



**SIVILOMBUDSMANNEN**

# ANNUAL REPORT FOR 2019

Document 4 (2019–2020)

Document 4 (2019–2020)

**The Parliamentary Ombudsman's Report for 2019**

Submitted to the Storting on 24 March 2020

## Preface

It is an honour to write my first preface in the Parliamentary Ombudsman's Annual Report after taking up the position on 1 February 2020. This Annual Report is for the preceding year and the cases presented here provide an insight into the nature of the problem issues considered by the previous Parliamentary Ombudsman. I have not been responsible for the outcome of the cases presented here, nor can I accept praise for all the work that has been done. However, it is with pride that we present here a summary of the work carried out in 2019.

In 1962, the Storting decided to appoint a Parliamentary Ombudsman, with the mandate of defending and safeguarding individual's rights in relation to the public administration. This task has also been carried out throughout 2019.

The Annual Report for 2019 is divided into four chapters. Chapter 1 highlights four important themes brought to the attention of the Storting. All of these concern fundamental rights that are of importance to citizens' due process protection. These thematic articles will only be available in Norwegian in the Norwegian version of the Annual Report.

Since 2014, the National Preventive Mechanism (NPM) has carried out 20 inspections at 19 of the country's high-security prisons. The findings of inmates' isolation and absence of human contact are serious, and the situation has developed in a negative direction, despite recommendations. In 2019 we therefore decided to apply our strongest instrument to highlight these findings. The Special Report on Solitary Confinement and Lack of Human Contact in Norwegian Prisons was submitted to the Storting's Standing Committee on Scrutiny and Constitutional Affairs on 18 June. It is the Ombudsman's first special report to the Storting under the prevention mandate. The Ombudsman publishes a separate annual report concerning preventive efforts, document 4:1 and I refer to further reading on these efforts in this document.

For citizens to be able to use their right of appeal to the Parliamentary Ombudsman, it is vital that we are known to the target groups. Visibility and external activities to inform of our efforts are important. We do this by taking part in seminars and conferences, where we speak about individual cases or our mandate in general. We have seen steadily increasing references to cases we have processed. In 2019 we held our own event and debate during Arendal Week, where we addressed in particular the Special Report on Solitary Confinement and Lack of Human Contact in Norwegian Prisons.

To take up the job of Parliamentary Ombudsman is meaningful and exciting. I look forward to upholding and developing the Ombudsman's important position in our society.

Sincerely,

*Hanne Harlem*

Parliamentary Ombudsman

## Statistics

This chapter contains an overview of new cases in 2019, case hearings by the Parliamentary Ombudsman, outcome of cases and a breakdown of cases across administrative bodies.

### New cases

3882 cases were received by the Ombudsman's office in 2019. This is a slight decline from the preceding year; however, it remains stable, and high, compared to previous years. Additionally, 16 cases have been considered on the office's own initiative. These cases are resource-consuming, but important. The significant number of cases leads to steadily increasing case settlements, both for cases considered on their merits and dismissed cases.

Number of new cases	2015	2016	2017	2018	2019
Complaints and written enquiries	3052	3111	3604	3904	3882
Self-initiated cases	26	17	23	13	16
Total	3078	3128	3627	3917	3898

The number of incoming cases is stable, and high. The Ombudsman makes targeted efforts to increase the number of legitimate complaints.

Closed and open cases	2015	2016	2017	2018	2019
Cases closed during the year	3093	2998	3600	3992	3979
Open cases at year-end	247	388	420	345	264

### Requests for access

319 enquiries concerning access were received by the Parliamentary Ombudsman in 2019.

These are not complaints against the refusal of access into administration, rather access relating to the Ombudsman's own documents and cases. The Ombudsman's case documents are in principle public, cf. Parliamentary Ombudsman Act, Section 9. Exceptions are made for documents that are obtained from the administration in connection with the processing of a complaint.

### Dismissed cases and cases considered on their merits

Cases in which there are no grounds for dismissal are deemed to have been considered on their merits.

When the Ombudsman carries out a preliminary investigation to establish whether there are sufficient grounds for considering the complaint, the case is also deemed to have been considered on its merits even if it is closed without the matter being raised with the public administration. Cases in which the complainant's problem has been resolved are also

deemed to have been considered on their merits. Such cases may include criticism of the administrative body in question.

General enquiries that are unrelated to a specific complaint and enquiries submitted for information purposes are classified as dismissed cases.

<b>Distribution between dismissed cases and cases considered on their merits</b>	2018	2019
<b>Dismissed cases</b>	2341	2276
<b>Cases considered on their own merits</b>	1651	1703
1. No need to obtain written statement from the public administration	1394	1427
a) Case resolved by means of a phone call or similar	348	369
b) The letter of complaint, in some cases supplemented by case documents, showed that the complaint could not succeed	1046	1058
2. Written statement obtained from the public administration (investigation)	257	276
a) Case resolved without the Ombudsman having to issue a final opinion	46	45
b) Case closed without criticism or a recommendation, meaning that the complaint did not succeed	41	49
c) Case closed with criticism or a recommendation to reconsider the matter	170	182

In cases where it is necessary to obtain a written statement from the public administration, over half are concluded with criticism.

### **Outcome of cases**

The cases that are considered can be divided into two main categories by outcome: dismissed cases and cases considered on their merits.

In 2019, the Parliamentary Ombudsman considered just less than 4,000 complaints and enquiries. Of these, about half were dismissed. The number of complaints and dismissed cases has been stable in the last year; however, the number of dismissed cases has fallen somewhat. Around half of all cases dismissed are due the cases still being under consideration by the administration. Other frequent reasons for dismissal are that the case is unsuitable or lacks sufficient grounds, that it is more suitable for the courts, that it is time-barred or that it was only submitted for information purposes.

Of the cases that were considered on their own merits, 182 cases were closed with criticism or a recommendation to reconsider the matter. This represents approximately 11 percent of the cases considered on their own merits.

For many of the cases the outcome was in any case positive for the complainant, in that a case was resolved whilst it was being considered by the Ombudsman. This often occurs after a telephone enquiry or letter to the relevant administrative body. This was the case in 369 cases, or around 22 percent.

**Case processing time**

The goal is to reduce the amount of time spent on cases that must be dismissed, as much as possible. In 2019 there has been a reduction in the case processing time for cases dismissed after being considered by the public administration. Thus, time can be better utilised on cases that require investigation in the public administration. Case processing time must be considered in context with the number of incoming cases.

**Cases considered on their own merits**

**Cases that are taken under consideration have three different outcomes:**

- The case is resolved for the complainant and can be closed
- The case is closed without criticism or recommendation to reconsider
- The case is closed with criticism or recommendation to reconsider

**Outcome of cases considered on their own merits**

- Resolved cases 24 %
- Cases closed without criticism or recommendation to reconsider 11 %
- Cases closed with criticism or recommendation to reconsider 65 %

**Reasons for dismissal**

More than half of the cases received by the Ombudsman are dismissed. This is due to differing circumstances; however, the main reason is that the case remains under consideration in the public administration.

**Case subject areas**

Most complaints received by the Ombudsman concern case processing time and non-receipt of a reply. There are also many complaints concerning building matters, benefit payments, access to documents and employment matters. A complaint case can be classified by several subject areas, and so the sum is far higher than the number of complaints.

Subject area	no. of cases	criticism
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Case processing time, non-receipt of reply	962	35
Planning and construction - including building matters	527	25
National insurance benefits	479	6
Employment matters and work and service matters - including freedom of speech	387	36
Police and prosecuting authority, correctional services	311	5
Immigration cases, asylum, visas, residence and work permits, family reunification etc.	260	18
Health treatment, use of force, complaints against personnel, patient injury	241	8
Freedom of information, the duty of secrecy and access to documents	191	34

### Closed cases according to administration body 2019

	Total	Dismissed	Considered on own merits	Criticis m
<b>Prime Minister's office</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>1</b>
<b>The Ministry of Labour and Social Affairs</b>	<b>13</b>	<b>8</b>	<b>5</b>	<b>0</b>
The Norwegian Labour and Welfare Administration (NAV)	574	389	185	6
The Norwegian Labour Inspection Authority	5	1	4	0
The Norwegian Public Service Pension Fund	6	5	1	0
The Social Security Appeal Tribunal	55	17	38	0
The Dispute Resolution Board	2	1	1	0
<b>The Ministry of Children and Equality</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>
The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) and the Office for Children, Youth and Family Affairs (Bufetat)	12	8	4	0
The County Social Welfare Boards	1	1	0	0
The Consumer Dispute Commission	1	1	0	0

