

Response by the Norwegian Ministry of Foreign Affairs to the Questionnaire on National Human Rights Institutions and human rights defenders

- 1. a) Please provide a brief overview of the legislative framework adopted to establish a National Human Rights Institution (hereafter “the Institution”) in your country. Please cite the names of such law or regulations in full.**

The Norwegian Centre for Human Rights (NCHR, the Centre) was established by Parliament in 1987, originally as an independent inter-disciplinary research centre funded through the Norwegian Research Council, and from 1995 as an inter-disciplinary research centre at the University of Oslo. The establishment of the NCHR (then Institute of human rights) as Norway’s NHRI – an entity at the Faculty of Law at the University of Oslo – was laid down by Royal Decree of 21 September 2001. This institute was later renamed the Norwegian Centre for Human Rights. The full name of the Royal Decree is “*the foundation of and mandate for a National institution for the protection and promotion of human rights at the Norwegian institute of human rights*”.

- b) Please indicate how these laws and regulations comply with international human rights standards, and in particular the Paris-principles.**

Independence of Norway’s NHRI is enshrined in the Royal Decree through reference to the Paris-principles.

Norway’s NHRI was granted A-status by the ICC in 2006. The Royal Decree was at that point accepted as the formal basis for NCHR’s role as NHRI. The ICC has since established a practice of periodically reassessing the standing of all NHRIs in terms of compliance with the Paris Principles.

In July 2011, the University of Oslo informed the Ministry of Foreign Affairs that it wished to terminate the role of the Norwegian Centre for Human Rights as NHRI, as it did not consider the principles of academic freedom and independent research, which are the very foundation of any university, to be compatible with the role of NHRI.

The latest evaluation of Norway’s NHRI undertaken by the ICC’s Sub-Committee on Accreditation in October/November 2011 concluded that the Norwegian Centre for Human Rights as presently constituted does not comply with the Paris Principles, and recommended that it should be accredited with B-status unless it within one year provides the necessary documentary evidence to establish its continued conformity with the Paris Principles. It included the following recommendations: 1) An inclusive consultative process should be initiated that includes civil society groups; 2) The NHRI should be established by an act of Parliament, or preferably by Constitutional provision; and 3) The legislation should ensure that the NHRI is independent and has the necessary resources and capacity.

Against this backdrop and in response to the recommendation by the ICC’s Sub-Committee the Norwegian Government in August 2012 decided to establish an inter-ministerial working group to consider changes that need to be made to the NHRI in order to comply with the Paris-principles.

2. a) Please provide details outlining the mandate adopted by the Institution in relation to the protection and promotion of human rights in accordance with the range of competences and responsibility specified in the Paris-principles?

The Royal Decree mandates the National Institution to monitor the human rights situation in Norway, in particular by initiating research and providing reports, and to contribute to increase awareness and the realization of international human rights in Norway.

The NCHR has developed a Strategic Plan for its NHRI work (2008-2012) approved by the NCHR Board in December 2007. The strategy addresses the *mandate* with its emphasis on research base at the NCHR, the *vision* for the NCHR's work as NHRI emphasizing 'to be a leading academic institution on human rights in Norway, a visible actor in increasing knowledge and promoting human rights in Norway, participating in the international network of NHRIs. The strategy sets out four *thematic priorities* based on available research competence and issues on which Norway has been internationally criticized: 1) European Court of Human Rights, 2) children, 3) discrimination, and 4) freedom of expression; and elaborates on priorities in the period 2008-2012 according to areas of *activity*. Ten areas are addressed:

- i) Commentaries to legislation
- ii) International monitoring
- iii) Reviews/reports/research projects
- iv) Publications
- v) Yearbook on Human Rights in Norway
- vi) ECHR-project
- vii) Seminars
- viii) National cooperation
- ix) International cooperation
- x) Training and further education.

The MFA, at the request of and in cooperation with the NCHR, initiated in 2010 an external review of the NCHR in its role as NHRI. The report was submitted in March 2011. Key areas in need of improvement included: strengthening monitoring as a basis for strategic planning; thematic reporting focusing on selected issue areas; visibility and advocacy; and follow-up of recommendations from international monitoring mechanisms.

The NCHR subsequently revised its strategy and plans based on the findings and recommendations of the external review. The substantive work of the NHRI is presently being reoriented towards broader and more systematic monitoring; factually based contributions to relevant human rights issues in the Norwegian context; follow-up of such contributions through advice and advocacy work targeting decision makers, and stronger coordination with ombudsman institutions and NGOs.

b) Please indicate whether the Institution is mandated to consider and/or adjudicate individual complaints of human rights violations.

