

The National Committee for Research Ethics
in the Social Sciences and the Humanities

**Guidelines for research ethics in the
social sciences, law and the
humanities
NESH 2001**

Foreword

The National Committee for Research Ethics in the Social Sciences and the Humanities (NESH) is appointed by the Ministry of Education, Research and Church Affairs, and has been active since 1990. Its terms of reference include drawing up guidelines for research ethics in the social sciences, law, and the humanities, and this booklet contains such guidelines. The Committee's terms of reference are included at the back of the booklet as a supplement to the guidelines.

The first version of the guidelines was adopted by NESH in 1993. After a few years of practical experience with the guidelines, NESH decided in 1997 that the process of updating and revising them should be started. A request for comments circulated to the institutions concerned in the autumn of 1997 resulted in a large number of constructive suggestions for alterations. Together with the Committee's own proposed amendments, they formed the basis of a draft revised version of the guidelines. The draft was circulated for comment to the relevant environments in the autumn of 1998. The treatment of the replies resulted in the present set of guidelines, adopted by NESH on 15 February 1999.

In the Committee's opinion, responsibility for the maintenance of ethical standards in research is connected with responsibility for research in general. Individual researchers, project directors, research institutions and funding authorities therefore all share it. Where following up the guidelines is concerned, the role of the Committee is to give advice and to issue statements on the questions of principle concerning research ethics which are brought before it. The Committee has no judicial function in relation to charges of breaches of guidelines for research ethics, or powers to impose sanctions.

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Introduction

The guidelines for research ethics in the social sciences, law and the humanities are intended to help researchers and the research community to think about their ethical views and attitudes, become aware of conflicting norms, and become better able to reach well-founded decisions. The guidelines are accordingly not limited to norms which apply to individual scholars and the heads of research institutions, but also contain norms for other bodies which influence research and its consequences.

Research is first and foremost a socially organized and systematic search for the most comprehensive knowledge possible. On the one hand, the primary obligation of research is to meet the demand for truth and the internal scholarly standards developed within the research community. On the other hand, research is distinguished by its unique and institutionally guaranteed freedom to seek and to impart new knowledge. Its methodological requirements help to set it apart from *journalism*, while its essential freedom distinguishes it from *consultancy*. In the present guidelines, the concept "research" also embraces the work of students.¹

Guidelines for research ethics and the law

Guidelines for research ethics do not have the same functions as laws. The guidelines are an aid for researchers themselves. They point to relevant factors which he or she should take into account, but which in certain cases should be weighed against other important considerations. They are chiefly concerned with the kinds of care and attention which underlie or complement current rules of law. But there are exceptions. Some of the ethical norms formulated in the guidelines are also laid down in legislation, so that research ethics and legislation overlap. It may for instance be punishable, as well as unethical (guidelines paragraph 7), to expose persons who are participating in a research project to injury or pain. Researchers who are carrying out research which an administrative body has supported, approved, or supplied with confidential information have a duty of secrecy according to § 13e of the Public Administration Act with regard to any personal matters relating to their informants which come to their knowledge. This statutory obligation of secrecy largely overlaps with the confidentiality requirement as defined in paragraph 13 of these guidelines. In many cases it will also be a legal requirement for those who are participating actively in a research project to give their consent, which is also an important ethical consideration (paragraph 8). Researchers who violate these norms may be liable to punishment and other sanctions. But it is important to underline that in such cases the sanctions are applicable because the researcher has broken the law, not because he or she has acted contrary to the guidelines for research ethics. There is no authority that can enforce the guidelines.

In a democratic state under the rule of law, scientists like other members of society are bound by the laws. It is only in very exceptional cases that it may be ethically acceptable for a researcher to violate current rules of law.

The most important statutes that researchers should be acquainted with are noted in the footnotes to these guidelines. For the sake of general confidence in research, it is very important for these rules of law to be respected.

The rules governing scholars' access to confidential material and permission to store research material containing information on persons are of particular importance to research.

¹ Guidelines exist for numerous other disciplines and in other countries. Some can be accessed through the committees' home page at www.etikkom.no.

Administrative bodies collect and store large quantities of information which in principle is subject to a statutory obligation of secrecy, but the law does permit some exemptions from that obligation in order to give scholars access to the material. The general rules are laid down in the Public Administration Act, in § 13 (the administration's obligation of secrecy) and § 13d (information for research use). Similar rules can also be found elsewhere in special legislation. As a general rule, exemptions are granted by the specialist Ministry concerned, but in many connections the right to grant exemptions has been delegated to a subordinate authority. In all cases which are not regarded as routine under the Public Administration Act, or in which the researcher is required to apply directly to the persons who are entitled to the confidentiality, the Ministry must obtain an opinion from the ??Council for Confidentiality and Research?? before granting or as the case may be refusing the exemption. The bodies in charge of material which is subject to confidentiality and to which scholars desire access have the necessary information on what scholars are entitled to see and about the right to apply for exemptions.

A researcher who intends to store personal information systematically must as a general rule obtain permission (a concession) from the Data Inspectorate. If the information is to be stored by "electronic aids", as is stated in the Act concerning Data Registers of Persons, such consent is required regardless of whether or not the personal information stored is sensitive. One of the responsibilities of The Norwegian Secretariat for Data Affairs, which is connected with the Norwegian Social Science Data Services, is to advise researchers on questions relating to concessions and the protection of privacy.²

Exemptions from the obligation to observe secrecy and concessions to set up personal registers are regularly granted on specific conditions, and these conditions are legally binding on scholars.

² See NSD's folder *Forskning og personvern* (research and the protection of privacy) and the website <http://www.nsd.uib.no/personvern/>.

A. Research, society and ethics

1 The value of research

Research seeks new and better insight. Knowledge is an end in itself. It may also be useful in many connections, and contribute to richer lives for many people. But in the long run, research can only be useful if it also seeks knowledge for its own sake.

