



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Country: Norway

Contact Name: Legal Adviser Elisabeth Wittemann

I. General information

1. Number of inhabitants

Number: 4 525 000

Year of reference:
2002

Source: Statistics Norway

2. Total annual State/regional public budget

Budget: 691 076 million NOK

Year of reference:
2002

Source:
Statistics Norway and Ministry of Finance

3. Average gross annual salary

Salary:
305 900 NOK

Year of reference:
2001

Source:
Statistics Norway

II. Access to Justice and to all courts

II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid

Annual budget: 593 596 000 NOK

Year:
2002

Note: Sivil matters outside and inside court

Source : St. prp. nr. 1 (2003-2004)

5. If possible, specify

- the annual public budget spent on legal aid in criminal cases

Annual budget: 535 500 000 NOK

Year :
2002

Source : St. prp. nr. 1 (2003-2004)

- annual public budget spent on legal aid in other court cases

Annual budget: 272 385 000,- (NOK)

Year :
2002

Source : St. prp. nr. 1 (2003-2004)

6. Total number of legal aid cases (in a year)

Number of cases: 14019

Year :
2002

Source : Different reports from the granting agencies/courts

Note: The statistic is not exact. It regards only civil cases and matters in which there is a recipient payment.

7. If possible, specify:

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: NA

Year :

Source :

- the total number of legal aid cases in other court cases (in a year)

Number of cases: 5600

Year :
2002

Source : Different reports from the granting agencies/courts

Note: The statistic is not exact. It estimates the number of granted cases only.

8. Does your country have an income and asset test for granting legal aid?

Yes / No: Y

9. If yes, what is the maximum income level for granting legal aid?

Income level: 200 – 210 000 NOK

Year :

2002

10. Is it possible to refuse legal aid for lack of the merit of the case?
(eg. for frivolous or vexatious actions, or cases without merit)

Yes / No: Y

If yes, is the decision taken by : x - the court

x - a body external to the court

(please indicate the right answer)

- a mixed decision-making body (court and external)

- other:

What factors are taken into account ?

The case has to be a priority case by the law.

Whether the assistance is necessary?

Whether it is reasonable to give assistance?

In other cases, free legal aid shall normally not be granted. Exceptions may be made if the problem in question clearly is of such personal and welfare importance that it seems reasonable to grant legal aid.

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise: Y

If yes, is this true for : - criminal cases? Yes / No N

- other than criminal cases? Yes / No Y

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise: Y However, this depends on private insurance agreements

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes / No / Otherwise: Y

If yes, is this true for : - criminal cases ? Yes / No Y

- other than criminal cases? Yes / No Y

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? Yes / No N
- the State? Yes / No N

If yes, please indicate the references of these studies published in the year 2002 or 2003:
(Author / instance) (Title) (Type of courts or costs reported on):

.....
.....
.....

II. B. Users of the courts and victims

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

- legal texts (eg. codes, laws, regulations, etc..)? Yes / No Y
internet address: www.lovddata.no

- to the case-law of the higher court/s? Yes / No Y
internet address: www.lovddata.no

- to other documents (for examples legal forms)? Yes / No Y
internet address: <http://blanketter.ft.dep.no/>

If yes, please give the internet address

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes? Yes / No Y

Comments:

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime? Yes / No Y

Comments:

18. Does your country have a public compensation fund to compensate financially victims of crimes? Yes / No Y

Comments:

Compensation to victims of violent crimes is financed through the state budget.

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary?
Yes / No N

If yes, are these surveys

- at national level Yes / No
- at court level Yes / No

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)? Y

Please specify:

- at court level/internal procedure N
- at court level/external procedure N
- at national level/internal procedure N
- at national level/external procedure Y

Comments:

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: Y
- time limit for dealing with the complaint: N

III. Functioning of courts and efficiency of justice

III. A. Functioning

22. Total number of courts

Number of courts: 97 (year 2002)

23. Number of general jurisdiction first instance courts

Number of courts: 90 (year 2002)

24. Number of specialised first instance courts

Please specify the different areas of specialisation

(area of specialisation)

(number of courts)

Special courts of law – courts of first instance

Courts of first instance with limited functions are called special courts. They form part of the ordinary courts of first instance. When specific fields of responsibility are placed under a special court it represents distribution of specific tasks within a particular court district. Special courts are only found in the largest cities – Oslo, Bergen, Stavanger. At present there are **seven** special courts of law in Norway.

