

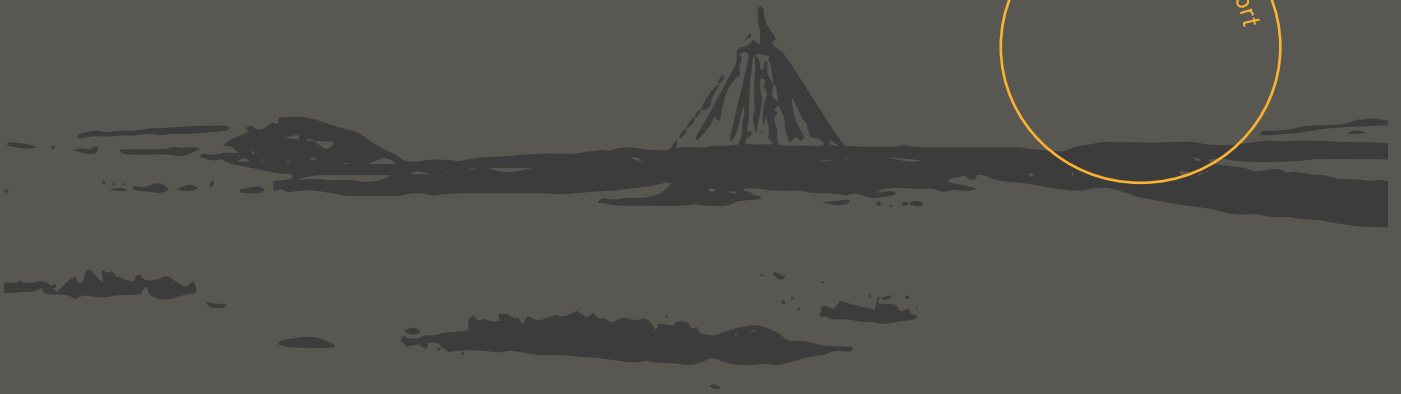


SÁMEDIGGI

The Sámi Parliament's 2023 Report  
on ILO Convention 169 for the period  
from 1 June 2018 up to and including  
31 May 2023

Adopted 27-29 September 2023

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# Information relating to specific articles

## Articles 1, 2 and 3

### Sámi statistics

1. Norwegian Public Report (NPR) 2016: 18 *The Language of the Heart* ascertained in 2018 that there were no official statistics on Sámi language users in Norway. It subsequently became possible to register the use of the official Sámi languages in Norway in the National Population Register. So far, very few have taken advantage of this opportunity. (Art. 1(2) cf. Art. 2(c)).
2. The lack of individual-based statistics on Sámi conditions makes it hard to gauge the socioeconomic effects of initiatives, and makes it difficult to plan targeted new initiatives and schemes. In 2020, the Norwegian National Human Rights Institution (NIM) published a report entitled 'A human rights-based approach to Sámi statistics in Norway'. The report points out that in order to fulfil its human rights obligations, Norway must learn more about the Sámi population, *inter alia* by developing statistics. Without the requisite statistics, it will become increasingly difficult for both the Sámi Parliament and the State authorities to develop appropriate policies and implement the measures needed. Without statistics on Sámi languages, and Sámi culture and community life, it is very difficult for the State to follow up its obligations in respect of the Sámi population. (Art. 7 (3)).
3. The official statistics that currently exist are partially funded by the Sámi Parliament, and are generally based on geographical data. This means that statistics are compiled on the basis of the population in the so-called STN area, that is, the business development area covered by the Sámi Parliament's subsidy scheme. This area is known so be home to some Sámi, but one cannot simply assume that observed trends apply to the Sámi, the remainder of the population, or to rural areas as a whole. Today, censuses are carried out solely on the basis of existing records. To obtain reliable Sámi statistics, it is necessary to carry out physical censuses. This is costly, and the State has refused to provide funding for it. (Art. 2, cf. Art. 7(1) and (3)).
4. Data and figures indicative of findings and trends are crucial to gauging the quality of schools. The Sámi Parliament's access to such data is limited, and the statistics and summaries covering Sámi conditions at school currently being developed are also very limited. The Sámi Parliament expects national authorities to undertake commitments to obtain a separate knowledge base on Sámi pupils to a far greater extent than what is done today. This should apply in general, and not least when developing policies within different political areas, e.g., white papers. In the absence of such a knowledge base, the particular challenges facing the Sámi are rarely discussed and initiatives are not being developed to rectify any imbalances in educational opportunities.

### Equality

5. Through consultations, agreement was reached on Article 108 of the Constitution of Norway, and on how Norway's obligations under international law in respect of the Sámi as an Indigenous people should be discussed. On the other hand, no agreement has

been reached on whether Indigenous ethnicity should be mentioned as an example of ethnicity in the wording of the Equality and Anti-Discrimination Act. The Sámi Parliament asked that Indigenous peoples or the Sámi be mentioned as an example of ethnicity in the wording of the act. The Sámi Parliament's request was not accommodated on this point, but no explanation was provided (Art. 2, cf. Art. 6, 7 and 20).

### **Sámi pupils with special needs**

6. Sámi pupils with special needs are a vulnerable group in the educational system. These pupils depend on being offered schooling that is not only based not only on the Sámi language and Sámi cultural values, but also on the educational programme itself being specially adapted for them. The parents/guardians of children with special needs frequently report that school owners face challenges when arranging special education programmes in Sámi and based on Sámi cultural values. The Sámi Parliament underscores the need to provide a comprehensive offer for Sámi pupils with special needs (Art. 2, cf. Art. 3(1), 26, 27, 28 and 29).

### **Bullying in Sámi schools and kindergartens**

7. The Sámi Parliament aspires to ensure a safe, good learning environment for Sámi children and young people. The Truth and Reconciliation Commission points out that Norwegianisation is an ongoing process, whose after-effects still leave their mark on Sámi communities and affect attitudes to the Sámi. Figures from earlier pupil surveys and a study of young Sámi's psychosocial health (Hansen & Skaar 2021) indicate that the percentage of pupils who are offended, bullied and discriminated against in Sámi areas is high compared with the rest of Norway. One of the conclusions from *Norwegian Public Report 2015: 2 Belonging. Policy instruments for a safe psychosocial school environment* is that there are formidable gaps in our knowledge about bullying and discrimination in Sámi schools and in schools with Sámi pupils. There is currently very little research on bullying, offensive behaviour towards and discrimination against Sámi children and young people in kindergartens and schools. More knowledge is needed to introduce measures to improve the psychosocial school environment for Sámi pupils. The Sámi Parliament is of the opinion that the Government must develop guidelines to promote more research-based knowledge about the school environment of Sámi children and young people, which may, in turn, provide important contributions to the Sámi Parliament's development of policies in this area. (Art. 2, cf. Art. 3(1) and 7(3)).

### **Intellectually disabled individuals in Sámi areas**

8. The Sámi Parliament is of the opinion that more focus should be placed on stopping bullying, threats and violence against intellectually disabled individuals of Sámi descent on a day-to-day basis, as well as in different arenas of life and in the judicial system. More focus should be placed on the prevention and treatment of mental health issues in intellectually disabled people of Sámi descent. More attention should be devoted to the organisation of housing and other services for intellectually disabled individuals, to reducing the standardisation of lifestyles, to offering people more opportunities to make their own choices and participate in society on an equal footing with the rest of the population (Art. 2, cf. Art. 3(1)).

## Violence in close relationships

9. In Norway, research shows that 49 per cent of Sámi women report that they have been subjected to violence of a physical, mental or sexual nature at some point in their lives, in contrast to 31 per cent among the majority population in the same area. Sámi women also reported a higher incidence of sexual violence during childhood and up to age 18; 17 per cent, compared with 11 per cent of the women in the general population. In most cases, it has been reported that the perpetrator was known to the victim. New research (Astrid Eriksen, 2021) indicates that Sámi women are more susceptible to partner violence than non-Sámi women (17.2% compared with 11.8%). The situation for Sámi victims of violence or those affected by violence is in no way satisfactory. There is no crisis centre at all in Indre Finnmark County, or even a crisis centre that offers competence in Sámi available to serve the Sámi population at the national level.
10. There is insufficient research on Sámi children and their exposure to violence. The same applies to violence in the Sámi LGBT group, and in relation to people with disabilities and the elderly. There is currently no knowledge about the Sámi population and digital violence. Digital violence is an area that has a growing number of victims. The Sámi population of Norway generally enjoys a high standard of living, and a high percentage of Sámi women have higher educations. However, the Sámi Parliament recognises that education does not protect people from falling victim to violence and abuse.
11. The Government introduced an action plan to prevent and fight violence in close relationships 2021-2024. At the request of the Sámi Parliament, for the first time, a separate chapter was included to address violence in close relationships in Sámi communities. Nineteen measures were introduced for the Sámi community. It is important to note that these measures come in addition to the measures that apply to the population as a whole. The process was accomplished in close cooperation and consultations with the Sámi Parliament.
12. The Government is currently drawing up a more comprehensive plan to combat violence in close relationships. The Sámi Parliament is engaged in consultations with the Government regarding this plan.
13. A decision has been taken to locate a State Children's House in Finnmark County in Karasjok. This was what the Sámi Parliament asked for through its plenary decision and in consultations with the Finnmark County police district. The opening date for the office in Karasjok has not yet been determined.
14. The Sámi Parliament is of the opinion that measures must be developed to prevent violence among the Sámi. It is necessary to further develop offers of help and treatment measures adapted to the perpetrators and victims of violence among the Sámi. (Art. 2, cf. Art. 25 and 30).

## Sámi culture

15. The variety of Sámi cultural activities is limited. To improve this situation, Sámi cultural activities need a significant financial boost over the national budget. Among other things,

there is a lack of the Sámi media choices. There is a need to develop the International Sámi Film Institute so that it can also produce and finance full-length feature films and TV series.

16. As of today, there is no permanent exhibition venue for contemporary Sámi art and *duodji* (crafts). The Sámi art stock consists of roughly 1300 works. The Sámi Parliament believes that an institution like a Sámi art museum is required to bring Sámi cultural rights full circle with respect to Sámi cultural identity and traditions (Art. 2, cf. Art. 4(1)).
17. Traditional Sámi vocal expression, also known as *yoik*, is part of an intangible cultural heritage that is among the oldest in Europe. This tradition is under pressure. Based on the wishes of traditional Sámi vocalists, the Sámi Parliament has initiated a project to examine more closely the need for an institution dedicated to *yoik*. (Art. 2, cf. Art. 4).
18. There is not enough literature published in North Sámi, Lule Sámi or South Sámi to support and maintain Sámi children's reading skills. The situation is critical for books for adolescents in all Sámi languages, as well as for children's books in the Sámi languages of the most limited diffusion. There is a shortage of adult literature in all Sámi languages. Nor is there any funding available for translations to these languages. (Art. 2, cf. Art. 4(1) and 28(1)).

### The media

19. Sámi media play an important part in the preservation and development of Sámi language and culture. Sámi media also play a key role in building a Sámi community, and they can help unify Sámi society. The main objective of Sámi media is to provide information about matters of importance to the Sámi community, to be an arena for news, information and exchanges of opinions, and to produce and provide entertainment, in addition to being an arena for the development of language, identity and culture in the Sámi languages as well as in Norwegian. Good diversity in the Sámi media should therefore cover a broad linguistic, geographic and genre-related range, at the same time as it should encourage the expression of different opinions so that voices from the Sámi community are heard in public debates. Meanwhile, the development of the Sámi community depends on the majority community having knowledge and insight into Sámi languages, culture, industries and way of life. These are important means for improving knowledge about Sámi conditions among the population of Norway; such measures can help counteract stigmatisation and hate speech, and help promote mutual respect and understanding in society.
20. The Sámi Parliament has a system for direct subsidies to Sámi media. In 2022, the budget was approximately MNOK 5, which was divided among eight different media enterprises.
21. The Sámi Parliament currently has no direct influence over media support or over the central guidelines issued to public broadcasters or to Sámi newspapers. The Sámi Parliament regularly contributes input to white papers that involve the media, the NRK code of ethics and other consultation documents. The two Sámi newspapers *Ságat* and *Ávvir* receive subsidies for Sámi newspapers over the government budget. In addition, the local newspapers in Nord-Salten and Snåsningen receive subsidies. The subsidies for Sámi newspapers and Sámi-language inserts parallels the media support allocated to

Norwegian newspapers, which are a central policy instrument for maintaining diversity in the Norwegian media. The purpose of the subsidies for the Sámi newspapers is to lay a foundation for democratic debate, the formation of opinions and linguistic development in the Sámi community.