The Norwegian Consumer Council and the Consumer Authority	2	2	0	0
<b>The Ministry of Finance</b>	<b>7</b>	<b>1</b>	<b>6</b>	<b>2</b>
The Financial Supervisory Authority of Norway	8	3	5	0
Norwegian Customs and Excise	111	49	62	7
The Norwegian National Collection Agency	13	9	4	0
Norwegian Customs and Excise	4	2	2	0
<b>The Ministry of Defence</b>	<b>4</b>	<b>3</b>	<b>1</b>	<b>0</b>
The Norwegian Armed Forces	15	13	2	0
The Norwegian Defence Estates Agency	6	3	3	1
<b>The Ministry of Health and Care Services</b>	<b>15</b>	<b>7</b>	<b>8</b>	<b>4</b>
The Norwegian Radiation and Nuclear Safety Authority	1	1	0	0
The Ministry of Health and Care Services	15	9	6	1
Helfo (The Norwegian Health Economics Administration)	7	5	2	1
The National Office for Health Service Appeals	27	12	15	1
Supervisory commissions	4	4	0	0
The Norwegian System of Compensation to Patients, the Patient Injury Compensation Board	20	9	11	0
Patient travel	5	5	0	0
Regional health authorities	4	4	0	0
The Norwegian Appeal Board for Health Personnel	5	2	3	1
The Norwegian Board of Health Supervision	16	11	5	0
Hospitals and health institutions	59	45	14	1
<b>The Ministry of Justice and Public Security</b>	<b>14</b>	<b>8</b>	<b>6</b>	<b>2</b>
Lawyers Licensing Board	4	2	2	1
The Directorate for Civil Protection and Emergency Planning	5	4	1	0
The courts, courts administration	48	45	3	0

The Compensation Board for Victims of Violent Crime	3	0	3	1
The Norwegian Criminal Cases Review Commission	7	6	1	0
The Norwegian Criminal Injuries Compensation Authority	3	2	1	0
The Correctional Services	127	96	31	2
Execution and enforcement officers	16	14	2	0
The Norwegian Police Directorate	57	28	29	2
Police and prosecuting authority	176	114	62	3
The Norwegian Civil Affairs Authority	40	13	27	6
The Norwegian Bar Association's Disciplinary Committee	5	3	2	0
The Directorate of Immigration	149	90	59	8
The Immigration Appeals Board	85	18	67	9
<b>The Ministry of Environment and Climate</b>	<b>12</b>	<b>5</b>	<b>7</b>	<b>1</b>
The Norwegian Environment Agency	10	4	6	0
<b>The Ministry of Local Government and Modernisation</b>	<b>33</b>	<b>15</b>	<b>18</b>	<b>4</b>
Data Protection Authority	4	1	3	0
The Norwegian Building Authority	3	1	2	0
The Agency for Public Management and eGovernment (Difi)	2	2	0	0
The Norwegian State Housing Bank	3	3	0	0
The Norwegian Mapping Authority	2	1	1	0
<b>The Ministry of Culture</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>0</b>
The National Archives of Norway	4	4	0	0
The Place Names Complaints Board	1	0	1	0
Equality and Anti-Discrimination Ombudsman	20	11	9	0
The Norwegian Gaming and Foundation Authority	5	3	2	0
The Norwegian Broadcasting Corporation (NRK)	2	2	0	0
<b>The Ministry of Education and Research</b>	<b>5</b>	<b>2</b>	<b>3</b>	<b>1</b>

The Directorate of Integration and Diversity (IMDi)	1	1	0	0
The Norwegian Agency for Quality Assurance in Education (NOKUT)	8	5	3	1
The Research Council of Norway	1	1	0	0
The Norwegian State Educational Loan Fund	18	9	9	2
The Directorate for Education and Training	6	1	5	1
Universities and university colleges	61	31	30	2
<b>The Ministry of Agriculture and Food</b>	<b>8</b>	<b>4</b>	<b>4</b>	<b>0</b>
The Norwegian Agriculture Agency	14	4	10	1
The Norwegian Food Safety Authority	29	19	10	0
<b>The Ministry of Industry and Fisheries</b>	<b>8</b>	<b>2</b>	<b>6</b>	<b>0</b>
The Ministry of Industry and Fisheries	9	2	7	2
The Brønnøysund Register Centre	4	3	1	0
The Directorate of Fisheries	5	2	3	0
The Norwegian Competition Authority	1	0	1	0
The Norwegian Maritime Authority	2	1	1	0
<b>The Ministry of Petroleum and Energy</b>	<b>20</b>	<b>8</b>	<b>12</b>	<b>0</b>
The Norwegian Water Resources and Energy Directorate (NVE)	15	9	6	0
<b>The Ministry of Transport and Communications</b>	<b>14</b>	<b>8</b>	<b>6</b>	<b>1</b>
Avinor AS	3	3	0	0
The Norwegian Coastal Administration	2	1	1	0
The Civil Aviation Authority of Norway	2	1	1	0
The Accident Investigation Board Norway	1	1	0	0
The Norwegian Public Roads Administration	43	26	17	0
The Transport Complaints Board	4	3	1	0
<b>The Ministry of Foreign Affairs</b>	<b>21</b>	<b>7</b>	<b>14</b>	<b>2</b>
<b>County governors</b>	<b>748</b>	<b>334</b>	<b>414</b>	<b>33</b>
<b>County administrative bodies</b>	<b>53</b>	<b>25</b>	<b>28</b>	<b>5</b>

<b>Municipal administrative bodies</b>	<b>822</b>	<b>454</b>	<b>368</b>	<b>64</b>
<b>Others</b>	<b>188</b>	<b>178</b>	<b>10</b>	<b>2</b>

# About us

## Reaching goals 2019

The Parliamentary Ombudsman is an autonomous and independent body, tasked with ensuring that individuals do not suffer injustice at the hands of the public administration. We shall be a known and clear voice speaking up against injustice. The Storting has given us two mandates to accomplish this:

- Subsequent control of the public administration based on complaints received from individuals
- The prevention of torture and inhuman treatment in connection with deprivation of liberty

The overarching goal of the Parliamentary Ombudsman towards 2022 is to prioritise tasks that as much as possible prevent injustice and safeguard against torture, to be a central professional body within the Parliamentary Ombudsman's area of work, and to be an effective and well-run organisation.

The work processes that will help us to reach these goals, are steered by the overarching strategy plan for 2019-2022 and the annual operating plans. In the operating plan for 2019, we have defined targets that in particular have been aimed and placing the organisation in a position to safeguard the major increase in complaints cases in a sound manner, whilst at the same time ensuring long-term development:

- Handle telephone enquiries
- Close the oldest cases
- More targeted formulation of submissions
- Case conclusion in the archive
- New case and archive system
- Develop robot assistance
- Reorganisation and establishment of a general division
- Establish a resource group for due process challenges associated with technological developments
- Raise competence levels in administration law and technology
- Reduce sickness absence

The number of complaints cases has increased significantly in recent years, and it appears, in 2019 to have stabilised at a new, high level. Therefore, in the preceding year, the Ombudsman has prioritised ongoing complaints case processing. The enterprise, with the same resources - financial and human - has processed far more cases in the last two years than previously. The goals for 2019, to improve and find the right level in respect of the submitted cases, appears to have had an effect. Despite the fact that the number of complaints has increased, the number of dismissed cases in 2019 has not increased correspondingly - which indicates a more effective processing of cases. At the same time, we have closed a number of old cases in order to avoid the strain imposed on citizens in having an unresolved case for too long.

We have also maintained an acceptable case processing time on incoming cases, without this impacting negatively on the quality of our statements. The targeted and deliberate work in reducing outstanding cases, finding the correct level of submissions and effectively processing the number of incoming cases, has meant that it has been necessary for us to reduce the level of priority in other areas. There has been reduced capacity for external activities in respect of administration, with the aim of increasing the understanding of due process principles that the administration should support.

In areas where, to a minor degree, there are other bodies that regularly control the administration, e.g. in regard to openness and access, the Ombudsman has the potential to work more proactively. The number of cases taken up on the Ombudsman's own initiative has gone down in recent years, despite the fact that this type of case can have a significant effect on the administration's practices. Additionally, it has to a lesser degree in been possible to encourage contact with groups of complainants from whom we should receive complaints to a greater degree.

In order to make enduring and systematic changes in administration where we see a potential, it is necessary that the Parliamentary Ombudsman takes a more active role, via initiatives as stated above. If, at the same time, we are to maintain processing of the high number of complaints cases with a high level of quality, a sufficient number of employees is a premise.

#### **Goal: Handle telephone enquiries**

The Parliamentary Ombudsman is accessible by telephone, which is an important part of public service. Case processing is not conducted by telephone, and a central goal of telephone contact is to offer guidance to callers regarding our mandate and what is required in order for us to process a case; at the same time the call should not take too long. The caller's need to explain and to "be heard" can challenge the appropriate use of time for employees of the Parliamentary Ombudsman. Therefore it was set up as a goal for 2019 that all affected employees were to have completed guidance concerning the management of telephone calls, and all employees have received training.

#### **Goal: Closure of the oldest cases**

Despite the fact that the enterprise in recent years has been successful in reducing case processing times significantly, at the start of 2019 we had a certain lag regarding individual cases that were considerably older than average.

Therefore it was set as a goal for 2019 that a plan was to be drawn up for how the oldest complaints – defined as complaints that have never been closed and were older than 18 months – were to be concluded.

With the exception of one case, that was awaiting a Supreme Court judgement in order for it to be concluded, we had no cases that were older than 18 months at the end of the year, and the number of cases older than twelve months had also been significantly reduced.

#### **Goal: Form of submissions**

In order to prioritise tasks that as much as possible can prevent injustice, it is necessary to be selective in respect of which issues are actioned in individual complaints. Those that make enquiries to the Ombudsman can express a great deal of experienced injustice, and if the

Ombudsman “turns every stone” in each and every case, there would be insufficient resources to process all submitted cases, within a reasonable time.