The capital city, Oslo, has three special courts of first instance

Office of the City Judge of Oslo

Field of responsibility includes enforcement/debt settlement, measures carried out by the enforcement officer, marriages/partnerships, notary functions

Oslo Probate Court and the City Recorder's Office

Field of responsibility includes administration of estates, annulment of statements, bankruptcies, judicial registrations, keeping the register over deceased persons

Oslo District Court

Field of responsibility includes civil and criminal cases

In the cities of Bergen and Stavanger there are both the offices of the city judge and the district court. The city judge has cases equivalent to that of the City Judge of Oslo and Oslo Probate Court and the City Recorder's Office. The district courts handle the civil cases that are not handled by the offices of the city judge, and all criminal cases.

The prevailing attitude in Norway has been to abolish the practice of special courts. The on-going structural reform will lead to the abolishment of the special courts in Bergen and Stavanger.

In addition there are courts of particular jurisdiction. Examples of courts with particular jurisdiction are the Labour Court and the Land Consolidation Courts.

The Conciliation Boards also form part of the ordinary courts. However, they are not included in the statistical data presented.

25. Number of professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

The main courts of justice in Norway are: The Supreme Court, The Interlocutory Appeals Committee of the Supreme Court, The Appellate Courts, and the District Courts. All of these courts can rule in both civil and criminal cases.

Full time equivalent		
The Supreme Court :	Number of judges	19
The Appellate Courts:	Number of judges	146
The District Courts :	Number of judges	487

26. Number of non-professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

All cases in the ordinary courts are presided over by professional judges. But the ordinary citizen is strongly represented by lay judges. Both in the district courts and in the appellate courts, lay judges participate in the proceedings of criminal cases. Lay judges are called "meddommer" or "lagrettedlem" according to their function.

Lay judges always participate in the proceedings of criminal cases in the district courts, except in the courts of examination and summary jurisdiction. Lay judges also participate in most criminal cases heard in the appellate courts. As a rule, in major criminal cases a bench of 10 jury members decides on the guilt of the accused. Lay judges may also participate in civil cases. In specific civil cases this is demanded by the law whilst in other cases the court appoints lay judges on its own initiative or in response to a request by

one of the disputing parties. A certain professional competence in a specialist area can be demanded of prospective lay judges where the case so demands. In the Supreme Court all cases are heard without lay judges.

Lay judges are selected by the court by ballot from the panel of lay judges. The panel of lay judges is decided upon by the municipal authority for a period of four years. Lay judges are selected for each case and no lay judges are employed by the court on a permanent basis.

Full time equivalent		
The Supreme Court:	Number of jugdes	0
The Appellate Courts:	Number of jugdes	0
The District Courts:	Number of jugdes	0

27. Number of non-judge administrative staff who are working in courts
(present the information in full time equivalent and for permanent posts)

Full time equivalent		
The Supreme Court :		
Number of non-jugde administrative staff		39
The Appellate Cours:		
Number of non-jugde administrative staff		90
The District Courts :		
Number of non-jugde administrative staff		895.7

28. Annual budget allocated to all courts

Year 2002

The Supreme Court: Annual budget	50 000 000 NOK
The Appellate/District Courts: Annual budget	1 244 935 000 NOK
Annual budget allocated to all courts	1 294 935 000 NOK

29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts

Year 2003

National Courts Administration	46 000 000 NOK
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30. Has the budget for justice increased during the last 5 years? Y
What are the figures?

Budget 1 171 000 000 NOK Year: 2001

Budget 1 314 000 000 NOK Year: 2003

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent)
- the Government
- the Parliament Y
- the Judicial Council
- the Courts
- other:

.....

32. Who manages the budget of the courts?

- the President of the Court Y
- the person administratively responsible for the court
- other:

.....

33. Which institution is responsible for arranging and scheduling the court hearings/sessions?

- in criminal cases: The court
- in other than criminal cases: The court

III. B. Efficiency

34. Total number of criminal cases received by the public prosecutor (in a year)

Number of cases: 426053 Year : 2001

Source : Statistics Norway

35. Total number of criminal cases dropped by the public prosecutor (in a year)

Number of cases: 241046 Year : 2001

Source : Statistics Norway

Please indicate also, out of this total, those dropped as the offender has not been identified

Number of cases: 183762

Year :

2001

Source : Statistics Norway

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

Number of cases: 185007

Year :

2001

Note: Including acquittals

Source : Statistics Norway

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

Number of cases: 87466

Year :

