Questionnaire 2016 of the 1st Study Commission

Best Practice within the Judicial System for Ensuring Transparency and Integrity and Preventing Corruption

Answers from Norway:

For the general situation of the judiciary in Norway, reference is made to latest report on Norway by GRECO, published 25 June 2014


On the specific questions regarding Norway:

1. What would you identify as best practice to safeguard transparency of:

1a) Court proceedings.

A principle of open hearings in almost all cases, as it is in Norway with very few exceptions, is a basic principle that should be applied in all jurisdictions. Furthermore it is important for the public to have access to all court decisions. Norwegian court decisions are - with very few exceptions - published and made available on the internet. However, some limitations apply on reporting of names, in particular regarding family cases.

Norwegian criminal cases are normally tried with a panel of judges sitting with lay judges, or in special circumstance tried with a jury in the Court of Appeal. This involvement of lay people outnumbering professional judges is generally believed to be a major factor leading to the present high public trust in the Norwegian judiciary.

1b) Selection of judges.

Appointment of professional judges in Norway is based on a standardized appointment process carried out by an independent judicial appointment board. Vacancies are published. The board is responsible for interviews and checking of references, and will submit a recommendation to the Ministry of Justice. The Minister of Justice thereafter selects the candidate(s) to the King in Council for the formal appointment. Appointment of judges in Norway is entirely based on merits. There is no system of judge career or promotion in Norway.

The existing use of short term judges (approximately 140) with limited transparency contradicts this picture somewhat, as also noted by GRECO in the above mentioned report.
1c) Administration of the judiciary.

The administration of the judiciary should be carried out by a body independent of the executive and legislative powers, preferably with secured long term budgets in order to serve the courts/judges with sufficient staff, ICT equipment and to secure availability of proper training for judges and other court personnel, both initial training and in service training.

As indicated above, the Norwegian judiciary meets with the criteria mentioned above, although there is still room for improvement under 1c, particularly in respect of composition and appointment of members of the Council for the judiciary. The issue has been addressed by the Norwegian Association of judges to the Government.

2. What would you identify as best practice to support and promote integrity of judges? Do you have experiences with such practices?

Attractive working conditions for judges are certainly important, but also salary adequate to the position and responsibilities together with adequate training that also include training on ethical aspects relating to the Ethical Principals for judges.

3. What would you identify as best practice to prevent corruption within the judiciary? Do you have experiences with such practices? Which?

A well-functioning judiciary is essential to protect the judiciary as well as other parts of the society against corruption. Important factors include salary and pension reflecting the judges responsibilities and position together with adequate working conditions. Furthermore efficient case processing (no back logs) transparent systems for case allocation/reallocation and ethical code/complaints procedures are also important factors.

4. What are the major threats, in your experience, to transparency and integrity and a non-corrupt judiciary? How are those threats combatted.

Except for the factors referred to above there are no particular threats foreseen in the Norwegian judiciary.