This demand that knowledge and insight be sought for their own sake points to the most important obligation of research: to seek the truth. On the other hand, there is never any guarantee that we shall reach that goal. Most conclusions are provisional and limited. The social sciences, law and the humanities deal with human choices, acts and relations, norms and institutions, works and traditions, language, thought and communication. Empathy and interpretation are necessary elements of the research process. No one can expect to provide final answers in these areas of research. The uncertainty which attaches to research does not relieve researchers of the obligation to shun arbitrary views and to seek validity and clarity in their argumentation. In many disciplines there is disagreement over fundamental questions of scientific theory, despite which scholars remain duty bound to work in accordance with generally accepted norms of valid reasoning and consistent argumentation.

In the humanities and social sciences, research work is inevitably often influenced by the scholar's views of man and society - most often to the benefit of their research. This requires the researcher to consider and to try to explain how his or her own attitudes may colour choices of sources and the weighing of possible interpretations.

2 Concerning the social function of research

Research has profound effects on our lives, for good and ill. It advances and shapes our objectives and our culture.

Research is instrumental in supplying the premisses on which we base decisions and judgements. It can uncover regrettable present circumstances, and contribute to the identification and definition of alternative courses of action and their likely consequences. It can also contribute important critical correctives, for instance by shedding light on the situations of under-privileged groups.

Research also adds to our understanding of and insight into ourselves, by clarifying the traditions, social processes, values and attitudes of ourselves and others. Research into our own and other cultures reveals and helps us to assess the values underlying prominent contemporary modes of thought and traditions, and helps to shed light on power structures. Research which undertakes a critical examination of the cultural heritage and of social processes also helps us to review and shape the values, institutions and attitudes which we hand down to succeeding generations. This kind of understanding enhances our ability to take our bearings in the world around us, and to relate in a sounder and more considered manner both to our own and to other peoples' cultures and values.

Scientific methods are among the major features of the culture transmitted when research is used to legitimize evaluations and chosen courses of action. When society's decision-makers state that they are basing their decisions on scientific results, they are at the same time expressing confidence in scientific methods -- and practice. The methodological demands of the research community for verifiability, respectful criticism and the statement of reasons thus provide a model for the resolution of disagreements in society.

In view of these functions, we are bound to set the highest standards for the verifiability of research and the reasons it gives for the methods chosen, to prevent it from being marked by prejudices or unconscious choices of values.

3 The need for freedom of research

It is important to safeguard research against pressures which threaten to undermine the standards of the scientific method. Research activities must therefore be free in a particular sense: they must be safe from controls which prevent the posing of problems which appear contrary to economic, political and social interests, and from the suppression of results and conclusions.

The functions and self-imposed methodological requirements of research may often run counter to the wish of some parties to prevent certain topics from being examined, or of others to give their decisions the appearance of scientific reliability. In a democracy, it is especially important for political decisions to be taken -- and judged -- on well-informed grounds, including awareness of viable alternatives.

4 The need for ethical guidelines

Freedom for research means that outside bodies should have little institutional authority over research. This places even greater demands on the will and ability of researchers and the research community to meet ethical demands and to take ethical considerations into account. Research must be regulated by ethical norms and values, even where there is disagreement over which ethical norms are applicable. Some norms express general ethical values which are absolutely fundamental. In other areas ethical views are less clear and considered, or may even be mutually contradictory. Because research gives us new insights and opportunities on which we are unable to take immediate ethical stands, such unclarity and disagreement often arise in research. In such cases, researchers bear a special responsibility for helping to resolve ethical problems.

The ethical obligations of research relate partly to norms in the research process and partly to responsibility for the consequences of research. The main types of norm are:

- Norms relating to truth-seeking and reliability. In the guidelines, this is discussed in general in paragraphs 1 to 3 above and more concretely in sections E and F below.
- Norms relating to respect for human dignity. These are discussed in sections B and C.
- Ethical norms in relations between researchers. They are dealt with in section D.

The guidelines distinguish between two types of norm: those which are of the nature of ethical demands and rights which must be observed, and those which express important considerations which decision-makers should take into account in their decisions. The types often overlap, and the guidelines aim to include both requirements and considerations.

In addition to these norms, research is under an obligation to promote social welfare through its activities. Individual scholars and the authorities responsible for research policy must bear in mind that choices of research topics affect society, both nationally and globally. This is dealt with in section E. In the following guidelines, the main points are summed up in the opening sentences in italics. In the subsequent paragraphs, these main rules are discussed in greater depth.

B. Concerning the protection of persons

5. The obligation to respect human dignity

The point of departure for research must be fundamental respect for human dignity.

Living in a community with other people entails that not all demands can be fully satisfied. Society has to restrict individual freedom of action while maintaining respect for each individual.

Human dignity implies that each one of us has interests that can not be set aside, whether to achieve greater insight or to benefit society in other ways. Research is necessary to the advancement of human dignity, but can also be a threat to it. Researchers must therefore take human dignity into consideration in their choice of topic, throughout the research process, and when imparting its results. For the researcher, this consideration implies among other things that considerable weight must be given to three interests or needs: the research process must meet certain requirements to

- ensure freedom and self-determination (paragraphs 6, 8, 9 11, 12, 13, 14 and 19),
- prevent harm and unreasonable strain (paragraphs 7, 9, 10, 11, 12, 15, 17 and 18), and
- safeguard private life and close relations (paragraph 12, 13 and 14).

These interests will not weigh as heavily in research in which individuals can not be directly or indirectly identified.

6 The obligation to respect freedom and self-determination

Research must respect the freedom and self-determination of the individual.

Individuals need to be able to influence what happens to them in important areas of life. Being subject to the will of others, with the opportunities for manipulation which that can involve, is often felt to be degrading. Special caution is required

- when self-respect or other values of importance to the individual are at stake.
- when the persons who are the objects of research have little opportunity to withdraw from the research process, for instance when the research is taking place in an institution.
- when the individual is actively helping to provide information, for instance by allowing him- or herself to be observed or interviewed.
- when the individual can be identified, for instance when persons and environments can be recognised in the research reports.
- when the individual has limited or no ability to look after his or her own needs and interests.

