

## **The Norwegian Centre for Human Rights: Promoting Human Rights through Research**

As in the mid 1970s human rights started to play a more significant role in international relations, Norway wanted to strengthen its engagement in human rights abroad. The new interest in human rights was also prompted on the domestic scene by the ratification of the two UN human rights covenants by Norway in 1976. The idea of fostering human rights through research goes back to this period. It emerged not only in Norway, but simultaneously in other Nordic countries, where it led to the creation of several human rights research institutions, such as the institutes in Lund (Sweden), Abo (Finland) and Copenhagen (Denmark).

In 1976, the Norwegian Ministry of Foreign affairs asked Asbjorn Eide, the leading Norwegian human rights scholar, to prepare a study of the international human rights system and its relevance for foreign policy. As Eide needed some assistance, the work on the study brought him together with two younger scholars from Oslo University, Jan Helgesen and Torkel Opsahl. This “triumvirate” became a unique human rights think tank,<sup>1</sup> the activities of which became vital for the later creation of the institute. As the study<sup>2</sup> was well received, the team started to prepare a more long-term project on human rights. “Inviting the authorities' support but not their supervision” (Opsahl, Helgesen, 1993:3), the three started an independent Norwegian Human Rights Project in 1978, with two bases, the Peace Research Institute (Eide's home institution) and the University of Oslo Institute of Public and International Law.

One of the early important results of the Project was a report on the need for information, education and research in human rights, sponsored by the Ministry of Foreign Affairs and issued as a Norwegian public report in 1981.<sup>3</sup> The study made clear that the need for information, education and research in human rights can be effectively addressed by establishing a specific human rights institute. “The foregone conclusion of the report was a detailed proposal to establish an independent institute, publicly funded, for these purposes.” (Opsahl, Helgesen, 1993:4) In practical terms, the plan consisted of turning the existing human rights project, which got its first own rooms in 1983, into an independent institute with permanent posts. With the support of an Advisory Commission for Human Rights under the Norwegian Ministry of Foreign Affairs, which included the three project leaders, and “had become an important instrument as a kind of lobbying forum for the plan”, as well as the support of the relevant committees in the Storting, the plan to establish the institute was pushed forward. It was approved by the Government and Parliament in 1986. The Norwegian Research Council of Science and Humanities was given a mandate to take practical steps. Officially, the Institute was established in 1987 under the Research Council and was loosely affiliated to the Law Faculty of the Oslo University. Yet, it maintained a separate and independent administration and the budget.

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<sup>1</sup> All the three scholars were involved in human rights protection at the international level: Asbjorn Eide in the UN-Subcommittee for the Prevention of Discrimination and Protection of Minorities, Jan Helgesen in OCSE and Torkel Opsahl in the European Human Rights Commission.

<sup>2</sup> Norges offentlige utredninger (Norwegian Official Examination) 1977:23. “Official examination” are white papers prepared on behalf of ministries and published as NOU series.

<sup>3</sup> Norges offentlige utredninger 1981:43.

The mission of the Institute was the widest possible promotion of international human rights norms, through research, teaching, information and documentation. From the very beginning, the research was interdisciplinary and streamlined into several core lines. In 1990s, main research programmes were “universality of human rights“, “human rights and normative traditions”, “human rights and development” and “human rights and Europe”. Another significant part of the Institute's activities was involvement in international programs and projects promoting respect for human rights whether within a specific geographical area (Indonesia, China, South Africa) or a thematic area, such as NORDEM – a resource bank for democracy and human rights. (NORDEM works mainly in relation to multilateral bodies, such as the OSCE and the UN. The operative mandate of the program is realized primarily through recruiting and deploying qualified Norwegian personnel to international assignments. Most of the assignments are channeled through the Norwegian Ministry of Foreign Affairs.) After a thorough evaluation of the Institute was carried out, the statutes of the Institute were changed in 1995, when the supervision of the Norwegian Research Council of Science and Humanities was replaced by that of the Senate of the Oslo University.