Therefore it was set as a goal for 2019 that we would make efforts to formulate submissions (i.e. the issues referred to the administration in cases where the Ombudsman initiates further investigations) more goal-oriented.

To find a good form and appropriate level of submissions is always an ongoing task, and various participants in the cases can have varying perceptions as to what is an appropriate level in investigations. However, internally in the enterprise, the perception is that submissions have become more goal-oriented during the year.

#### **Goal: Reduced sickness absence**

For several years, the enterprise has had higher levels of sickness absence than desirable. In 2019, the goal was to make active efforts to bring about low levels of sickness absence including raising the competence of management in regard to health-promoting working environments and follow-up of those on sick leave.

In December 2019 a working environment survey was conducted, with specific questions designed to identify possible points of improvement in regard to sickness absence. This work will continue in 2020.

#### **Goal: Case conclusion in the archive**

In 2019, there was a need to further develop document handling, particularly with the aim of freeing up capacity to record documents in a timely manner. At the same time, satisfactory quality, information security and effective use of resources had to be safeguarded. The task encompassed more flexible routines and further simplification and efficiency improvements through the use of new technology. Work has also been carried out on a new function-based filing system. Towards the end of the year, outstanding records in the archive were at a manageable level.

#### **Goal: Resource group within technological development**

Robots, artificial intelligence and automation are becoming part of public administration. Technological development in society is moving at a fast pace, and will involve changes in public enterprises’ case processing and task management. This is discussed in the topic article on page 24.

One of the goals for 2019-2022 is that we shall be “able to manage any due process challenges associated with technological development”.

Therefore, in 2019 a separate resource group was set up, to assist in providing the Parliamentary Ombudsman with skills and resources to be able to manage due process challenges associated with technological development.

#### **Goal: Skills enhancement in administrative law**

In order to be a central specialist environment within the Parliamentary Ombudsman’s sphere of responsibility, it is completely essential that employees have a high level of competence within administrative law. In order to maintain the professional level, a number

of seminars were arranged for Parliamentary Ombudsman employees, covering administrative law topics.

**Goal: New division**

For, among other things, to assist the Ombudsman and to improve coordination and increase flexibility in respect of case processing at the office, in 2019 a new division was established, the “general division”.

The general division has the responsibility for divisional overarching coordination and development duties and for international relations. The division can also process complaints within the entire Ombudsman’s case portfolio.

**Goal: New contract for case and archive system**

The Parliamentary Ombudsman is presently in the market to procure a new contract for a case handling and archive system. It was expected that the contract would be finalised in 2019. However, the process is delayed, for among other reasons capacity challenges in the supplier market, which has meant that certain clarifications must be postponed until 2020.

**Goal: Robot assistance**

In order to increase efficiency of case processing, it was set as a goal for 2019 that robot assistance would be developed in selected projects. In the autumn of 2018, robot assistance was developed for certain archive processes. This has functioned as intended and has been further developed in respect of additional archive processes throughout 2019. The enterprise has not had sufficient resources to develop robot assistance in respect of case management processes.

## **Ombudsman's office - overview of personnel**

*As of 31 December 2019, the Ombudsman's office had the following divisional structure and comprised the following staff.*

### **Division 1**

Head of Division: Bjørn Arthur Dæhlin  
Deputy Head of Division 1: Eirik Namli  
Senior Adviser: Karen Elise Haug Aronsen  
Senior Adviser: Stine Elde  
Senior Adviser: Kathrine Evers  
Senior Adviser: May Linn Aurstad Foss  
Senior Adviser: Heidi Quamme Kittilsen  
Senior Adviser: Caroline Lundblad  
Senior Adviser: May-Britt Mori Seim  
Senior Adviser: Lindy Helene Ulltveit Moe  
Adviser: Charlotte Bårtvedt Eriksen  
Adviser: Mie Cecilie Myhrvold  
Higher Executive Officer: Jostein Gulbrandsen Frank  
Higher Executive Officer: Kjersti Birkeland Rudsli

### **Division 2**

Head of Division: Joakim Øren  
Deputy Head of Division 2: Jostein Løvoll  
Senior Adviser: Anders Eldor Boye  
Senior Adviser: Helene Oeding Christensen  
Senior Adviser: Wenche Drangsholt  
Senior Adviser: Kjetil Fredvik  
Senior Adviser: Eivind Vigeland Grøn  
Senior Adviser: Bente Kristiansen  
Senior Adviser: Rasmus Sand  
Senior Adviser: Jannicke Ryun Sæther  
Senior Adviser: Rannveig Bakke Tvedten  
Adviser: Katja Boye  
Adviser: Cathrine Elisabeth Aaseth

### **Division 3**

Head of Division: Annette Dahl  
Deputy Head of Division 3: Ingeborg Skonnord  
Senior Adviser: Ellen Cathrine Isaksen Beccer  
Senior Adviser: Martine Refsland Kaspersen  
Senior Adviser: André Klakegg  
Senior Adviser: Åse Bækkevold Kloster  
Senior Adviser: Sigrid Marie Fæhn Oftebro  
Senior Adviser: Kari Rørstad  
Senior Adviser: Thea Jåtog Trygstad  
Senior Adviser: Kari Bjella Unneberg  
Senior Adviser: Nikolai Kristoffersen Winge

Higher Executive Officer: Erlend Kragh Nyhus  
Student associate: Law student Karoline Aarvold

### **General Division**

Head of Division: Gustav Haver  
Senior Adviser: Elisabeth Fougner  
Senior Adviser: Mona Keiko Løken  
Senior Adviser: Marianne Lie Løwe

### **National Preventive Mechanism**

Head of Division: Helga Fastrup Ervik  
Senior Adviser: Jannicke Thoverud Godø  
Senior Adviser: Jonina Hermannsdottir  
Senior Adviser: Aina Holmén  
Senior Adviser: Pia Kristin Lande  
Senior Adviser: Johannes Flisnes Nilsen  
Senior Adviser: Mette Jansen Wannerstedt  
Adviser: Silje Sønsterudbråten  
Adviser: Mari Dahl Schlanbusch

### **Administration**

Head of Administration: Solveig Antila

#### *Finance, personnel, operational support:*

Senior Adviser/  
Deputy head, administration: Einar Fiskvik  
Senior Adviser: Marianne Guettler Monrad  
Senior Adviser: Shima Mootori

#### *IT:*

Head of IT: Svein Lasse Hansen

#### *Communications:*

Head of Communications: Trude Julie Dommerud  
Communications Adviser: Ellen Cecilie Eriksen

#### *Library/Web:*

Adviser: Liv Jakobsen Føyn

#### *Office and switchboard services:*

Senior Executive Officer: Mary Anita Borge  
Senior Executive Officer: Nina Olafsen  
Senior Executive Officer: Mette Stenwig

#### *Archives, library, web:*

Head of Archives: Annika Båshus  
Senior Adviser: Elisabeth Nordby

Adviser: Seida Rizvanovic  
 Senior Executive Officer: Beate Braastad  
 Senior Executive Officer: Anne Kristin Larsen  
 Higher Executive Officer: Trude Undheim  
 External personnel: Anne Ragnhild Felberg

*Reception and security services:*  
 External personnel

**The following members of staff were on leave as per 31 December 2019:**

Senior Adviser: Marianne Aasland Kortner  
 Senior Adviser: Siv Nylenna  
 Senior Adviser: Christian Ranheim  
 Adviser: Hilde Kjensmo  
 Adviser: Kristin Johanne Rydning

		Pay			
		Men %	Women %	Men, average per month	Women, average per month
<b>Total for workforce</b>	2018	19,5%	80,5%	62,397	57,995
	2019	21,3 %	78,7%	58,238	59,687
<b>Executive management</b>	2018	33%	67%	99,684	97,388
	2019	50 %	50 %	102,417	99,322
<b>Part-time</b>	2018	0%	6.9%		
	2019	0 %	1.3%		
<b>Sick leave certified by doctor</b>	2018	0,77%	9,68%		
	2019	0,4%	7,1%		

# Annual accounts for the Parliamentary Ombudsman 2019

*Below are quoted management remarks and appendices to the Parliamentary Ombudsman's annual accounts for 2019, drawn up in a predetermined format and submitted in accordance with specific deadlines. Principle notes are found in the annual accounts, as submitted.*

## **Management remarks**

### *Introduction*

In accordance with the adjustments to the state financial regulations that the Storting's Presidium has determined for the Parliamentary Ombudsman, the annual accounts are submitted in line with the requirements stipulated for ministries, cf. financial regulations directives items 2.3.3 and 3.4.

The Parliamentary Ombudsman reports to the Storting regarding its enterprises in 2019 in its annual reports, Document no. 4 (2019-2020) and Document no. 4:1 (2019-2020). The enterprise holds accounts according to Cash flow accounting principles.

