Questionnaire of the Special Rapporteur on the independence of judges and lawyers

1. In Norway there is a Judicial Appointments Board which recruit and nominate judges (also temporary judges) in all courts (except the leading judge in The Supreme court).  Judges are formally appointed by the King in Council. Our Constitution provides that a judge only can be removed from her/his position if convicted of a serious offense. The Constitution also says that a judge cannot be removed against his will. Only the King in Council or the Government can make this decision.  The legal basis for the Judicial Appointments board are ordinary law and the Constitution.
2. The Judicial Appointments board was established in 2002 and its main task is to nominate judges. It has 7 members – 3 judges, 1 lawyer, 1 legal member employed in public administration  and 2 members who do not have legal background. The Judicial Appointments board and its leader is appointed by the King in Council for a period of 4 years. The members can be reappointed for another 4 years. The members are chosen with regard to personal capabilities and experience with appointments. It is also important with satisfying academic level.  The Judicial Appointment board has no employees, but have support from the Norwegian Courts Administration.  It is important that the Judicial Appointments board is independent and the Norwegian Courts Administration cannot give instructions, but the Courts Administration decide the budget for the Judicial Appointments board. The chief of the Norwegian Courts Administration has a right to attend and speak in meetings.
3. There is some legislation, but not much, which have criteria for judge appointments. Ordinary law it says that judges should have high academic and personal standard and that judges should have varied professional background. The Constitution says judges for Supreme court must be at least 30 years old. The Judicial Appointment board has a practice which are written down in a “policy-note” (including 78 pages). The most important criteria regarding this policy-note are;     high integrity and ethical standard, high professional skills, good discretion , ability to care for parties in court hearing, ability to be respectful and be humble for the position, efficiency and thoroughness, both independence and cooperative. A judge in Norway have good conditions, their own office, acceptable salary and pension, independence. Age for retirement is 67 years, but you can work until 70 years. The workload is getting worse, because the budgets for the courts are from 2015 lower. Promotion for judges are not relevant in Norway. The judge stays in same office/position. If a judge is going into another position he/she has to apply for the new position.   Transfer of judges are not so often relevant. There can be transfer because to courts are merged to one. The judge then have to accept to some conditions to move. Disiplinary proceedings; as mentioned before the judge have to be removed just by conviction by a court decision.

The Judicial Appointment board nominate judges, but except for that has no influence on condition of service, transfer or disciplinary proceedings. The Norwegian court Administration take care of this. Promotion is not relevant. Transfer of judges are decided by the court administration by legislation. Disciplinary proceedings are handled by the court administration in court.