In spite of the fact that the Norwegian Institute for Human Rights was established at the same time as the Danish Institute for Human Rights (1987), which became later widely recognized as a “model” for a distinct type of national human rights institution, the Norwegian Institute did not aspire to become a national human rights institution as defined by the Paris Principles. This is not surprising. Not only was the institutes' focus rather on human rights theory than practice. More importantly, as many other European institutions, it has traditionally mainly perceived its role as one of addressing human rights issues abroad, or in international bodies rather than domestically. (Kjoerum, 2003: 632). Another important condition stems from the existing institutional environment in which the Institute operated. In Norway, a rich fabric of “ombud” institution exists, which to a substantial extent fulfill certain tasks assigned to national human rights institutions.<sup>4</sup>

The impetus leading to the ongoing transformation of the Institute into a national human rights institution came from the Norwegian Government. In December 1999, the Centre Coalition Government (the first Bondevik Government) presented a new Action Plan for Human Rights to the Norwegian Parliament (Report No. 21 to the Storting /1999-2000/: Focus on Human Dignity. A Plan of Action for Human Rights). The White Paper covers a period of five years and was presented as a follow-up to the recommendation of the 1993 World Conference on Human Rights in Vienna. The plan comprises more than 300 projects and initiatives to improve the human rights situation in Norway and abroad.<sup>5</sup> The Plan of

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<sup>4</sup> These are the Parliamentary (Storting's) Ombudsman for Public Administration, the Ombudsman for Children, the Gender Equality Ombud, who enforces the Gender Equality Act, the Ombudsman for the Armed Forces and the Civilian National Service (for conscientious objectors performing civilian service) and finally, the Centre for Combating Ethnic Discrimination. The Centre for Combating Ethnic Discrimination was established in 1998 and has three different functions: providing legal aid for people who believe themselves to be victims of ethnic discrimination, documenting the nature and scope of ethnic discrimination in Norway, and presenting proposals for measures to prevent discrimination in the society.

<sup>5</sup> The implementation of the Action Plan is based on the principle that each cabinet minister is responsible for carrying out individual measures within his own field. To strengthen the implementation process, the Government established a system of human rights liaisons to be responsible for human rights issues in each ministry. These persons are part of the inter-ministerial coordination group headed by the Ministry of Foreign Affairs. This group of senior civil servants has initiated a systematic review of the implementation of the measures. Each ministry reports to the group on the progress made in carrying out the measures in its sphere of responsibility. The Minister of International Development (respectively the Minister of International Development and Human Rights in the period 1997-2000), has been assigned particular responsibility in coordinating this work of the Government.)

Action includes a special emphasis on information and on education and training in human rights. Within this context, it also proposed the establishment of a national institution on human rights. During the Storting's budget debate in autumn 2000, the Norwegian Institute of Human Rights was accorded such status and the basic financing of the Institute was guaranteed by the Ministry of Education, Research and Church Affairs.<sup>6</sup> In September 2001, a royal decree (act confirming the decision by the cabinet) was issued which ensured (internally) the status of the Institute as a national human rights institution.

Prompted by these developments, the Institute started to take steps to take over its new role and mandate and to incorporate this new dimension and tasks into its preexisting structures and plans. The most visible sign of the new enlarged "portfolio" is the change of name from the Norwegian Institute of Human Rights to the Norwegian Centre for Human Rights, as of the end of 2002. The change reflects both the interdisciplinary character of the university centre (in contrast to discipline-based institutes) as well as the fact that in 2002 the Institute was accorded the status as Norway's national institution of human rights. At present, the Centre engages in four lines of activities. It functions as:

an independent national human rights institution;

a centre for national and international research on human rights at the faculty of Law, University of Oslo, with approximately 25 researchers: lawyers, political scientists, philosophers and historians;

a centre which promotes rights-based development worldwide through its involvement in a number of projects in order to strengthen human rights within Norwegian development assistance and international cooperation;

a centre for national and international human rights education, offering Master's degree program on human rights as well as number of other courses, *e.g.* elective courses and for teachers at universities and colleges.

As regards its new function as the national human rights institution, much of the work in this connection is still in the early stages. In 2002 and 2003, the focus has been on such fundamental points as hiring scholarly personnel (composed of 5 member staff in 2003), preparing a strategy and establishing contacts with the existing international fora for NHRIs. In 2003, the Centre applied to the International Coordinating Committee for NHRIs - the ICC - to achieve international accreditation. As of February 2004, the process has not been completed. The ICC raised some concerns regarding the independence of the Centre, in particular in financial terms, as the core finances are channeled through the University budget. (Interview with Centre's information director.)

In 2002, the Centre prepared two major commentaries concerning proposed legislation, one on amendments to penal code and legislation against terrorism, another on the use of coercive measures in connection with persons suffering from senile dementia. The Centre also entered into talks with the Norwegian Helsinki Committee, as a leading NGO forum in the field of human rights, on annual reporting on the human rights situation in Norway.<sup>7</sup>

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<sup>6</sup> In the Government budget for 2001, the provision of 3.5 million crowns was made for the establishment of a national institution for human rights at the Institute for Human Rights. This money came on the top of the permanent basic allocation for the Institute.

