



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

Country: Norway**National correspondent**

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2011)

4 920 305

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	113 209 000 000
Regional / federal entity level (total for all regions / federal entities)	NA

3) Per capita GDP (in €)

64 022

4) Average gross annual salary (in €)

55 216

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

8.01

A.1

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Question 5 : Statistics Norway
National bank of Norway (concerning exchange rate): 9.6950 on 1.1.09

NB: It is crucial to have this in mind when reading the Norwegian development from the last report.
(cf CN 10/07)

Statistics Norway and for q 2: State Budget page 47, matrix no 3.3 according to the Ministry of Finance.
For q 3 : Eurostat, http://epp.eurostat.ec.europa.eu/statistics_explained/index.php?title=File:GDP_at_current_market_prices,_2000,_2009_and_2010.png&filetimestamp=20111201164457

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Annual approved public budget allocated to the functioning of all courts, in €(if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	207 841 410
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	131 803 069
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	7 416 880
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.		NAP
4. Annual public budget allocated to court	<input checked="" type="checkbox"/> Yes	46 649 616

buildings (maintenance, operating costs)

- 5. Annual public budget allocated to investments in new (court) buildings Yes 1 758 951
- 6. Annual public budget allocated to training and education Yes 2 470 205
- 7. Other (please specify): Yes 17 742 689

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

Annual public budget allocated to justice expences are not incl in the budget for courts

8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases?
- for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Pursuant to the Court Fee Act section 10, court fee does not have to be paid in certain cases. Section 10 applies for instance to paternity cases and cases concerning parental responsibility. Pursuant to the Free Legal Aid act section 24 and 25 legal aid also includes relief of the court fee. Under certain provisions the court fee is relieved although legal aid is refused

9) Annual income of court taxes or fees received by the State (in €)

21 736 632

10) Annual approved public budget allocated to the whole justice system, in €(this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA 3 754 745 000

11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	Yes
Other	NAP

Comment :

12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	213992000	125757000	88235000

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.

Amount 18 298 000

Comment :

Balanced budget on higher prosecution authority is NOK 142 356 000.

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	No	No
Other ministry	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	Yes
Other	Yes	No	Yes	No

15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

Preparation of the courts budget is partly done by the National Courts administration (NCA). Management and allocation of budgets between courts is done by NCA. Office of the Auditor general is responsible for the evaluation.

A.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Q6#2#2 : The differences in the currency rate between January 2009 and January 2011 is the main reason for the reported increase in budget dedicated to gross salaries. The real increase in the budget for salaries is NOK 12, 8 %. Of these approx. 10 % is increase in salaries. The additional increase in budget relates to increased numbers of employees.

Q6#2#5 : The differences in the currency rate between January 2009 and January 2011 is the main reason for the reported increase. With the currency effect excluded, the real increase is 16,5 %. Approx. 5 % relates to index adjustment of the existing lease contracts. The additional increase relates to new court buildings and re-negotiated lease contracts.

Q6#2#7 : The differences in the currency rate between January 2009 and January 2011 is the main reason for the reported increase. With the currency effect excluded, the real increase is approximately 5 %, which corresponds with the increase in price/salaries (consumer price index).

Q10 : The increase of 73,77 % is in NOK just 47 %, due to currency differences.

The reported amount Euro 3 754 745 000 includes "Protection and immigration" Euro 494 305 400. This area was not included in 2008.

Q12 : The increase of 39.65 % is, measured in NOK, just 18 %.

Q13 : The increase of 36.92 % is, measured in NOK, just 15.8 %.

Question 12: We have decided to withdraw the data from Norway related to Q 12 (reporting on legal aid cases).

Explanation (not meant for the report, only for internal use):

We find there is uncertainty regarding which cases should be reported. We have based our answer on legal aid cases in the courts, but understand that some states have adopted a wider definition, including legal aid cases outside the courts.

Using the budget data for legal aid in the widest sense from § 12 will accordingly lead to wrong amount per case as

long as only court cases are reported.

There are also some budgetary and statistical issues regarding measuring legal aid cases in the courts and outside the courts. The Norwegian Law on Free Legal Aid divides between legal advice outside the courts and legal aid within the courts. However, in non prioritized legal aid cases in the courts (equity and merits based assessment), legal aid is granted by the County Governor, and not the court.

We will go through the case management system and the electronic accountancy support system for legal aid in order to prepare for next evaluation. We do also hope that by the time of the new evaluation it is clarified which cases are asked for in Q12.

Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.

National Budget: Prop. 1 S (2011-2012)

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

Legal aid regarding a specific case foresees the exoneration of the court fees of the case.

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

If yes, please specify:

Legal aid can be granted to cover the fees related to inter alia cases regarding provisional security.

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

Criminal cases: The accused person may have travel costs covered by the court in case the person is not capable of covering the costs. The state covers expenses related to interpretation and translation of documents.

Civil cases: The state covers inter alia expenses related to the use of experts in child custody proceedings.

20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	25231
in criminal cases	23170
other than criminal cases	2061

Comment :

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of

charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

In criminal cases all accused individuals are entitled to be assisted by a free of charge lawyer, regardless of their financial situation. An exception is however made for certain smaller cases, typically cases regarding violation traffic regulations. Victims are entitled to be assisted by a free of charge lawyer in certain cases, e.g cases regarding violence.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

- Yes
 No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NAP	NA
for other than criminal cases?	31458	12788

Comment :

A division is made between matters that are subject to means testing and matters that are not. Prior to 1 January 2011, the income limits that determine whether a person was eligible for means tested legal aid was € 31 458 for a household of one, and € 47 187 for a household of two.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- Yes
 No

If yes, please explain the exact criteria for denying legal aid:

Pursuant to the Legal Aid Act section 16 legal representation can be refused if it is considered unreasonable for the assistance to be paid for out of public funds.