22. Public service broadcasting is one of several policy instruments the State can employ to promote diversity and freedom of expression in society; the NRK Code of Ethics covers the Storting's general requirements and parameters for NRK. NRK is to help strengthen the Sámi languages, thereby strengthening Sámi identity and culture. NRK should have daily broadcasts for the Sámi.
23. NRK Sápmi's main responsibility is to produce content for the Sámi population, but the division should also provide knowledge and information about the Sámi community to the general public. NRK Sápmi offers daily radio and TV broadcasts, and Internet sites in both Norwegian and Sámi. NRK Sápmi also produces a variety of programming that includes documentaries, entertainment, broadcasts on holidays, etc. Children's TV consists of proprietary productions and purchased programming that is dubbed.

### The cultural environment

24. The Cultural Heritage Act establishes that Sámi cultural artefacts from the year 1917 or older are protected automatically. Despite growing pressure on land, the Sámi Parliament finds that archaeologists have not explored Sámi culture to any significant extent, making it challenging to make effective suggestions about land use planning. There is a need for dedicated, strategic registration of archaeological cultural communities to redress this situation.
25. A special Sámi Parliament project has registered roughly 920 automatically protected Sámi buildings. Since completing the project, the Sámi Parliament has repeatedly drawn attention to the need for subsidy systems to meet the special needs related to the Sámi building heritage.
26. The Sámi Parliament is responsible for managing Sámi cultural artefacts and cultural heritage, as well as for the protection of Sámi buildings throughout Norway. The Sámi cultural environment includes traces of Sámi settlements and presence; such artefacts convey knowledge about Sámi ancestors' living conditions, use of resources, beliefs and land use.
27. As a result of the White paper on cultural heritage, a committee has been appointed to revise the Cultural Heritage Act. The Sámi Parliament's Plenary Assembly has resolved that authority in respect of cultural artefacts shall be transferred by legislation and not by regulations. In dialogue with the Cultural Environment Committee, the Sámi Parliament has studied this decision and rendered visible challenges the Sámi Parliament has faced in relation to the current Cultural Heritage Act and established administrative practices.
28. Sámi territory covers a wide range of cultural environments that have to be maintained and promoted. The Sámi Parliament is drawing up a plan for the management and organisation of archaeological cultural artefacts. The projects are partially financed by the Directorate for Cultural Heritage under a scheme known as *Selected archaeological cultural artefacts - BARK*. Funding for new projects is contingent on the Sámi Parliament

covering part of the project costs. However, no schemes have been set up for long-term maintenance of the cultural environments that have already been organised.

## Museums

29. The Sámi Parliament's museum policy is based on the principle that the Sámi have the right to own, manage and communicate about their own cultural heritage as part of their Indigenous rights. At the same time, they work from a pan-Sámi perspective on mutual challenges and objectives in respect of the Sámi cultural heritage in collaboration with the Sámi Parliaments in Sweden and Finland.
30. For a number of years, the Sámi Parliament has worked to repatriate Sámi cultural heritage artefacts. Bååstede covers the repatriation of approximately 1600 Sámi museum artefacts from the Norwegian Museum of Cultural History to Sámi areas and the Sámi museums. In 2019, the Sámi Parliament signed a repatriation agreement for Sámi artefacts from the Norwegian Museum of Cultural History and the University of Oslo Museum of Cultural History to the six consolidated Sámi museums. The Sámi museums have the expertise required to administer this seminal cultural heritage material. At the same time, the Sámi museums have a great need for upgrading and inventory development in connection with the repatriation project. Collective efforts are required at the national level to upgrade premises.
31. Sámi ceremonial artefacts are an especially valuable part of the Sámi cultural heritage. Most of the Sámi drums are located outside of Sápmi. Many artefacts have been carried off over the years, and are currently located in different museums in the Nordic countries and in Europe, e.g., in museums in Denmark, Germany, France and Great Britain. The Sámi Parliament is a proponent of closer cooperation in future to facilitate the return of Sámi cultural heritage inherent in artefacts that bear Sámi cultural history.
32. The Sámi Parliament makes direct allocations to six consolidated Sámi museum *siidas*. In recent years, there has been a favourable development trend for Sámi cultural and museum-related activities. Saamein Sijte opened a new museum building in the South Sámi area in 2022. The situation of Sámi institutions, museums, artists and culture workers has become more widely known nationwide; there is more and better cooperation between the various administrative bodies, and the Sámi Parliament has achieved a better dialogue with national and regional players. Staff members at the Sámi museums are appointed to national and regional boards, councils and committees, and Sámi topics are becoming increasingly more visible through various information channels in Norway. For this positive trend to continue, and to follow up developments in the area of cultural policy in upcoming political governance documents and the reorganisation in the field of cultural affairs, the Sámi Parliament recognises a need to develop new strategies for the Sámi museums so they will develop professionally, financially and organisationally in future.
33. The museums are aware of the crucial role they play in society, in current social debates and in the narratives of the future. They are key institutions in our common narrative. The Sámi museum *siidas* engage in research and communications activities related to cultural artefacts, and perform annual maintenance on the cultural landscape. Most of the Sámi museum *siidas* are also defined as Sámi cultural institutions or Sámi cultural



centres. They serve as central meeting places and are important bodies in their local communities and regions.

34. The Sámi museums are relatively small compared with several Norwegian museums. The six consolidated museum *siidas* under the administration of the Sámi Parliament are spread from the South Sámi area in the south to Varanger in the north. This is an advantage since they are firmly rooted in their local areas, at the same time as the distances between them are great. The Sámi museums are widely renowned and contribute to research, administration and communications activities based on Sámi history and cultural heritage.
35. There are still a number of unresolved tasks and challenges involved in the development of the Sámi museums. This will call for more financial resources than what the Sámi Parliament can afford to provide from its budget. For several years, the Sámi Parliament has pointed out that there is a great need to increase this allocation. The Sámi museums should have the same opportunities for development as other Norwegian museums, and there are several challenges that remain to be addressed and dealt with in connection with the preservation of the Sámi cultural heritage. The Sámi museums are underfunded compared with the Norwegian museums. Moreover, there is no requirement for regional co-funding for the Sámi museums, like there is for the Norwegian ones. This presents challenges with a view to attending to all duties expected of modern museums. (Art. 2, cf. Art. 4(1) and 7(1)).

## Article 4

### The Sámi language situation

36. All the Sámi languages in Norway are endangered or seriously threatened languages, meaning that measures are required urgently. There is a significant danger that the number of Sámi language users will decline in future unless special measures are instituted. (Art. 4(1), cf. Art. 6, 7 and 28(3)).
37. Norway's Language Act entered into force in 2022. The new aspect of this Act is a statement of legislative purpose stating that public bodies are responsible for using, developing and strengthening Sámi languages. This is new and important wording, which emphasises that the Sámi languages are equal to the Norwegian languages pursuant to the Sámi Act. Referring to the Sámi languages, section 5 of the Language Act establishes that the Sámi languages are Indigenous languages. This is the first time the term 'Indigenous language' has been established by law.
38. Amendments to the Sámi Act, and the rules governing language in the Sámi Act will enter into force in 2024. The term Sámi languages has now been defined as referring to North Sámi, Lule Sámi and South Sámi. The most significant amendment to the rules in the Sámi Act that govern language is a differentiation of the municipalities in the Sámi language administrative district. The differentiation will to a greater extent than before reflect the language situation in the different municipalities. Municipalities in which Sámi is the majority language will have more responsibilities, while new municipalities may find it possible to have fewer responsibilities than they have today. The Sámi Parliament would like the municipalities to achieve a higher category over time. The challenge the

Sámi Parliament recognises with a view to legislative amendments, and to legislative work in general, is that the Sámi Parliament would like a comprehensive follow up of Norwegian Public Report 2016:18 *The Language of the Heart*, where all relevant acts of legislation could be dealt with as a whole. The Sámi Parliament did not manage to gain support for this, so the acts are being dealt with separately.

39. *Giellalokten* is the Sámi Parliament's language strategy. It is intended to engender a firm boost for the Sámi languages throughout the nation. The three main target areas addressed by the strategy are language activities for children and young people, promoting visibility and cooperation, and skills upgrading and recruitment. About half of the measures in *Giellalokten* have been initiated or completed. Five years have passed since the strategy was adopted. Naturally, there have been many changes during those years. Amendments to the Sámi Act, the Truth and Reconciliation Commission's report and other social processes make it necessary to adapt the Sámi Parliament's strategies for Sámi languages. The strategy is to provide a clear direction for language policy, and that calls for cooperation and hard work to achieve a goal like making a lasting change in society.
40. Sámi Language Week (*Giellavahkko*) is an initiative introduced by the Sámi Parliament. The goal of Sámi Language Week is to raise the status of the Sámi languages, and to disseminate knowledge about Sámi languages and culture nationwide. In the course of the week, the Sámi languages should be heard and felt at every level of society. Sámi Language Week is a joint effort to render the Sámi languages visible and spread knowledge about them far and wide. Private and public institutions, business and industry, organisations and other actors are invited to focus on Sámi languages during this particular week. Together, they share more responsibility for ensuring that Sámi languages are heard, seen and used in all segments of society.

### East Sámi culture

41. Ä'vv the Skolt Sámi Museum is part of the *Deanu ja Várjjat museasiida* Foundation/the Tana and the Varanger Museum *siida*. Ä'vv aspires to help strengthen Skolt Sámi culture, language and identity, as well as to disseminate knowledge about the Skolt Sámi's past and present.
42. The Sámi Parliament's reports in 2008, 2013 and 2018 described the situation for the East Sámi (also referred to as the Skolt Sámi). The Skolt Sámi are an Indigenous people consisting of at least one thousand individuals. They differ from other Sámi groups through distinctive characteristics of their culture, language, handicrafts and dress. The Skolt Sámi's original home territories are located in the borderlands between Norway, Finland and Russia. The East Sámi are still in a highly vulnerable situation that is critical to their culture. Initiatives to protect the East Sámi's material cultural platform, as proposed by the Sámi Rights Commission and the Sámi Parliament, have not yet been followed up by the Government. (Art. 4, cf. Art. 3, 14 and 15).

## Article 5

### Freedom of religion

43. A new Act relating to Religious Communities was published in 2020. It entered into force in 2021. In its consultative statements on the bill, the Sámi Parliament focussed on consideration for Sámi religious life, and on adaptations for Sámi-speakers in the Church of Norway. The Sámi Parliament believes that it is necessary to incorporate a new obligation provision into the Sámi Act, entailing that the Church of Norway should offer church services in Sámi for its congregations.
44. The Ministry of Culture has considered a proposal to explicitly mention Sámi religious life in the preamble to the chapter. Although Sámi religious life is an important, comprehensive part of the Church of Norway's activities, the Ministry is of the opinion that there are not sufficient grounds for regulating this as a separate statutory objective. The Ministry's position is that such a responsibility, where applicable, should be incorporated into the regulations ("the church system") that the Synod is to adopt pursuant to Section 12, second subsection of the bill.

### **Sámi children's forum**

45. A Sámi children's forum has been established. The Sámi Parliament would like the State to provide a national cooperative body for children that would allow the Sámi voice to be heard.