### *Purpose*

The Parliamentary Ombudsman is one of the Storting's external control bodies and carries out its enterprises in line with the Act relating to the Parliamentary Ombudsman for Public Administration (the Parliamentary Ombudsman Act) of 22 June 1962 and the Storting's instructions for the Ombudsman of 19 February 1980. The enterprise shall seek to ensure that individual citizens are not unjustly

treated by the public administration and that senior officials, officials and others engaged in the service of the public administration do not make errors or neglect their duties. The Ombudsman also visits places where people are deprived of their liberty, for the purpose of preventing torture, inhuman or degrading treatment

### *Confirmation*

The annual accounts have been submitted in accordance with the regulations concerning financial control within the state, item 3.4 and the Ministry of Finance memorandum R-115, relating to the drafting and submission of state enterprise annual accounts. The accounts provide an accurate picture of the Parliamentary Ombudsman's available allocations and funding, accounted expenses, income, assets and liabilities.

### *Principal situation*

The Parliamentary Ombudsman has total available allocations of approximately MNOK 90,7 in a specific budget account. Total allocations in account 43 item 01 are comprised of original allocations for 2019, transferred reduced costs from 2018, and compensation for wage settlements, cf. appropriation reports and note A. In addition, the Parliamentary Ombudsman has a debit authorisation from the Norwegian National Human Rights Institution (NIM), for expenses in connection with co-localisation and administrative services, cf. appropriation reports.

Corrected for reimbursement from NAV of approximately MNOK 2,3, the Ombudsman has an underspend of approximately MNOK 3,14. The sum will be transferred to 2020. The underspend represents 3.47 percent of the total allocations for 2019.

## **Disbursements for payroll and other operative costs in 2019**

### *Payroll expenses*

The Ombudsman's executive officers are the enterprise's most important resource required in order to safeguard both quality and quantity and thereby the Ombudsman's authority and impact. Our employees are attractive in the labour market; however, in recent years turnover has maintained an acceptable level. In 2019, two permanently employed executive officers and two student associates left the position, two employees went on leave of absence and four employees retired.

2019 was the second year that the Parliamentary Ombudsman included pension premiums in accounts and calculated expenses have involved some uncertainty.

Payroll expenses, including employer contributions etc., corrected for reimbursements, have amounted to MNOK 63,8, compared to MNOK 62,9 in 2018 (note 2). The total increase of approximately MNOK 0,87 in relation to the preceding year is chiefly due to the fact that NAV reimbursements, which are deducted from payroll expenses, have been lower in 2019 than the previous year. The reduction in NAV reimbursements reflects among other things a reduction in sickness absence and that some of the sickness absence reimbursements from the previous year have been replaced by other social security benefits. The total reimbursements have been reduced by approximately MNOK 1,16.

The actual payroll expenses have been reduced by MNOK 0,39. The reduction is a result of vacancies and various leaves of absence. Recruitment can also take time, so that certain positions are vacant for a few months. One position has stood vacant for six months in 2019, awaiting a larger planned procurement, for which funds had to be reserved. In addition, several employees have had short-term leaves of absence of various types; this has reduced payroll expenses in relation to the planned level. The number of man-years has been reduced by 1,3 from 2018 to 2019. The number of man-years includes the effect of sickness absence and the fact that a number of employees work a reduced number of hours.

The payroll proportion of operating expenses is approximately 73 percent.

### *Other operating expenses*

Other expenses for operations represented approximately MNOK 25,6. Overall, this is almost unchanged in relation to 2018. However, there are some changes between 2018 and 2019 for certain types of expenses.

Lease charges are the largest individual expense. The Parliamentary Ombudsman's lease charges have increased in relation to 2018, as 2019 was the first year in which a new lease contract had applied for the entire year. There have also been price rises. The sum also includes NIM's lease charges. Expenses for maintenance and rebuilding are however

reduced in 2019, as office premises are now in normal operation after rebuilding work carried out in 2018.

Expenses for lease of machinery, inventory etc. of MNOK 2,1 are chiefly IT-related, associated with IT equipment and licences for IT services. The sums have increased by approximately MNOK 0,46, due to among other things because certain expenses that previously were considered ongoing IT services, have now been purchased and are posted as licences.

Procurement of consultancy services amounted to approximately MNOK 1,4, reduced by MNOK 0,83 in relation to 2018. Some of this reduction is due to licensing expenses as stated above. In expenses for consultancy services are included expenses for IT operations (with the exception of licences), external expertise for the National

Preventive Mechanism and other consultant assistance. In 2019, the Ombudsman has been engaged in a major procurement of a new contract for a case and archiving system, and external consultancy services have been used for this purpose. According to plan, the procurement was to be concluded in 2019. Due to a strained capacity in the supplier market however, some clarifications have had to be postponed, and the procurement process will thereby continue in 2020.

As a result of an increase in complaints in recent years, archiving functions have expanded considerably. The Ombudsman has therefore continued work on robot technology for selected archive tasks in 2019. Some consultancy expenses have also been incurred for this in 2019.

Purchases of other external services amounted to approximately MNOK 2,8 and included among other things expenses for temporary staff - these have also been significant in 2019. A vacant position was covered by a hired temporary employee awaiting recruitment and there has been a need for relief in the archive which was covered by hiring temporary staff.

Other operating expenses show an increase of MNOK 0,43 from 2018 to 2019, which is chiefly caused by variation in activity.

#### *Debit authorisations*

In 2019, the Parliamentary Ombudsman, in line with the Storting resolution in 2014, has been co-localised with and provided administrative services to the Norwegian National Human Rights Institution (NIM). The services encompass, among other things, financial, payroll and personnel administration, IT and office operations, reception services and administrative advisory services.

The expenses for NIM in 2019 that are debited from NIM's allocations are as stated in the Parliamentary Ombudsman's general ledger accounts report with appurtenant notes. In 2019, the Parliamentary Ombudsman has debited NIM's allocations, account 45 Norwegian National Human Rights Institution, item 01, with MNOK 1,87 in connection with co-localisation. The majority paid by the Parliamentary Ombudsman relates to lease charges, that amounted to approximately MNOK 1,77.

### *Open account with the Treasury*

The open account with the Treasury represented as of 31.12.2019 approximately MNOK 2,58. The general ledger accounts report shows which assets and liabilities are part of the open account. In addition to the open account, the Parliamentary Ombudsman had accrued trade creditor liabilities of approximately MNOK 0,122 but have not been paid and therefore do not appear as an expense in the annual accounts. Cf. information concerning settlement with the Treasury in note 8. The Parliamentary Ombudsman does not have capital items in the state capital accounts.

### *Supplementary information*

The Office of the Auditor General is the external auditor for the Parliamentary Ombudsman. The annual accounts for 2019 have not been fully reviewed; however, it is assumed that the audit report will be available at the end of Q2 2020.

Oslo, 13 February 2020

Hanne Harlem

*Parliamentary Ombudsman*

## Principle notes to the annual accounts

The annual accounts for state enterprises have been drawn up and submitted according to specific guidelines, determined in the regulations pertaining to financial control within the state (“the regulations”). The annual accounts are in accordance with the requirements in regulations item 3.4.1, further regulations in the Ministry of Finance memorandum R-115.

The itemisation of appropriation reports and general ledger accounts reports has been drawn up with a starting point in the regulations item 3.4.2 - the basic principles for the annual accounts:

- a) The accounts follow the calendar year
- b) The accounts contain all reported expenses and income for the fiscal year
- c) Expenses and income are entered into the accounts as gross sums
- d) The accounts have been drawn up in line with the cash accounting principle

The itemisation of appropriation reports and general ledger accounts reports has been drawn up according to the same principles, but have been grouped according to differing charts of accounts. The principles correspond to the requirements in the regulations item 3.5, as to how the enterprise must report to the state accounts. The sum line “Net reported to appropriation accounts” is the same in both presentations.

The enterprise is associated with the state corporate account system at Norges Bank, in accordance with the requirements in regulations item 3.7.1. Gross budgeted enterprises do not receive liquidity throughout the year, but have withdrawal rights on corporate accounts. At the end of the year, the balance is reset to zero on individual settlement accounts on transition to the new year.

### *Appropriation reporting*

The presentation of appropriation reports includes an upper section with appropriation reports, and a lower section that indicates reserves with which the enterprise is listed in the capital accounts. Appropriation reporting indicates accounts figures that the enterprise has reported to the state accounts. These are listed according to the accounts and items in the appropriation accounts for which the enterprise has authority to manage. The column total allocation indicates what the enterprise has been granted in the allocation for each state account (account/item). The presentation also shows all financial assets and obligations listed for the enterprise in the Treasury capital accounts.

Received authority to debit another enterprise’s account/item (debit authorisations) are not shown in the column for total allocation, but is referred to in note B in the appropriation reporting. Expenses associated with received debit authorisations are entered and reported to the Treasury accounts, and are shown in the column for accounts.

Given debit authorisations are included in the column for total allocation; however, these are not entered and reported to the Treasury accounts from the enterprise itself. Given debit authorisations are entered and reported by the enterprise that has received the debit

authorisation and are therefore not shown in the column for accounts. The given authorisations are as stated in note B in appropriation reporting.

#### *General ledger accounts report*

The general ledger accounts report is formatted with an upper part which shows what has been reported to the government accounts in accordance with the standard chart of accounts for state-owned enterprises and a lower part which presents assets and liabilities included in the open account with the Treasury. The general ledger accounts report shows accounts figures that the enterprise has reported to the state accounts according to the standard chart of accounts for state enterprises. The enterprise has an overdraft facility on the group account with Norges Bank. Allocations are not recorded as income and are therefore not shown as income in the presentation.