These points are discussed in more detail in paragraphs 8, 11 and 19.

7 *The obligation to prevent injury and pain*

Persons who are the objects of research shall not be submitted to any extra risk of injury or other significant strain. However, no one can demand complete immunity from all kinds of strain, such as the frustrations of daily life or increased insight into one's own situation.

People may be injured by undergoing serious mental and social strain or by incurring financial losses in consequence of the research process, or because of inadequate safe-keeping of research materials. Research in the humanities or social sciences entails less dramatic risks for those taking part than where medical research is concerned, because of the lower risk of physical injury. On the other hand, the potential damage is more difficult to define and measure, and long-term effects are difficult to assess.

The term "strain" is used in a broad sense here, to cover both everyday discomfort and more serious injury which research may inflict upon informants and research subjects.

Examples of serious strain include stress beyond everyday levels, anxiety, reduced self-respect, reactions to invasions of one's private life, conflicts or guilt arising from being induced to act in violation of social norms, the feeling of being placed in embarrassing situations, physical discomfort, negative reactions to being told afterwards of the true purpose of research with concealed objects, impaired social relationships, or financial loss on the part of participants.

Having one's motives and acts assessed and described by outsiders can be offensive in itself.

It is the researcher's responsibility to prevent participants from being exposed to serious strain.

(See also paragraphs 8, 11 and 12.)

8 *The obligation to obtain consent*

Research projects which presuppose active participation must as a general rule only be initiated with the freely obtained and informed consent of the participants. The same rule applies to research which entails some risk of strain for the participants. Informants are free at any time to discontinue their participation, with no negative consequences for themselves.

The consent requirement is based among other things on the need of individuals for freedom and self-determination, and is intended to prevent violations of personal integrity. Informed consent freely given makes it possible to carry out research which involves a degree of risk of strain.

That consent is free means that it is given with no outside pressure or limitations on personal freedom of action. That it is informed means that the informant is told everything relating to his or her participation in the project. The information must be given in a form which the informant can understand. The need for understandable information to participants is particularly great when the research involves a risk of strain. Participants must be given genuine opportunities to refrain from participating in the research with no inconvenience to themselves.

When consent is difficult to obtain

For some types of research, freely given and informed consent is difficult to obtain. Such research can give rise to ethical problems if it to any significant extent runs counter to the need for protection from injury or the needs for freedom, self-determination and privacy. In such cases, researchers have an especially heavy responsibility for safeguarding the human dignity of the participants. This may for instance apply to

- research on groups who lack the ability or the opportunity to give free and informed consent. In some cases, their interests can be safeguarded by obtaining the consent of those responsible for them.
- research in which those on whom the research is being done must be kept unaware of the problems posed and the details in the hypothesis. If the informants can not be fully informed in advance, they must be informed afterwards. Informants are entitled to help with problems which may arise in consequence of their participation in the project. They should subsequently be asked for their permission for the continued use of the collected material in the research.

Special consent problems may arise in connection with research in foreign cultures, for instance in developing countries, because the request for consent may be misunderstood, or because informants may feel under pressure to participate for extraneous reasons. The consent requirement is no less strict when research is being carried on in a foreign culture.

Research without consent

The freedom and self-determination of participants can in some cases be respected even when consent is not obtained in advance. Exceptions to the demand for free and informed consent can be considered in cases where the research entails little or no risk, and is necessary to obtain insight which demonstrably enhances the welfare of individuals. A typical case might involve passive participation in research based on archive materials, such as health registers.

To some groups, merely being asked to participate can be damaging or hurtful; in such cases, research without obtaining consent may be acceptable unless other important considerations indicate the contrary.

The observation of individuals and groups in public contexts -- for instance in their capacities as holders of public posts -- rarely requires informed consent, unless the research runs counter to the need of the individual for freedom or self-determination. In the case of active participation, consent is normally required even when the research involves no risk.

(See also paragraphs 9, 11, 14, 16 and 19.)

9 The obligation to inform research subjects

Persons participating in research must be given all the information they need for a reasonable understanding of the research field, of the consequences of participating in the research project, and of the object of the research. They must also be told who is paying for the research.

The kind of information required depends on the nature of the research: whether it is to be carried out by means of field studies or experiments, on the basis of sensitive source material, on the basis of material collected earlier, or on the basis of material which has been rendered anonymous, or whether it takes up an issue over which there may be reasoned disagreement.

Information on the project must be given on the basis of knowledge of the informants' cultural backgrounds.

Observation in public spaces, in streets and squares, can normally be carried out without informing those concerned. However, the registration of behaviour using technical aids (camera, video, tape recorders etc.) implies that the observed material can be stored, and thus possibly form the basis of a personal register. For the purposes of such registration people must, as a rule, be informed that recordings are being made.

Persons in public positions must expect the public aspects of their work to be made the object of research. Regard for the self-determination and freedom of such persons nevertheless entails that they should be informed of the purpose of the research when they participate as informants.

Special care needs to be taken when the information can not be given before the research begins, for instance when it is not possible to state the real purpose of an experiment. Such departures from the information requirement are only allowed in cases of minimal strain, and must be justified by the value of the research and the lack of alternatives. It is often possible in such cases to give the participants general information on the project in advance, and they must be given detailed information afterwards, both about the project and about why they were not fully informed beforehand.

(See also paragraphs 8, 10, 11, 13 and 19.)

10 The obligation to report research results back to subjects

Researchers are under a special obligation to report the results of their research back to those who participated in it, in a proper and comprehensible form.

Research must not entail the exploitation of informants by the researcher. Informants and respondents give something of themselves to the researcher and have a reasonable claim to something in return. Informants should, whenever possible, have an opportunity to correct misunderstandings. Information on the results should in any case be made available to whoever has contributed.

In some cases it may not be possible to report the results in a form which everyone can understand, for instance if the results are based on highly theoretical reasoning. Scholars should in such cases seek to process the results so that their most important findings can be communicated.