## **Articles 6 and 7**

### **Consultations**

46. The Sámi Parliament has practised the consultation procedures (PCSSP) with State authorities for more than 15 years, and experiences vary considerably.
47. The Storting's decision to adopt a new chapter in the Sámi Act about consultations has entered into force. It also incorporates ILO C169 into the Sámi Act so that in the event of contradiction between the provisions of the Sámi Act and ILO C169, ILO C169 will take precedence. The Sámi Parliament Plenary Assembly has previously given its consent to the draft bill. The bill essentially covers the consultation procedures, but it is the result of comprehensive legislative history and comments on the provisions. The Act further ascertains that directly affected Sámi stakeholders have the right to consultations and that municipalities and county municipalities are required to consult Sámi stakeholders, including the Sámi Parliament, when necessary.
48. In individual decisions on energy development cases, it is still difficult to achieve genuine, substantive consultations. Examples of this are the follow up of the judgment handed down by the Supreme Court in the Fosen case and the Norwegian government's decision on Melkøya Island. What the Norwegian government refers to as consultations and good dialogue continue to resemble hearings and suggestions, where the terms have already been established or guiding decisions adopted. Accordingly, the process is illusory. This applies despite the fact that in his speech to the Sámi Parliament after the Fosen demonstration, the prime minister gave assurances, stating "For that reason, we must strengthen our routines for consultations with the Sámi Parliament, with the reindeer husbandry industry and other involved industries". In the opinion of the Sámi

Parliament, the process is moving in the opposite direction, with a constant weakening of the consultation scheme.

49. In cases in which the Sámi Parliament has lodged an objection to plans for land use, where negotiations and mediation have not led to agreement between the Sámi Parliament and the municipal planning authorities, and where the Ministry of Local Government and Modernisation is the body to adopt final resolutions, the Sámi Parliament has not been consulted on the Ministry's decisions. The Sámi Parliament finds this to run counter to Art. 6, which states that consultations shall take place at all levels of decision-making. In 2023, the Norwegian Ministry of Local Government and Modernisation admitted that the Sámi Parliament should be consulted on such matters in future.
50. On several occasions, the Sámi Parliament has received proposals from the Coastal Sámi fisheries organisation *Bivdu*, which, pursuant to the Sámi Act, is also entitled to consultations, about the Ministry of Trade, Industry and Fisheries and the Ministry of Climate and Environment and their subordinate directorates, county municipalities and municipalities failing to comply with their duty for consultations and duty of disclosure in cases that involve fishermen in Coastal Sámi areas. This has had the direct consequence that *Bivdu* cannot protect the interests of the fishers in Coastal Sámi areas. The Sámi Parliament finds that the Government and other authorities have established good practice for consultations with the reindeer husbandry industry, and maintains that the Government should ensure that the routines for consultations with Coastal Sámi stakeholders achieve the same level.
51. The Sámi Parliament points out that the situation remains unchanged from the preceding report with a view to cases in which the Stortinget deviates from negotiated proposals from the Government based on consultations, in cases where representatives have been nominated, in respect of political agreements that may impact Sámi interests, and in cases where the Government has not consulted the Sámi Parliament, despite an obligation to consult being incumbent upon the Stortinget. In a letter to the expert committees, the Storting's presidency has pointed out that the Sámi Parliament has a special opportunity to express an opinion before decisions of significance for Sámi interests are taken, and that in special cases, there may be grounds for consultations between the Norwegian Parliament and the Sámi Parliament. In the experience of the Sámi Parliament, it works well when matters that can affect Sámi interests are dealt with by the committees. Good practice has been established when the Sámi Parliament is granted time and an opportunity to submit its views during committee deliberations. The obligation to consult is, however, not obeyed when one side enters into political agreements that affect Sámi interests and lead to decisions being taken in the Norwegian Parliament. There is no mechanism for the Storting to help ensure clarifications about whether consultation obligations have been met in specific cases (Art. 6 and 7).

### **Melkøya Island**

52. . The Sámi Parliament is of the opinion that the Norwegian government's decision on the electrification of Hammerfest LNG will have major consequences for Sámi culture and livelihoods, since the decision requires extensive encroachment on land to build power

lines and wind power plants in Sámi areas. Consequently, the Sámi Parliament finds that the issue triggers the obligation to consult pursuant to the Convention, since the case could impact Sámi interests directly.

53. However, the Ministry of Petroleum and Energy contends that there is no obligation to consult in this case, referring to the fact that there will be consultations on the encroachments on Sámi territory onshore. Notwithstanding, the Ministry of Petroleum and Energy has admitted that the electrification of Hammerfest LNG has a direct impact on Sámi culture and industries since there have been meetings with the Sámi Parliament to discuss the project. Accordingly, the Ministry is aware that the decision could have consequences on the Sámi community, but it has refused to study, review or consult on the effects this might have for the Sámi community. The Ministry subsequently adopted a decision on this issue without consulting the Sámi Parliament.
54. The Sámi Parliament believes the Ministry of Petroleum and Energy's interpretation of the obligation to consult is incorrect because the decision on electrification of the gas industry presupposes encroachments on Sámi territory on land. Further, the Sámi Parliament maintains that the Government cannot divide the decision-making processes or review certain initiatives in isolation to circumvent the obligation to consult, as emphasised by the ILO's Committee of Experts in respect of cases in Brazil and Colombia. The Sámi Parliament is therefore of the opinion that the decision regarding electrification of the gas industry could affect Sámi interests directly, and that the matter is consequently covered by the obligation to consult pursuant to the Convention and that the Government is thereby in violation of Article 6.

### **Budget routines**

55. For several years, the Sámi Parliament has called for budget routines that satisfy the consultation obligations ensuing from the Convention; this could, in turn, help ensure that the Sámi community is able to keep up with the general economic trend in Norway. Influence on budgetary parameters and opportunities to rank priorities for the Sámi's own development process are largely governed by the financial parameters set by the State authorities, especially in a strong unitary welfare state like Norway.
56. In 2018, the Sámi Parliament and the Norwegian Ministry of Local Government and Modernisation agreed on a new budgetary system. The State's budgetary transfers to the Sámi Parliament shall generally take place through an aggregated item on the government budget. In addition, before the Government submits its annual budget proposal to the Norwegian Parliament, the Government is to send a report to the Parliament, outlining development trends and challenges for Sámi language, culture and way of life. The report shall include the Sámi Parliament's opinions on matters where agreement is lacking. The Government shall attach importance to planning the report so that it clearly safeguards the principle regarding the Ministry's sectoral responsibility for Sámi affairs. The Sámi Parliament therefore considers it profoundly important that there be latitude for consultations on its own financial, social and cultural development, and points out that the establishment of the new scheme *per se* does not guarantee this. (Art. 6 and 7).

57. In 2018, funds were allocated over the new budgetary scheme for the first time. A White Paper on Sámi language, culture and way of life was presented in 2019. Since then, an annual report covering a variety of topics has been presented. The Sámi Parliament's expectation was that the reports would ensure that Sámi goals were given priority, and that the Sámi Parliament would be allowed latitude to assign its own financial priorities to different initiatives. In the view of the Sámi Parliament, this would have been in keeping with the mandate of the Sámi Parliament as an elected body. The Sámi Parliament ascertains that the reports have done little to promote the establishment of necessary measures. The annual reports have been followed up with allocations to start a few initiatives only once. The Sámi Parliament has asked the Government to evaluate the scheme, but no follow up has been forthcoming as yet. The Sámi Parliament is of the opinion that alternative funding opportunities must be established. (Art. 6 and 7).

### **Sámi parliamentary elections**

58. The electoral system for the Sámi Parliament is a matter that most definitely affects the Sámi people, and it is an area in which it is natural for the Sámi Parliament to have the right to establish its own priorities. In its bill for a revised Sámi Act, the Sámi Parliament has assumed that it is the Sámi Parliament that will issue additional provisions pertaining to Sámi parliamentary elections.

59. The Sámi parliamentary elections in 2021 faced challenges because the electoral roll was incorrect, and the dispatch of ballots was delayed. The Norwegian National Population Register is the agency designated to administrate and compile the electoral roll, and the errors in the electoral roll were due to the transition to a new computer system. The errors were corrected under pressure from the Sámi Parliament. As for the ballots, the same printing company had been commissioned to print the ballot papers for the national and the Sámi parliamentary elections. The ballot papers for the Sámi parliamentary election were printed after completion of the ballot papers for the national parliamentary election. In addition, the Sámi Parliament did not have the financial resources required to assign enough personnel to work with the Sámi election. For the Sámi parliamentary election in 2025, the election material will be subject to a separate tender process, and more human resources will be assigned throughout the entire election period. These funds will be set aside over the Sámi Parliament's own budget through a resolution by the plenary assembly. The Sámi Parliament will continue to work to strengthen the financial foundation for electoral work. (Art. 6(1.c), cf. Art. 7).

### **The knowledge base of publicly appointed committees**

60. The authorities have too little knowledge and understanding of Sámi languages, Sámi culture, Sámi values and Sámi traditional knowledge. The Sámi Parliament experiences that representatives who possess this knowledge are not always included on government committees that prepare legislative amendments, measures and schemes that will also affect the Sámi community. The Sámi Parliament finds it natural for the Sámi Parliament to appoint individuals to serve on such committees, so that the knowledge base is safeguarded. (Art. 7(1)(3), cf. Art. 33).

### **Articles 8, 9, 10 and 12**

## The courts

61. The State of Norway was established on territory belonging to two peoples, Sámi and Norwegians. A state based on the rule of law must be built on interpretations of the laws of both peoples. When one sees how the Norwegian authorities have treated the Sámi historically, it is not hard to understand why many in the Sámi community have viewed the courts as an agent for an unjust State Norwegianisation policy that does not respect established Sámi rights, Sámi customs or Sámi interpretations of the law. Until fairly recently, this has to some extent been mitigated by judicial practice in the courts. The courts depend on people trusting them to adopt decisions that are fair and impartial. Accordingly, it is important that also the Sámi have confidence in the courts. (Art. 8 and 9, cf. Art 12).
62. Access to appeal procedures and judicial review offers no guarantee that appeals bodies and courts will recognise Sámi rights. Nor have sufficient resources been made available to ensure legal counsel for Sámi rightsholders. Many cases take years to complete, meaning the rules about attaching importance to Sámi interests are not given importance in actual practice. One consequence of this is that the Sámi, individually and collectively, do not have fair opportunities to enforce their legal positions.
63. The establishment of the Indre Finnmark District Court has been a positive contribution to improving security under the law for the Sámi because cases can be tried in the North Sámi language and because there is greater focus on taking account of Sámi customs, Sámi interpretations of the law and the Sámi Parliament's statements. In April 2021, the Indre Finnmark District Court was merged with the Øst-Finnmark County District Court. *Sis- ja Nuorta-Finnmárkku diggegoddi* - the Indre and Østre Finnmark County District Court currently bears a special responsibility for safeguarding the Sámi dimension within the judicial system. The Sámi Parliament maintains that the several courts should apply this approach as a role model when dealing with cases involving Sámi parties. In addition, for the courts be able to deal with and decide Sámi cases, it is decisive that there be a thorough understanding of Sámi culture and detailed knowledge of Sámi law. The Sámi Parliament emphasises that it is of crucial importance that the courts have the resources required to safeguard the Sámi dimension in their work. It is necessary to consider amending the rules that apply to Sámi speakers as parties, defendants and witnesses in the legal system (Art. 8 and 9).
64. There is a need for measures to develop more expertise on the Sámi way of life, Sámi culture, Sámi customs and the interpretation of the law in the courts. This must be accomplished by including Sámi and Indigenous rights in courses on jurisprudence and property law. This has been partially implemented in courses in jurisprudence, and it has been improved for those who study property law. Courses in property law, part of the training for land consolidation judges, are currently offered at the Norwegian University of Life Sciences, which also offers Sámi and Indigenous law within five subject areas. The University of Tromsø - Norway's Arctic University - offers studies in Sámi and Indigenous law, and Sámi law is an obligatory subject for its own students at the 4th level, in addition to two elective subjects at the 5th level. The subjects are offered to students from other educational institutions, but few have taken advantage of the offer.

65. Further, the continuing education courses for judges must be improved so that they shed light on actual and methodical questions related to strengthening the position of the Sámi as a people and as an Indigenous people in Norway under international law and Norwegian law. It should be clear how Sámi customs and interpretations of the law can be applied to the administration of justice and what sources of law are available for reference. The Sámi Parliament often makes assessments, expresses reservations or makes specific clarifications during the drafting of legislation and regulations that affect Sámi interests. This is part of the legislative history, but it is rarely applied when specific issues are decided by the courts. (Art. 8 and 9).

