

THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY NORWAY

ARTICLE 8 UNCAC

CODES OF CONDUCT FOR PUBLIC OFFICIALS

NORWAY (EIGHTH MEETING)

The Supervisory Committee is the complaints and disciplinary authority for judges, cf. chapter 12 of the Courts of Justice Act. The members of the Supervisory Committee are appointed by the Government (King in Council). The Committee consists of two general public representatives, one lawyer, two judges from the ordinary courts and one land court judge.

The Courts of Justice Act states that «Judges shall be independent in his or her judicial activity. Judges shall perform their judicial duties impartially and in a manner which engenders general trust and respect», cf. § 55. In addition, ethical principles for judge behaviour have been issued.

Complaints can be submitted by a party, a lawyer or for example a witness in a lawsuit that has been directly affected by the judge's conduct. The same applies to others who are directly affected, such as lay judges or experts. Complaints can be based on allegations of behaviour in breach of appropriate judicial conduct or in contravention of the obligations of the position of the judge. As a rule, a complaint can only be based on alleged misconduct of a judge's performance of his or her position as a judge. The Committee cannot consider circumstances which can be subject to an appeal.

In addition to complaints cases, the Supervisory Committee may consider misconduct of judges *ex officio*. The Committee may make general statements on the concept of "appropriate judicial conduct".

If the Committee finds that the judge has acted in breach of appropriate judicial conduct, it may adopt disciplinary measures in the form of *criticism* or *warning*. A warning is the strictest form of reaction.

Judges may not be laid off or relocated against their will and may only be dismissed in accordance with legal procedures or interlocutory orders, cf. § 55 (5).

To ensure confidence in judges' independence in handling cases, detailed rules regarding approval and registration of judges' outside activities, including investments, must be reported in a public register to ensure openness.
(actions required and challenges)

Questions have been raised if the system of appointing judges, where the Government (King in Council) in principle can appoint another candidate than those recommended by the Board, or appoint the second or third candidate on the Board's prioritized list, is sufficient to ensure the independence of judges. Further, some has pointed out that also the Board is appointed by the Government (King in Council) and especially amongst judges has expressed that the representation of judges in the Board should be strengthened.

When it comes to registration of judges' outside activities, there have been some challenges ensuring that all judges, including temporary judges, fulfil their duties as to keep the register updated and correct. The National Court Administration has the responsibility for the register and has expressed that necessary steps will be taken to ensure compliance with the regulation.

Prison services

The Correctional Service has developed routines for complaints aiming at creating routines for notifications on criticisable conditions in the service. Alerts shall as a main rule be submitted in public, but can also be made anonymous. The instruction to the personnel in the Correctional Service describes how the personnel shall proceed when information on neglect, breach of confidence, mistreatment of prisoners and circumstances that might interfere with a servants' independence.

The Civil Servants Act prohibits gifts in the line of duty if the gift may, or is meant to, influence the servants professional conduct.

Public prosecution

Public Prosecutors are subject to several regulations on ethics. This includes Ethical Guidelines for Public Service, Guidelines on Gifts and Ethical Guidelines for personnel in Public Prosecution.

Provisions on the ability to have extra commissions or side income, including transparency of such, is regulated in Ethical Guidelines for Public Service. Side income may lead to conflicts of interest that subsequently may lead to legal incapacity.

The Public Prosecutions' ethical guidelines includes provisions on requirements on conduct that is independent, fair, unbiased, based on integrity, quality and efficiency, proficiency, respect, discretion etc. Currently, these guidelines are in effect for the Higher Prosecution Authority, but will according to plan be expanded to Public Prosecutors and Public Prosecutors in the Police.

The ethical guidelines for Public Prosecution also provides guidelines on how personnel shall behave if breaches occur. Accusations on breaches shall in general be handled within the Prosecution Authority, but the possibility to address breaches in other pertinent ways are not excluded.

A public commission has recommended that an independent body that can hear cases on possible breaches on the Ethical Guidelines.

The provisions on notifications in the Working Environment Act also applies to Public Prosecutors. Basically, employees are entitled to notify on issues that are criticisable and that there will be no retribution from the employer.

If corruption is suspected in the service of a Public Prosecutor, the pertinent measure will be to notify the case to the Bureau for the Investigation of Police Affairs, that is responsible for pursue criminal acts conducted by personnel in Police or Public Prosecution Authority committed in their capacity as such.