In some cases results should be reported to participants in the form of communications addressed to the group or to the general public. This applies especially in cases where it is important to prevent individuals from feeling that their identity is still known to the researcher, although identifying information is supposed to have been removed.

(See also paragraph 41.)

11 The right of children to protection

When children and young people participate in research, they have special rights to protection according to their age and needs.

Research on children and their living conditions is valuable and important, and children and young people are major contributors to such research. However, their needs and interests have to be catered for in other ways than when research concerns adult participants. Children are

developing, and their needs and abilities change from phase to phase. The scholar must know enough about children to be able to adapt both the methods and the contents of the research to the age group participating in it. For children up to the age of 16 to take an active part in research, the consent of parents or guardians is usually required.

From the age of 12 onwards, children have a special right to be heard on the question of whether or not they are willing to participate in research, but acceptance by children old enough to express it is an additional requirement.³ Prerequisites for such acceptance are that the children have been given information appropriate to their age on the project and its consequences, understand that participation is voluntary and that they can withdraw from it at any time. However, the use of informed consent freely given is more of a problem in connection with research on children than when adults are involved. Children are often more willing to obey authorities than adults are, and often feel that they can not protest. Nor do they always have a full picture of the consequences of giving researchers information, and may for instance view the publication of anonymous data as a breach of confidence.

The confidentiality requirement also applies when children are informants in research. Situations may nevertheless arise in which the researcher is under a legal or ethical obligation to inform or as the case may be to contact the child's parents, adult assistants, or the child welfare service. An example would be if the researcher learned that the child was being exposed to abuse or violence.

Children and their parents or guardians may also have conflicting interests. If so, it is important to determine what opportunities the child has to form an independent opinion concerning participation in the research. In some such cases, it may be right to consider letting children under 16 participate in research without the consent of their parents.

(See also paragraphs 7, 8, 9, 10, 12, 13, 18 and 19.)

12 The obligation to respect individuals' privacy and close relations

Researchers must show due respect for the individual's privacy. Informants are entitled to exert control over whether or not to make sensitive information about themselves available to others.

Respect for privacy is intended to protect people against unwanted interference and against unwanted observation. This applies not only to emotional circumstances, but also to questions concerning sickness and health, political and religious views, and sexual orientation.⁴ Scholars should exercise particular tact when inquiring into intimate relations, and avoid putting informants under pressure. The kinds of information regarded as sensitive may vary from person to person and from group to group.

The distinction between the private and the public domain may be difficult to draw with regard to information concerning behaviour which is imparted and stored electronically, for instance on the Internet. When using material drawn from such interaction, researchers must give necessary consideration to the fact that people's perceptions of what is private and what is public communication in such media may vary.

(See also paragraphs 7, 8, 9, 11, 13, 14, 15, 16, 17, 18 and 19.)

³ See §§ 31-33 of the Act relating to Children and Parents.

⁴ § 9 of the Data Protection Act.

13 The confidentiality requirement

Persons who are made the subjects of research are entitled to confidential treatment of all information they give on personal matters. The researcher must prevent the use and transmission of information which may harm the individual on whom the research is being carried out. The research material must normally be rendered anonymous, and the methods of storage and destruction of lists of names or other information which makes it possible to identify individuals must satisfy strict requirements.

Underlying this requirement is the need for freedom and the protection of privacy.

Existing legislation regulates use of certain types of information⁵, and sets limits to the types of confidentiality which a researcher can promise informants⁶. Informants must be told that others may be given access to the material.

Persons in the public eye often find their freedom threatened by the increased attention given to them. In so far as they have voluntarily sought public attention, or have accepted positions which entail publicity, however, their freedom cannot be said to be threatened to the same extent as that of other people. But otherwise privacy, and consideration for other affected parties – for instance their families -- nevertheless indicate that the confidentiality requirement must apply.

The methodological demand for verifiable information suggests that confidentiality cannot always be secured in historical studies or studies centred on persons. If consent has not been obtained, the researcher must exercise special care.

In many cases, passive participation in research in the form of studies of existing registers constitutes an insignificant threat to the freedom and privacy of individuals. Nevertheless, consent is normally required for such re-use of personal information if the study of registers is to be supplemented with information obtained through active contact with the informants, or if the research generates new sensitive information on identifiable individuals.

(See also paragraphs 8, 9, 12, 14, 15 and 16.)

14. Restricted re-use⁷

Identifiable personal information which has been collected for a particular research purpose can not automatically be made available for other research purposes. No commercial or administrative uses must occur.

This requirement is based on respect for individual freedom and privacy. The normal prerequisite for the re-use of personally identifiable information is consent on the part of those examined. This does not apply, however, to data that have been rendered anonymous.

Personal protection is intended not only to protect individual citizens against abuse, but also to protect citizens as a group against the state authorities. Bodies responsible for research policy must exercise caution with regard to requests for the creation of extensive

⁵ See also §§ 13-13f of the Public Administration Act and the Data Protection Act.

⁶ See the Public Administration Act, the Civil Procedure Act, the Criminal Procedure Act, the Act relating to Medical Practitioners and the Act relating to the Authorization of Psychologists. See also Eivind Smith, *Taushetsplikt og kildevern for forskere (the obligation on researchers to observe secrecy and protect sources)*, NESH publications 1998.

⁷ See also § 6 and Chapter 4 of the Data Protection Act.

registers containing personally identifiable information. That norm must be weighed against the benefits to be derived from the use of register-based information.

It is important to preserve material for future generations, but the rules governing storage in archives must be observed.⁸ It is important to adopt and observe sound routines both for maintaining the quality of data registers and, as the case may be, for the deletion of lists of names, ancillary material or other information through which individuals may be identified. Hook-ups between data registers and information which can be linked to individual persons often create new types of information about those individuals, and therefore require renewed consent⁹. If the information is to be linked with information gathered on a voluntary basis, individual consent is also required for the link to be made. This consent requirement does not apply, however, to links between registers in which the information is anonymous.