### Supreme Court judgments

66. The Supreme Court judgment of 11 October 2021 (HR-2021-1975-S) established that decisions regarding licences to develop wind farms at Fosen were found invalid because the development project violated the right of the Sámi to engage in reindeer husbandry as a means of practising their culture. The case involved the development of Storheia and Roan wind power plants at Fosen violating the right of Sámi engaged in reindeer husbandry to practise their culture pursuant to Article 27 of the UN Covenant on Civil and Political Rights (OHCHR). The Supreme Court of Norway came to the unanimous conclusion that the rights were violated, and that the decisions regarding licences and the expropriation permit are therefore invalid. The discretionary stipulation of compensation for the encroachment was therefore not allowed to be submitted.

As a result of the Norwegian government's failure to follow up the Supreme Court judgment in the Fosen case, Sámi and Norwegian young people and human rights activists demonstrated against the fact that 500 days had passed since the judgment was handed down, by occupying the lobby of the Ministry of Petroleum and Energy. They were removed by the police by force at night after a few days. The action subsequently escalated and led to comprehensive demonstrations and civil disobedience in the form of blockades of the entrance to several ministries. During the protests, a previously planned consultation meeting was held on 2 March 2023 between the President of the Sami Parliament and the Minister of Petroleum and Energy, with the Minister of Agriculture also in attendance. This consultation was concluded with a joint press conference, at which the minister admitted to an ongoing violation of human rights at Fosen, stating that the Government had apologised to the Sámi engaged in reindeer husbandry at Fosen.

In the further consultations at the political level on what a study intended as grounds for a new licensing decision should include, the Sámi Parliament filed a proposal that sought to accommodate the Ministry's need for a study at the meeting, but it did not lead to any replay to discuss the assessments and conclusions of the Supreme Court. At the final consultation meeting on 27 April 2023, the minister of Petroleum and Energy's response was that they are still planning a system of comprehensive, time-consuming studies on the consequences of wind power plants and other current encroachments on reindeer husbandry at Fosen. This was decided despite the fact that this was precisely what the Supreme Court had considered, and ascertained to be a violation of human rights. Further, the minister would like to study mitigation measures that the Supreme Court has also taken a position on. This means planning a replay of the Supreme Court judgment. Obviously, the Sámi Parliament could not agree to this.



The Government has not managed to reach agreement with either the Sámi Parliament or the affected reindeer Sámi on further grounds for further investigations. The ongoing violation of human rights continued in the summer and autumn of 2023. Attempts have been made to mediate in the case, with the chief state mediator acting as a neutral party.

### The Norwegian Correctional Service

67. In 2014, following consultations with the Sámi Parliament, the Norwegian Correctional Service adopted the action plan *Quality and equality in sentence execution for Sami offenders*. The Norwegian Correctional Service invited the Sámi Parliament to consultations in connection with revising and updating the action plan. The Sámi Parliament is satisfied with the measures carried out for North Sámi inmates and offenders, but the region has no initiatives for speakers of the South Sámi and Lule Sámi languages. The Sámi Parliament considers it important to incorporate measures into the action plan that apply to South and Lule Sámi-speaking inmates and those sentenced to incarceration. There are few employees of the Norwegian Correctional Service who speak or understand Sámi. Only one unit has North Sámi language skills. (Art. 10).

### Legal aid

68. Legal aid is a prerequisite for a smoothly functioning state based on the rule of law. As legislation and regulations have gained momentum as instruments of governance while also becoming more complex, the need for legal aid has grown. Today, the general rule is to be represented by legal counsel in court, and it is very common to seek legal services or other legal aid long before a case comes before the courts. (Art. 12).

69. The Sámi Parliament finds that closing the legal aid office in Indre Finnmark County has had an adverse impact on Sámi legal aid challenges covered by international conventions, including ILO C169, Art. 12. The closure of the legal aid office makes it more difficult for North Sámi-speaking residents of Indre Finnmark County to understand and be understood in legal proceedings (Art. 12).

70. The Sámi Parliament notes that Sámi businesses are being exposed to ever increasing outside pressures involving plans for encroachments by new industries and infrastructure. Sámi business owners risk having their collective industrial resource bases, e.g., grazing grounds, harvesting areas and fishing grounds, supplanted by other activities. This trend means that a growing number of Sámi business owners must fight for their rights in court. The Sámi Parliament recognises the need to take advantage of schemes that will improve opportunities for free legal aid for Sámi business owners who find themselves in such situations. (Art. 12).

71. There are currently several schemes for legal aid in civil cases where the public sector covers the cost of an individual's need for legal aid. In criminal cases, after a charge is filed, one will be entitled to have the cost of a defence counsel covered by the public sector. In grave criminal cases, the aggrieved party is also entitled to free legal aid from counsel. The Sámi people and Sámi rightsholders are nevertheless individually and collectively in a situation characterised by little availability of institutionalised legal aid schemes to safeguard them from the constant powerlessness experienced by the Sámi as an Indigenous people upon encountering the Norwegian authorities and the judicial

system. The majority community has the power to define. The question of whether the Sámi individually and collectively truly obtain fair and equal assessments of their cases within this system is a challenge that must be addressed.

72. The Sámi Parliament has found it necessary to play a part by supporting Sámi rightsholders in legal proceedings in certain cases. Further, the Sámi Parliament has financial instruments available, separately or in combination, to help Sámi parties in legal proceedings.
73. In 2007, an intersectoral working group consisting of representatives of the Sámi Parliament and several ministries submitted a report on the Sámi Parliament's formal position and budget routines. The report presumes that the Sámi Parliament has the right of action in legal proceedings. This has not yet been reviewed fully by the courts, even though the Sámi Parliament has acted as an intervener in court cases. The Sámi Parliament has the general legal capacity to be a party to a case. It will only be of interest to get involved in cases of principle in which the Sámi Parliament itself is a party, and, for example, finds that a decision is invalid owing to procedural errors. In such cases, it should primarily be in the Sámi Parliament's own interest to obtain judicial clarification on the issue that is decisive. If there are also other parties involved, the legal proceedings must be coordinated, if possible. The Sámi Parliament recognises a need for the Sámi Parliament's right of action to be established by law.

## Articles 13, 14 and 15

### The Finnmark Estate

74. The Finnmark Estate (FeFo) is an independent legal entity that owns and administrates land and resources in Finnmark County pursuant to the Finnmark Act. The Finnmark Act does not provide much clarification about what type of body FeFo is, but the Sámi Parliament is of the opinion that it must clearly be assumed that it is not a type of public authoritative body, since it cannot recognise Sámi property and right of use positions. Even though the Finnmark Estate (FeFo) is a private rights object, it is also intended to protect and manage collective Sámi rights, which the Sámi Parliament believes must be done through an open, close dialogue that includes the rightsholders and the Sámi Parliament, but also such that there are local Sámi rights of use that FeFo is assigned to manage, so that ILO C169, Art. 6 also applies to FeFo. (Art. 14, cf. Art. 6 and 15).
75. In some types of cases, FeFo's decisions have the nature of decisions taken by public authorities, and they must therefore also be perceived as such. This will be true, for example, in cases in which FeFo adopts a decision to change the use of an outlying field pursuant to section 10 of the Finnmark Act, as the decision may be of importance for the Sámi's use of the same outlying field. Section 3 of the Finnmark Act establishes that the Finnmark Act applies, subject to the restrictions ensuing from ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. Further, among other things, the Act shall be applied in compliance with the rules of international law regarding Indigenous peoples and minorities. The Sámi Parliament would like to express concern about the Board of FeFo dealing with two items in 2021 that involved changing the use of outlying fields. Both decisions will have consequences on Sámi's use of outlying fields in the area, but the relevant articles in ILO C169 were not taken into

consideration in these cases. Nor was there any information provided in the decisions as to whether consultations or other dialogue exchanges were conducted with the rightsholders in the areas. Considering that FeFo's administration gave a speech at a conference on the management of land and natural resources in Sápmi in November 2022, stating that FeFo is a private ownership body and therefore not bound by the State's obligations under international law, this is a development that the Sámi Parliament views with great concern.

76. At present, visitors' access to hunting and fishing on the Finnmark Estate runs counter to the interpretation of the law held by the local population and the Sámi, which states that others' access to natural resources should not interfere with local use. There is dissatisfaction with today's administration because this means that in actual practice and, even though the Finnmark Commission's survey turned up significant local rights, locals and outsiders have virtually the same access to natural resources. In certain areas, the local population finds that its use of uncultivated land is being supplanted by others. The Finnmark Estate statistics on the number of fishing licences shows, for example, that the number of visitors without a close connection to Norway has increased considerably on the Finnmark Estate land since 2005. Further, several areas are being subjected to heavy recreational and fishing-related pressure, especially during certain parts of the year (Art. 14(1), cf. Art. 8).
77. The work of the Finnmark Commission and the Uncultivated Land Tribunal for Finnmark County to survey and recognise rights to land in Finnmark County is still in progress. In field 4, Karasjok, both the Finnmark Commission and the Uncultivated Land Tribunal for Finnmark County concluded that the population of Karasjok collectively owns the land in field 4. The Sámi Parliament regrets that the Finnmark Estate has appealed the judgment to the Supreme Court of Norway. (Art. 14).

### The areas outside Finnmark County

78. The Sámi Rights Commission was re-appointed in 2001 to study rights to land and water in Sámi areas from Troms County and to the south. The Commission was mandated to report on historical factors and to consider the need for amendments to current legislation. On 3 December 2007, the Sámi Rights Commission II submitted Norwegian Public Report 2007:13 entitled *The new Sámi right* and Norwegian Public Report 2007:14 entitled *Sámi use of nature and the legal situation from Hedmark County to Troms County*. The Commission proposes a number of legislative amendments to facilitate fulfilment of the State's obligations under international law in respect of the Sámi. The Commission submitted three main proposals: identification legislation to safeguard the rights under Art. 14, management and administration legislation designed to protect the rights under Art. 15, and consultation legislation to protect the right under Art. 6.
79. In June 2017, in connection with the regional reform process, the Norwegian Parliament asked the Government to consider giving the Mountain Act the same application in Nordland County and Troms County as south of the Nordland County border. This decision came as a surprise to the Sámi Parliament and was made without any previous consultations. The Sámi Parliament sees the method as an attempt to sideline the processes on which there has been broad agreement to implement in order to report on

and protect Sámi rights to land and water throughout the Sámi area. This is at variance with the understanding that was established between the Sámi organisations and the Government when the Sámi Rights Commission was appointed in 1981 and upon which Sámi policy has been based. This can also be understood as an expression of the fact that the Sámi Rights Commission II has not been followed up. The Sámi Parliament has made the Norwegian authorities aware of this, and the Sámi Parliament urges prompt follow up of the Sámi Rights Commission's proposal. (Art.14 and 15, cf. Art. 6 and 7).

80. The Government replied to the question in the Storting (Norwegian parliament) on 27 March 2019, responding that they will follow up the request for a decision on asking the Government to determine whether the Mountain Act can be given the same application in Nordland County and Troms County as south of the Nordland County border, and that it will come back to the Storting in an appropriate manner.
81. The Commons Legislative Committee was appointed on 4 March 2016, and presented the report entitled "New Mountain Act" to the Ministry of Agriculture and Food on 22 June 2018. The Committee submitted its proposal for a new Mountain Act, intended to supersede the two acts that currently govern the use and administration of the common lands located outside of Troms and Nordland counties. Sámi reindeer husbandry and Sámi use in the commons were part of the content of the report. The deadline for the consultation process for the bill was 28 February 2019.