25) Is the decision to grant or refuse legal aid taken by :

- the court?
 an authority external to the court?
 a mixed decision-making authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- Yes
 No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

Home and car insurance may cover legal expenses, but this is mainly applied to litigations relating to the insured subject.

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering the questions 20 and 23

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- | | | |
|---|---|--|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.lovdata.no |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es): | <input checked="" type="checkbox"/> Yes | www.lovdata.no,
www.hoyesterett.no,
www.domstol.no |
| <input type="checkbox"/> other documents (e.g. downloadable forms, online registration)? | <input checked="" type="checkbox"/> Yes | http://blanketter.no
www.regjeringen.no |

Comment :

Please note that not all of the case law of the higher courts is available online free of charge, but the newest decisions are. Public instances, for example judicial libraries, offer access, free of charge, to databases containing caselaw of the higher courts.

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
 No

If yes, please specify:

Criminal cases: In criminal cases the prosecuting authority shall send a copy of the indictment and the summary of evidence to defence counsel together with documents relating to the case. Within a time-limit set by the prosecuting authority, defence counsel shall return the documents relating to the case with a statement of what evidence he will produce. The procedural rights for victims were strengthened by law 7 March 2008. The Government introduced an obligation for the police and public prosecutors to inform victims in special cases about the development in the case, which can include the timeframe of the proceedings. This obligation applies in particular to victims of sexual offences, serious violence, domestic violence, forced marriage, human trafficking and genital mutilation. These victims can also be assisted by a counsel. The amendments entered into force by 1 July 2008.

Civil cases: The Dispute Act sets down a timeframe of max 6 months (in the general process) and max 3 months (in the small claim process).

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- Yes
 No

If yes, please specify:

There are public offices - Norwegian services for victims of crime - that provide assistance and information to victims of crime, free of charge. As specified under question 32, some victims are also entitled to a counsel free of charge to assist them with matters concerning the criminal case, compensation etc.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	Yes	Yes	Yes
Victims of terrorism	Yes	No	No
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	Yes
Ethnic minorities	Yes	No	No
Disabled persons	Yes	No	No
Juvenile offenders	Yes	No	Yes
Other (e.g. victims of human trafficking)	Yes	No	Yes

Comment :

- Victims of rape, human trafficking and FGM are entitled to the assistance of counsel if he or she desires, cf. the Criminal Procedure Act section 107 a.
- The spouse, relatives in a direct line of ascent or descent, siblings and equally close relatives by marriage of the person charged are exempted from the duty to testify, cf. the Criminal Procedure Act section 122. The exemption does not include children under the age of 12.
- In cases of an examination of a witness who is under 14 years of age or a witness who is mentally retarded or similarly handicapped in cases of sexual felonies or misdemeanors, the judge shall take the statement separately from a sitting of the court when he finds it desirable in the interest of the witness or for other reasons, cf. the Criminal Procedure Act section 239. The same procedure may also be used in other criminal matters when the interest of the witness so indicate.
- According to Criminal Procedure Act section 245, the court may decide that the person charged or other persons shall leave the court room during the examination of the aggrieved person or of a witness under 18 years of age, if for special reasons this is in the best interest of the aggrieved person or the witness.
- If a person charged is under 18 years of age, his guardian shall also have the rights of a party to the case cf. the Criminal Procedure Act section 83.
- On 24. June 2011 the Norwegian Government approved several proposals for legislative amendments regarding juvenile offenders. The proposals include amendments to the Criminal Procedure Act which gives juvenile offenders extended right to a publicly appointed defense counsel.

There are other favourable arrangement for i.e. disabled persons, but not according to the procedural law itself.

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences

The public fund for compensation is available for all victims of violent crimes, including sexual offences. Compensation by court decision is available in all kinds of cases, either pursued separately in a civil case or jointly with the criminal case.

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

The Norwegian National Collection Agency (NCA) is responsible for collection, legal enforcement and accountancy of all financial claims from the police, including compensation for the aggrieved party. NCA conducts statistics over the recovery of compensation awarded by courts. On a general basis the recovery rate is about 90 %.

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

The public prosecutors have some obligations to inform victims about their rights, decisions in the case and provide for their right to acquaint themselves with the documents in the case. In some cases the prosecutors also have an obligation to inform victims if the suspect is remanded in custody, for how long and when the person is released. The above mentioned amendments to strengthening victims' rights, introduced an even more active role for the public prosecutors in respect of victims of certain types of crime. Inter alia, obligations to provide information on the development of the case, to inform about certain appeals and to offer a personal meeting with the victim before the court proceedings. It can also be noted that in public cases where the aggrieved person is not entitled to counsel, the prosecutor may on application pursue civil legal claims on behalf of the aggrieved person, cf. the Criminal Procedure act section 427.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

According to the Criminal Procedure Act section 59 a, victims of crime may appeal decisions by the prosecuting authority by way of complaint to the immediately superior prosecuting authority

2. 2. 2. Confidence of citizens in their justice system

37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
 non execution of court decisions?
 wrongful arrest?
 wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

Criminal cases: If a person is wrongfully convicted the Criminal Procedure Act section 444 establishes full compensation in addition to any economic loss that the prosecution has caused him. A person who is wrongfully arrested contrary to Art 5 of the European Convention on Human Rights and Art 9 of the UN International Covenant on Civil and Political Rights, is entitled to compensation for any economic loss that the prosecution has caused him. In both cases, certain exceptions are made in section 446. If there is a breach of Art 6 (reasonable time) of the European Convention on Human Rights, the Criminal Procedure Act section 445 establishes – as a main rule – compensation regarding a documented economic loss caused by the unlawful delay. Compensation for economic loss is given based on the factual loss as a consequence of the legal proceedings.