(See also paragraphs 8, 9, 12, 13 and 15.)

15 Storage of information which can identify individuals

Information on identifiable individuals must be properly stored.

The storage of information on identifiable individual persons normally requires that those concerned are informed and have given their consent. Researchers should consider how necessary it is to store information which makes it possible to identify individuals. If it is necessary, the information through which persons can be identified should be stored separately and not electronically. The remaining research material which is stored electronically can contain a reference number linking it to the manually stored information. Information through which individuals can be identified (lists of persons, field notes, interview material and the like) must be kept under lock and key.

16 Regard for posthumous reputations

Research concerning deceased persons must be carried out with respect.

Caution is called for when research is carried out concerning deceased persons. The fact that the deceased can no longer raise objections does not reduce the demand for painstaking documentation. Out of respect for those deceased and for their surviving relatives, researchers must choose their formulations with care.

Graves and human remains which are subjects of research must be treated with due respect.

(See also paragraphs 5, 7, 12, 13, 17 and 18.)

17 Regard for the values of others

The researcher must show respect for the values and views of those on whom the research is being carried out, even if they differ from those which are generally accepted.

Research is often concerned with the behaviour and values of minorities, such as religious groups, ethnic minorities, youth groups or political subcultures. These may feel that the

⁸ See the Act relating to Archives and the Statistics Act.

⁹ The linking of registers containing information through which individuals can be identified so as to create new kinds of information on individual persons requires a concession from the Data Inspectorate.

research may make them more vulnerable to social disapproval. The researcher is under an obligation to take their self-image seriously, and to avoid descriptions which diminish their rights as minorities.

(See also paragraphs 6, 7, 8, 9, 18 and 19.)

18 Understanding of the motives for action

Researchers should not attribute discreditable motives for actions unless there are very convincing arguments for doing so.

In the social sciences, law and the humanities, in which actions often form part of explanations, the motives of the agents figure prominently. But it is not possible to establish the motives of other individuals with complete certainty. Uncertainty often attaches to the results of research into motives. This is true not least of research into other cultures or historical periods than our own.

On the other hand, a large proportion of the motives of agents are evident from their roles in society. We can for instance usually assume that politicians seek influence, that company directors wish to secure profits, or that there are conflicts across the generation gap.

Stronger evidence is required for assuming that persons who are the subject of research have more particular motives. Descriptions of individual acts can often be seen as indications of a person's morals. Explanations of acts which attribute discreditable motives to the agents therefore require especially sound reasons and documentation.

(See also paragraphs 6, 7, 12 and 16.)

19 The researcher's responsibility for clear role definition

A researcher has a responsibility to explain to those participating in the research the limitations, expectations and requirements pertaining to his or her role as a researcher.

In situations in which a researcher relates to informants in a variety of capacities, he or she is responsible for defining the boundaries within which the researcher role is the one applicable. The roles of researcher and therapist may for instance be combined when possible courses of treatment or the like are evaluated. As a result of participating observation in field work, a researcher may become friendly and establish confidential relations with informants. Parallel roles may serve valuable purposes in research, but the use of information obtained by means of such roles for research ends may be felt by informants to be a breach of confidence if they have not given their consent.

Whenever relevant, a researcher is obliged to make it understood that participation in research has no effect on entitlements to regular public benefits.

Research among people with criminal records may give rise to conflicting loyalties: on the one hand the promise of confidentiality given to informants, and on the other the obligation to prevent crime. One way of preventing such conflicts is by making the limits to the promise of confidentiality clear to informants.

(See also paragraphs 6, 7, 8, 9, 11, 12 and 17.)

C. Groups and social institutions

Individuals have many legitimate interests which are promoted through organizations and institutions. Sometimes, therefore, respect for individuals requires researchers also to take the interests and demands of organizations into consideration. Such interests are, however, often different in type from the interests of single individuals.

20 *Regard for private interests*

Researchers should respect the legitimate grounds private businesses, professional and industrial bodies and the like may have for not wanting information about themselves, their members or their plans published.

It can be a matter of great public interest to obtain information on how private enterprises and special interest organizations function in society.

Except where special legislation applies to certain types of information, individuals and organizations are under no legal obligation to give information.¹⁰ Organizations ought nevertheless to make archives available for research purposes.

Scholars who choose to undertake research into organizations which in principle are opposed to the research must exercise the greatest care in their documentation and methods. Extreme situations may arise in which researchers have reason to believe that violations are taking place in connection with an activity. It can in such cases, all things considered, be ethically justifiable to carry on with the research if the violations can not be exposed or documented by other means. A researcher is under the same obligation as any other citizen to prevent serious violations of the law¹¹.

(See also paragraphs 17, 19, 21, 22, 23 and 25.)

21 *Regard for the public administration*

Bodies in the public sector should make themselves accessible to research into their activities.

The legitimate interest of citizens in the functioning of social institutions is a reason for giving researchers the freest possible insight into public administration and government bodies.

Public archives should be made accessible to research¹². Restrictions can be imposed on access out of regard for personal protection or for reasons of over-riding national interests or national security. Classified material should be declassified at the earliest justifiable opportunity.

22 *Regard for under-privileged groups*

Researchers have a special responsibility for safeguarding the interests of under-privileged groups throughout the research process.

¹⁰ See § 13, 2 of the Public Administration Act concerning business secrets.

¹¹ Cf. § 139 of the Penal Code.

¹² See among other things the Freedom of Information Act.

Researchers are under a special obligation to shed light on the situations of under-privileged social groups. This can help to improve their lot. However, they are not always equipped to protect their interests in relation to researchers. Researchers should accordingly not take for granted that the normal procedures for information and consent secure the self-determination of individuals or protect them from harm.

Marginalised groups may also desire not to be made the subjects of research, for fear of being viewed by the public in an unfavourable light. In such cases, the demands concerning information and consent are particularly important. On the other hand, society has a legitimate interest in surveying living conditions, for instance in order to assess the effectiveness of social welfare schemes, or initiation into or ways out of destructive and antisocial behaviour. In some cases, protection of under-privileged groups can be counter-productive, in that it protects society at large from insight into discrimination and rejection processes.