The NCHR as NHRI does not have an individual complaints mechanism. Information is found on its website listing national mechanisms (ombud, legal aid clinics and support mechanisms), international complaints procedures (ECHR and UN) and NGOs which assist individual complainants. Letters from individuals addressed to NCHR are responded to with reference to the above information.

c) If relevant, please indicate whether the mandate is limited to specific rights or whether complaints against the Government, the police and/or the military are permitted and how they are dealt with.

Not relevant. The Norwegian NHRI does not have an individual complaints mechanism.

d) In this regard, please indicate whether the Institution is empowered to carry out protection related functions including providing remedies to victims of human rights violations, witness protection mechanism and conducting visits to detention facilities.

Not relevant. The Norwegian NHRI does not have an individual complaints mechanism.

3. a) Please indicate what specific activities and programmes the Institution carries out in relation to the protection carries out in relation to the protection of human rights defenders.

The MFA is not aware of such activities or programmes.

b) Please indicate what mechanisms, if any, are in place within the Institution to ensure that human rights defenders at risk are protected (e.g. through protection programmes, early warning systems or by submitting complaints to regional/international bodies on specific cases).

The MFA is not aware of any such mechanisms.

4. a) Please indicate whether any member of the Institution's staff has ever been the victims of threats or harassment as a result of work carried out on behalf of the organisation?

The MFA is not aware of any such incidents.

b) Please specify what mechanism, if any are, in place to protect Institution members investigating human rights violations. If applicable, please specify what mechanisms at institutional, national, regional and international level have been employed to protect Institution members.

There are no specific mechanisms or specific legal framework, laws or regulations in place aiming directly at protecting Institution members in Norway. However, general legislation and procedures aiming at protecting Norwegian citizens also apply to Institution members, without discrimination of any kind.

5. a) Please indicate the main sources of funding for the Institution.

The funding earmarked for NHRI is presently NOK 6,3 million (USD 1 million, EUR 800 000). It is received annually from the Parliament by way of the MFA.

b) In this regard, please indicate whether any challenges exist, particularly in relation to the functional autonomy of the organization and how this impact on the work of the organisation.

The University of Oslo has informed the Ministry of Foreign Affairs that it does not consider the principles of academic freedom and independent research, which are the very foundation of any university, to be compatible with the role of NHRI.

6. a) Please describe the procedures in place relating to the selection and appointment of members of the governing body?

b) Please indicate what mechanisms are in place independent scrutiny of candidates and security of tenure for members of the governing body?

Members of the NCHR Board are elected for a period of four years according to NCHR Statutes (cf. Annex 2). The NCHR Board includes academic representatives from the Faculty of Law, the Faculty of Social Sciences and the Faculty of Arts possessing 'expertise on human rights either through their scientific work, or have demonstrated concern for human rights issues in other respects'. Furthermore, the Board includes representatives of the staff of the NCHR, student representatives and representatives from civil society outside the University. The two representatives from civil society are nominated by the NHRI Advisory Council.

The NHRI Advisory Council was established in 2005 in response to the ICC's requirement that pluralist representation be strengthened in order for the NCHR to be in compliance with the Paris Principles. The Advisory Council nominates the two Board members. It also advises the NCHR on policy and other matters with regard to operational NHRI activities carried out at the Centre. Thirteen organisations are currently represented in the Advisory Council which meets 3-4 times per year: three ombudsman institutions (Parliamentary, Equality and Children), six NGOs (Amnesty, asylum seekers, Bar Association, disabled, Helsinki, and Save the Children), trade union, employer confederation, Sami Parliament and the editors association. Advisory Council membership is permanent for the institution which freely chooses its representative and appoints new representatives as needed. Parliamentarians and government are not represented.

All staff, including the Director of the NCHR, Director of NCHR as NHRI (a de facto sub-unit) and other staff members, is recruited through open recruitment processes as regulated by law. All posts are announced publically, in the printed press and on our webpages. Research positions require submission of various publications. There are numerous safeguards to ensure a transparent and acceptable process including consultation with trade unions on text to be announced, compiled list of applicants with abbreviated CVs, access for all applicants to the compiled list, written assessment of all applicants before successful candidates in order of priority are approved. Each recruitment procedure at the NCHR is subject to quality control and approval of the preferred candidate, by the Recruitment Body at the Faculty of Law