### Reindeer husbandry

82. Reindeer husbandry is a cornerstone of Sámi culture and way of life. Reindeer husbandry helps preserve Sámi languages and traditions. In *The Report to the Sámi Parliament on Reindeer Husbandry* (2016) (White Paper), the Sámi Parliament ascertained that there are several issues in the Reindeer Husbandry Act and its administration that are problematic in the light of Norway's obligations under international law. In recent years, several amendments have been made in the Reindeer Husbandry Act and in the government reindeer husbandry administration without the consent of either the Sámi Parliament or the Sámi Reindeer Herders' Association in Norway (NRL). The regional administration has been moved to the county governor from the regional boards that represented Sámi participation in the administration, and the administration of reindeer husbandry has been assigned to the Norwegian Agricultural Agency. The Government has not performed an evaluation of the regional reindeer husbandry administration, as the Government resolved they would do when they made the change. In 2015, the Government also discontinued the allocation of MNOK 2 for the Sámi Parliament's subsidy that was previously used for the reindeer husbandry industry. Accordingly, phased revisions have been made in the Reindeer Husbandry Act, along with changes in the reindeer husbandry administration, without thorough evaluations and assessments, and without substantive consultations with the Sámi Reindeer Herders' Association in Norway (NRL) and the Sámi Parliament (Art. 15(1), cf. Art. 6, 7 and 23).
83. The Sámi Parliament and the Sámi Reindeer Herders' Association in Norway appointed a public Reindeer Husbandry Committee in October 2018. There was a need for a comprehensive updating of Act No. 40 of 15 June 2007 regarding reindeer husbandry (The Reindeer Husbandry Act), and to review the principle international law and practical aspects of the Reindeer Husbandry Act. The Committee's mandate was to propose

amendments and assess draft legislation, and, if need be, to produce further amendments that would help strengthen the individual reindeer herder's legal status and land protection, and their legitimate interests in the reindeer husbandry industry.

84. The reindeer Sámi's traditional knowledge, which is the very foundation of reindeer husbandry, should be given greater importance in the Reindeer Husbandry Act and in the administration of reindeer husbandry. The Reindeer Husbandry Committee proposes *inter alia* that the definition of sustainability, which is the foundation of the entire Reindeer Husbandry Act, shall be based on the definition of sustainability applied by the reindeer Sámi who have engaged in reindeer husbandry since time immemorial. This definition is divided into nine pillars, where nature, the reindeer, humans and the traditional Sámi reindeer husbandry system are the focal points.
85. The Committee proposes clarifying Norway's obligations under international law regarding the area covered by Sámi and reindeer husbandry legislation in the Reindeer Husbandry Act and other legislation. One example involves clarifying the international legal limits for infringement established by both ILO Convention No. 169 and OHCHR Art. 27. The Reindeer Husbandry Committee proposes *inter alia* that ILO Convention No. 169 be incorporated through Act No. 30 of 21 May 1999 on strengthening the position of human rights in Norwegian law (Human Rights Act), giving it precedence over other legislation. The Committee proposes further that the essence of Article 15 no. 2 be established by law in Act No. 101 of 19 June 2009 relating to the acquisition and extraction of mineral resources (Minerals Act).
86. The Committee proposed strengthening the protection of reindeer husbandry lands significantly, which also implies limiting opportunities for infringement on reindeer herding areas. The Committee proposed establishing by law that it is not allowed to permit pre-accession in cases of expropriation interventions in Sámi reindeer husbandry rights before a legally binding decision has been handed down on the legality of the intervention. This legislative amendment is important to ensuring protection under international law. Other proposed amendments involved *inter alia* restructuring the public reindeer husbandry administration, rules on reindeer numbers, cooperative reindeer herding groups (*siidaandel*), the autonomy of the reindeer husbandry industry, a reindeer husbandry court, reactions and mediation.
87. The bills submitted by the Sámi Parliament and NRL's appointed committees were discussed by the Sámi Parliament's Plenary Assembly in March 2023, and have been presented to the Ministry of Agriculture and Food. The Ministry is to initiate a process for a general revision of the Reindeer Husbandry Act, and the plan is to submit the bill to the Stortinget for discussion in spring 2025. The Sámi Parliament and the NRL have been invited to consultations on the process *per se*. The consultations are scheduled for autumn 2023. (Art. 15(1), cf. Art. 6 and 7).

## Agriculture

88. Sámi agriculture plays an important role as grounds for employment, wealth creation and settlement in Sámi areas. Agriculture plays a part in carrying on Sámi languages and cultural traditions. (Art. 15(1), cf. Art. 23).

## The Tana Agreement

89. In 2017, the relationship between human rights and the Norwegian authorities' regulation of salmon fishing in the Tana watercourse became strained. Following vehement protests from the Sámi parliaments in Norway and Finland, the Tana watercourse fish resource management, the municipalities involved, and all of the rightsholders' organisations, in 2017, the Norwegian and Finnish parliaments ratified a new agreement, by narrow majorities, between Norway and Finland on fishing in the Tana watercourse and related watercourse regulations. The agreement has both procedural and material shortcomings that run counter to human rights.
90. In the case of *Taivalo v. Finland* 2006, the European Court of Human Rights established that Finnish cottage/cabin owners do not have fishing rights on a par with those of the local population. Nonetheless, the Norwegian and Finnish authorities chose to grant rights to cottage/cabin owners through the negotiations on a new agreement, establishing a new group of rightsholders in the Tana watercourse. Reference is also made to Aslak Holmberg's master's thesis of May 2018; *Bivdit Luosa – To ask for salmon. Saami traditional knowledge on salmon and the river Deatnu: in research and decision-making*.
91. The Sámi Parliament has noted that the National Institution for Human rights (NIM) commented on this matter in its Annual Report. In this context, NIM points out that questions that are not mentioned in the proposition include whether the practice that has led to the steep increase in the sale of fishing licences up until 2015 might have been an illegal encroachment on the fishing rights of those who own salmon permits and the local anglers. This topic was discussed in the salmon permit judgment handed down by Norway's Supreme Court in 1994 (HR-1994-10-B). In Norwegian case law, tort and expropriation legislation have lower thresholds of tolerance than the thresholds for violations of OHCHR Art. 27 and ECHR supplementary protocol no. 1, Art. 1 (ECHR P1-1), 293, but they still represent limits that the state members have an obligation to respect. These ambiguities must also be seen in the light of fishing rights in the Tana watercourse being excepted from the Finnmark Commission's survey of rights, and thus also excepted from the procedural opportunities for independent review by a court of law. Reference is also made to Art. 14 and 15 regarding the protection of rights of use and the management of natural resources.
92. The Tana Act's wording about 'consultations', combined with the fact that the Act is to be applied in compliance with the rules of international law regarding Indigenous peoples, have entailed obligations for the authorities in respect of the negotiating process. Norway's obligation under Art. 6 is that the State shall consult with the Sámi in good faith and in forms adapted to the conditions for the purpose of obtaining agreement or consent. This was also laid down in the consultation scheme agreed between the Government and the Sámi Parliament in 2005. The Sámi Parliament points out that the Sámi's genuine participation and possibility to exercise influence must be safeguarded better in such processes. The Sámi Parliament believes that efforts must continue to be made to achieve renegotiation of the Tana Agreement, so that it protects the rights situation in the watercourse and so that rightsholders experience it as legitimate and fair. (Art.14 and 15(1), cf. Art. 6, 23 and 35).

93. The Sámi Parliament finds reason to point out other conditions of relevance to the Coastal Sámi's influence on salmon management in the negotiations between Norway and Finland (2012 – 2016) regarding fishing in the Tana watercourse. Sea salmon fishers are a direct party in respect of fishing from the salmon stock(s) inasmuch they have fished from the salmon stock that belongs to the Tana River since the dawn of time. In addition, the negotiations between Norway and Finland (2012 – 2016) on fishing in the Tana watercourse resulted in a completely new provision in Article 3, no. 2 of the agreement: "The proposed amendments to the regulations for sea salmon fishing in Finnmark County are to be sent to the responsible government authority in Finland for hearing before a decision is taken". The Sámi Parliament notes that the obligation of disclosure/to consult was violated by the Norwegian authorities in this case. Even though the negotiations also involved salmon fishing in the sea, there were no representatives of the Coastal Sámi in the Norwegian negotiating delegation. Sea salmon fishermen's organisations were not informed that anything like this was taking place either. The Sámi Parliament expects Coastal Sámi organisations to be consulted/involved in the administration and when there are negotiations for amendments in the salmon fishing rules in general, as well as in the Tana watercourse in particular. (Art.14 and 15(1), cf. Art. 6, 23 and 35).

### The Neiden watercourse

94. §28 of the Finnmark Act refers to the fact that regulations can provide more detailed rules to govern local rights-based management of fishing in the Neiden watercourse. This work has not yet commenced. The Sámi Parliament emphasises that both the Sámi Parliament and local Sámi interests are to be included in the planning of local administration. (Art. 15(1) cf. Art. 23).

### Fisheries

95. In 2016, the Norwegian Institute of Human Rights published a report on the Coastal Sámi's right to fish in the sea, pointing out that fishing constitutes a crucial part of the Coastal Sámi culture, meaning that today's extensive regulations present a formidable challenge to the survival of Coastal Sámi culture. The Norwegian Institute of Human Rights recommends further that the Coastal Sámi's right to fish be established by law, since it is part of their cultural practices and based on their historical fishing customs. The Sámi Parliament notes that the Norwegian Institute of Human Rights' Annual Report for 2017 concludes that the current regulations are not sufficient to protect the Coastal Sámi's human rights. Notwithstanding, the recommendations have not been followed up by the Government. In 2020, the Office of the Auditor General published its survey of the quota system in coastal and deep-sea fisheries between 2004 and 2018. Three of the key findings (which also apply in Sámi areas) involved higher trading permit prices making it more difficult to recruit new fishers, that changes in the smallest coastal fleet have negative consequences on coastal communities, and that several fishery-dependent municipalities have seen a decline in fishery activities. (Art. 15(1), cf. Art. 7(3) and 13(2) and 23).

96. The Sámi Parliament notes that *Bivdu* (the organisation that protects and represents fishers in Coastal Sámi areas) has recognised the Coastal Sámi population's time-honoured right to fish in the ocean. This right has been built up since time immemorial,

and it must also be the basis for all legislation and public administration in Norway. The organisation also supports returning the right to fish to the residents of Coastal Sámi areas, and the Sámi Parliament will actively support this. The Sámi Parliament would like to underline the need for immediate and special initiatives related to fishing in the sea in the Coastal Sámi areas.

### The Fjord Fishing Board

97. On several occasions, the Sámi Parliament has got feedback from the Fjord Fishing Board stating that their work is being hampered or impeded due to insufficient financial parameters. This means that the Fjord Fishing Board is not able to make the necessary studies or to do other work required to render visible the effects on the Sámi community of the authorities' various proposals for watercourse regulation on fishing and fish farming. The Sámi Parliament has addressed the matter with the Ministry of Trade, Industry and Fisheries without noting any significant improvement in the situation. The Sámi Parliament has noted that the organisation *Bivdu* aspires to have representation on the Fjord Fishing Board, which could be favourable for fishers in Coastal Sámi areas. (Art. 15(1), cf. Art. 13(2)).

### Late winter/early spring duck hunting

98. In a report from 2016, the UN's special rapporteur on Indigenous rights mentioned quotas for (seasonal late winter/early spring) duck hunting in Kautokeino municipality as an important part of Sámi culture that should be protected by special measures so that the tradition can be continued in a culturally and ecologically sustainable manner. One of the recommendations made in the report was that the State of Norway and the Sámi Parliament ought to find solutions for the regulation of duck hunting quotas in Kautokeino municipality so that the tradition can be continued.

99. The Sámi Parliament has had annual meetings with the Ministry of Climate and Environment, at which they agreed that more knowledge is needed about seasonal duck hunting. The Sámi Parliament was not satisfied with the earlier regulations either, and did not gain support for its views either. The Sámi Parliament finds that earlier practice has not been in keeping with the customary way of engaging in traditional late winter/early spring hunting. The Sámi Parliament would like seasonal duck hunting to be accepted as a traditional Sámi cultural practice and for the parameters for hunting to be expanded to comply with the tradition and fall within the scope of what can be considered to be biologically sustainable. The Norwegian Environment Agency has been commissioned to explore the opportunities to adapt the parameters for hunting so that they will be more in line with Sámi customs and more like the traditional seasonal late winter/early spring hunt that has been conducted for generations. The study was expected to cost MNOK 9. According to plan, the study was to be completed in 2015, but no funding was ever allocated for this work, so it was never conducted. In consequence, seasonal late winter/early spring duck hunting has been conducted in accordance with the same restrictive parameters as specified in the earlier regulations. (Art. 15(2), cf. Art. 23).