Research which aims at gathering information on the characteristics and behaviour of persons and groups should avoid using divisions or designations which give rise to unreasonable generalisation, resulting in practice in the stigmatization of particular social groups.

(See also paragraph 17.)

23 The demand for independence

Researchers must not allow themselves to become inordinately dependent on informants.

Research into social problems can reveal reprehensible or unlawful circumstances such as plans to commit violent acts or failure to care for children -- exposing the researcher to conflicting loyalties, especially in view of the demand for confidentiality. The researcher must avoid complicity in unlawful behaviour, even if it benefits his or her research.

Like everyone else, a researcher is legally obliged, regardless of the demand for confidentiality, to prevent particularly serious future violations of the law, for instance by reporting them to the police¹³. Beyond what follows from this legal obligation, it may also in some cases be correct for the researchers to give greater weight to the protection of individuals -- for instance children -- than to the right of informants to confidentiality¹⁴. In other respects, the confidentiality requirement entails that scientific reporting, in the event, of violations of the law be given a general form, without references to individual persons.

24 Preservation of historical monuments

Researchers should have due regard for the need to preserve historical monuments, remains, archives and traditional material.

The preservation of monuments, remains and information on earlier times is intended to enable present and future generations to learn their own history¹⁵.

Since the approaches and interests of research vary from one generation to the next, the needs of future generations imply not only that information on our own times is preserved

¹³ See § 139 of the Penal Code.

¹⁴ See the Child Welfare Act.

¹⁵ See also the Cultural Heritage Act.

so as to be available for research, but also that we carry out our research in such a way that future researchers are not prevented from learning what they may consider important.

Research which destroys source material raises special ethical questions. The information value of the research objects must be weighed against the degree of damage or transformation which they suffer.

25 *Research into foreign cultures*

In research into foreign cultures there are particular needs for dialogue with the representatives of and participants from the culture being studied.

The need for the consent of the individuals who are to participate in research must be combined with knowledge of and respect for local traditions and established hierarchies. Researchers should cooperate with the local population and authorities to the greatest possible extent. Local wishes for a voice in decision-making may come into conflict with the demands of research for quality and independence. This places great demands on project planning.

In research into foreign cultures great care should be taken to avoid divisions or labels which can give grounds for unfounded generalisations and in practice lead to the stigmatization of particular social groups.

This also applies to distance in time. Researchers should avoid contributing to the under-estimation of people in earlier periods of history.

26 *Limits to cultural recognition*

The scholar must weigh regard for the recognition of foreign cultures against regard for general human rights.

Respect for and loyalty towards the cultures where research is being carried out does not necessarily entail acceptance of violations of human rights or culturally founded encroachments on life and health. The scholar must exercise special caution and carefully consider the correct response to such occurrences as torture, painful punishment, degrading treatment of prisoners of war, the circumcision of women or the serious exploitation of children.

(See paragraphs 17, 19 and 22.)

D. The research community

27 *Respect for the work of others*

Researchers using or quoting the ideas, publications or research materials of others must declare their sources.

Plagiarism and theft of materials, ideas and research results is unacceptable. Plagiarism is the presentation of the research work of others in ways that may lead observers to suppose that it is one's own¹⁶. Scholars who are supervising students should exercise particular caution concerning to what extent the work of a student should be used and what acknowledgement is to be made of the supervisor's input.

Research is to a large extent based on the results of previous research, but the norms for the citation of sources and practice concerning quotations vary from subject to subject. Disciplines and research units are responsible for establishing and transmitting sound reference standards, creating a favourable climate of opinion for them, and ensuring that they are observed.

The requirements for being credited with the authorship of scholarly publications laid down in the so-called "Vancouver rules" are active participation in the scientific work on which the article is based, authorship of parts of the article itself, and approval of and responsibility for the final version.¹⁷

28 *Rights to use research material*

Research material should be accessible to other researchers for re-analysis and further use.

In order to discuss the correctness of the conclusions one scholar reaches, other scholars must be able to use the same data and other relevant material, in so far as this does not violate confidentiality requirements.

As a general rule, those responsible for collecting the material are entitled to use it first. Data collected at public expense must be made generally available after a short period of time¹⁸.

29 *Scientific adjudication*

Persons engaged in scientific adjudication are under an obligation to apply reasonable standards and to seek to maintain an objective attitude.

All subjects are influenced by competing schools of thought and some by disagreement over fundamental questions of scientific theory. Not least for these reasons, it is important for a researcher to work according to generally accepted norms for tenable reasoning.

¹⁶ Concerning quotations, see also § 22 of the Copyright Act.

¹⁷ "Authorship credit should be based only on substantial contributions to (a) conception and design, or analysis and interpretation of data; and to (b) drafting the article or revising it critically for important intellectual content; and on (c) final approval of the version to be published. Conditions (a), (b), and (c) must all be met", 'Uniform Requirements for Manuscripts Submitted to Biomedical Journals', *Nordisk Medicin*, No. 2, 1997, pp. 3-8.

¹⁸ Cf. the Copyright Act.

Researchers often report on applicants for scientific posts, postgraduate and doctoral dissertations, project applications, submissions to journals, and the like. In such connections, committee members must assess their own competence¹⁹. They must also be prepared to give serious consideration to arguments and ways of thinking that are recognised by other schools of thought than their own.

30 *The ethical responsibility of research institutions*

Research institutions must have procedures for enforcing guidelines for research ethics.

Institutions are obliged to establish clear rules for research ethics in the fields for which they are responsible, including rules covering the use by supervisors of research by students. The institutions must see that the guidelines for research ethics are observed, and must have visible procedures which enable them to deal properly with any suspected abuse. The institutions must also provide training in research ethics including the relevant legal provisions which regulate research. Research institutions are responsible for the quality assurance and evaluation of research. The primary responsibility for methodological criticism rests with the research communities.