The Criminal Procedure Act section 447 concerns damage for non-economic loss as a consequence of arrest or remand in custody when the person is acquitted or no legal proceedings are instituted against him. Regulations are given with fixed rates, saying that for periods of less than four hours, no damages for non-economic loss is paid. After that, the first two periods of 24 hours detention is compensated by 183 Euro (1500 NOK) each. If the charged person is transferred to a prison, each following day shall be compensated by 49 Euro (400 NOK). If the person spends custody in remand to complete isolation, the damages should be raised by 25% of the calculated sum.

Civil cases: The Dispute Act 2005 (in force 1. January 2008) section 20-12 provides possibility for compensation regarding excessive length of proceedings.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

NA

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	Yes
Surveys at court level	No	Yes

40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the treatment of a case by a judge or the duration of a proceeding)?

- Yes
- No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	No	No
Higher court	Yes	No	No
Ministry of Justice			

	Yes	No	No
High Council of the Judiciary	No	No	No
Other external bodies (e.g. Ombudsman)	Yes	No	No

Comment :

See answers to Q 140 to 144.

Parties can forward complaints to the concerned court related to a specific case, for example on the duration of proceedings. In civil cases a party can make a petition to the Chief Judge asking for his/hers interference. The decision of the Chief Judge can be appealed to the Higher court.

General complaints regarding the overall functioning of the Judiciary can be forwarded to the National Courts Administration or to the Ministry of Justice. However, there are no established procedures related to the handling of such complaints

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	65
42.2 First instance specialised Courts (legal entities)	2
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	74

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Total (must be the same as the data given under question 42.2)	2
Commercial courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Administrative courts	NAP
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	2

Comment :

The two specialized courts are located in Oslo. Oslo County Court deals with probate, bankruptcy and enforcement cases. Oslo District Court handles criminal cases and civil cases.

In addition there are courts of particular jurisdiction. Examples of courts with particular jurisdiction are the Labour Court and the Land Consolidation Courts. Altogether there are 34 land consolidation courts in the first instance and 5 appellate land consolidation courts.

The courts of particular jurisdiction are not included in the numbers presented above.

The Conciliation Boards also form part of the court system. There are approximately 430 Conciliation Boards and 1320 Conciliation Board members.

44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

If yes, please specify:

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts
a debt collection for small claims	66
a dismissal	66
a robbery	66

Please give the definition for small claims and indicate the monetary value of a small claim:

The Dispute Act of 2005 that entered into force 1. January 2008, introduced a simplified procedure for small claims. Small claims are cases where the value of the subject-matter is below 125 000 NOK (15 985 EURO).

Please indicate the sources for answering questions 42, 43 and 45:

NCA

3. 1. 2. Judges and non-judge staff

46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.]

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	548,9	350	198,9
1. Number of first instance professional judges	370	228,5	141,5
2. Number of second instance (court of appeal) professional judges	158,9	110,5	48,4
3. Number of supreme court professional judges	20	11	9

Comment :

In addition there are 160 deputy judges in the first instance courts. Deputy judges are judges by definition. However, they are temporarily appointed for a period of maximum 3 years, appointed by the Chief Judge. With few exceptions they do the same work as judges appointed for lifetime by the King in Council. Due to the fact that they are not appointed on a permanent basis, they are not included in the reporting of professional judges.

(cf; CN 10/07)

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	74	54	20
1. Number of first instance court presidents	68	48	20
2. Number of second instance (court of appeal) court presidents	5	5	0
3. Number of			

supreme court presidents	1	1	0
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48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure Yes 44
 If possible, in full-time equivalent NA

Comment :

The number of professional judges sitting on an occasional basis consist of judges who have reached the retirement age, but who are willing to take cases when the court is in need of extra jugdes. The number of cases handled per year vary from judge to judge, but in general the amount of work per year laid down by these judges does not constitute more than a few months – in full time equivalent.

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).

Gross figure Yes 43 000

50) Does your judicial system include trial by jury with the participation of citizens?

- Yes
 No

If yes, for which type of case(s)?

All criminal cases in Norway start in the first instance courts. The jury system is attached to the second instance appellate proceedings. The jury decides on the question of guilt in appeals where the indictment concerns penal provisions with a sentencing framework exceeding six years.

So in criminal cases a trial by jury is mandatory in the appeal court, when the appeal concerns assessment of evidence for guilt and the prescribed penalty scale for the offence exceeds six years. The jury decides whether the indicted is to be found guilty or not.

51) Number of citizens who were involved in such juries for the year of reference:

6 700

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) Yes 799
 1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP
 2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars NA
 3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) Yes 25
 4. Technical staff NA
 5. Other non-judge staff NA

Comment :

Total non-judge staff should be 799,3 but it was not accepted as a numerical value.

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

We do not have rechtspfleger in the Norwegian courts.

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

Yes

No

If yes, please specify:

Contractualization exists on several levels. Firstly, the court buildings are to a large extent rented. i.e. the buildings are not owned by the State. Secondly, several services, such as cleaning, are done by private actors. Thirdly, pursuant to the Norwegian Act on Enforcement, the forced sale of real estate can be outsourced to real estate agents.

C.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

NCA

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	577	304	273
1. Number of prosecutors at first instance level	471	237	234
2. Number of prosecutors at second instance (court of appeal) level	94	59	35
3. Number of prosecutors at supreme court level	12	8	4

Comment :

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	13	12	1
1. Number of heads of prosecution offices at first instance level	0	0	0
2. Number of heads of prosecution offices at second instance (court of appeal) level	12	11	1
3. Number of heads of prosecution offices at supreme court level	1	1	0

Comment :

57) Do other persons have similar duties to public prosecutors?

- Yes
- No

Number (full-time equivalent)

58) If yes, please specify their title and function:

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- Yes
- No

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number

NA

C.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 55, 56 and 60

Prosecutor Generals Office.

3. 1. 4. Court budget and new technologies

61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

Comment :

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	-50% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?

