHRI act, which states that Parliament shall actively inform about the possibilities to propose candidates in order to ensure an open and consultative process. This clearly includes civil society.</p>

<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2022, p. 26</i></p> <p>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.</p> <p>The SCA recommends the NNHRI to continue to advocate for the formalization and application of a process that includes promoting broad consultation and/or participation in the application, screening, selection and appointment process.</p> <p><i>Please note additional information provided by the NHRI with regards the implementation of the SCA recommendation.</i></p>
<p><b>Principle 5</b></p>	<p>To ensure <b>independence</b>, the enabling legislation of a NHRI should contain an <b>objective dismissal process for the NHRI leadership</b>, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>

<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>As amended in 2022, and in line with the previous SCA recommendation, according to the NHRI act section 7, "The board may 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."</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2022, pp. 26-27</i></p> <p>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.</p> <p>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.</p> <p>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.</p> <p><u><i>Please note the NHRI report providing updated information after amendment to the law, in line with SCA recommendation.</i></u></p>

<p><b>Principle 6</b></p>	<p>Member States should provide NHRIs with <b>adequate, sufficient and sustainable resources</b> to allow them <b>to carry out their mandate</b>, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>The Norwegian Institution submits its annual budget proposals to Parliament. The resources allocated to the Norwegian NHRI are sufficient to enable it to carry out its mandate in an efficient way. The Institution has, however, proposed to Parliament to allocate additional resources to the NHRI in order to expand its activities.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>It follows from general legislation that the NHRI, as a state financed institution which is independent of the executive, submits its budget proposal directly to Parliament.</p>
<p><b>Principle 7</b></p>	<p>NHRIs should have the <b>authority to determine their staffing profile and recruit their own staff</b>, as well as <b>sufficient resources</b> available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to section 8 in the NHRI act, "the director has day-to-day employer responsibility for the national institution's staff. Staff members are appointed by the board based on recommendations by the director. More detailed provisions regarding the appointment procedure and right to delegate the board's authority shall be set out in staff regulations to be approved by the board.</p>

	In connection with appointments, it must be taken into consideration that the institution shall have a broad range of expertise, including on the rights of indigenous peoples and minorities.
<b>Principle 8</b>	Member States should ensure that NHRIs enjoy <b>adequate access to information and to policy makers and legislators</b> , including timely consultations on the human rights implications of draft legislation and policy strategies.
<b>Assessment of implementation by the NHRI</b>	<i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i> See also information provided under recommendation 3 on access to information. The Institution has a constructive dialogue with the authorities.
<b>Principle 9</b>	Member States should <b>implement the recommendations of NHRIs</b> and are encouraged: <ul style="list-style-type: none"> <li>- to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame,</li> <li>- to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and</li> <li>- include information thereon in their relevant documents and reports.</li> </ul>
<b>Assessment of implementation by the NHRI</b>	<i>ENNHRI, State of the Rule of Law in Europe in 2022, p.3</i> The addressees of the Institution’s recommendations are not legally obliged to provide a timely and reasoned reply.

	<p>However, the Government agencies generally provide timely responses to inquiries. According to practice, the Government informs the Parliament annually on the follow-up to the recommendations contained in the annual reports the NHRI submits to Parliament. This practice functions well.</p>
<p><b>Principle 10</b></p>	<p>When member States grant NHRIs <b>additional competences</b> to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should <b>have access to sufficient resources to develop the capacity to effectively discharge its functions</b>, including having appropriately qualified and trained staff.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>These competences have been given to other institutions.</p>



### III. Safe and Enabling Environment

<p><b>Principle 11</b></p>	<p>Member States should ensure that NHRIs can <b>operate independently</b>, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of <b>impartiality, integrity, transparency and fairness</b>.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to section 2 in the NHRI act, “The Storting issues general directives for the activities of the national institution. The national institution shall otherwise discharge its functions in a free and independent manner and shall itself decide how its work will be organised and carried out”.</p>
<p><b>Principle 12</b></p>	<p>Member States should <b>foster awareness</b> and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>The relevant state authorities have good awareness of the Institution’s mandate, independence and role.</p>

<p><b>Principle 13</b></p>	<p>Member States should take all measures necessary <b>to protect and support NHRIs</b> against threats and harassment and any other forms of intimidation, including through ensuring <b>functional immunity</b>. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.3</i></p> <p>Specific measures to protect and support the Institution, heads of Institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions) are not in place. Such measures are not considered necessary.</p>
<p><b>Principle 14</b></p>	<p>Member States should ensure that <b>confidential information collected</b> by NHRIs in the context of their mandate is <b>privileged and is not unduly made public</b>.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>According to the NHRI act section 12 anyone may demand access to the institution’s case documents, journals and similar registers unless otherwise stipulated in the institution’s general directives. The provisions of the Freedom of Information Act shall apply correspondingly, insofar as they are relevant, with the specifications and exceptions stipulated in the general directives. The same applies to regulations issued under the provisions of the Freedom of Information Act, unless the Storting’s Presidency decides otherwise.</p> <p>The director, or a person authorised by the director, shall decide whether a document is to be wholly or partly exempt from public access. Such decisions can be appealed to the board.</p>

## IV. Co-operation and Support

<p><b>Principle 15</b></p>	<p>Member States should <b>take effective measures to enable NHRIs to communicate and co-operate</b> with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> <li>a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI;</li> <li>b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment;</li> <li>c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities;</li> <li>d. international and regional organisations working in related or similar fields.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p>

	<p>According to the NHRI act, 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 the Act.</p>
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