



The Sámi Parliament's ILO Report 2018

For the period from 1 June 2013 up to and including 31 May 2018



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The Sámi Parliament 2018

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I Sets of rules that have a bearing on the application of the convention

1 Introduction

1. The Sámi people live their lives close to and in Norwegian society. In most cases, the Sámi depend on the State of Norway to take them into consideration so that measures, programmes and public services are also adapted to accommodate to the Sámi. At the same time, the Sámi Parliament depends on the State of Norway to pave the way for the Sámi Parliament by providing good financial and legal frameworks for promoting the development of the Sámi community. Accordingly, part of the Sámi Parliament's report deals with the extent to which the State of Norway satisfies the standards laid down in ILO C169, while part deals with the extent to which the State of Norway ensures that the Sámi Parliament, as the representative body of the Sámi in Norway, is able to preserve, develop and strengthen Sámi languages, Sámi culture and the Sámi way of life.

1.1 The Constitution

2. The Sámi Rights Commission was established by the Norwegian government on 10 October 1980 to take stock of Sámi cultural rights, political rights, and the Sámi rights associated with the land, water and resources in Finnmark County. The Commission published its first report, Norwegian Public Report (NPR) 1984:18 on the Legal Status of the Sámi, on 15 June 1984. This report provided grounds *inter alia* for the adoption of the 'Sámi paragraph' in §108 of *The Constitution of the Kingdom of Norway* (The Constitution), which establishes that it is the responsibility of the authorities of the State to create conditions enabling the Sámi people to preserve and develop its language, culture and way of life.

1.2 The Sámi Act

3. Act No. 56 of 12 June 1987 *concerning the Sámi Parliament and other Sámi legal matters* (the Sámi Act) establishes by law that the Sámi Parliament is the representative body of the Sámi in Norway and governs in particular the use of Sámi languages in the provision of public services. Pursuant to the Sámi Act's language rules, Sámi speakers are entitled to communicate with government authorities in Sámi.
4. The Sámi Language Committee submitted NPR 2016:18 *The Language of the Heart*, establishing a comprehensive platform for systematic policies to strengthen, vitalise and develop Sámi languages. The Committee proposes measures that call for legislative amendments and changes in the current schemes, in addition to proposing initiatives designed to strengthen the situation for the Sámi languages in Norway.

1.3 The Finnmark Act

5. In January 1997, the Sámi Rights Commission published its second report, NPR 1997:4 *The Natural Resource Base for Sámi Culture*. The report covers the use and management of land and natural resources in Finnmark County and provides protection from encroachments on land

and natural resources in all parts of Norway traditionally used by the Sámi. The Finnmark Act was adopted by the Norwegian Parliament in 2005. The Finnmark Act establishes that the Sámi, collectively and individually, through customary use of land and waters, have established rights to land in Finnmark County. The Act was put into place through an extraordinary consultation process between the Norwegian Parliament's Standing Committee on Justice and the Sámi Parliament. The Act led to the establishment of the Finnmark Commission in 2008, which was mandated to study rights of use and ownership to the lands that were incorporated into the Finnmark Estate (FeFo) when the Finnmark Act entered into force.

1.4 The Population Registration Act

6. Pursuant to Act No. 88 of 9 December 2016 *relating to the Population Registration* (The Population Registration Act), which entered into force in October 2017, it is possible to register the use of certain Sámi languages in Norway's National Population Registry. Regulation No. 1201 of 14 July 2017 *Regulations for the Population Registration Act* includes the three official Sámi languages North, South and Lule Sámi, which have rights in the administrative area for Sámi languages pursuant to the Sámi Act. During the consultation process, the Sámi Parliament requested that the use of Ume Sámi, Skolt Sámi and Pite Sámi also be registered.

1.5 The Tana Act

7. The wording of Act No. 51 of 20 June 2014 *concerning fishing rights in the Tana watercourse* (The Tana Act), cf. § 6, states that the drafting of regulations and negotiations with Finland concerning fishing in the watercourse shall take place in consultation with the local administration and the Sámi Parliament. The Act also states that it shall be applied with the restrictions ensuing from ILO C169 and in compliance with the rules of international law in respect of indigenous peoples, cf. §3. This details the authorities' obligations in the negotiating process with Finland on fishing in the watercourse.