## Parliamentary Ombudsman accounts and allocations for 2019

Presentation of appropriation reporting 2019					
Expenses account	Name of account	Item	Total allocation *	Accounts 2019	Additional expenses (-) and reduced expenses
0043	Storting's Ombudsman for Administration - operating expenses	01	90 685 000	87 541 965	3 143 035
0045	Norwegian National Human Rights Institution - operating expenses	01	0	1 872 577	
1633	Net recording of VAT in the state	01	0	2 688 210	
Sum recorded expenditure			<b>90 685 000</b>	<b>92 102 752</b>	

Income account	Name of account	Item	Total allocation *	Accounts 2019	Additional income and reduced income (-)
5309	Occasional income	29	0	85 558	
5700	Employer contribution	72	0	7 874 066	
Total entered as income			<b>0</b>	<b>7 959 624</b>	

<b>Net reported to appropriation accounts</b>				<b>84 143 128</b>	
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Capital accounts	Name of account	Item	Total allocation *	Accounts 2019	Additional income and reduced income (-)
60049601	Norges Bank, deposits			2 345 485	
60049602	Norges Bank, disbursements			-86 432 542	
716107	Changes in outstanding sums, Treasury			-56 071	
<b>Sum reported</b>				<b>0</b>	

Holdings reported to capital accounts (31.12)					
Account	Text	Item	31.12.2019	31.12.2018	Change
716107	Open account with the Treasury		-2 576 296	-2 520 225	-56 071

\* Total appropriation must not be reduced by any granted debit authorisations See note B for further details.

NOTE A – Details of total allocation expenses			
Account and item	Transferred from last year	Allocations for year *	Total allocation
43 01	685 000	90 000 000	90 685 000

\* Allocations for the year are comprised of the original allocation for 2019 of NOK 88 900 000, and compensation for wage settlement of NOK 1 100 000.

NOTE B – Details of applied authorisations and calculation of possible transferred sums to next year				
Account and item	Additional expenses (-) / reduced expenses	Recorded as expenses by others according to debit authorisations (-)	Additional expenses (-) / reduced expenses according to debit authorisations (-)	Sum basis for transfer
0043 01	3 143 035		3 143 035	3 143 035

\* Maximum sum that can be transferred is 5% of the year's allocation on operating items 01-29, with the exception of item 24 of the sum of the last two years allocations for items with the keywords "can be transferred". See annual memorandum R-2 for more detailed information concerning the transfer of unused allocations

#### Details concerning the use of budget authorisations

##### *Received debit authorisations:*

The Parliamentary Ombudsman debits the Norwegian National Human Rights Institution (NIM) in account 45 item 01 for expenses in connection with co-location and administrative services to NIM.

The debit authorisation covers, among other things, expenses related to lease charges and cleaning. See note 3.

Itemisation of general ledger accounts report 31.12.2019			
Operating revenue reported to appropriation accounts	Note	2019	2018
Payments received from fees	1	0	0
Payments received from subsidies and transfers	1	0	0
Sales and lease payments	1	0	0
Other payments received	1	0	0
<b>Total operating revenue</b>		<b>0</b>	<b>0</b>

Operating expenses reported to appropriation accounts		2019	2018
Payroll expenses	2	63 770 575	62 899 806
Other operating expenses	3	25 529 172	25 565 687
<b>Total operating expenses</b>		<b>89 299 747</b>	<b>88 465 493</b>

<b>Net reported operating expenses</b>		<b>89 299 747</b>	<b>88 465 493</b>
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<b>Investment and financial revenue reported to appropriation accounts</b>	<b>Note</b>	<b>2019</b>	<b>2018</b>
Payment of finance income	4	0	0
<b>Total investment and finance income</b>		<b>0</b>	<b>0</b>

<b>Investment and financial expenses reported to appropriation accounts</b>	<b>Note</b>	<b>2019</b>	<b>2018</b>
Payments to investments	5	103 927	2 515 586
Payments for purchase of shares	5,8	0	0
Payment of financial expenses	4	10 868	43 991
<b>Total investment and finance expenses</b>		<b>114 795</b>	<b>2 559 577</b>

<b>Net reported investment and finance expenses</b>		<b>114 795</b>	<b>2 559 577</b>
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<b>Collection operations and other transfers to Treasury</b>	<b>Note</b>	<b>2019</b>	<b>2018</b>
Payment of taxes, charges, fees etc.	6	0	0
<b>Total collection operations and other transfers to Treasury</b>		<b>0</b>	<b>0</b>

<b>Subsidy administration and other transfers from Treasury</b>		<b>2019</b>	<b>2018</b>
Payments of subsidies and grants	7	0	0
<b>Total subsidy administration and other transfers from Treasury</b>		<b>0</b>	<b>0</b>

<b>Revenues and expenses reported under common accounts</b>	<b>Note</b>	<b>2019</b>	<b>2018</b>
Group life assurance account 1985 (ref. account 5309, income)		85 558	90 841
Group life assurance account 1986 (ref. account 5700, income)		7 874 066	7 702 427
Net recording for VAT account 1987 (ref. account 1633, expense)		2 688 210	3 506 630
<b>Net reported expenses under common accounts</b>		<b>-5 271 414</b>	<b>-4 286 637</b>

<b>Net reported to appropriation accounts</b>		<b>84 143 128</b>	<b>86 738 433</b>
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<b>Overview of open account with the Treasury</b>			
<b>Assets and liabilities</b>	<b>Note</b>	<b>2019</b>	<b>2018</b>

Receivables		0	0
Cash		0	0
Bank accounts with Treasury funds outside of Norges Bank		0	0
Unpaid tax withholdings and other deductions		-2 576 755	-2 544 416
Unpaid public authority fees		0	0
Other liabilities		459	24 191
<b>Total open account with the Treasury</b>	<b>8</b>	<b>-2 576 296</b>	<b>-2 520 225</b>

<b>NOTE 1 payment received from operations</b>		
	<b>2019</b>	<b>2018</b>
<b>Payments received from fees</b>		
<b>Total payments received from fees</b>	0	0
<b>Payments received from subsidies and transfers</b>	0	0
<b>Total payments received from subsidies and transfers</b>	0	0
<b>Sales and lease payments</b>	0	0
<b>Total sales and lease payments</b>	0	0
<b>Other payments received</b>	0	0
<b>Total other payments received</b>	0	0
<b>Total operating revenue</b>	0	0

<b>NOTE 2 Payroll expenses</b>		
	<b>2019</b>	<b>2018</b>
Wages	51 989 875	52 376 788
Employer contribution	7 874 066	7 702 427
Pension expenses	5 913 799	5 887 134
Sick pay and other reimbursements (-)	-2 345 485	-3 503 250
Other payments	338 321	436 707
<b>Total payroll expenses</b>	<b>63 770 575</b>	<b>62 899 806</b>
Number of man-years carried out according to new definition **	58.16	
Number of man years reported for 2018 according to previous definition		57.82

**\* Further information concerning pension expenses**

Pensions are recorded in the income statement based on actual accrued premiums for the fiscal year. Premium rates for 2019 were 12 percent.

**\*\* Further information concerning payroll expenses**

The number of executed man-years has changed according to the definition in PM-2019-13. According to this definition the man-years consumption in 2019 was 58,16; man-years consumption for 2018 was 59,43. Man-years consumption is in actual terms reduced by approximately 1,3 when the new definition is applied.

<b>NOTE 3 Other operating expenses</b>		
	<b>2019</b>	<b>2018</b>
Lease charges	12 001 280	10 676 533
Maintenance of own buildings and systems	0	0
Maintenance and rebuilding of leased premises	206 835	896 080
Other expenses for operation of property and premises	1 856 462	1 593 388
Repairs and maintenance of machinery, equipment etc.	0	0
Minor equipment procurement	145 058	172 159
Lease of machinery, inventory etc.	2 128 165	1 672 436
Purchase of consultancy services	1 380 495	2 211 685
Purchase of external services *	2 838 196	3 547 218
Travel and subsistence	334 516	591 676
Other operating expenses	4 638 165	4 204 511
<b>Total other operating expenses **</b>	<b>25 529 172</b>	<b>25 565 687</b>

\* From and including 2019, consultancy services and other external services are presented separately. In the comparison figures for 2018, purchases of outside services are presented in total in the note 'purchase of external services'.

