



Strasbourg, 8 February 2010

CCJE-GT(2010)1

**Consultative Council of European Judges
(CCJE)**

**The role of judges in the enforcement of judicial decisions, in their
relationships with other state functions and/or other actors**

QUESTIONNAIRE

NORWAY

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A) IN CIVIL AND ADMINISTRATIVE MATTERS

1. Is the authority responsible for the enforcement specified in the law or in the constitution?

Yes

Please specify: The execution and enforcement of a judgment is not in general regarded as part of the ordinary Courts' judicial activities, but mainly considered to be an administrative task. However, the execution and enforcement procedure is part of the work of the ordinary Courts, as part of their administrative functions. In addition, the execution and enforcement procedures are handled by execution and enforcement commissioners. Thus, pursuant to the Act Relating to Enforcement of Claims Sec. 2-1, the district courts and the commissioner together constitute the execution and enforcement authority. Whether a petition for execution of a judgment is to be filed with either the execution and enforcement commissioner or with the general courts depends upon the matter in question. Where the petition shall be filed with the commissioner, the commissioner's decisions may be appealed to the ordinary Courts.

No

2. What are the competences of the judge in the enforcement procedure?

➤ He is responsible for the enforcement

Yes

No

➤ He has others competences as regards enforcement

Yes

No

If yes, please specify:

The judge who hands down a decision is not responsible for its enforcement. However, as described in answer (1), the execution and enforcement of a judgment – considered to be an administrative task – may sometimes lie with the general courts

3. Is the judge responsible for the enforcement (if exists) the same than the judge who took the decision?

Yes

No (see answer (2))

4. Do the parties have to make a new application for the decision to be enforced?

- Yes
 No

5. Shall this new application end with a judicial decision ?

- Yes
 No (see answer (1))

6. Is the judge working with other actors involved in the enforcement procedure?

- Yes

Please specify which actors:

See answer (1). In addition, the police may assist in the enforcement procedure.

- No

7. When he is working with other actors in the enforcement procedure, what are the exact competences of the judge:

➤ He starts the procedure?

- Yes
 No

➤ He controls and supervises the procedure (eg timeframes) and the work done by the other actors?

- Yes
 No

➤ Others competences?

- Yes
 No

If yes, please specify

8. What is the training of the person responsible for the enforcement if it is not a judge?

Although there are no formal education or training requirements for execution and enforcement commissioners, they would normally be jurists, or police officers.

9. Can the parties appeal if the decision is not enforced within a reasonable time?

- Yes
 No

Comment: In general, cases regarding enforcement are handled considerably faster than ordinary civil cases. If the competence

to handle a claim for enforcement lies with the execution and enforcement commissioner, but the commissioner does not act in response to petition, this lack of action may be appealed to the district courts.

If yes, what are the sanctions of this appeal?

The district court may hand down its own decision, or it may send the case back to the commissioner.

10. What are the powers of the judge to speed up the enforcement?

No particular powers.

11. What are the powers of the judge to force the enforcement?

Where the competence to execute and enforce a judgment is vested in a judge (see answer (1)), the judge may use the police to force the enforcement.

12. What are the powers of the judge to protect the rights of parties and of third parties in the enforcement?

The Act Relating to Enforcement of Claims includes procedural rules and mechanisms to protect the rights of parties and third parties.

13. In your country, what are the main obstacles to the enforcement of decisions?

In general the Norwegian system for enforcement of judicial decisions is functioning effectively. At times, however, lack of funding for execution and enforcement commissioners has resulted in a relatively long average handling time, especially in the larger cities.

14. According to you, what main changes are needed to improve the effectiveness of the enforcement proceedings in your country?

N/A (see answer (13))

15. Are the enforcement procedures similar for civil and administrative matters?

- Yes
 No

If not, please clarify the differences.

B) IN CRIMINAL MATTERS

16. Is the authority responsible for the enforcement of sentence specified in the law or in the constitution?

Yes

Please specify

Pursuant to the Criminal Procedure Act Chapter 32, the competence to order enforcement of judgements in criminal cases lies with the Public Prosecutor or the police. The Correctional Services is the authority actually carrying out the enforcement.

No

17. What are the competences of the judge in the enforcement of sentences:

➤ He is responsible for the enforcement?

Yes

No

➤ He has others competences as regards enforcement?

Yes

No (but see answer 23)

If yes, please specify

18. Is the judge responsible for the enforcement (if exists) the same than the judge who took the decision?

N/A

19. Is the judge working with other actors involved in the enforcement of sentences?

N/A

20. When he is working with other actors in the enforcement procedure, what are the exact competences of the judge:

N/A

21. What are the powers of the judge to protect the rights of detainees and of third parties in the enforcement?

N/A

22. What are the powers of the judge as regards the alternative solutions to prison ?

A judge may impose a range of alternative sentences, e.g. community sentence.

23. What are the powers of the judge as regards the implementation of sentences (arrangement of sentence, conditional release, etc.) ?

As a main rule, these powers are vested in the Correctional Services.

However, in the event of a prisoner released on probation (conditional release) being in breach of the terms of probation, the case may be brought before a Court with an application for the prisoner to be recommitted to prison to serve the remainder of his sentence. This also applies where a person sentenced to community service is in breach of the terms of the sentence –such a case may be brought before a Court with an application for the execution of a subsidiary sentence of imprisonment.

24. What are the powers of the judge as regards the effective payment of fines ?

When imposing a fine, the Court determines a subsidiary sentence of imprisonment. Fines are recovered by the National Collection Agency. In the event of the claim not being met, the Collection Agency may file a petition for enforcement with the enforcement commissioner (or the courts) (see answer (1)). The competence to order the convicted person to serve the subsidiary sentence of imprisonment lies with the police.

25. What are the main reasons for complaints concerning the rights of detainees?

Complaints have in the recent years mainly been regarding rejected applications for release on probation, and rejected applications for being transferred to a prison with a lower level of security.

26. Who is responsible in your country, for complaints about living conditions in prison? What is the procedure for processing such complaints?

The Parliamentary Ombudsman is responsible for handling such complaints.

If a complaint falls within the mandate of the Ombudsman, the Ombudsman will assess whether grounds exist for raising the matter with the public administration agency to which the complaint applies. This assessment normally takes between four and ten weeks. If grounds do exist for further investigations the Ombudsman will contact the public administration agency requesting their comments to the complaint. The complainant then has the opportunity to give his or her comments. Finally, the Parliamentary Ombudsman gives his opinion in the case. If the opinion finds in favour of the complainant and the case results in censure of the administration, the administration will normally comply with the findings of the Ombudsman.

27. In your country, what are the main obstacles to the enforcement of sentences?

Up until recently, the time many convicted persons have to wait before serving their sentences (“prison queues”), has been quite an obstacle to enforcement. However, this problem is now about to be solved.

28. According to you, what main changes are needed to improve the effectiveness of the enforcement of sentences in your country?