2001

Source : Statistics Norway

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

NA

39. Total number of judicial decisions, involving robbery (in a year)

NA

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

NA

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

NA

42. Total number of judicial decisions, involving intentional homicide (in a year)

NA

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

NA

44. Total number of incoming civil and administrative cases in the courts (in a year)

Number of cases: 12 864 Year : 2002

Source : National Courts Administration

45. Total number of judicial decisions in civil and administrative matters (in a year)

Number of cases: 6 024 Year : 2002

Source : National Courts Administration

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

Percentage of decisions: 30,5 % Year : 2002

Source : National Courts Administration

47. Total number of incoming divorce cases in the courts (in a year)

NA

48. Total number of judicial decisions in divorce cases (in a year)

NA

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

NA

50. Total number of incoming employment dismissal cases in the courts (in a year)

NA

51. Total number of judicial decisions of employment dismissal cases (in a year)

NA

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

NA

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euros)

Annual budget: approximately € 14 mill. (115,1 mill. NOK)

Year : 2002

Source : National Courts Administration

54. In general, do the courts in your country have computer facilities?

- for judges Y

- for non-judges court staff Y

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary? Y

If yes, please specify the name and the address of this institution

(Name) National Courts Administration (Address) N-7485 Trondheim, Norway

56. What kind of facilities can be used by the clients of the courts to communicate with the courts ?

- Telephone Y

- Mail Y

- Fax Y

- E-mail Y

- Internet Y

57. Is there an electronic form to carry out certain procedural steps? N

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

Percentage of judgements: 58 % Year :

Source : National Courts Administration

Note: The remaining 42 % are cases where the defendant has plead guilty and agreed that the case shall be tried under special rules were the procedure is simplified. In these cases the prosecutor is normally not

present during the proceedings. Nevertheless, the person indicted still has the opportunity to have knowledge of and comment on the observations filed or evidence adduced by the other party – before he or she agrees that the case shall be tried after rules for a simplified procedure.

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Y

60. Is there an effective remedy to a superior jurisdiction for all cases? Y

61. Are reasons given for all prison sentences? Y

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

NA

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

NA

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

NA

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

NA

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

NA

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

NA

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Y

69. Do you have a way of analysing queuing time during court procedures?

N

If yes, please specify:

.....

VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

Annual salary : 590 000 NOK

Year : 2002

Source : National Courts Administration

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

Annual salary : 835 000 NOK

Year : 2002

Source : National Courts Administration

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)? Y

If yes, please specify:

The Courts of Justice Act prohibits a judge from practising as a lawyer and rendering legal aid on a regular basis. According to the same act, a judge must seek approval for all kinds of duties or interests that are likely to entail a judge being disqualified more than occasionally, as well as work-intensive duties that might hamper or delay his or her normal work. In addition a judge must seek approval for activities involving private or public commercial undertakings, appointments to serve as a member of an arbitration tribunal, and for activities involving collegiate administrative bodies where the decisions of the body concerned are likely to be subjected to judicial review by the courts.

73. Are judges recruited and nominated by an independent institution? Y

(if yes), who are represented in this institution:

- the members of the judiciary N
- officials not part of the judiciary N
- a mixture of the two categories referred to above Y

Is the process of selection and nomination of judges carried out according to pre-established

procedures ? Y

Judges are recruited and nominated by the Judicial Appointments Board. Judges are formally appointed by the Council of State.

74. Is there a system of induction and continuation training for judges?

Yes, but not compulsory

There is a system of induction. The induction is compulsory.

There is also a system of continuation training for judges, but this system is not compulsory.

What is the average percentage of judges who have attended a continuation training session each year?

Percentage of judges: 40% Year : 2002

Source : National Courts Administration

75. Is there a system of supervision and control on the courts - other than through appeal ? N

If yes, please specify:

76. Is there in your country a system of temporary judges? Y

If yes, are these temporary judges paid on the basis of their activity? Y

If yes, please specify:

Judges who are temporarily appointed for a limited period:

Full time and salary equivalent to that of ordinary appointed judges.

Deputy judges:

Full time and paid according to the current wage system for deputy judges.

Extraordinarily appointed judges:

Full time and paid according to the duration of their appointment, but lower wages than ordinary judges

77. Annual number of disciplinary proceedings against judges

Number of proceedings: 63 Year : 2003

Source : National Courts Administration

78. Annual number of sanctions against judges

Number of sanctions: 2 Year : 2003

Source : National Courts Administration

The Supervisory Committee for Judges was established in November 2002, and is a separate, administrative, collegiate body composed of five members appointed by the Government.