\*\* In other operating expenses, operating expenses charged to the Parliamentary Ombudsman's own allocation in account 43, along with operating expenses on other budget accounts: Other payments made for Norwegian National Human Rights Institution (NIM) (account 45): NOK 1 872 577

<b>NOTE 4 Finance income and finance expenses</b>		
	<b>2019</b>	<b>2018</b>
<b>Payment of finance income</b>		
Interest	0	0
Currency gain	0	0
Other financial income	0	0
<b>Total payment of financial income</b>	<b>0</b>	<b>0</b>

<b>Payment of financial expenses</b>	<b>2019</b>	<b>2018</b>
Interest costs	10 868	43 991
Currency losses	0	0
Other financial expenses	0	0
<b>Total paid out for financial expenses</b>	<b>10 868</b>	<b>43 991</b>

<b>NOTE 5 Paid out for investments and share purchases</b>		
<b>Paid out for investments</b>	<b>2019</b>	<b>2018</b>
Intangible fixed assets etc.	0	0
Land, buildings and other property	0	0
Infrastructure assets	0	0
Machinery and transport assets	0	0
Operating equipment, fixtures, tools etc.	103 927	2 515 586
<b>Total paid out for investment</b>	<b>103 927</b>	<b>2 515 586</b>

<b>Paid out for purchase of shares</b>	<b>2019</b>	<b>2018</b>
Capital contribution	0	0
Bonds	0	0
Investments in shares and interests	0	0
<b>Paid out for purchase of shares</b>	<b>0</b>	<b>0</b>

<b>NOTE 6 Collection activities and other transfers to Treasury</b>		
	<b>2019</b>	<b>2018</b>
<b>Total collection activities and other transfers to Treasury</b>		<b>0</b>

<b>NOTE 7 Subsidy administration and other transfers from Treasury</b>		
	<b>2019</b>	<b>2018</b>
<b>Total subsidy administration and other transfers from Treasury</b>	<b>0</b>	<b>0</b>

<b>NOTE 8 Context between settlement with the Treasury and open account with the Treasury</b>			
	<b>31.12.2019</b>	<b>31.12.2019</b>	
	<b>Specification of recorded settlement with the Treasury</b>	<b>Specification of reported open account with the Treasury</b>	<b>Difference</b>
<b>Financial fixed assets</b>			
Investments in shares and interests	0	0	0
Bonds	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Current assets</b>			

Accounts receivable	0	0	0
Other receivables	0	0	0
Bank deposits, cash etc.	0	0	0
<b>Total</b>			
<b>Long term liabilities</b>			
Other long term liabilities	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Short term liabilities</b>			
Trade creditors	-122 417	0	-122 417
Unpaid tax withholdings	-2 576 755	-2 576 755	0
Unpaid public authority fees	0	0	0
Other short term liabilities	459	459	0
<b>Total</b>	<b>-2 698 714</b>	<b>-2 576 296</b>	<b>-122 417</b>

<b>Total</b>	<b>-2 698 714</b>	<b>-2 576 296</b>	<b>-122 417</b>
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## External activities

### Talks and lectures given in Norway

10-13 January	Lecture at KROM Conference 2019, Storefjell.
17 January	Panel in connection with the launch of Legal Counselling For Women (JURK) prison survey among female inmates in Norwegian prisons.
31 January	Introduction and panel during an event on the isolation of inmates requiring treatment in Norwegian prisons. Arranged by Amnesty legal group and International Commission of Jurists' (ICJs) student network in Bergen.
26 February	Lecture at the annual administrative law course, under the direction of Juristenes utdanningscenter (JUS).
5 March	Lecture for the tax inspectorate, on the bounds for public employees' freedom of speech.
18 March	Lecture for probationers at the Correctional Service of Norway Staff Academy (KRUS).
26 March	Lecture for probationers at (KRUS).
27 March	Lecture for KS property law forum.
27 March	Presentation of annual report 2018, to the Storting's Standing

#### Committee on Scrutiny and Constitutional Affairs.

28 March	Launch seminar for annual report 2018. Debate on forced medication.
1-2 April	Lecture on the National Preventive Mechanism's work in prisons, at the Criminal Law Conference in Loen.
4-5 April	Lecture at the Vestlia seminar 2019, under direction of the forum for planning and building law.
8 April	Lecture at Akuttnettverket in psychological healthcare at Gardermoen, theme: forced medication.
11 April	Talk on the use of force on children in institutions, Norwegian Bar Association human rights seminar.
10 April	Lecture for human resources management in the Norwegian Defence Forces: The Ombudsman's work on civil servant cases.
30 April	Lecture at professional seminar for educational and psychological services in Oslo, with focus on the best interest of students and requirements for case processing and review.
7 May	Lecture for Red Cross volunteers that visit the police immigration centre at Trandum
21 May	Lecture on the Parliamentary Ombudsman's visits to their institutions at the senior management conference, Bufetat southern region.
21 May	Lecture for senior arrest officers in the police, on the Parliamentary Ombudsman's findings and experiences from visits to police detention.
4 June	Lecture for the National Office for Health Service Appeals in Bergen.
11 June	Lecture for County Governor in Vestfold and Telemark, on access according to the Freedom of Information Act, with examples from the Ombudsman's practice.
14 June	Talk at the leader forum for the Supervisory Commission, at Gardermoen, under direction of the Directorate of Health: The Parliamentary Ombudsman's statements and visit reports within mental health institutions and the significance of these for the Supervisory Commission.
18 June	Presentation of the "Special Report on Solitary Confinement and Lack of Human Contact in Norwegian Prisons" to the Standing Committee on Scrutiny and Constitutional Affairs.
17 July	Lecture at the International Summer School at the University of Oslo, on the ombudsman system.
12-15 August	Arendal week: Arranged a panel debate on solitary confinement in Norwegian prisons and participated at 34 events with direct relevance to preventive efforts.
22 August	Lecture for Gatejuristen, on complaints to the Parliamentary Ombudsman.
23 August	Opening lecture at Amaliedagene 2019
3 September	Lecture for municipal employees within planning and building, at DFDS, under direction of the Norwegian Association of Municipal Engineers.
4 September	Lecture for administrative employees in the fire service in Stavanger, on the qualification principle.
5 September	Lecture for student ombudsmen, on the ombudsman system.
12 September	Lecture at the National conference for planning and building law 2019, in Kristiansand, under direction of the Ministry of Local Government and Modernisation.
13 September	Panel debate on solitary confinement and prison reform at the University of Oslo (UiO).
16 September	Participation in the career discussion podcast, during career week at the faculty of law (UiO).

17 September	Lecture for the Regional Meeting for planning and building matters, Sandnes in Rogaland: Why does the Parliamentary Ombudsman believe that densification dictates a new plan rather than dispensations?
24 September	Lecture at annual National Insurance Court course 2019, Oslo.
25 September	Talk at solitary confinement conference arranged by KRUS and the Norwegian Correctional Service (KDI).
8 October	Lecture at Juslunch, Tromsø University (UiT) on the use of force in psychiatry.
8 October	Lecture at Tromsø University (UiT) on good administrative practices.
11 October	Lecture at Agder University (UiT) on good administrative practices.
16 October	Lecture for treatment group at Lovisenberg Diakonale hospital, professional seminar on the work of the National Preventive Mechanism.
18 October	Lecture for the forum for nature and recreation, Voksenåsen: Planning and building law, the interface between law and policymaking.
21-22 October	Lecture at the annual planning and building law course for planning and building legal staff with the County Governors, in Bergen, directed by Juristenes Utdanningscenter (JUS).
23 October	Lecture for County Governors, Innlandet, Lillehammer, on dispensation according to planning and building legislation.
30 October	Lecture at County Governors' conference, Kristiansand: Dispensation according to planning and building law with a starting point in recent statements from the Parliamentary Ombudsman.
30 October	Lecture for Planning, Environment and Culture section in Bærum municipality, Lysaker, on diversity of nature in planning matters - legal considerations.
7 November	Lecture for the Committee, review of Storting's control function.
8 November	Lecture at Control Commission Conference.
12 November	Lecture at the University of Bergen (UiB), on ethical challenges facing administrative lawyers.
13 November	Lecture for agricultural section, County Governor in Oslo and Viken, at Sundvolden, on secure administration.
13-14 November	Lecture at the County Conference on planning and building law, in Tromsø, for planners and building case processes in the municipalities in Troms.
20 November	Lecture for Norwegian Customs, on access according to the Freedom of Information Act.
26-27 November	Lecture at the County Conference on planning and building law, in Alta, for planners and building case processes in the municipalities in Finnmark.
27 November	Lecture and participation at Lucy Smith's children's rights Day, under direction of UiO and Children's Ombudsman.
12 December	Talk at the celebration of Professor Nora Sveaass' 70th birthday, UiO.
12 December	Lecture for County Governors, Innlandet, on the parliamentary Ombudsman's experience with administration and the UN Convention on Children.
13 December	Training for specialist psychologists.

## Meetings, visits and participation at seminars in Norway

10 January	Visit from law students, Sørumsand College of Further Education.
17 January	Participation on panel in connection with the launch of Legal Counselling For Women (JURK) prison survey among female inmates in Norwegian prisons.
18 January	Meeting with National Office for Health Service Appeals.
25 January	Forandringsfabrikken's launch of report "If I was your child. On the use of force in children's welfare institutions".
31 January	Working meeting with ombudsmen and NIM.
5 February	Ombudsman network meeting, LDO.
11 February	Meeting with National Preventive Mechanism's advisory committee.
13 February	Advisory committee, Norwegian National Human Rights Institution (NIM).
18 February	Forandringsfabrikken's launch of report "If I was your child. On the use of force in mental health care".
25 February	Meeting with management of Lovisenberg Diakonale hospital, mental health clinic, concerning the project on the reduction of the use of force.
27 February	Meeting with spokesman Torgeir Knag Fylkesnes, concerning the proposal for changes to the Ombudsman Act.
27 February	Office meeting on sound justifications, with Schei and Qvigstad.
6 March	Seminar with Children's Ombudsman: Youth and crime - punishment that works?