1.6 The Reindeer Husbandry Act

8. Act No. 40 of 15 June 2007 *concerning reindeer husbandry* (the Reindeer Husbandry Act) indicates that reindeer husbandry should take more responsibility for resource management, *inter alia*, by drawing up rules for the use of the individual reindeer grazing districts, cf. §57. The authorities are supposed to have duties of a more supervisory nature. Where the internal administration does not work properly, the authorities can nevertheless intervene directly through different types of sanctions, for example. The Sámi Parliament has repeatedly pointed out that there are formidable weaknesses in the Reindeer Husbandry Act, and they have requested a comprehensive review of the Act.

1.7 The Minerals Act

9. The Norwegian Parliament adopted a new Act No. 101 of 16 June 2009 relating to the acquisition and extraction of mineral resources (the Minerals Act) in 2009 without the consent of the Sámi Parliament. The Sámi Parliament submitted a supplementary report on this issue in connection with the 2008-2013 Report, and ILO urged the State authorities and the Sámi Parliament to resume discussions and to include provisions in the Minerals Act that ensure the effective application of Art. 14 and 15 of the Convention outside of Finnmark County. The

Ministry of Trade, Industry and Fisheries has appointed a group consisting of three experts whose mandate is to evaluate the Minerals Act in 2018.

1.8 The Fisheries Acts

10. In 2012, the Norwegian Parliament adopted amendments to Act No. 37 of 6 June 2008 *relating to the management of wild living marine resources* (the Marine Resources Act) and Act No. 15 of 26 March 1999 *relating to the right to participate in fisheries and hunting* (the Participation Act) to follow up the report on the right to fish in the sea off the coast of Finnmark County (NPR 2008:5). The Participation Act establishes the right for fishermen to fish from vessels less than 11 metres long in Sámi areas, cf. §21, third subsection. It ensues from the Marine Resources Act that in connection with all regulation of fishing, significant emphasis shall be attached to Sámi use and its importance to the local Sámi community, cf. §11, sixth subsection. In addition, a special Fjord Fishing Board was established by law to help strengthen fjord fishing, cf. §8, litra b of the Marine Resources Act, and regulations are supposed to establish limits on the fjords, prohibiting fishing from vessels more than 15 metres long in order to safeguard these fisheries for the local fjord fishing fleet. The Sámi Parliament assumes there will be a follow-up process to establish these fishing rights by law.

1.9 The Planning and Building Act

11. The Norwegian Parliament adopted a new planning part of Act No. 71 of 27 June 2008 *relating to Planning and the Processing of Building Applications* (the Planning and Building Act) in 2009. The Act laid down provisions stating that the protection of the natural resource base for Sámi culture, economic activity and way of life is a duty and shall be taken into account in all planning cf. §3-1 litra c. It more clearly delineated reindeer husbandry as an important land-use objective, cf. §11-7, second subsection, laid down provisions on the participation of Sámi rightsholders and stakeholders, cf. §5-1, and granted the Sámi Parliament the authority to object to land-use planning proposals, cf. §5-4.

1.10 The Education Act

12. According to Act No. 61 of 17 July 1998 *the Act relating to primary and secondary education* (the Education Act), the right to be offered instruction in Sámi is not an individual right for pupils, but a restricted right based on geography and the number of pupils who would like to take advantage of such an offer. Pupils have an individual right to instruction in all subjects in the Sámi language only if they reside in the administrative area for Sámi language. Pupils who reside outside the Sámi district only have an individual right to instruction in Sámi as a subject, while the right to be educated through the medium of Sámi in all subjects depends on whether there are 10 or more pupils in a municipality who request such instruction. The Government has appointed a committee and announced that it will make a comprehensive review of the Education Act.
13. In its report NPR 2016:18 *The Language of the Heart*, the Sámi Language Committee has recommended that the number of pupils required to initiate instruction in Sámi be reduced to three, and that an individual right to Sámi language immersion be established by law for pupils who do not have Sámi as their first language and for pupils who receive instruction in Sámi and reside outside the administrative area for Sámi language.