Universities and colleges bear a special responsibility for guaranteeing freedom of research. The right and duty of scholars to engage in research must be respected.

Research institutions must ensure that research which satisfies methodological requirements is not prevented or stopped because its subject is controversial. Research institutions have a responsibility for seeing that scholars maintain and enhance their competence.

31 *Obligations in collegiate relations*

Scholars must contribute to reflection on research ethics in their scientific environments.

By means of mutual information and constructive criticism, scholars must see that research in their environments attains the highest possible standards. Methodological standards must be upheld, and objective debate must be encouraged on the applications and limitations of various methods. Relations at research institutions should be such as to promote good research, inviting fruitful discussion and acceptance of reasoned disagreement, and stimulating recruitment to a variety of fields. Criticism must not be stifled with reference to loyalty or the demand for obedience.

32 *Relations between students and supervisors*

Supervisors are under an obligation to advance their students' best interests and not to take advantage of their dependence. This applies both to academic results and to personal relations.

If a supervisor intends to use a student's work in his or her own research, a clear agreement to that effect must be entered into in advance. The institution should draw up a standardised agreement for this purpose.

¹⁹ See § 6 of the Public Administration Act.

A supervisor must not exploit a student's dependent relationship sexually. However, sexual relations between supervisors and students which are not attributable to exploitation can also have seriously disturbing effects on the academic and social environment at the unit. Such relations can also make other students feel insecure in their relations with supervisors. Questions of competence may also arise in connection with academic evaluation.

Scholars visiting foreign institutions are representatives of their institutions in Norway. That makes them responsible for helping to maintain good cooperative relations between the institutions.

33 *Responsibility of supervisors and project directors*

Supervisors and project directors must be prepared to assume responsibility in respect of problems of research ethics which their students, research scholars and colleagues may be confronted by.

The responsibilities of supervisors and project directors relate firstly to participants in students' or research scholars' projects. Further, they extend to the problems which may confront the student, should the nature of the research be such as to place him or her under special strain. Such difficulties may for instance arise in connection with research into environments where there is considerable crime. Supervisors also share responsibility for the imparting of student projects. Supervisory responsibilities also extend to training in thinking about research ethics.

E. The interests of society and contract research

34 *The responsibility to society of agencies of research policy*

Institutions responsible for research policy have an obligation to establish research priorities which may in the long run directly or indirectly benefit society.

Good research is an end in itself. In addition, scientific advances and increased insight can be used to improve social conditions. Bodies responsible for research policy are accordingly under an obligation to allocate resources with an eye to social justice and the relation between present and future generations.

Those who are authorised to distribute research resources have a duty of tolerance towards different theories in a discipline: they should seek to have light shed on reasoned uncertainty and stimulate the examination of alternative arguments.

The need for quality control must be combined with openness in the face of legitimate disagreement over methods and the relative importance of areas of research. There is for instance frequent disagreement over what investigations are beneficial to society. Control of research topics must therefore take into account the need for free, critical and innovative research.

(See also paragraphs 1, 2 and 3.)

35 *The scholar's responsibility for the choice of research topics*

A scholar has an independent responsibility for showing that the problems on which he or she is working may directly or indirectly benefit society.

The uses to which society puts research show that there are many different ways in which it can advance society's interests and meet its needs. Research resources are in short supply. Responsibility for their use rests partly with political authorities and clients, but partly also with the individual scholar. In so far as a researcher has a genuine choice of research topic, he or she inevitably also shares responsibility for the results, with regard both to the prevention of harm and to the promotion of welfare. The scholar must bear in mind that, for good or ill, research contributes to the legitimacy of its subject.

36 *The right of the client to define the research topic*

A researcher engaged in contract research is obliged to carry out the assignment within the limits laid down for it.

Both public and private clients are legitimately entitled to define contract research assignments, provided the definition does not run counter to the other requirements research must fulfil. Freedom of research does not exempt the scholar from responsibility in respect of the contracts entered into with clients.

37 Research results and client interests

Research results must not be influenced by client interests. The researcher has the right and duty to point out the limited validity of results, for instance in relation to planned political decisions.

A researcher must be watchful in protection of his or her independence. The interests of clients, whether in the public or private sector, must not be allowed to outweigh the demand for a truthful account. A client must not be permitted to withhold research results which are contrary to his own interests, so that the discoveries which are made known give a distorted picture of one or more circumstances.

A researcher must be in a position to protect him- or herself against undue pressure from a client to draw particular conclusions, and should in certain situations make use of the right to break off an assignment in cases of breach of contract.

A researcher is entitled to include as part of the report a discussion of the terms of reference for the assignment, for instance pointing out that evidently relevant scientific or practical perspectives, interpretations or considerations have been omitted from the terms of reference.

The standards to be met in respect of source material and valid reasoning are particularly important if the research can have consequences for the reputation or integrity of individuals or groups, or when it can influence political decisions. In such cases it is especially important for the researcher to discuss possible alternative interpretations of his or her findings.

38 Publication rights

The interests of the researcher in publication, and the demand for the verifiability of research, indicate the publication of research results.

Both public access to and the verification of research results are reasons why these should be published. There are exceptions, however: enterprises and public services often have a legitimate right to protect themselves and their interests. Considerations of national security, or negotiating strategies, can be grounds for delaying publication or in special cases not publishing results at all. Setting these considerations, and regard for the protection of privacy, aside, researchers should seek to ensure that the public has access to their results. Any restrictions on publication must be provided in a contract.

(See also paragraphs 20 and 21.)

39 Information on the funding of research

Information on the sources of research funding must be made public.

It should be made clear who is financing research, among other things as a guarantee of the researcher's freedom and self-determination, and to enable the public more easily to assess whether relevant hypotheses have been omitted. Besides, clients have a reasonable claim to having information on the research they have supported made public.

40 *Regard for third parties*

A researcher should consider and anticipate effects on third parties on whom the research is not being carried out.

