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Beate Rudolf
GANHRI Chairperson

November 20, 2017

REGARDING NORWEGIAN NHRI AND FAILURE TO REPRESENT PARIS PRINCIPLES

Dear Madam.

We regret to inform you that NIM, the Norwegian NHRI, no longer performs its intended function and that the institute neither has the integrity nor the competence needed to defend human rights.

As you can see from the appendices, our organization has been working to improve the human rights situation in Norway: We have presented information indicating that the principles of autonomy, equality, and proportionality invalidate Norway's zero-tolerance policies, and we have asked those responsible five questions that must be answered to the satisfaction of an impartial, independent, and competent tribunal, should they wish to continue the status quo.

To this day, however, these questions remain unanswered, and so we contacted NIM in the hope that things would improve. Responding to the institute's 2016 report on the human rights situation in Norway, therefore, we complained about the condition, letting NIM know about the problematics of the prohibition quest, and asking its employees to take appropriate measures.

The response was shocking, for NIM took the position of government and basically told us that because there is no recognized right to use drugs, it is up to the state to deal with the situation as it sees fit. We objected to this line of reasoning, letting the institute know that it does not conform with human rights obligations, and asked that NIM rethink its position. Even so, not even the threat of having A-status revoked would elicit a response, and so we contact GANHRI, asking that the matter be dealt with seriously.



After all, it is unprecedented that NHRIs, with such open contempt for the principles they are set to protect and advance, team up with the state. As it stands, the Norwegian institution has not merely sided with reasoning wholly antagonistic to human rights law; its employees have proven to be representative of a system of arbitrary law, that mechanism which throughout history has protected rulers from the implications of First principles, and we expect more than Machiavellian state-reasoning from such bastions of human rights.

Historically, it is due to the impunity with which such constitutional treason has been met that human rights law, despite ambitions and assurances to the contrary, remains a legal undercurrent in the Western world. And so, as defenders of the tradition of principled law—that legal tradition which is representative of human rights law—we implore GANHRI, through its Sub Committee on Accreditation (SCA), to take appropriate measures, ensuring either (1) that NIM becomes a competent player in the human rights arena, or (2) that it's A-status is revoked.

The weight of First principles leave no other options. Clearly, NIM can no longer be trusted with the responsibility of overseeing the human rights situation in Norway, and to honor your obligations to human rights law, we expect that your Office makes known GANHRI's principled opposition to the dictates of arbitrary law.

If, indeed, GANHRI is representative of that legal tradition which gave birth to the UN's Human Rights Charter, you will ensure that this is done. The world is moving forward, and civil society no longer accepts that the progress of human rights is arrested by incompetence or corruption in the human rights apparatus. As an NGO, we are here to ensure not only the hegemony of human rights, but that the age of impunity comes to an end, and so, in these important matters of state, we look forward to your response.

Yours sincerely,

A handwritten signature in black ink that reads 'Roar Mikalsen'.

Roar Mikalsen,
President of AROD



Appendices:

- AROD letter to NIM, August 24, 2017 (English language)
- AROD letter to NIM, August 01, 2017 (Norwegian)
- NIM response to AROD, August 10, 2017 (Norwegian)
- AROD to High Commissioner for Human Rights, September 11, 2015 (English)
- To End a War (English)
- Constitutional Challenges to the Drug Law: A Case Study (English)

NIM has also received a series of communications with Norwegian authorities. This correspondence is in Norwegian language:

- AROD to Minister of Health, September 16, 2015
- AROD to Minister of Health, April 7, 2016
- Concerned citizen to Justice Department, December 1, 2013
- Concerned citizen to Justice Department, January 7, 2014
- Concerned citizen to Justice Department, February 4, 2014
- Concerned citizen to Justice Department, July 4, 2014
- AROD to Justice Department, September 16, 2015