13 March	Meeting with Forandringsfabrikken.
13 March	Advisory committee, Norwegian National Human Rights Institution (NIM).
27 March	Submission of annual reports 2018 to Storting's president.
28 March	Launch seminar for annual reports 2018.
15 May	Meeting with Bufetat, southern region, on their work on assurance and security in institutions.
22 May	Round table conference on the child's best interests on detention. Arranged by the National Police Immigration Service.
22 May	Advisory committee, Norwegian National Human Rights Institution (NIM).
3 June	Meeting with National Preventive Mechanism's advisory committee, visit from Norwegian Board of Health Supervision, informing of the nationwide supervision of children's welfare institutions in 2018.
6 June	Meeting with the Courts Commission, on the Ombudsman's budget arrangements.
18 June	Presentation of the Special Report on Solitary Confinement and Lack of Human Contact in Norwegian Prisons to the Standing Committee on Scrutiny and Constitutional Affairs in the Storting.
21 June	Annual meeting with the Ministry of Justice and Public Security.
20 August	Meeting with management of Norwegian Directorate of Immigration (UDI).
21 August	Meeting with Norwegian Correctional Service, on the Special Report on Solitary Confinement and Lack Of Human Contact in Norwegian Prisons.
21 August	Meeting with lawyer Maria Hessen Jacobsen on solitary confinement in Norwegian prisons.
26 August	Meeting with the management of the Ministry of Health and Care Services, on the Special Report on Solitary Confinement and Lack Of Human Contact in Norwegian Prisons and protection in mental health care.
28 August Østenstad.	Office meeting with presentation of NOU 2019:14, with committee chair and Professor Bjørn Henning
5 September	Visit from student ombudsman from several of the country's colleges and universities: Information on the Ombudsman's mandate and working methods.
10-11 September	Office seminar in Son, with the theme of psychological assurance and artificial intelligence.
20 September	Visit and tour of Akershus Fort, with the theme of "From the dark cells of the Middle Ages to solitary cells and central prisons".
20 September	Event marking Professor Nora Sveaass' award of the Royal Norwegian Order of Merit.
24 September in Europe.	Meeting with Ministry of Foreign Affairs, on the challenges of constitutional government and democracy
6 June	Meeting with the Courts Commission, on the Ombudsman's budget arrangements.
10-11 October	Participation at the Institution Conference 2019. Theme: Interaction in environmental therapy - growth and development for and with children and youth.
14 October	Meeting with National Preventive Mechanism's advisory committee. Professor Nora Sveaass' talk on the work of the UN Subcommittee for the Prevention of Torture (SBT).
15 October	Meeting with Red Cross concerning solitary confinement in prisons and the project for rehabilitation of victims of torture in Norway.
16 October	Meeting of ombudsman network (NIM, LDO, Children's Ombudsman).
17 October	Meeting with Norwegian Correctional Service, on the Special Report on Solitary Confinement and Lack Of Human Contact in Norwegian Prisons.
23 October	Meeting with Directorate of Health on the Special Report on Solitary Confinement and Lack Of Human Contact in Norwegian Prisons.
25 October	Meeting in Storting for data protection officers from the Storting, Auditor General, Parliamentary Ombudsman and corresponding organisations in Denmark.
5 November Medical Association.	Meeting with the interim board for the establishment of the human rights committee in the Norwegian
26 November	Meeting with Directorate of Health on the Special Report on Solitary Confinement and Lack Of Human Contact in Norwegian Prisons.
10 December	Meeting with Directorate of Health on the Special Report on Solitary Confinement and Lack Of Human Contact in Norwegian Prisons.
10 December	Meeting with Health and Care Services Committee in the Storting, on the Special Report on Solitary Confinement and Lack Of Human Contact in Norwegian Prisons.
11 December	Meeting with Advisory committee, Norwegian National Human Rights Institution (NIM).
12 December	Concluding seminar and reception for Aage Thor Falkanger, in the direction of the Parliamentary Ombudsman.

13 December January 2020.	Meeting with the Children's Ombudsman on their report on child welfare institutions, to be published in
18 December	Meeting with SV Storting Group, on the Special Report on Solitary Confinement and Lack Of Human Contact in Norwegian Prisons.

## Meetings and visits from abroad

22 January	Delegation visit from Parliament of Malaysia.
27 February	Meeting with Konstatine Vardzelashvili, Legislative Unit/ODIHR.
14 March	Meeting with the organisation Prison-Insider, representative Carolina Nascimento. National Preventive Mechanism get information on the development of the organisation's information page on Norway.
14 May	Meeting with a delegation from Louisiana, USA, on its work in improving prison conditions in the state. The delegation represented universities, non-state organisations and local authorities and was especially interested in supervision arrangements and control of prison operations.
16 May	Delegation visit from Jeollabuk-do Province Government, South Korea.
21 May	Delegation visit from the Czech Parliament.
20 June	Meeting with Professor Steve Chanenson, Villanova University Charles Widger School of Law. Professor Chanenson is a member of a research team working with the National Corrections Office (KDI) and the Pennsylvania Department of Corrections.
6 September	Delegation visit from South Korea's Anti-Corruption and Civil Rights Commission.
17 September	Meeting with the UN Special Rapporteur for human rights and the environment.
18 September	Delegation visit from Indonesia's parliament, lecture on the ombudsman system.
23 September system.	Delegation visit from various sections of the administration in Uzbekistan, lecture on the ombudsman
9 October	Meeting with the UN Special Rapporteur on the rights of persons with disabilities. Meeting with the Ombudsman in connection with her official visit to Norway.
17 October	Delegation visit from Malta's commission on the rights of persons with disabilities.
1 November	Meeting with delegation of prison officers, lawyers and media organisations - from the states of Washington and Louisiana, under direction of Vera Institute of Justice, Center on Sentencing and Corrections, New York, USA.
27 November	Meeting with Council of Europe's anti-corruption agency GRECO.

## Meetings and visits abroad, participation in international conferences etc.

9 January	Seminar and panel on improving supervision methods for national preventive mechanisms (NPMs) at DIGNITY, Copenhagen. Denmark.
24 January	Meeting with Nordic NPM network in Helsinki, Finland. Focus on senior healthcare and persons with disabilities.
7 March	Video conference with European NPM network.
23-24 May	Nordic meeting of heads of administration in Copenhagen.
29 August	Meeting with Nordic NPM- network in Reykjavík, Iceland. Focus on ethical dilemmas in treatment, particularly the balance between the right to private life and security.
26-27 September	Baltic-Nordic ombudsman conference in Vilnius.
16-17 October	IOI Europe Workshop "General Data protection regulation and its challenges from human rights aspect" in Riga.
1 November	Delegation visit from Vera Institute of Justice, Center on Sentencing and Corrections.
4-5 November	Meeting in Strasbourg in connection with the European Committee for the Prevention of Torture (CPTs) 30th anniversary and meetings in the European NPM network.

## The Constitution of the Kingdom of Norway Article 75 litra 1:

It devolves upon the Storting to appoint a person, not a member of the Storting, in a manner prescribed by law, to supervise the public administration and all who work in its service, to assure that no injustice is done against the individual citizen.\*

\* Addendum by Constitutional provision dated 23 June 1995 no. 567.

## Act relating to the Parliamentary Ombudsman for Public Administration (the Parliamentary Ombudsman Act)

### Section 1. Election of the Ombudsman.

After each general election, the Storting elects a Parliamentary Ombudsman for Public Administration, the Parliamentary Ombudsman. The Ombudsman is elected for a term of 4 years, calculated from 1 January of the year following the general election.

The Ombudsman must satisfy the conditions for appointment as a Supreme Court Judge. He must not be a member of the Storting.

If the Ombudsman dies or becomes unable to discharge his duties, the Storting will elect a new Ombudsman for the remainder of the term of office. The same applies if the Ombudsman relinquishes his office, or if the Storting decides by a majority of at least two thirds of the votes cast to deprive

him of his office.

If the Ombudsman is temporarily unable to discharge his duties because of illness or for other reasons, the Storting may elect a person to act in his place during his absence. In the event of absence for a period of up to three months, the Ombudsman may authorise the Head of Division to act in his place.

If the Presidium of the Storting finds that the Ombudsman is disqualified to deal with a particular matter, it will elect a substitute Ombudsman to deal with the matter in question.

Amended by Act of 8 February 1980 no. 1 (in force from 1 March 1980 pursuant to Storting resolution of 19 February 1980) and Act of 6 September 1991 no. 72.

### Section 2. Instructions.

The Storting will issue general instructions for the activities of the Ombudsman. Apart from this the Ombudsman is to discharge his duties autonomously and independently of the Storting.

Amended by Act of 8 February 1980 no. 1 (in force from 1 March 1980 pursuant to Storting resolution of 19 February 1980).

### Section 3. Purpose.

As the Storting's representative, the Ombudsman shall, as prescribed in this Act and in his instructions, endeavour to ensure that individual citizens are not unjustly treated by the public administration and help to ensure that the public administration respects and safeguards human rights.

Amended by Act of 8 February 1980 no. 1 (in force from 1 March 1980 pursuant to Storting resolution of 19 February 1980), Act of 16 January 2004 no. 3 (in force from 1 January 2004) and Act of 29 June 2007 no. 82 (in force 1 July 2007).