Electronic web forms	0 % of courts
Website	100% of courts
Follow-up of cases online	0 % of courts
Electronic registers	0 % of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	0 % of courts
Videoconferencing	0 % of courts
Other electronic communication facilities	0 % of courts

65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	Yes	Yes	Yes

Comment :

Pursuant to section 143 in the Courts Act pilot arrangements on the use of videoconferencing in civil cases and certain criminal cases (cases where the defendant pleads guilty and cases regarding custody) can be established. Such pilot arrangement have been implemented in 6 courts.

With regard to hearing of witnesses the legislation for both civil cases and criminal cases allows videoconferencing, the decision of whether or not the witness can be heard using videoconference equipment lies with the judge

C.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

to question 64:

To "follow-up of cases online":

Scheduled dates for proceedings are published on the internet

To "electronic registers":

The courts in Norway do not have a major role when it comes to registers. The Brønnøysund Register Centre is a government body under the Norwegian Ministry of Trade and Industry, and consists of several different national computerised registers.

3. 2. Performance and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

Yes No

If yes, please indicate the name and the address of this institution:
The Norwegian Courts Administration (NCA), NO-7485 Trondheim, Norway

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

 Yes No

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

 number of incoming cases? number of decisions delivered? number of postponed cases? length of proceedings (timeframes)? other?

If other, please specify:

The Norwegian Courts Administration focuses on the number of incoming cases, the number of closed cases, the number of pending cases and processing time (time elapsed between case coming in until case closed).

These indicators may be calculated anytime. However, the National Courts Administration has chosen to evaluate the efficiency of the courts every six months.

The indicator "number of decisions" is here interpreted as "number of resolved cases" (i.e. all cases/procedures which have come to an end at the level considered.)

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

 Yes No

Please specify:

See 68). The statistics produced every six months are published per court. The processing time will be evaluated against targeted processing time.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

 Yes No

71) Please select the 4 main performance and quality indicators that have been defined:

 incoming cases length of proceedings (timeframes) closed cases pending cases and backlogs productivity of judges and court staff

- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
- No

73) Who is responsible for setting the targets for each judge?

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- Yes
- No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- other

If other, please specify:

The Parliament sets targets for the processing time in both civil and criminal cases.

76) Please specify the main targets applied to the courts:

For civil cases: Average processing time within 6 months

For criminal cases with lay judges: Average processing time within 3 months

For single judge criminal cases: Average processing time within 1 month

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, please specify:

NCA

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

in civil law cases

in criminal law cases

in administrative law cases

81) Do you monitor waiting time during court procedures?

Yes

No

If yes, please specify:

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

Yes

No

Please specify the frequency of the evaluation:

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

Yes

No

If yes, please give further details:

C.4

You can indicate below:

**- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems**

Q80: Explanation: We don't have administrative courts in Norway. Administrative cases, meaning mostly cases between the state bodies and citizens, form part of civil cases in the report, but back log measures do also apply these cases.

(cf CN 10/07)

4. Fair trial

4. 1. Principles

4. 1. 1. General information

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

If possible, number of successful challenges (in a year):

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA	NA	NA	NA
Civil proceedings - Article 6§1 (non-execution)	NA	NA	NA	NA
Criminal proceedings - Article 6§1 (duration)	NA	NA	NA	NA

Please indicate the sources:

D.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

there is no specific procedure

If yes, please specify:

Urgent civil cases: Custody proceedings may take some time to bring to a final conclusion. The parties and interests involved can, according to the Children's Act, call for an interim solution.

Generally, there is the possibility of obtaining an interim court order to secure the claim, more precisely to secure a claim before there is a basis for the ordinary enforcement of the claim or before the dispute is dealt with during the main hearing.

Urgent criminal cases: Cases including juveniles/minors (i.e. under the age of 18 yrs) and persons in pre-trial custody, take priority, as decided in the Criminal Procedure Act section 275.

88) Are there simplified procedures for:

civil cases (small disputes)?

- criminal cases (small offences)?
- administrative cases?
- there is no simplified procedure

If yes, please specify:

Civil cases: Cases involving claims of limited amounts (small claims) are dealt with in a simplified procedure according to the Dispute Act of 2005, entering into force 1. January 2008.

Criminal cases: According to the Criminal Procedure Act section 248 a singular professional judge may pass sentence in cases where the accused person confesses in court and the confession is strengthened by the other information obtain by the public prosecutor, granted that the other criteria set forth in section 248 is present.

89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

If yes, please specify:

Civil cases: According to the Dispute Act of 2005 section 9-4, the judge in charge of the preparation of the case shall carry out a planning meeting with the parties immediately after the court has received the defence pleading. The intention of this meeting is to establish a plan for the further proceedings, including modalities, time limits and dates for hearings.

Furthermore – according to the Courts Act section 151 the court may reduce the time limits set forth in the procedural legislation, with the consent from the parties

4. 2. 2. Caseflow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	25 074	52 032	51 871	25 103
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	8 005	18 053	18 146	7 846
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and	7 783	12 509	13 103	7 172

other cases, see categories 3-7)*				
3. Enforcement cases	9 286	21 470	20 622	10 088
4. Land registry cases**	NAP	NAP	NAP	NAP
5. Business register cases**	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

The numbers presented for "1 Civil (and commercial) litigious cases" include civil disputes, debt restructure arrangements and judicial assessments.

The numbers presented for "2 Civil (and commercial) non-litigious cases" include bankruptcy proceedings and probate cases.

The numbers presented for "3. Enforcement cases" include compulsory sales, possession orders etc.

93) If "other cases", please indicate the case categories included:

The courts also handles provisional security, conducts civil marriages, notarial acts, handles testament storage, notices of death etc.

94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	3 417	15 688	15 243	3 805
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and / or minor offences cases	NA	NA	NA	NA

95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).

Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".

The numbers presented for "Total criminal cases" includes only composite court cases, that is all criminal cases without an unconditional guilty plea, as well as the most serious guilty plea cases. The court is then composed of a district court judge and two lay judges – one woman and one man. Each judge has one vote and all decisions are reached through voting – the majority vote decides.

Single-judge criminal cases include some actions relating to police investigation, like court orders for arrests, searches, communications interception (telephone interception etc.), remand in custody, restraining orders and provisional confiscations of driving licences. Another important category is the adjudication of criminal cases with guilty pleas. Single-judge cases are heard by a district court judge or deputy judge. These cases are not included in the figures.

96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.

Horizontal consistency

100 % horizontal consistency in this table is not feasible. The reason is that according to procedural law, cases may be divided or united after being registered in to the court.

97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	1 221	3 559	3 382	1 390
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	829	6 770	6 753	847
8. Criminal cases (Severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and/or minor offences cases	NA	NA	NA	NA

Comment :

The total figures for civil cases include ordinary appeals and interlocutory appeals, reopenings, valuation appeals and appeals on decisions from the Social Security Tribunal.

The total figures for criminal cases include ordinary appeals, interlocutory appeals and reopenings. The figures include appeals that are disallowed or decided without an appeal hearing. (The Court of Appeal may disallow the appeal if the court unanimously considers it obvious that the appeal will not succeed.)

99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	32	67	68	31
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a	NA	NA	NA	NA

change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)				
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	11	83	75	19
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

Cases that were not referred to a chamber of the Court for hearing is not included in the figures.

101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	NAP	NAP	NAP	NAP
Employment dismissal cases	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	23	24	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NAP	NAP	NAP	NAP	NAP	NAP
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

With some very few exceptions the dissolution of a marriage in Norway follows a non-judicial procedure.

104) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

The processing time is calculated as the time elapsed between a case comes in, until the case is closed. All cases which have come to an end is being included in the calculations.)

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

106) Does the public prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

1. Cases regarding foreign immigration.
2. the prosecutor has an obligation to present claims for compensation for victims during the criminal proceedings against the offender.

107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	409 806	191 283	94 919	90 164

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	149 038
1. Discontinued by the public prosecutor because the offender could not be identified	142 491
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	4 015
3. Discontinued by the public prosecutor for reasons of opportunity	2 532

109) Do the figures include traffic offence cases?

- Yes
- No

D.2**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

Q91#1#1 : The first instance courts have experienced a significant increase in the number of incoming civil cases in the actual time period. This has led to an increase in back logs. The causes are several and complex, but the financial recession in society must be mentioned.

The increase is most significant in the category "civil (and commercial) non-litigious cases", inter alia bankruptcy and probate cases. These are cyclical dependent cases, and the highest increase can be found in bankruptcy cases.

Q98#1#1 : We have experienced a minor increase in pending cases. In addition – the Grand Chamber decision from the Supreme Court of December 19 2008, related to the motivation of decisions from the courts of appeal in the screening of appeals in criminal cases, led to an expected increase in appeals related to the conviction. These cases are dealt with by composite court consisting of lay judges and professional judges, as opposed to only professional judges in the screening of appeals. I.e. a shift towards more time consuming cases/time consuming procedures. The increase in backlogs is mainly related to the Courts of Appeal in Oslo and Bergen.

Q99#1#1 : The causes for the decrease (28.89%) are several and complex, but most likely this is related to the decrease in incoming appeals of judgments in civil cases in the same period. The number of civil cases allocated to unit hearing has also dropped. The consequence will normally be a decrease in backlog.

Q99#3#1 : These numbers do also relate to Supreme Court proceedings in unit, and describes the number of resolved cases annually. Number of resolved cases decreased from 88 in 2008 to 68 in 2010.

Q100#1#1 : These cases do also relate to hearings in unit. In 2008 the number of pending cases was 21 as opposed to 11 in 2010. The decrease(47.62%) can be explained by normal fluctuation, more specifically – lower number of cases remitted to unit hearings.

Q100#4#1 : Supreme court hearing in unit. 25 cases in 2008 as opposed to 19 in 2010. Normal fluctuation. As mentioned above - fewer cases remitted to unit hearing.

Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Director General of Public Prosecution's Office and the Police Directorate.

5. Career of judges and public prosecutors

5. 1. Recrutement and promotion

5. 1. 1. Recrutement and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

The responsibility for recruitment of future judges lies with the Norwegian Courts Administration. The Judicial Appointments Board is responsible for the process of nomination of candidates to concrete vacancies, whereas the formal appointment is done by the Government.

112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

New positions for judges within the Judiciary is achieved through the same system as the initial appointment, i.e. by announcement, interviews and collecting of references, nomination and finally new appointment from the King in Council. It can be said that promotion of judges is not applicable in Norwegian courts.

113) Which procedures and criteria are used for promoting judges? Please specify.

se q 112

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
- No

115) Is the status of prosecution services:

- Indépendant?
- Under the authority of the Minister of justice ?
- Other?

Please specify:

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- An authority composed of public prosecutors only?
- An authority composed of non-public prosecutors only?
- An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

The head of prosecution office in the local police district.

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting public prosecutors:

The head of prosecution office in the Region and the King in Council.

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Public announcement and interviews.

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
- No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes
- No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:

All permanent judges are appointed for an undetermined period. Pursuant to the Norwegian Constitution, judges may be dismissed by way of court decision. In addition to permanent appointed judges, we make use of temporary appointed judges (deputy judges and acting judges (3 months up to two years)).

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of probation period (in years)
	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes
 No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:
yes, if major misconduct.

124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
	NAP

125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?