1.11 The Independent Schools Act

14. According to Act No. 84 of 4 July 2003 *relating to Independent Schools* (the Independent Schools Act), independent schools are not required to provide instruction either in the subject of Sámi or through the medium of Sámi. In reality, this implies a curtailment of the choices available to Sámi pupils. Independent schools can offer courses if they have applied to do so and have received permission from the Directorate for Primary and Secondary Education. However, independent schools are not required to apply for such an authorisation. The Sámi Language Committee's report entitled *NPR 2016:18 The Language of the Heart* recommended that independent schools be required by the Independent Schools Act to provide instruction in Sámi.

1.12 The Kindergarten Act

15. Act No. 64 of 17 June 2005 *the Act relating to Kindergartens* (the Kindergarten Act) does not give anyone the right to attend a Sámi kindergarten, merely the right to attend kindergarten. Nor is there any requirement that there be Sámi speakers working in Sámi kindergartens. The Kindergarten Act distinguishes between kindergartens within and outside the administrative area for Sámi language. Kindergartens outside the administrative area have less clearly defined requirements for Sámi content, meaning that some Sámi children do not receive an adequate offer of Sámi kindergarten.

Framework plan for kindergartens

16. The Sámi Parliament is of the opinion that the current national framework plan for kindergartens protects the rights of Sámi children and the Sámi dimension to a certain extent. Among other things, it sets out that kindergartens for Sámi children shall promote children's Sámi language skills, that Sámi kindergartens shall use traditional learning and working methods, and that the provision of kindergartens for Sámi children living outside Sámi districts shall be adapted to the children's Sámi ethnicity. Nonetheless, the current framework plan is based on Norwegian values, language and way of life. In consequence, kindergartens and kindergarten owners may face a dilemma when it comes to the choice of values and the priority of content. This situation makes it easier for kindergarten owners to choose not to offer Sámi content, since they do not need to fear consequences or sanctions.

1.13 The Gender Equality and Anti-Discrimination Act

17. The four acts of legislation: the Gender Equality Act, the Ethnicity Anti-Discrimination Act, the Equality and Anti-Discrimination Act and the Sexual Orientation Anti-Discrimination Act were superseded by a single consolidated act: Act No. 51 of 16 June 2017 *relating to equality and a prohibition against discrimination* (the Equality and Anti-Discrimination Act). The objective of this act is to promote equality and prevent discrimination on the basis of gender, pregnancy, parental leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression, age or other significant characteristics of a person. This act is expressly intended to improve the position of women and minorities.

II Information relating to the various articles

1 General guidelines

1.1 Articles 1, 2 and 3

1.1.1 Sámi statistics

18. NPR 2016:18 *The Language of the Heart* ascertains that there are currently no official statistics on Sámi language users in Norway. The report points out that for this reason, it is hard to gauge the socioeconomic effects of measures. Reliable statistics are a prerequisite for being able to develop indicators to determine how well the Sámi's financial, social and cultural rights are satisfied. The Sámi Parliament has an agreement with Statistics Norway on the compilation of Sámi statistics every second year. The basis for these statistics is the geographical area for the industrial development funding allocated to the Sámi Parliament. The weaknesses with these statistics are that they cover everyone who lives in the area whether they are Sámi, Norwegian or immigrants and they do not cover the South Sámi area. The Sámi Parliament has noted a growing need for the compilation of statistics based on individuals. The challenge has been to obtain a statistical sample that is representative of the Sámi population. Against this backdrop, the Sámi Parliament asked Statistics Norway to determine whether it might be possible to develop a method for compiling a statistical population that could eventually serve as the basis for statistics based on individuals. Statistics Norway's report concluded that it appears to be possible, but that it will be necessary to perform a pilot project to test the model. The Sámi Parliament intends to carry out such a project in 2018 (Art. 1(2), cf. Art. 2(c)).

19. Since 2010, the Sámi Parliament has had a regional analysis performed on the development of business and industry in Sámi areas. The assignment was carried out by the Telemark Research Institute. The analysis forms an important platform for documenting the development of the Sámi community. The analyses also show scenarios for developing business and industry and demographic conditions in Sámi areas (Art. 2, cf. Art. 7(1)(3)).