### Section 3a. National preventive mechanism

The Ombudsman is the national preventive mechanism as described in Article 3 of the Optional Protocol of 18 December 2002 to the UN Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Ombudsman shall establish an advisory committee for its function as the national preventive mechanism.

Added by Act of 21 June 2013 no. 89 (in force from 1 July 2013).

### Section 4. Sphere of responsibility.

The Ombudsman's sphere of responsibility encompasses the public administration and all persons engaged in its service. It also encompasses the conditions of detention for persons deprived of their liberty in private institutions when the deprivation of liberty is based on an order given by a public authority or takes place at the instigation of a public authority

or with its consent or endorsement.

The sphere of responsibility of the Ombudsman does not include:

- a) matters on which the Storting has reached a decision.
- b) decisions adopted by the King in Council,
- c) the activities of the courts of law,
- d) the activities of the Auditor General,  
matters that, as prescribed by the Storting, come under the Ombudsman's Committee or the Parliamentary Ombudsman for the Norwegian Armed Forces, decisions that as provided by statute may only be made by a municipal
- e) council, county council or cooperative municipal council itself, unless the decision is made by a municipal executive board, a county executive board, a standing committee, or a city or county government according to the Act of 25 September 1992 no. 107 concerning municipalities and county
- f) authorities. The Ombudsman may nevertheless investigate any such decision on his own initiative if he considers that it is required in the interests of due process of law or for other special reasons.

In its instructions for the Ombudsman, the Storting may establish:

- a) whether specific public institutions or enterprises shall be regarded as belonging to the public administration or a part of the services of the state, the municipalities or the county authorities under this Act,
- b) that certain parts of the activity of a public agency or a public institution shall fall outside the sphere of the Ombudsman's responsibility,

Amended by Act of 22 March 1968 no. 1, Act of 8 February 1980 no. 1 (in force 1 March 1980 pursuant to Storting resolution of 19 December 1980 no. 63, Act of 11 June 1993 no. 85, Act of 15 March 1996 no. 13, Act of 2 December 2011 no. 46 (in force from 1 January 2012, Act of 25 May 2012 no. 28 (in force from 1 July 2012 pursuant to a resolution of 25 May 2012 no. 449) and Act of 21 June 2013 no. 89 (in force from 1 July 2013).

#### **Section 5. Basis for action.**

The Ombudsman may consider cases either in response to a complaint or on his own initiative.

Amended by Act of 8 February 1980 no. 1 (in force from 1 March 1980 pursuant to Storting resolution of 19 February 1980).

#### **Section 6. Further provisions regarding complaints and time limits for complaints.**

Any person who believes he has been subjected to injustice by the public administration may bring a complaint to the Ombudsman.

Any person who is deprived of his personal freedom is entitled to complain to the Ombudsman in a sealed letter.

A complaint shall state the name of the complainant and must be submitted not later than one year after the administrative action or matter complained of was committed or ceased. If the complainant has brought the matter before a higher administrative agency, the time limit runs from the date on which this authority renders its decision.

The Ombudsman will decide whether a complaint provides sufficient grounds for dealing with the matter.

Amended by Act of 8 February 1980 no. 1 (in force from 1 March 1980 pursuant to Storting resolution of 19 February 1980).

#### **Section 7. Right to information.**

The Ombudsman may require public officials and all others engaged in the service of the public administration to provide him with such information as he needs to discharge his duties. As the national preventive mechanism, the Ombudsman has a corresponding right to require information from persons in the service of private institutions, as stated in section 4, first paragraph, second sentence. To the same extent he may require that minutes/records and other documents are produced.

The Ombudsman may require the taking of evidence by the courts of law, in accordance with the provisions of section 43, second paragraph, of the Courts of Justice Act. The court hearings are not open to the public.

Amended by Act of 22 March 1968 no. 1, Act of 8 February 1980 no. 1 (in force from 1 March 1980 pursuant to Storting resolution of 19 February 1980), Act of 17 June 2005 no. 90 (in force from 1 January 2008 pursuant to Decree of 26 January 2007 no. 88) as amended by Act of 26 January 2007 no. 3, Act of 2 December 2011 no. 46 (in force from 1 January 2012) and Act of 21 June 2013 no. 89 (in force from 1 July 2013).

#### **Section 8. Access to premises, places of service etc.**

The Ombudsman is entitled to access to places of service, offices and other premises of any administrative agency and any enterprise that comes within his sphere of responsibility.

Amended by Act of 8 February 1980 no. 1 (in force from 1 March 1980 pursuant to Storting resolution of 19 February 1980) and Act of 21 June 2013 no. 89 (in force from 1 July 2013).

#### **Section 9. Access to documents and duty of confidentiality.**

The Ombudsman's case documents are public. The Ombudsman's case documents are in principle public, cf. The

Ombudsman will make the final decision on whether a document is to be

wholly or partially exempt from access. Further rules, including on the right to exempt documents from access, will be provided in the instructions to the Ombudsman.

The Ombudsman has a duty of confidentiality as regards information concerning matters of a personal nature to which he becomes party to during the course of his duties. The duty of confidentiality also applies to information concerning operational and commercial secrets, and information that is classified under the Security Act or the Protection Instruction. The duty of confidentiality continues to apply after the Ombudsman has left his position. The same duty of confidentiality applies to his staff and others who provide assistance.

Amended by Act of 8 February 1980 no. 1 (in force from 1 March 1980 pursuant to Storting resolution of 19 February 1980), Act of 28 July 2000 no. 74 (in force from 1 January 2001 pursuant to Storting resolution of 14 June 2000 no. 863), Act of 2 December 2011 no. 46 (in force from 1 January 2012) and Act of 21 June 2013 no. 89 (in force from 1 July 2013).

#### **Section 10. Completion of the Ombudsman's procedures in a case**

The Ombudsman is entitled to express his opinion on matters within his sphere of responsibility.

The Ombudsman may call attention to errors that have been committed or negligence that has been shown in the public administration. If he finds sufficient reason for so doing, he may inform the prosecuting authority or appointments authority of what action he believes should be taken in this connection against the official concerned. If the Ombudsman concludes that a decision must be considered invalid or clearly unreasonable or that it clearly conflicts with good administrative practice, he may express this opinion. If the Ombudsman believes that there is reasonable doubt relating to factors of importance in the case, he may make the appropriate administrative agency

aware of this.

If the Ombudsman finds that there are circumstances that may entail liability to pay compensation, he may, depending on the situation, suggest that compensation should be paid.

The Ombudsman may let a case rest when the error has been rectified or with the explanation that has been given.

The Ombudsman shall notify the complainant and others involved in a case of the outcome of his handling of the case. He may also notify the superior administrative agency concerned.

The Ombudsman himself will decide whether, and if so in what manner, he will inform the public of his handling of a case.

As the national preventive mechanism, the Ombudsman may make recommendations with the aim of improving the treatment and the conditions of persons deprived of their liberty and of preventing torture and other cruel, inhuman or degrading treatment or punishment. The competent authority shall examine the recommendations and enter into a dialogue with the Ombudsman on possible implementation measures.

Amended by Act of 8 February 1980 no. 1 (in force from 1 March 1980 pursuant to Storting resolution of 19 February 1980) and Act of 21 June 2013 no. 89 (in force from 1 July 2013).

#### **Section 11. Notification of shortcomings in legislation and in administrative practice.**

If the Ombudsman becomes aware of shortcomings in acts, regulations or administrative practice, he may notify the ministry concerned to this effect.

Amended by Act of 8 February 1980 no. 1 (in force from 1 March 1980 pursuant to Storting resolution of 19 February 1980).

#### **Section 12. Reporting to the Storting.**

The Ombudsman shall submit an annual report on his activities to the Storting. A report shall be prepared on the Ombudsman's activities as the national preventive mechanism. The reports will be printed and published.

The Ombudsman may when he considers it appropriate submit special reports to the Storting and the relevant administrative agency.

Amended by Act of 22 March 1968 no. 1, Act of 8 February 1980 no. 1 (in force from 1 March 1980 pursuant to resolution of 19 February 1980), Act of 21 June 2013 no. 88 and Act of 21 June 2013 no. 89 (in force from 1 July 2013).

#### **Section 13. Pay, pension, other duties.**

The Ombudsman's salary is fixed by the Storting or the agency so authorised by the Storting. The same applies to remuneration for a person appointed to act in his place under section 1, fourth paragraph, first sentence. The remuneration for a person appointed pursuant to the fourth paragraph, second sentence, may be determined by the Storting's Presidium. The Ombudsman's pension will be determined by law.

The Ombudsman may not hold any other public or private appointment or office without the consent of the Storting or the agency so authorised by the Storting.

Amended by Act of 8 February 1980 no. 1 (in force from 1 March 1980 pursuant to Storting resolution of 19 February 1980) and Act of 28 June 2002 no. 56.

#### **Section 14. Employees.**

Employees at the Ombudsman's office will be appointed by the Presidium of the Storting on the recommendation of the Ombudsman or, in accordance with a decision of the Presidium, by an appointments board. Temporary appointments for up to six months will be made by the Ombudsman. The Presidium will lay down further rules regarding the appointments procedure and regarding the composition of the board.

The salary, pension and working conditions of employees will be fixed in accordance with the agreements and provisions that apply to employees in the central government administration.

**Section 15.**

1. This Act enters into force on 1 October 1962. ---
2. ---