NAP

E.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Compulsory
In-service training for management functions of the court (e.g. court president)	Compulsory
In-service training for the use of computer facilities in courts	Compulsory

128) Frequency of the in-service training of judges:

General in-service training	Annual
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	Annual
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

129) Training of public prosecutors

Initial training	No training offered
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Optional

130) Frequency of the in-service training of public prosecutors

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).

If your judicial training institutions do not correspond to these criteria, please specify it.

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	NAP	NAP	NAP
One institution for prosecutors	NAP	NAP	NAP
One single institution for both judges and prosecutors	NAP	NAP	NAP

Comment :

Only the Faculty of Law where every lawyer, public prosecutor, judge or public sector lawyer takes his/hers degrees.

E.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

5. 3. Practice of the profession**5. 3. 1. Practice of the profession****132) Salaries of judges and public prosecutors.**

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	113 940	62 035
Judge of the Supreme Court or the Highest Appellate Court	181 971	95 992

(please indicate the average salary of a judge at this level, and not the salary of the Court President)		
Public prosecutor at the beginning of his/her career	62 400	40 000
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	90 570	66 650

Comment :

Q132#1#1 : The differences in the currency rate between January 2009 and January 2011 is the main reason for the reported increase. In addition, there has been a substantial increase in salaries for district court judges (in total approximately 15 % during the time period).

Q132#1#2 : The differences in the currency rate between January 2009 and January 2011 is the main reason for the reported increase. The real increase in salaries in the actual cycle of time is approximately 10%.

133) Do judges and public prosecutors have the following additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	No
Housing	No	No
Other financial benefit	Yes	No

134) If other financial benefit, please specify:

Special pension:

When retirement at age 67 or later, judges of the Supreme Court may have up to 15 years added to his/her period of service.

Other financial benefit:

Extra-judicial activities as laid down in Courts Act section 121.e (See also comments for question 135)

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	Yes	No
Consultant	No	No
Cultural function	Yes	No
Political function	Yes	No
Other function	Yes	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

According to the Courts Act section 121e, judges are obliged to report their extra-judicial activities to the National Courts Administration. Some activities must be approved by the National Courts Administration. Other activities, such as cultural functions, must be reported. The National Courts Administration has a time limit of 14 days from the registration of the activity, in order to take action.

137) Can public prosecutors combine their work with any of the following other functions ?

--	--	--

Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	Yes	Yes
Consultant	No	No
Cultural function	Yes	Yes
Political function	Yes	Yes
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

Standard rules for all public employees.

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

Yes

No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

The General Prosecutor initiate disciplinary proceedings, and in severe cases the case is presented to the King in Council.

According to the Courts Act section 237 a complaint to Supervisory Committee for Judges on alleged misconduct can be initiated by individuals and professional actors affected by the alleged misconduct as well as by the Chief Judge, the National Courts Administration or the Ministry of Justice.

The Norwegian Bar Association is also authorised to initiate disciplinary proceedings, cf "others".

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman

- Professional body
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?

If "executive power" and/or "other", please specify:

The Director general of the Public Prosecutors office handles complaints regarding prosecutors.

In November 2002 the Supervisory Committee for Judges was established. The Committee is a separate, administrative and collegiate body composed of five members – two representatives from the public, two judges and one lawyer – all appointed by the Government. The disciplinary measures that the Committee is authorized with is limited to an assessment of the alleged conduct related to norms for judicial conduct. If these norms are found to be violated, the Committee may issue an authoritative decision on criticism or warning, where the latter is the most serious reaction.

A proceeding towards a judge related to dismissal may only be initiated by King in Council. A dismissal of a judge can only be done by a judicial decision with the Government as the plaintiff.

Source: Norwegian Courts Administration

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?

If "executive power" and/or "other", please specify:

The Director general of the Public Prosecutors office handles complaints regarding prosecutors.

In November 2002 the Supervisory Committee for Judges was established. The Committee is a separate, administrative and collegiate body composed of five members – two representatives from the public, two judges and one lawyer – all appointed by the Government. The disciplinary measures that the Committee is authorized with is limited to an assessment of the alleged conduct related to norms for judicial conduct. If these norms are found to be violated, the Committee may issue an authoritative decision on criticism or warning, where the latter is the most serious reaction.

A proceeding towards a judge related to dismissal may only be initiated by King in Council. A dismissal of a judge can only be done by a judicial decision with the Government as the plaintiff.

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	44	0
1. Breach of professional ethics	NA	NA
2. Professional inadequacy	NA	NA
3. Criminal offence	NA	NA
4. Other	NA	NA

Comment :

The total number stated (44) does not include complaints that are rejected; because the time limit is exceeded etc.

145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	6	0
1. Reprimand	6	NA
2. Suspension	NA	NA
3. Removal of cases	NA	NA
4. Fine	NA	NA
5. Temporary reduction of salary	NA	NA
6. Position downgrade	NA	NA
7. Transfer to another geographical (court) location	NA	NA
8. Resignation	NA	NA
9. Other	NA	NA

Comment :

The number of sanctions in 2010 is higher than usual (2011 had 3 sanctions), but must be explained as normal fluctuation. We can inform that the Supervisory Committee receives approximately 130 complaints each year. Most complaints are rejected due to dissatisfaction with judicial decision or time limits.

E.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 144 and 145

NCA and GPO

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

5 162

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes

No

148) Number of legal advisors who cannot represent their clients in court:

1 500

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

In the Supreme court, only lawyers who are entitled to conduct cases before the Supreme court can be engaged.

In the lower courts, any advocate may represent a party. With special permission from the court, some other suitable person (who is not a lawyer) may also represent the party.

Even though the court may approve representation from other than lawyers pursuant to the Criminal Procedure Act section 95 and the Civil Procedure Act section 3-3, the number of such approvals is very low compared to representation from lawyers. (cf CN 10/07)

150) Is the lawyer profession organised through? (multiple options possible)

a national bar?

a regional bar?

a local bar?