1.1.2 Equality

20. In consultations prior to the adoption of the Gender Equality and Anti-Discrimination Act, it was agreed that §108 of the Constitution of Norway and Norway's commitments under international law in respect of the Sámi should be discussed. However, agreement was not reached on whether a common Gender Equality and Anti-Discrimination Act should include a definition of indigenous peoples and whether indigenous ethnicity should be mentioned as an example of ethnicity in the wording of the act. The Sámi Parliament requested 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, without any explanation being provided (Art. 2, cf. Art. 6, 7 and 20).

1.1.3 Sámi pupils with special needs

21. 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 on their language and cultural values, but also where the educational programme itself is specially adapted for them. The

parents/guardians of children with special needs frequently report that school owners face challenges when arranging special education programmes adapted to schooling that is also in Sámi and based on Sámi culture. The Sámi Parliament underscores the need to ensure a comprehensive offer for Sámi pupils with special needs or disabilities (Art. 2, cf. Art. 3(1), 26, 27, 28 and 29).

1.1.4 Bullying in Sámi schools and kindergartens

22. The Sámi Parliament aspires to ensure that there is no bullying at school and that school days are safe for Sámi children and pupils. Figures from *the Annual Student Survey* and the Norwegian Institute of Public Health indicate that the percentage of pupils who are insulted and bullied in Sámi areas is high compared with the rest of the country. One of the conclusions from *NPR 2015:2 Belonging. Instruments for a Safe Psychosocial Environment* is that there are formidable gaps in our knowledge about bullying in Sámi schools. There is currently very little research on bullying, identity or discrimination in Sámi communities, kindergartens and schools. More knowledge is needed to introduce the right initiatives to improve the psychosocial environment in schools, not least in Sámi schools. The Sámi Parliament is of the opinion that the Government must pave the way for research to examine such factors because they may provide useful contributions to the Norwegian Government's plan to step up its efforts to combat violence and abuse (Art. 2, cf. Art. 3(1) and 7(3)).

1.1.5 Intellectually disabled individuals in Sámi areas

23. In 2016, the Nordic Welfare Centre, which administrates Nordic cooperation on disabilities and Sámi ethnicity, published the report *Survey of the living conditions of intellectually disabled people in Sámi areas*. As part of this work, researchers at the University of Tromsø carried out a study on *the situation of Sámi with disabilities* in 2017. Like intellectually disabled people in general, intellectually disabled people in Sámi areas experience living conditions that are not as good as those of the general population in areas such as housing, education, employment, health, social networks, recreation and opportunities to make their own choices in respect of everyday activities. They are also more susceptible to bullying and violence than others. In certain areas, there are also major differences between the living conditions of intellectually disabled individuals who are of Sámi descent and those who are not, not least in terms of mental health and bullying. They also find gender differences as far as bullying is concerned, where women are more vulnerable than men.

24. The Sámi Parliament is of the opinion that more attention should be paid to 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. There is a need for more focus on the prevention and treatment of mental health issues in intellectually disabled people of Sámi ethnicity. There is a need to pay more attention to the organisation of housing and other services for intellectually disabled individuals, for reducing the standardisation of how people live, offering more opportunities to make their own choices and to participate in society on an equal footing with the rest of the population (Art. 2, cf. Art. 3(1)).

1.1.6 Violence in close relationships

25. The Sámi Parliament is concerned about the violence to which indigenous women the world over are exposed. There are special challenges involved in meeting users of Sámi ethnicity, especially in relation to taboo topics such as violence and abuse. This can influence employees who have to address these topics in local communities to which they themselves belong. Several recommendations have been made to Norway by convention-based UN committees and by the Norwegian Institute of Human Rights about drawing up a plan of action to combat violence against women in close relationships in Sámi communities.
26. 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 age 18; 17 per cent, compared with 11 per cent of the women in the general population. In most cases, it is reported that the perpetrator is known to the victim. The Sámi population in Norway generally enjoys a high standard of living and a large percentage of Sámi women have higher educations. However, the Sámi Parliament recognises that education does not protect them from falling victim to violence and abuse.
27. The Sámi population in Norway has been subjected to a gruelling Norwegianification policy, and many still struggle with the after-effects of this State policy. The police and support personnel in Norway generally lack expertise in understanding Sámi language and culture. A study from 2017, in which police and support services workers were interviewed, identified several problems. More Sámi language and cultural expertise on the part of the police and support services might help improve trust and understanding. Many of Sámi ethnicity still do not trust the majority society. This can have a bearing on meetings between those affected by violence who are of Sámi ethnicity and non-Sámi service providers. There is a need for more research-based knowledge on the topic to get a general idea about causes and appropriate measures. Measures must be developed to prevent violence in the Sámi population. There is a need to upgrade the skills of those providing support services and the police that serve the Sámi population. There is a need to further develop assistance and treatment measures adapted to perpetrators and victims of violence among the Sámi population (Art. 2, cf. Art. 25 and 30).