VII. Public prosecutors

79. Annual budget for the public prosecution

Annual budget: 74.518.000 NOK Year : 2002

Source : St.prp. nr. 1 (2001-2002)

80. Number of professional public prosecutors (in full time equivalent)

Number of prosecutors: 55 Year : 2002

Source : St.prp. nr. 1 (2001-2002)

81. Gross annual salary of a public prosecutor at the beginning of his/her career

Annual salary : 428 000 Year : 2002

Source : Director General of Public Prosecutions

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

Annual salary : 452.000 - 540.00 kr Year: 2002

Source : Director General of Public Prosecutions

83. Can public prosecutors combine their work with other professions? Yes / No N

If yes, please specify:

.....

84. Are public prosecutors recruited and nominated by an independent institution? Yes / No N

(If yes), who are represented in this institution:

- the public prosecutors ? Yes / No
- other stakeholders outside? Yes / No
- a mixture of the two categories referred to above? Yes / No

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? Yes / No Y

85. Is there a system of induction and continuation training for public prosecutors?

Yes, but not compulsory

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors: 90 % Year : 2002

Source : Director General of Public Prosecutions

86. Is there a system of supervision and control on public prosecutors? Yes / No Y

If yes, please specify: Special unit for investigation (SEFO)

87. Annual number of disciplinary proceedings against public prosecutors

Number of proceedings: 0 Year : 2002

Source : Director General of Public Prosecutions

88. Annual number of sanctions against public prosecutors

Number of sanctions: 0 Year : 2002

Source : Director General of Public Prosecutions

VIII. Lawyers

89. Number of lawyers practising in your country

Number of lawyers: 4606 Year : 2003

Source : Annual report – Supervisory Council for legal practice

90. Is there a national bar association? Yes / No Y

91. Have quality standards been formulated for lawyers? Yes / No Y

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / No Y

- the legislature Yes / No Y

- other Yes / No Y

92. Can disciplinary proceedings be instituted against lawyers? Yes / No Y

93. Annual number of disciplinary proceedings against lawyers

Number of proceedings: 174 Year : 2003

Source : Annual report - Disciplinary Council . The Council tried 117 cases, 31 was rejected

94. Annual number of sanctions against lawyers

Number of sanctions: 98 Year : 2003

Source : Annual report – Supervising Council for legal practice

Note: 41 warnings, 29 reprimands, 13 annulments of licenses,

95. Is it possible to complain about the performance of lawyers? Yes / No Y

If yes, please specify: There are several supervisory organs. The Licence Committee, The supervisory Council for Legal Practice and the Disciplinary Council (appeal board)

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

Amount: NA Year :

Source :
.....

IX. Mediators and mediation proceedings

Our response on question 97-101 will be forwarded as soon as possible.

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

- in criminal cases:

(Type)	(Number)	(Year)	(Source)
(Statens Innkrevingsentral)			State Agency for Recovery of fines, damages and cost
.....
.....

- in other than criminal cases:

(De alminnelige namsmyndigheter)	The ordinary execution and enforcement authorities
(Skatteoppkreverne)	District Treasuries
(Skattefogdene)	Country Tax Collector Offices
(Trygdeetatens innkrevingsentral)	National Insurance Service Agency for the recovery of maintenance payment
(Statens innkrevingsentral)	State Agency for Recovery of fines, damages and cost

103. Is there an institution to supervise or control the activities of enforcement agents?

Yes / No N

If yes, please specify:

.....

104. Annual number of disciplinary proceedings against enforcement agents

Number of proceedings: NA Year :

Source :
.....

105. Annual number of sanctioned enforcements agents

Number of agents: NA Year :

Source :
.....

106. Is it possible to file a complaint against an enforcement agent? Yes / No Y

If yes, please specify:

According to the Enforcement Act, one can file a complaint against an enforcement officer's decisions and lines of action. The first instance court will handle the complaint.

107. Does the court play a role in the execution of court decisions? Yes / No Y

If yes, please specify:

A court decision will be subject to execution according to the Enforcement Act. A decision relating the execution made by an enforcement officer can be brought in for the courts.

.....

108. Are the courts competent to decide against public authorities? Yes / No Y

Are the courts involved in executing decisions against public authorities? Yes / No N

Note: According to the Enforcement act, a claim against the state or a municipality cannot be subject to enforcement proceedings. These public authorities will always voluntarily pay a claim that is laid down in a court decision.