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

Yes

No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

Yes

No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

If yes, please specify:

F.1

Please indicate the sources for answering questions 146 and 148:

Comments for interpreting the data mentioned in this chapter:

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

Yes

No

155) Are lawyers' fees freely negotiated?

Yes

No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes laws provide rules

Yes standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

F.2

Useful comments for interpreting the data mentioned in this chapter:

Re. question 155: Where public legal aid is given, the fee is determined by regulation. In all other cases the fees are negotiable.

Re. question 156: Regulations for advocates, chapter 12, section 2.1.2, 3.1.5, 3.3.1, 3.3.2, 3.3.4, 3.3.5 and 3.4 sets up important principles for a lawyers calculation of the fee.

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

Yes

No

If yes, what are the quality criteria used?

Ethical standards

158) If yes, who is responsible for formulating these quality standards:

the bar association?

the Parliament?

other?

If "other", please specify:

159) Is it possible to file a complaint about :

- the performance of lawyers?
 the amount of fees?

Please specify:

If you think that your attorney has performed in a manner incompatible with the proper conduct for attorneys, you may file a complaint to the Norwegian Bar Association's Disciplinary Committee. If you subsequently believe that your attorney charged you too much for his or her services, you may file a complaint to the Norwegian Bar Association's Disciplinary Committee. If you and the attorney nonetheless are unable to reach an agreement, you can file a complaint. No tariff exists for how the attorney's fees are calculated. The disciplinary authority will perform a discretionary assessment of, among other aspects, the work performed by the attorney, elapsed time, the complexity of the work, the assets involved in the case, the case's significance for the client, and the outcome. The amount of fees can also be complained about to the court which has handled the case.

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, please specify:

Disciplinary Committee
 Supervisory Council For Legal Practice

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	507	NA	NA	NA	NA

Comment :

The Norwegian statistics system uses other categories than those mentioned in the table.

Complaints against lawyers are dealt with by the Supervisory Council for Legal Practice in first instance for lawyers that are members of the Norwegian Bar Association, and by the Disciplinary Board for Legal Practice for lawyers that are not members of the Bar Association . The latter body is appellate body to decisions from the Supervisory Council for Legal Practice.

The number of complaints is composed of complaints to the Supervisory Council for Legal Practice and complaints to the Disciplinary Board in first instance complaints.

Several bodies are vested with the authority to sanction lawyers. As for today it is not possible to deliver exact and reliable data on the number and nature of sanctions, even though we generally can inform that several sanctions are pronounced every year
 (cf CN 10/07)

162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of

disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	NA	NA	NA	NA	NA	NA

Comment :

The Norwegian statistics system uses other categories than those mentioned in the table.

F.3

You can indicate below any useful comments for interpreting the data mentioned in this chapter

7. Alternative Dispute Resolution

7. 1. Alternative Dispute Resolution

7. 1. 1. Alternative Dispute Resolution

163) Does the legal system provide for mediation procedures? If no skip to question 168

[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]

- Yes
 No

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	Yes	No	Yes	No
Family law cases (ex. Divorce)	No	Yes	Yes	Yes	No
Administrative cases	Yes	Yes	No	Yes	No
Employment dismissals	No	Yes	No	Yes	No
Criminal cases	No	No	No	No	No

165) Is there a possibility to receive legal aid for mediation procedures?

- Yes
 No

If yes, please specify:

Mediation may be covered by the legal aid scheme. The initial judicial procedure in family cases is based on mediation. The parties in family cases are entitled to legal aid granted that the general conditions are present.

166) Number of accredited or registered mediators who practice judicial mediation:

NA

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	<input checked="" type="checkbox"/> Yes	2 017
1. civil cases	<input checked="" type="checkbox"/> Yes	1 925
2. family cases		NA
3. administrative cases		NA
4. employment dismissals cases		NA
5. criminal cases		NAP

Comment :

1925 cases refer to the first instance courts, while 2017 includes mediation in the court of appeal (hence, 92 cases in the courts of appeal)

168) Does the legal system provide for the following ADR.

If "other", please specify it in the "comment" box below:

| | |

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	Yes

Comment :

Public mediation Service (restorative justice)

G.1

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Please indicate the source for answering question 166:

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

330

171) Are enforcement agents (multiple options are possible):

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

The initial proceedings are as a rule carried out by bailiffs employed by the state. The bailiffs decisions can be appealed and referred to the first instant court, where decisions are made by judges. According to the Enforcement Act (26 June 1992 no. 86) the enforcement authorities (bailiffs and the first instance courts) decides upon all claims and objections during an enforcement procedure.

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
 No

Please indicate the source for answering question 170:

Police Directorate

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

The Police Directorate (Politidirektoratet) is the main supervising body, but is subordinate to the Ministry of Justice and the Police.

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes
 No

if yes, please specify

182) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all?
- non execution of court decisions against public authorities?
- lack of information?
- excessive length?
- unlawful practices?
- insufficient supervision?
- excessive cost?
- other?

If other, please specify:

NA

184) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
- No

If yes, please specify:

185) Is there a system measuring the timeframes of the enforcement procedures:

- for civil cases?
- for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings (1+2+3+4)	NA
1. for breach of professional ethics	NA
2. for professional inadequacy	NA
3. for criminal offence	NA
4. Other	NA

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5) NA

1. Reprimand	NA
2. Suspension	NA
3. Dismissal	NA
4. Fine	NA
5. Other	NA

Comment :

H.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

The Norwegian answer to Q 186 was based on the timeframe from the registration of the claim until notification of the court decision as opposed to the timeframe from the court decision until the parties are notified, which is what you are asking for. I asked the enforcement authorities in Oslo (the report also on a National level) to revise their answer accordingly, and I just received the corrected answer. The Norwegian answer will be 1-5 days. The decisions are sent out without delay and the decisive for the timeframe will be the mail service (three days).