100. In late winter/early spring 2023, the Sámi Parliament conducted consultations with the Ministry of Climate and Environment on draft regulations governing seasonal duck



hunting quotas in Kautokeino municipality. Before that, the Ministry had engaged in consultations with the local organisations *Boarri* and *Sámi Bivdo- ja Meahcástansearvi*. The consultations between the Sámi Parliament and the Ministry were concluded without reaching agreement on the new regulations. However, the parties did manage to make some headway during the consultations. On 5 April 2023, the Ministry laid down new regulations for seasonal duck hunting quotas that will apply from 1 May 2023 to 6 June 2028. The scheme was expanded in terms of geography, allowing a quota of 500 ducks per year, based on species, and allowing females (hens) to be hunted now. The Sámi Parliament has also given its support to making the scheme for seasonal duck hunting quotas permanent and for introducing administrative provisions that call for the regulations for seasonal duck hunting quotas to be reviewed every 6th year with a view to new regulations on the parameters for the seasonal duck hunting quotas, like the administration of other hunting in Norway. Further, the Sámi Parliament has also endorsed the principle of these regulations for seasonal duck hunting quotas being based on Sámi traditions and customs, with a view to preserving seasonal duck hunting, and to continuing the tradition for upcoming generations. Nevertheless, the Sámi Parliament was not able to agree on these regulations as a whole. In this context, the Sámi Parliament points out that agreement was not reached in the consultations with *Sámi Bivdo- ja Meahcástansearvi* and *Boarri* about the regulation of seasonal duck hunting *per se*.

## Predators

101. The Sámi Parliament's opinions have not been taken into account in Norway's predator policy, and its administration is creating serious problems for the Sámi grazing industry. The Sámi Parliament is of the opinion that it sends a sad signal from the Government to the grazing industry when the only solution offered is directed exclusively at increasing the number of animals herded on uncultivated grazing lands. Losses caused by predators lead to substantial financial and mental strains on the owners of the grazing animals in question. Figures from the reindeer husbandry industry and many reindeer districts show that predators kill an unacceptably high percentage of the livestock. There is also a discrepancy between the indemnification requested by business owners in connection with losses to predators and what is actually paid out. Severe losses due to predators have led many sheep farmers to quit the business. If today's predator policy and predator management continue, the very existence of the grazing industry will be in jeopardy. Traditional knowledge gleaned from the industry must be included in predator management. The Sámi Parliament is of the opinion that the State does not understand the grazing industry's experience since the State's description of the stock of predators is still far below what the grazing industries themselves experience in actual practice. Further, it is absolutely necessary to look at the need for changes in today's predator management, especially with a view to animal counts (Art. 15, cf. Art. 7(3) and 23(2)).

## Article 23

### Sea salmon fishing

102. Sámi and others who live along the coast are entitled to fish for salmon in the sea against the background of settlement and based on use since time immemorial, along

with local and Sámi customs. The Sámi Parliament finds that today's regulation of sea salmon fishing is highly invasive, and that the authorities, following several decades of different restrictions in the opportunities to engage in salmon fishing with fixed gear in the sea, opted to close large areas completely in 2021, 2022 and 2023, so that the very basis of the existence of this traditional Sámi livelihood is severely threatened. The Sámi Parliament wishes to underline the severity of the situation and to draw attention to the urgent need for special measures for sea salmon fishing. (Art. 23, cf. Art. 4(13) and 8(15)).

103. The regulations introduced in the 1960s allowed fishing vessels from further south in Norway to engage in formidable, extensive drift net fishing at sea on the same salmon stocks as the traditional salmon fishers among the Coastal Sámi were fishing. Drift net fishing at sea lasted until 1989. Before that, however, the State had confiscated more than 1100 salmon fishing spots in Finnmark County: "out of consideration for the salmon stocks" and introduced a total ban against sweep net fishing in the sea that directly impacts residents along the fjords in Sámi areas. Systematic reductions in the number of days for traditional salmon fishing in Coastal Sámi areas has been the rule also after 1989. This is directly related to the very extensive tourist fishing done in the tourist river of Deatnu – Teno – Tana (the Tana watercourse), which is also of the utmost importance for sea salmon fishing. From the early 1970s to 2015, one million 24-hour fishing licences were sold in this watercourse and the tourist catch amounted to at least one million kg of Atlantic salmon. To the Sámi Parliament, it seems as though traditional coastal salmon fishing in Sámi areas has, since the 1970s, borne the burdens of the Norwegian authorities' focus on fishers further south in the country, especially Finnish tourists' fishing in the Tana watercourse.

104. In this context, the Sámi Parliament points out that under the Convention on Biological Diversity and domestic Norwegian legislation (Biodiversity Conservation Act), biological science and traditional knowledge shall both provide a platform for the management of renewable natural resources. Today's salmon management makes it difficult to see that Sámi traditional knowledge has been assigned any value at all since it is not applied. In a variety of contexts, the Sámi Parliament has found that the authorities place the main blame for the decline in salmon stocks on sea salmon fishing. This has been done even though the capacity for sea salmon fishing in Finnmark County is hardly more than 12-15 per cent of what it was in the early 1970s as a direct consequence of the authorities' systematic tightening of restrictions on fishing in the sea. The Sámi Parliament is also aware of the local population's understanding of predation, which, in many cases, is considered a direct contributing factor in the decline of salmon stocks inasmuch as most species of predators that feed on salmon fry, smolt and adult Atlantic salmon have been protected and have increased substantially since 1945. The bearers of tradition who have followed this trend now recognise a clear correlation between growing predator stocks and declining salmon stocks. They are of the opinion that this is the cause of the decline in the salmon stocks, and that it is in turn endangering the coastal and river Sámi culture, putting it under additional pressure. Nonetheless, the researchers who apply scientific methods are completely ignoring local knowledge in these areas and totally rejecting the wisdom of traditional knowledge bearers.

105. The Sámi Parliament notes that the Coastal Sámi fisheries organisation *Bivdu* filed a lawsuit against the State, represented by the Ministry of Climate and Environment in

August 2023, based on unreasonable differential treatment of salmon fishing at sea and in rivers.

### The Tana watercourse

106. The Sámi Parliament finds that the authorities closed all fishing of Atlantic salmon in the Tana watercourse in the 2021, 2022 and 2023 seasons without taking initiatives to protect the local population's right to use the river that they have traditionally had access to for their livelihoods and their traditional activities or to secure the salmon-fishing part of the non-monetary economy and traditional activities that are a key part of the culture of the Sámi in the area (Art. 23, cf. Art. 14).

107. The Sámi Parliament considers sea salmon fishers to be a directly involved party in the negotiations and management of the salmon stock(s) in the Tana watercourse. Accordingly, the Sámi Parliament expects Coastal Sámi organisations to be consulted/involved in the administration and when there are negotiations on the salmon fishing rules in general, but also in the Tana watercourse in particular.

### Rough pasturing and rural industries

108. The Sámi's use of uncultivated land in connection with gathering and general passage in traditional territories is critical to their industries, cultural practices, economic self-sufficiency and development. This refers in particular to Sámi who are local residents and who use uncultivated land in combination with other industries in which hunting, fishing and gathering from nature's bounty play a key role. The traditional use of these areas now takes place in modern forms as well, e.g., using motorised vehicles. However, the Sámi find the regulations governing motorised traffic to be limiting with a view to passage and the gathering of nature's bounty in the areas where the Sámi are traditionally located. The Sámi Parliament is of the opinion that the Sámi must have more opportunities to develop their culture, not least by using modern vehicles (Art. 23, cf. 14(1) and 15(1)).

### Duodji

109. The Sámi *Duodji* certification has existed since the 1980s and is a well-known trademark of authentic Sámi handicrafts. Copies of Sámi handicrafts currently on the market present a formidable challenge for Sámi artisans. The purpose of the certification trademark is to let buyers know which products are authentic Sámi handicrafts. When someone buys products with the Sámi *Duodji* trademark, they can rest assured that they are supporting Sámi artisans and the Sámi community. The Sámi *Duodji* trademark is administrated and distributed by Sámi artisans' organisations in Finland - Sámi *Duodji ry*, in Sweden - Sámi *Duodji* Woodworking Foundation and in Norway – the *Duodji* Institute. *Duojárat*, which has already earned the Sámi *Duodji* trademark, must file a new application for adopting the new trademark. The old trademark will not be valid after 2023. (Art. 23, cf. Art. 32).

## Article 25

### Health

110. The Sámi Clinic is a Sámi specialist health service run by Norwegian health care institutions, without sufficient Sámi participation. To a question from the Stortinget about how the organisation complies with Article 25 no. 1 of the Convention, which specifies that health services must be under the responsibility and control of indigenous people, the Ministry of Health and Care Services responded that this provision can be ignored with reference to Article 34 of the Convention which states that the implementation of the Convention shall be determined in a flexible manner. The Sámi Parliament considers the Norwegian government's interpretation to be fundamentally wrong, because Article 34 does not give the States an opportunity to unilaterally derogate from their obligations under the Convention. Article 34 merely offers an opportunity to adapt the implementation pursuant to consultations with the Indigenous people involved. (Art. 25 and Art. 34).

111. The use of the Sámi language in health and care services is associated with the right to equal services. Equal health care services for Sámi patients require that service providers take the patients' cultural and linguistic background into account. Sámi-language health services are especially important in connection with offers of treatment that require good communication to ensure high quality service and successful treatment. This is particularly true for Sámi patients in geriatric care, mental health, substance abuse, services for children and patients with cognitive and life-threatening diseases. The lack of opportunities to use one's native language reduces the quality of the services, and constitutes a threat to patients' safety because it increases the risk of medical malpractice. The Sámi Parliament believes that it is necessary that the Sámi people's right to adapted linguistic and cultural services be pointed out emphatically.

112. Sámi patients' rights to use the Sámi language, cf. §3.1 of the Sámi Act, require municipalities to ensure that Sámi patients' or users' needs for adapted services are considered when designing services. In a comment to the Act, it appears that also other municipalities that have Sámi populations are required to offer services adapted to Sámi language and culture. To attain the goal of ensuring equal health and social services for the Sámi, knowledge of the Sámi language and culture must be more readily available in municipal health and care services. This expertise must be integrated into municipal health and care plans, and into the performance of services.

113. The Sámi Parliament finds that the health and care services provided in different municipalities and regions with Sámi populations have varying degrees of awareness and knowledge of the needs of Sámi patients. Sámi-language services often depend on individuals' knowledge of and interest in adapting to meet the needs of Sámi patients. At the same time, there is a nation-wide shortage of Sámi-speaking professionals in all areas of health services. There is a need to use the Sámi language in meetings with the health services in most municipalities. Among other things, the Sámi Parliament's goal to build up the use of Sámi will also add to the need for Sámi-language health services for children. This means there must be a health centre that can communicate with children in their native language, regardless of domicile. Unfortunately, the Sámi Parliament experiences that many of our elderly are in social isolation for large parts of the day, since health care personnel or relatives are unable to communicate in Sámi. The Sámi Parliament is of the opinion that an individual right to linguistically and culturally adapted services should be established by law regardless of where the patients are located. The Sámi Parliament is of the opinion that it is also necessary to require municipalities with

Sámi inhabitants to ensure that Sámi patients' rights and the need for adapted services are integrated and rendered visible in municipal health and care plans and in the performance of the services. (Cf. Art. 26).

114. Health North has developed an offer for interpreting services. The problem is that the service is not used sufficiently, that language is not registered, and that health care personnel do not focus on the fact that they themselves have a need for interpreters. Health care personnel are obligated to ensure that they understand the patient, and that the patient has understood the information provided. The Sámi Parliament finds that the need for Sámi-language health services should be rendered visible in particular in the Act related to Interpreting, given that Sámi and Norwegian are languages of equal value.
115. The development of health care services for the Sámi people is a national responsibility. This responsibility ensues from national legislation and international conventions by which Norway is bound. In consequence, the Sámi Parliament has an expectation that during the development of the specialist health service, one will also identify and consider status and challenges relative to the needs of Sámi patients, and draw up strategies for further organisation, governance and efforts relative to this. The Sámi Parliament is satisfied that the committee for 'Community hospitals' has rendered visible, shed light on, and assessed Sámi rights, needs, organisation and control when it comes to Sámi health services. The Sámi Parliament supports what the Committee has pointed out regarding the national health care authorities being obligated to offer equal health services to the Sámi population, and to ensure that the Sámi perspective is included in health care policy initiatives, national plans and strategies. Reference is made to the fact that ILO C169 gives the Sámi rights to health care as an Indigenous people.