Research and its results can make life better for individuals and for groups, but can also result in a reduced quality of life for some. In a society in which research results help in the evaluation and correction of decisions, negative consequences of research are often unavoidable. Nevertheless, a researcher should be aware of possible unintended consequences of research, such as causing other members of the group to feel exposed to contempt.

(See paragraphs 17 and 22.)

41 *Research permission and regard for the authorities in the country where the research is done*

Every effort should be made to report the results of research into other countries and cultures back to the countries, cultures and persons who made the research possible.

In some countries, the arrangements for receiving visiting scholars ensure such feedback, while in other countries there are few or no such arrangements. Ideally, studies of conditions in other countries should take place by agreement with the authorities of the country concerned. Norwegian research policy agencies are responsible for entering into such agreements.

In countries where the authorities persecute their citizens on political or religious grounds, the obligation to maintain secrecy is especially important. Research under such conditions calls for a high level of knowledge of the country in question.

(See also paragraph 10.)

F. Imparting research to the General Public

42 Responsibility of the researcher for clarity of expression

A researcher is obliged when imparting research results to seek the greatest possible clarity of language in order to prevent misunderstanding and misinterpretation.

General linguistic usage can be imprecise or misleading, and the researcher will often find it appropriate to deviate from normal usage. It is important, however, to draw attention to such deviations.

A researcher must assume responsibility for the editing of the material, both of the text and the relation between text and illustrations, to prevent associations and impressions from forming for which there is no foundation in the research.

In his or her use of terms, a researcher must avoid characterising groups in a derogatory way on grounds of ethnic origin, religious faith, gender, etc.

43 The need to present grounds for assertions and grounds for uncertainty

Also when presenting results in the media, a researcher is bound to give reasons for his or her assertions. It is particularly important to draw attention to possible alternative interpretations of the results presented, to prevent the public from forming a mistaken impression of how well-founded the assertions are.

Researchers should be particularly cautious about publishing results which have not been sufficiently discussed and evaluated in research circles.

44 Knowledge of how the media work

A scholar should be fully aware of the media society.

The considerations which apply to a journalistic presentation of a topic often differ from those which apply to a scientific presentation. Journalistic and scientific presentations are to some extent governed by different interests and expectations with potentially conflicting norms. A person interviewed should make use of the right to read through and approve the interview. If something is wrongly reproduced in print, the person responsible should be informed so that erroneous statements can if possible be corrected. A researcher who has reason to believe that results will be distorted in presentation should consider the possibility of refusing to give interviews or take part in public discussions.

45 Popularization

Attention to fact is just as necessary in popularization as in other forms of scientific communication.

Popular presentations of research do not have to meet the same standards of documentation and reference as scholarly dissertations. In order to reach a wider readership it is often necessary to simplify, but care must still be taken to avoid misunderstanding. Readers of popular scientific accounts often have little opportunity to check the assertions made. This is

one important reason why popular accounts must meet the same standards of accuracy as other published research.

46 *Shared responsibility for the use of research results*

Researchers should be prepared to discuss the proper use of their results

Researchers do not normally have control over how their results are used by others, but do share responsibility for how they are interpreted and thereby also for the use which can be made of them in political and commercial connections.

Terms of reference of the National Committee for Research Ethics in the Social Sciences and the Humanities (NESH)

The establishment of NESH

In Report no. 28 (1988-89) to the Storting (The Norwegian Parliament) "Om forskning" (on research), the Government proposed the establishment of three national committees for research ethics, respectively covering medicine (NEM), the natural sciences and technology (NENT), and the social sciences, humanities, and law (NESH).

The Ministry of Education, Research and Church Affairs issued the first terms of reference for the National Committee for Research Ethics in the Social Sciences and the Humanities (NESH) on 16 May 1990. The Committee is currently in its third term (1 Jan 1997 to 31 Dec 1999).

The Committee is financed by the Research Council of Norway.

I. Introduction

In recognition of the fact that research and development in the normative scientific disciplines do not take place in isolation, but in an intimate interplay with the norms and values current in our society, a National Committee for Research Ethics in the Social Sciences and the Humanities (NESH) has been established.

The National Committee for Research Ethics in the Social Sciences and the Humanities is an independent body which, taking the traditions and development of norms in our society as its point of departure, will serve as a national watchtower, source of information, and adviser on research ethics in the disciplines concerned.

II. Area of responsibility

The area of responsibility of the National Committee for Research Ethics in the Social Sciences and the Humanities will be activities relating to research ethics in the social sciences and the humanities, also comprising law and theology.

III. Duties

1. The Committee will keep itself continuously informed of current and potential problems of research ethics within its field of activity.
2. The Committee will serve relevant discipline committees within its field of activity as a coordinating and advisory body on research ethics.
3. The Committee will *inform* researchers, administrative bodies and the general public of current and potential problems of research ethics within its field of activity.
4. The Committee will present reports and draw up proposals for *guidelines for research ethics* within its field of activity. The Committee will also comment on concrete matters submitted to it.

5. The Committee will give an account of its activities at an open meeting at least once a year, and seek by whatever means it finds appropriate to stimulate informed discussion in society of questions of research ethics relating to its field of activity.
6. The Committee will keep other national committees for research ethics and international committees informed of its activities, and by cooperating with such committees seek to lay the foundations for principles of research ethics irrespective of the limitations of the various disciplines.

IV. Appointment and membership

The Committee shall have at least nine members.

In addition to members possessing expertise in relevant research disciplines, the Committee shall have members with special competence in ethics and law.

The following areas should be represented on the Committee: history, political science, sociology, psychology and ethnology.

The Committee must include two lay representatives.

The members of the Committee are to be appointed by the Ministry of Education, Research and Church Affairs on the recommendation of the Research Council of Norway for three years at a time, and may stand for re-appointment.

V. Reporting and freedom of access

The Committee will submit an annual report on its work to the Research Council of Norway and the Ministry of Education, Research and Church Affairs.

The activities of the Committee shall be open and public.

Translation: Unni Senstad