Please indicate the source for answering the questions 186, 187 and 188:

Q 186 - data collected from Norwegian National Collection Agency (Statens innkrevingssentral)

8. 2. Execution of decisions in criminal matters

8. 2. 1. Execution of decisions in criminal matters

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

For the enforcement of fines - Norwegian National Collection agency, or if the fine is not paid - the distraint is effected by the Law enforcement offices (Namsmann/local police).

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- it cannot be estimated

Please indicate the source for answering this question:

H.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Notaries

9. 1. 1. Notaries

192) Do you have notaries in your country? If no go to question 197

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?		NAP
private professionals under the authority (control) of public authorities?		NAP
public agents?	<input checked="" type="checkbox"/> number	68
other?		NAP

Comment :

Included in the number of notaries publicus (Q193) are 66 district courts, East- Finnmark Chief of Police and The District Governors Office at Svalbard. We have not included Norwegian Embassies or Consulates abroad and certain public offices with limited notary authority.

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

The duties of the notaries are to give documents or a signature official validation. The most used forms are:

- confirmation of a signature
- Confirmation of signature and power of procuration in a company
- Assurance of honour
- confirmation of correct copy
- Life confirmation
- Protest on a promissory note

195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

By appeal to the Court.

I.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Court interpreters

197) Is the title of court interpreters protected?

- Yes
 No

198) Is the function of court interpreters regulated by legal norms?

- Yes
 No

199) Number of accredited or registered court interpreters:

NA

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

- Yes
 No

If yes, please specify (e.g. having passed a specific exam):

201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.

- Yes for recruitment and/or appointment for a specific term of office
Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No

Comment :

J.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

According to the Courts Act section 135, the courts are obliged to use an interpreter appointed or approved by the court if the parties involved do not speak or understand Norwegian. Furthermore, the ECHR article 6 is incorporated into Norwegian law.

With the exception of the above mentioned regulations, we do not have a detailed regulatory framework for the function of court interpreters. However, the Ministry of Justice is preparing new legislation, detailing the function of court interpreters. The proposal is mainly based on ECHR article 5 and 6 with the relevant case law from the ECtHR.

Please indicate the sources for answering question 199:

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

203) Is the title of judicial experts protected?

- Yes
- No

204) Is the function of judicial experts regulated by legal norms?

- Yes
- No

205) Number of accredited or registered judicial experts (technical experts)

NAP

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:

Civil cases: Pursuant to the Dispute Act section 25-3 the court shall, as a main rule, appoint one expert. More than one expert may be appointed in cases where this is justified by the nature of the expert issues, the importance of the case or other circumstances. According to section 25-3, the experts shall have the necessary skills and experience. The expert shall furthermore be competent to serve. The parties shall be given the opportunity to express their opinion on the choice of experts.

The Dispute Act section 25-4 states that the court shall determine the issues to be examined by the expert and give the necessary instructions. The expert shall submit a written report unless the court decides otherwise, cf. section 25-5 cf. section 21-12. The court's instructions may thus include a time limit to provide the written report. According to the Dispute Act section 25-5 the expert is obliged to attend a court hearing to give evidence following a summons from the court. The examination of the expert shall normally be conducted in accordance with the provisions on examination of witnesses.

Criminal cases: According to the Criminal Procedure Act section 138, any person appointed by the court to serve as an expert, is bound to undertake the task. The expert shall, as a main rule, be asked whether he is willing to serve. Before the court appoints an expert, the parties shall be given the opportunity to express their views, cf. section 141. According to section 139, one expert shall be appointed unless the court finds that the case requires two or more experts. The expert shall be qualified to serve, cf. section 142.

The Criminal Procedure Act section 142 a states that the court shall determine the issues to be examined by the expert. As a rule, the expert shall submit a written report to the court, cf. section 143. The court normally stipulates a time limit to provide the report. It can be noted that when serving as an expert in cases which gives rise to questions related to forensic medicine, the expert shall immediately send a copy of the written report to the commission of forensic medicine, cf. section 147.

The expert may be summoned to give oral evidence before the court, either instead of submitting a written report, or in order to give additional information and answer questions from the court and the parties, cf. section 143. According to section 144, the examination shall be carried out according to the rules applicable to witnesses. The expert may also be given the opportunity to put questions to the parties, witnesses and other experts.

207) Are the courts responsible for selecting judicial experts?

If no, please indicate in the "comment" box below which authority selects judicial experts?

Yes for recruitment and/or appointment for a specific term of office

Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No .

Comment :

K.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

q 205: In 2010, the number of appointed judicial experts in the District Courts and the Courts of Appeal was 5150 in total. The number includes technical experts and other experts. There is no data available regarding technical experts only.

Please indicate the sources for answering question 205:

NCA

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

Proposition 135 L (2010-1011) to the Parliament on Being a law to amend the General Civil Penal Code, the Criminal Procedure Act, the Penal Implementation Act, the Conflict Council Law et al. (regarding Children and Punishment).

The aim of the Government is for children not to be sent to prison. The Government will therefore continue the work of increasing the use of alternative sanctions and forms of penal implementation. The focus is in conformity with the requirements of the Convention on the Rights of the Child, which dictates that prison for children shall only be used in very special cases when all other alternatives have been considered and found inadequate.

In order to reduce the number of children in prison, the Government proposes to introduce a new penal sanction – Juvenile Punishment System – for children between 15 and 18 years who have committed serious or repeated offences. These youngsters are still children under the definition in the UN Convention on the Rights of the Child Article 1, at the same time as they are above the age of criminal responsibility. In the new system, the sanction will be imposed locally, where the convicted person lives. The physical control of prison will be replaced by social control via close follow-up.

In this Proposition the Government is also putting forward a number of other legislative proposals that will contribute to a more integrated follow-up of children between 15 and 18 years who have committed serious or repeated criminal acts.