### Child welfare

116. The Sámi Parliament is gratified that the new Child Welfare Act has strengthened Sámi rights. At the same time, the Sámi Parliament points out that the rights of Sámi children to language and culture have not been implemented for children outside the Sámi language administrative district.
117. The greatest challenge for Sámi children in the care of the child welfare authorities is that children's ethnicity, and often also their language, is not registered. In other words, it is no simple matter to pave the way for Sámi children either in foster homes or in child welfare institutions. At present, there are no child welfare institutions that have Sámi language skills. This has consequences throughout the system, not least when it comes to social workers who do not speak the child's language. In actual practice, this means that Sámi children cannot use Sámi or must speak through a third person (an interpreter).
118. In collaboration with Norwegian government agencies that work with children, national foster home associations, and the Ministry of Children and Equality, the Sámi Parliament wishes to see how it can better protect children's language and ethnicity when they are in the care of the child welfare authorities, pursuant to the regulations to the new Child Welfare Act.

119. A National Sámi Competence Centre (NASAK) has been established since then to work with children and family matters, including child welfare. The Sámi Parliament maintains that this ought to be developed into a guidance centre for child welfare.

## Articles 26, 27, 28 and 29

### Kindergarten

120. The Sámi Parliament participates in national processes at different levels to render visible a policy intended to benefit Sámi children. The Sámi Parliament distributes funding through its subsidy schemes for kindergartens, development work and other administrative work. At the national level, the financial parameters for providing high quality kindergartens are given high priority. The challenge facing the Sámi Parliament is that funding for Sámi kindergartens is not given priority. Nonetheless, the Sámi Parliament is expected to follow up all national initiatives, at the same time as promoting Sámi children's rights, all from of the same funding.

121. The Sámi Parliament supports the language committee in Norwegian Public Report 2016:18 *The Language of the Heart*, which says that Sámi kindergartens are the most important single measure to protect, preserve and vitalise Sámi languages. In 2019, there were a total of 23 Sámi kindergartens, as well as 11 Sámi departments in Norwegian kindergartens. Eighteen of 23 Sámi kindergartens are in municipalities located within the administrative area for Sámi language. In 2019, based on the distribution of subsidies to kindergartens, the Sámi Parliament noted that a total of 836 children were offered places in Sámi-language kindergartens.

122. The Sámi Parliament has been in dialogue with kindergarten owners/municipalities regarding the language situation in newly established Sámi kindergartens or departments and other Sámi kindergartens, not least in the area from South-Troms to Oslo. Kindergartens or departments encounter many new challenges relative to the content and organisation of Sámi-speaking kindergartens, and they report a tremendous need for competence measures to support Sámi language and methods. The Sámi Parliament has supported new ventures by providing guidance and subsidies for new ventures and projects. The Sámi Parliament's guidance focuses on the importance of having knowledge about how children with Sámi as their first or second language work in groups in order to be able to adapt linguistic work (Art. 27, cf. Art. 7(1)(3), 26, 28 and 29).

123. The declaration entitled *Common fundamental values and paramount principles for kindergarten provision and instruction throughout Sápmi* was submitted to the Sámi Parliament in May 2022. The declaration specifies expectations regarding values and principles for Sámi educational opportunities for kindergartens and schools across national frontiers. The Sámi Parliament has initiated efforts to formulate an action document based on the declaration. The measures are to be feasible in the three states: Finland, Sweden and Norway.

124. The Sámi Parliament must be given more influence on the development of Sámi children in the kindergarten sector. One of the challenges facing Sámi kindergartens is that they often build on western kindergarten traditions. In 2017, the (Sámi children in the new educational space). The project was initiated in autumn 2017 and completed in

spring 2023. It has resulted *inter alia* in the development of a manual on educational principles for Sámi kindergartens, and a report on robust linguistic models intended to help raise the quality of Sámi kindergartens and the educational approach applied there. The main goal is for Sámi values, lifestyle, natural philosophy, Sámi languages, culture, administration and traditional knowledge to pave the way for the content of Sámi kindergartens. Kindergarten content takes its point of departure in the Sámi seasonal calendar and links educational efforts to changes in nature. The Sámi Parliament believes that a good solution would be to have a separate Sámi curriculum to protect Sámi children's rights and ensure that Sámi children get an opportunity to practice their language and culture both when attending Sámi kindergartens and when offered special Sámi programmes in Norwegian kindergartens. (Art. 27, cf. Art. 7(1), 26, 28(3), 29 and 31).

125. The lack of Sámi kindergartens and long waiting lists to get children into Sámi kindergartens are relevant problems in many municipalities. Some municipalities do not give priority to paving the way for Sámi kindergartens. Another challenge is the lack of Sámi-speaking staff in kindergartens. The Sámi Parliament is concerned that priority is not being given to special funding for skills development and recruitment to Sámi kindergartens.
126. The Sámi Parliament fields many questions from parents about the right to attend a Sámi kindergarten, especially in areas outside Sámi language administrative districts. In most areas, the availability of a Sámi kindergarten is decisive for children to learn and develop Sámi language, even if one or both parents speak Sámi. The Sámi Parliament recognises a need to ensure that Sámi children's right to a place in a Sámi-language kindergarten is established by law, and maintains that municipalities' obligation to offer Sámi-language kindergartens based on a robust linguistic model should be enshrined in the Kindergarten Act.
127. The Sámi Parliament is concerned about the content of Sámi children's day-to-day kindergarten routines, and especially the children's Sámi language development with a view to whether the children will subsequently be able to choose Sámi as their first language at school. There is a shortage of Sámi educational material for kindergartens. Even though the Sámi Parliament allocates funding for the development of educational material and distributes the funding through subsidy schemes, the need is not met because insufficient funds have been set aside over the government budget. (Art. 26, cf. Art. 27, 28(1)(3) and 31).
128. The Sámi Parliament would like a committee to review the Kindergarten Act and the right to Sámi-speaking kindergartens and to address the challenges through increased manpower, among other measures. The Sámi Parliament is of the opinion that the key to offering Sámi-speaking kindergartens of high quality is staff. As the legislation stands today, it does not guarantee all children a Sámi-speaking kindergarten of high quality. The offer of Sámi kindergartens is to be based on strong models for revitalisation, preservation and strengthening of the linguistic work, and the educational content shall be built up according to the principles for Sámi kindergartens.

## Schools and teaching

129. The State of Norway must ensure that the framework conditions for Sámi educational programmes are not of poorer quality than the educational programmes for other pupils in Norway. The Sámi Parliament wants to ensure that one goal of education is that Indigenous children should not be denied the right to their own culture, language and religion in the company of other Sámi, and that they are protected against discrimination. The school is an important tool for revitalising and developing Sámi languages.

130. In connection with the Education Act, the Sámi Parliament Executive Council conducted several consultations of an administrative and political nature without experiencing success for our demands. The Sámi Parliament supports a revision of the Education Act to strengthen Sámi pupils' rights in general and, in particular, to clarify their right to instruction in the subject of Sámi all across the country, as well as their right to instruction through the medium of the Sámi language in all subjects. The revised act must also rectify the imbalance that arises because Sámi children's right to instruction in and through Sámi and based on Sámi cultural values depends on where they live and on how many pupils want such instruction. The Sámi Parliament argues that instruction in Sámi has not made any progress and that the situation with regard to Sámi teaching materials is not protected by the Education Act in the same way as teaching materials in Norwegian. There have been demanding consultations that have led to a breach, and the upshot was that the Sámi Parliament did not endorse the Education Act. The Sámi Parliament finds that the amendments to the Education Act did not entail any strengthening of Sámi children's rights. (Art. 28, cf. Art. 6, 7, 26, 27, 29 and 33).

131. In the work with the new Education Act, a public committee was set up to review the Education Act and propose legislative amendments and other measures. The Sámi Parliament was not successful in appointing members to the public committee, and the Sámi Parliament found this to be unfortunate.

132. The Ministry of Education and Research and the Sámi Parliament consulted on Sámi children's educational rights in the new Education Act. The assessments and view expressed by a unanimous Sámi Parliament, supported by Sámi consultative bodies and the proposals in Norwegian Public Report 2016: 18 *The Language of the Heart*, referred to which Sámi educational opportunities should be grounded in the new Education Act. Despite this, the consultations did not lead to any strengthening of Sámi pupils' educational opportunities in the new Education Act. For this reason, the Sámi Parliament resolved not to give its endorsement to the new Education Act. The Government has submitted a new Education Act that generally fails to strengthen Sámi pupils' rights under the Education Act for the past 25 years, since 1998. The new Education Act was adopted by the Norwegian Parliament in June 2023 and, with regulations, it is scheduled to be enacted as from August 2024. (Art. 26, 27 and 28(1)(3), cf. Art. 2 and 3).

133. In consultations on the Education Act with the Ministry of Education and Research, the Sámi Parliament submitted, *inter alia*, the following requests were not incorporated into the new Education Act:

- to establish by law the right to Sámi teaching materials,
- to establish by law the Sámi Parliament's right to define and provide Sámi content in the general Sámi curricula



- to pave the way for more pupils outside the Sámi administrative areas to receive distance learning in Sámi subjects or local instruction in a small Sámi-speaking setting, shall have the unconditional right to language immersion in a Sámi-speaking setting,
- to pave the way for more Sámi pupils to receive instruction in and through the medium of Sámi
- that some cities shall be obligated to provide instruction in Sámi, as many cities already do in actual practice.

134. Migration patterns show where families move from traditional Sámi areas/ Sámi administrative areas to cities and towns. This implies a genuine decline in the opportunities available to get an education in the Sámi language as the towns do not have the same responsibility as the Sámi administrative municipalities to provide educational opportunities in Sámi. This gives cause for concern for the Sámi Parliament, not least since the Education Act does not strengthen Sámi pupils' rights to education in the cities.

135. There is a need to amend the Independent School Act to safeguard Sámi pupils' right to instruction in Sámi. The Sámi Parliament believes that the Independent School Act should provide legal authority so that the approval authorities can require schools to offer instruction in Sámi. The Independent School Act must at the very least grant the same rights to Sámi pupils as the Education Act does (Art. 28, cf. Art. 26, 27 and 29).

136. A high percentage of Sámi boys and young men fail to start or complete upper secondary educations. It is conceivable that this is because the school system is not adapted to the needs of this group. The Sámi Parliament is of the opinion that it is necessary to have national programmes to improve the completion rate for upper secondary education, including measures that take account of culture and the cultural differences' potential impact on young men who decide to leave before completing upper secondary school (Art. 26., cf. Art. 27).

### **Sámi teaching materials**

137. Access to Sámi teaching materials is essential for the quality of instruction in Sámi. Sámi teaching materials are not available for all subjects, years or levels that are in keeping with the current general curricula. The Sámi Parliament aspires to achieve an equal selection of teaching materials in Lule Sámi, South Sámi and North Sámi in all subjects for every year and level, equivalent to the teaching materials in Norwegian. The scope of digital teaching materials in Sámi is limited, they are cost-intensive to make, and there is not a commercial market for either digital or printed teaching materials in Sámi. The Sámi Parliament is concerned about the teaching materials situation, and is critical to the consultations on the new Education Act (Act relating to Primary and Secondary Education and Training) with the Ministry not guaranteeing access to teaching materials in Sámi, in the same way as the current legislation guarantees access to teaching materials in Norwegian. The Sámi Parliament finds that the lack of Sámi teaching materials threatens Sámi children's right to good quality educational opportunities and gives the pupils the impression that Sámi language, culture and way

of life are of lower status (Office of the Auditor General, 2019). (Art. 26, cf. 27(1)(3), 28(1)(3), 29, and 31).

