



## PERMANENT MISSION OF NORWAY

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### **Response to the UN Expert Mechanism on the Rights of Indigenous Peoples on the invitation to submit information related to access to justice in the promotion and protection of the rights of indigenous peoples in Norway, March 2013**

Use of Sámi language in the judicial system:

- According to the Sámi Act § 3-4, everyone living within the administrative district for Sámi languages has the right to use Sámi languages before the court. This includes pleadings, oral contact with the court and hearings.
- There are three district courts which are affected by the above mentioned Sámi Act; Inner Finnmark District Court (Sis-Finnmárkku diggegoddi), Ofoten District Court and Innrøndelag District Court.
- Inner Finnmark District Court (Sis-Finnmárkku diggegoddi) actively provides information to the participants of the trial. During the preparatory process the Court sends out a form where the parties are requested to register the language they wish to use. The Court will then facilitate practical aspects of the implementation of the hearing including the use of interpreters. Several of the employees at Inner Finnmark District Court, amongst them the Magistrate, speak both Sámi and Norwegian.
- Ofoten District Court and Innrøndelag District Courts have a smaller Sámi population than Inner Finnmark District Court and appoint Sámi interpreters when this is requested.
- The Norwegian Court Administration (NCA) has the overall administrative responsibility for all Norwegian courts, including the Land consolidation Courts, the Finnmark Commission and the Uncultivated Land Tribunal for Finnmark (will be appointed shortly).

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- In 2012 the NCA asked relevant Courts – four District Courts, two Courts of Appeal, four Land consolidation Courts and three Land consolidation Courts of Appeal – in all 13 different courts about their use of Sámi interpreters.
- Of the 13 courts, 8 replied.
- The replies indicate that there have been extremely few cases with interpretation in Sámi during the last years, ex:
  - Since 1996 the Nord-Troms Land consolidation Court has tried one case with Sámi interpretation.
  - During the last 30 years the Ofoten and Sør-Troms Land consolidation Court has tried two cases with Sámi parties. In neither of the cases, interpretation in Sámi was demanded.
  - From 1 January 2011 to the present day, the Hålogaland Court of Appeal has tried five cases with interpretation in Sámi.
  - On the Norwegian Courts website, [www.domstol.no](http://www.domstol.no), there is information in Sámi concerning various topics on Judiciary.
  - Sametinget and the NCA had meetings in June 2012 to discuss further co-operation and information exchange between the two institutions. The contact thus established seems to strengthen the awareness of the interests of the Sámi people in the daily work of the NCA.
  - The turnover of staff in the concerned courts is very low. Knowledge of Sámi language will be considered an advantage in a recruitment process. However, increasing the number of staff with knowledge of Sámi language, or to find qualified interpreters, is challenging.
  - Norwegian legislation, including The Land Consolidation Act is over all neutral regarding ethnicity etc. Reindeer herding is of great importance to parts of the Sámi communities, but in some regards reindeer herders lack access to instruments in the Land Consolidation Act. From the Sámi Parliament and others there has been said that this may constitute a lack of access to justice for the Sámi people as Indigenous people. Norwegian authorities will, in collaboration with the Sámi Parliament, initiate an investigation into which possibilities the reindeer herders should have to resort to the instruments in the Land Consolidation Act in the future.

#### Finmark Commission and Uncultivated Land Tribunal for Finnmark:

- The Finnmark Act of 17 June 2005 No. 85 prescribes the establishment of the Finnmark Commission and the Uncultivated Land Tribunal for Finnmark. The objective of the Finnmark Commission is to investigate land rights of the Sami people and others in the areas that were transferred to the Finnmark Estate agency through the Finnmark Act (about 95 percent of Finnmark County). The Finnmark Commission's administration is located in Tana.

Conclusions by the Finnmark Commission regarding land rights may be appealed to the Uncultivated Land Tribunal for Finnmark, which will be appointed shortly.

- The Finnmark Commission delivered its first report (Field 1 Stjernøya /Seiland) in March 2012. The conclusions made by the Commission are not yet binding, as appeal may be made to the Uncultivated Land Tribunal until September 2013. The Commission concluded on property rights, collective rights and individual rights in the area. The work of the Commission is undoubtedly of great importance to all peoples in Finnmark, including the Sámi people.

Legal aid:

- As for all other citizens Sámi peoples have the right to Legal Aid. Legal Aid may be awarded for cases involving social and family matters, appeals against the Directorate of Labour and Welfare (NAV), compensation for personal injury, victim compensation, the termination of leasing agreements and eviction notices, employment notices and dismissals. Other cases may be considered for Legal Aid, by exception and following careful evaluation.