<sup>7</sup> In Norway, the Ministry of Foreign Affairs prepares annual reports on Norwegian efforts to promote human rights. Up till 2002, these reports contained two parts: "Human Rights in Norway" and "Norwegians Efforts to Promote Human Rights at the International Level." The information in the domestic section was provided by the ministries. The Centre for Combating Ethnic Discrimination and the ombudsmen who are most concerned with human rights issues also contributed to the report. Although this part of the report certainly had a value as a systematic account of the government's efforts, achievements and plans, it was by its very nature a far from critical account of the actual human rights situation and risks in Norway. In the 2002, the report was restructured.

In spite of its unique academic and research achievements and robust record in practically oriented involvement in human rights development projects abroad, taking over the role of the national human rights institution is clearly a big challenge for the Center. One of the so far not elaborated issues is the relation of the institute towards the government and the NGOs. For instance, the 2002 Annual Report of the Norwegian Centre for Human Rights notes that “relatively few enquiries have come from government ministries and other official bodies, despite long series of activities envisaged by the authorities in the 1999 Plan of Action for Human Rights” (2002 Annual Report 22). Another foreseeable problem relates to the deeply rooted academic approach, common at the Centre, which involves the freedoms of the researchers to decide on the topic of their studies. Yet, the work of the human rights institution is, by its nature, rather problem-focused and involves policy-oriented approaches and a certain degree of flexibility. This poses the question as to what extent the Center would be able to respond to the demand on topical researches and studies, whether they come from the governmental or non-governmental sector. Closely related are issues of advocacy. The main paradigm of an academic research is the objective and impartial approach. Human rights advocacy, on the other hand, is not “impartial”, but often requests formulating “clear messages”, which policy makers, stake holders as well as the general public can understand. In this regard, working together with the NGOs and other bodies already active in the human rights sectors is likely to be critical for the credibility of the Center as a human rights institution. Finally, the Center would probably need to work hard to keep its allies on the domestic scene – that is the Ministry of Foreign Affairs – and establish new ones.

The story of the Norwegian Centre also shows that political support is a key element in the successful establishing of human rights institutions of any kind: active support from political entities comes at the moment when they can integrate human rights issues into their broader political agendas, be it on the national or international level. It is a reality that such moments have often come with a change in government or with other major international political events. It is up to human rights activists to be prepared for this opportunity.

The appendix is based on the following sources:

Norwegian Ministry of Foreign Affairs. (1999-2000). *Focus on Human Dignity. Some aspects of the Norwegian Plan of Action for Human Rights White Paper No. 21.*

Norwegian Ministry of Foreign Affairs. (2000). *Human Rights 2000. Annual Report on Norway's efforts to promote human rights.*

Norwegian Ministry of Foreign Affairs. (2001). *Human Rights 2001. Annual Report on Norway's efforts to promote human rights.*

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It is organised primarily by the group of rights, which comprise many of the better known rights and freedoms. Furthermore, special chapters are devoted to institutions, such as the UN, and mechanisms that focus more specifically on human rights. Norway's national and international efforts are thus dealt with in parallel. As explained by the 2002 Report, “this makes it easier to form a picture of the many different instruments that can be used in human rights work, and to gain an understanding of the need to focus efforts, here and elsewhere, on meeting specific needs. For instance, capital punishment is fortunately not a human rights issue in Norway, whereas efforts to promote the rights of the Sami people are largely limited to Norway.” (2002 Report: 10). In spite of this change, which by its nature, puts the human rights issues in Norway in more complex contexts, the report remains a government document, and not a critical outcome of monitoring by the independent human rights watchdogs.

Norwegian Ministry of Foreign Affairs. (2002). *Human Rights 2001. Annual Report on Norway's efforts to promote human rights.*

Opsahl, Torkel and Helgesen, Jan. (1993). Asbjorn Eide: A Tribute. In: Gomien, Donna (ed.) *Broadening the Frontiers of Human Rights.* Oslo: Scandinavian University Press.

Przybylski, Diana (2003). *Das Norwegische Institut für Menschenrechte in Oslo. Die Verbindung von Forschung und praktischer Menschenrechtsarbeit.* Magisterarbeit im Facharbeit Politische Theorie. Universität Greifswald, 109 p.

University of Oslo. Norwegian Centre for Human Rights. (January 2003). *Norwegian Institute of Human Rights. Annual Report 2002.*

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Interview with Christian Boe Astrup. Head of Information. Norwegian Centre for Human Rights. (February 2004).