138. Due to limitations on the subsidy framework and production capacity, it is challenging to develop Sámi teaching materials fast enough to comply with the general curricula LK20S. To ensure access to Sámi teaching materials, it is important to pave the way for and increase the production of Sámi teaching materials. Teaching materials should be of good quality, and be compliant with the current general curricula as well as other academic standards. The Office of the Auditor General's survey of Sámi pupils' right to instruction in and through the medium of Sámi indicates that the shortage of teaching resources forces teachers to make their own teaching materials on their time off, and that this leads to substantially more strenuous workdays. VA Report 2021-26 'Evaluation and report on the Sámi Parliament's organisation of the development of teaching materials indicates that more generous subsidies and greater content-producing resources are required to realistically achieve the goal of having Sámi teaching materials in all subjects. This means that state allocations to produce teaching materials must be increased substantially. and that access to Sámi teaching materials must be safeguarded in the Education Act.

139. Access to and the production of Sámi teaching materials have always been challenging. Among other things, the evaluation of the National Curriculum for Knowledge – Sámi (NR report no. 1/2012 The National Curriculum for Knowledge 2006 Sámi – towards an equal school?) shows that teachers find the shortage of Sámi teaching materials to be extremely challenging. In "Norwegian Public Report 2016: *The Language of the Heart*, the Sámi Language Committee recommended that Nordic cooperation focus on the development of Sámi teaching materials, and that there be a review of the current regulations for the Copyright Act, so that it will be easier to share Sámi teaching materials, other teaching materials and digital lessons across borders. (Art 27 and 28(1)(3), cf. Art 32).

### **Sámi languages in public administration**

140. Recent research and studies have revealed that the right to be offered services in Sámi languages, including the right to communicate with the public administration in Sámi, has not been adequately satisfied in all municipalities, not even in the Sámi language administrative area, despite statutory rights. The implementation gap has been well documented by several research projects and studies that have ascertained, among other things, that Sámi cultural and language skills in the public sector and educational opportunities in Sámi languages are grossly inadequate.

141. The Sámi Parliament notes that in several places, the lack of availability of Sámi-language services on the part of municipal and government authorities leads to breaches of the language rules in the Sámi Act. The Sámi Parliament rarely has insight into any complaints about the lack of follow up of the Act, but has in some instances received copies of complaints filed with appellate bodies. The Sámi Parliament recognises that there is uncertainty in the public administration about how the Sámi Act's language rules should be interpreted and how such complaints should be managed. A lack of information in the public administration and among Sámi users about where and to whom the Sámi Act's language rules apply is a challenge that must be resolved. The Sámi

Parliament recognises the need to establish an oversight function and that the complaint options should be strengthened by providing additional information about rights, and through the establishment of a language ombud. A Sámi language ombud can also follow up rights ensuing from compliance with Chapter 3 of the Sámi Act. (Art. 28(3)).

142. Since 2012, the Sámi Parliament has had cooperation agreements with the municipalities and county municipalities in the administrative area for Sámi language. This was done to follow up the use of the Sámi Parliament's funding for bilingualism and so that the municipalities become more active in developing and promoting Sámi language at the municipal level. The Sámi Parliament sees a need for further follow up and for the development of cooperation agreements, as well as for the administration of funding for bilingualism.
143. Today, there are no courses for training Sámi interpreters. The Act relating to public bodies' responsibility for the use of interpreters, etc. (the Interpreting Act) entered into force in 2022. The purpose of the Act is to "uphold legal safeguards and ensure the provision of proper assistance and services to persons who are unable to communicate adequately with public bodies without an interpreter. The Act shall also help ensure that interpreters uphold proper professional standards." Requirements have been put in place for public bodies regarding the use of qualified interpreters who satisfy the requirements for being listed in the National Register of Interpreters. Dispensation has been granted from the requirement regarding the use of qualified interpreters until 31 December 2026. The Sámi Parliament points out that without interpreter training courses, it will be difficult to meet the requirement for qualified interpreters.

### **The lack of Sámi-speaking professionals**

144. There is a precarious lack of competence in the education sector, from kindergarten to higher education. The lack of Sámi-speaking teachers is alarming. The situation in the South Sámi and Lule Sámi areas is especially challenging. This is a serious problem in terms of access to and the quality of instruction in the Sámi school system and in Sámi languages. Meanwhile, this is having serious consequences for the future recruitment of Sámi-speaking teachers and skilled personnel in general.
145. *White Paper No. 13 (2022-2023) Sámi language, culture and way of life: Competency and recruitment in early childhood education, basic education and higher education* points out that the downward recruitment spiral is not sustainable, and that measures are needed to turn it around. There are not enough people with Sámi language skills to meet the complex needs of Sámi communities. Teachers are of the utmost importance for ensuring that skilled professionals will continue to speak Sámi in future, not least those who are highly educated. The college and university sector is essential for educating and strengthening competencies in Sámi in schools, and it must be granted better terms and conditions to fulfil this responsibility. At the same time, the Sámi Parliament is of the opinion that the schools must improve the framework conditions for Sámi teachers, so that they remain in their positions. (Art. 28 (1)(3), cf. Art. 4(1)).
146. In 2023, the Norwegian National Courts Administration published a report entitled *Safeguarding the Rights of the Sámi in the Justice Sector* that was compiled by a

working group consisting of participants from the police, the Norwegian Correctional Service, the courts and the conflict resolution board. The report surveys the status of due process of law for the Sámi in the respective areas of the justice sector. Surveys conducted in connection with this work indicate that there is a gap between the legal obligations the actors in the justice sector have undertaken in dealings with the Sámi population and what services the actors offer. All face challenges related to being able to provide equal services to the Sámi-speaking segment of the population. This is a question, in particular, of facilitating compliance with the language rights established in the Sámi Act. Challenges are often associated with translations, interpretation, information work, competence measures and the recruitment of Sámi-speaking co-workers. Among the measures recommended by the working group, there was a proposal to set up a joint Sámi service to provide help with translations, interpretation, information work and skills upgrading. (Art. 12, cf. Art. 10).

## Article 31

### The Report of the Truth and Reconciliation Commission

147. The Sámi Parliament is gratified that the Norwegian Parliament adopted a decision to set up a Truth and Reconciliation Commission for Sámi and Kvens in Norway. The Sámi population in Norway has been subjected to a gruelling Norwegianisation policy, and many still struggle with the after-effects of this State policy. The Commission submitted the report *Truth and reconciliation - grounds for a settlement regarding the Norwegianisation policy and injustice against the Sámi, Kvens/Norwegian Finns and Forest Finns*, 1 June 2023. The Sámi Parliament intends to discuss the report during the course of 2023. The Sámi Parliament hopes that the process will lead to greater knowledge and tolerance for each other's histories and different points of view (Art. 31, cf. Art. 2).

### Information about Sámi social conditions

148. The Sámi Pathfinders/*Ofelaš* is a good initiative, and the Sámi Parliament is of the opinion that the Pathfinders do an outstanding job. In the 2022/2023 school year, the Sámi Pathfinders consisted of four adolescents who travelled around Norway and other locations to talk about the Sámi. For the most part, they spoke at upper secondary schools. The Pathfinders study Sámi culture and civilisation at the Sámi *allaskuvlla*/ the Sámi University of Applied Science in Kautokeino, and their work as Pathfinders is part of their education. The Sámi Parliament is, however, of the opinion that this initiative is not a satisfactory measure for informing the public about Sámi affairs since the Pathfinders' target group is limited to young people.

149. The Sámi Parliament believes that there is a need to provide more instruction on Sámi civics and culture in the Norwegian school system. As regards instruction on Sámi civics and culture at school, they are reflected in the teaching plans, and it is important for teachers to get the requisite skills upgrading in this field. In the university and college sector, it is important that all academic educations have Sámi content enshrined in their regulations, and that implementation is followed up by the Government.

150. *Gáldu* - the Competence Centre for Indigenous Rights - was established in 2002 to add to the knowledge about and understanding of Sámi rights and the rights of Indigenous peoples. *Gáldu* has collected, built up, systematised, maintained, processed, organised and communicated relevant information and documentation about the rights of Indigenous peoples at the national and international levels. *Gáldu* was also able to point out the need for research in relevant areas. In 2017, by virtue of the Act of 1 July 2015 relating to the Norwegian National Human Rights Institution, *Gáldu*'s activities were integrated into the Norwegian National Human Rights Institution (NIM). The Sámi Parliament points out that one unintentional side effect of the reorganisation is that *Gáldu*'s former function as a central supplier of information about Sámi conditions is not currently being satisfied.

## Article 32

### Nordic Sámi Convention

151. Following negotiations, the text of the Convention was agreed upon on 13 January 2017. The proposal is still being processed by the countries' governments and Sámi parliaments. One general objective of the convention is to enable the Sámi to preserve, pursue and develop their culture with the least possible interference related to national borders. The Sámi Parliament is of the opinion that it is important to adopt a Nordic Sámi Convention agreed upon by Norway, Sweden and Finland, and the Sámi parliaments, as soon as possible. The Sámi Parliament strives to reach agreement on a convention that falls under public international law for the Sámi people, and which does not run counter to the Sámi's right to self-determination. The Sámi Parliament aspires to see that the Sámi proposals for adjustments in the proposed text for the Nordic Sámi Convention are approved, so that the convention can be signed. The Sámi Parliament is of the opinion that the Government shows little willingness to make and discuss necessary adjustments to the draft convention.

### Border barriers

152. The Sámi are one people spread across four states, and the Sámi Parliament has worked to ensure that national borders interfere as little as possible with the Sámi's interaction as one people. During the corona pandemic, the Sámi found that borders controls and border closures in the Sámi area made it difficult or impossible to visit relatives, participate in ceremonies, or engage in occupations that straddle the borders. In autumn 2018, the Sámi Parliamentary Council (SPC) appointed a committee to identify border barriers in the Sámi area (the Sámi Border Barrier Committee). The Committee was mandated to identify specific impediments that make it difficult for Sámi interaction across the borders and to propose measures to help reduce the barriers. The border barriers that have been identified include, for example, depositing VAT for *duodji* (handicrafts) upon importation to Norway, that cross-border commuters must pay tax to two countries, that Sámi students experience that they do not receive grants for studies in another country, that Sámi therapists cannot cross national borders, that the rules for medications for shepherd dogs are inflexible, that predator management and the agreed compensation are not based on a common understanding of predator stocks, that it is difficult to get statutory medical attention in their country of work and a lack of information

about rights and duties in other countries. The Sámi Parliament Plenary Assembly has pointed out the Committee's proposals and recommendations that are to be followed up.

### **Sámi languages in several countries**

153. The same Sámi languages are used across the national frontiers between Norway, Russia, Finland and Sweden. A comprehensive language policy would require that all the states, including Norway, would pave the way for good cross-border Sámi cooperation. The development of common terminology is crucial. It would be extremely unfortunate if the same Sámi languages were to develop in different directions, causing communication problems between Sámi who live in different countries, like the tendencies the Sámi Parliament sees emerging today. Unless it is possible to standardise terms in Sámi, it will also be difficult for the Sámi parliaments in Norway, Sweden and Finland to collaborate on language measures across national frontiers, e.g., on the development of teaching materials and the development of proofreading/QA tools.

154. The standardisation of language is the foundation of all linguistic development. Sámi *Giellagáldu* is a common linguistic agency, organised through a Nordic Sámi knowledge and resource centre for the Sámi language for the Sámi parliaments in Norway, Sweden and Finland. Sámi *Giellagáldu* is responsible for standardisation of the written Sámi languages and the standardisation of new terminology in South Sámi, Lule Sámi, North Sámi, Inari Sámi and Skolt Sámi. During 2022, the agency was organised as an autonomous administrative unit connected to the Sámi Parliament in Norway. The body is managed by a Board on which all three of the Sámi parliaments (Norway, Finland and Sweden) have an equal say. (cf. Art. 27 and 28(3)).

### **Cross-border cooperation between schools**

155. The Sámi Parliament recognises the importance of Nordic cooperation in the area of education, and the prudence of collaborating at the Nordic level for common school policies based on Sámi languages and Sámi values. Cross-border cooperation has brought to the fore the need for common values and principles for Sámi schools across borders, resulting in the declaration "Common fundamental values and paramount principles for the provision of early childhood education and training throughout Sápmi" in 2022. The Sámi Parliament in Norway has taken an initiative to follow up and implement the declaration across national frontiers. The Sámi Parliament wishes that the nation states in which the Sámi live would, to a greater extent, lay a foundation for linguistic and cultural cooperation in the field of education across national frontiers. (Cf. Art. 26, 28, 27 and 29).