1.1.7 Sámi culture

28. The choice of Sámi cultural activities is limited. To improve the situation, a significant financial boost for Sámi culture is needed over the national budget. Among other things, there is a lack of 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. As of today, there is no permanent exhibition facility for Sámi contemporary 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 needed to fully bring Sámi cultural rights to fruition with respect to Sámi cultural identity and traditions (Art. 2, cf. Art. 4(1)).
29. The North, Lule, Pite and South Sámi museums are underfunded compared with Norwegian museums, and few of them are in a position to deal with the professional responsibilities expected of modern museums. Nor is there any requirement for regional co-financing of the

Sámi museums, as there is for the Norwegian museums. Sámi museums urgently need upgrading and more storage in connection with *Bååstede*, (the Return of Sámi Cultural Heritage), under which approximately 2000 Sámi museum objects are to be returned to Sámi areas and to the Sámi museums from the Norwegian Museum of Cultural Heritage. This will call for a national campaign to upgrade the venues (Art. 2, cf. Art. 4(1) and 7(1)).

30. The South Sámi lack an event and conference arena. Since the Directorate of Public Construction and Property's feasibility study was completed in 2011, Saemien Sijte, a South Sámi museum and Cultural Centre in Snåsa, has been waiting for allocations over the government budget to start construction (Art. 2, cf. Art. 4(1) and 7(1)(2)).
31. 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 wishes expressed by traditional Sámi vocal groups, the Sámi Parliament has set up a special project to examine more closely the need for a separate institution for *yoik* (Art. 2, cf. Art. 4).
32. There is not enough literature published in North Sámi, Lule Sámi or South Sámi to maintain Sámi children's reading skills. The situation is critical for books for adolescents in all the 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, and there is not enough funding available for translations into these languages (Art. 2, cf. Art. 4(1) and 28(1)).

1.2 Article 4

1.2.1 Sámi languages

33. All the Sámi languages in Norway are endangered or seriously threatened, meaning initiatives are required urgently. In time, the use of North Sámi, Lule Sámi and South Sámi will be able to be registered in a modernised national population registry. In the consultations on the National Population Registration Act, the Sámi Parliament did not succeed in getting support for other Sámi languages in Norway to be registered, or for the registration of individuals' oral and written knowledge. There is a need for a broader basis for registration of Sámi languages in Norway. This is important to accomplish for the purpose further social planning, especially as regards the planning of public services for Sámi language users. The Sámi Parliament emphasises that special initiatives must be taken to obtain more knowledge about the use of the other Sámi languages in Norway, i.e. Ume Sámi, Skolt Sámi (East Sámi) and Pite Sámi (Art. 4(1), cf. Art. 6, 7 and 28(3)).

1.2.2 The lack of Sámi-speaking personnel

34. At the national level, efforts are required to promote skills upgrading and recruitment to kindergartens to improve the expertise of all employees who work in kindergartens and to raise the status of that work. The idea is to focus on skills development for Sámi kindergarten personnel as well, but the starting point in this area is the Nordic kindergarten tradition with players from Norwegian society. The Sámi Parliament is of the opinion that skills development in the Sámi kindergarten sector must take place on the basis of Sámi kindergartens' contents and needs, and in collaboration with players in the Sámi community (Art. 4(1), cf. Art. 26, 27 and 28(3)).

35. The lack of Sámi-speaking teachers is alarming. The situation in the South and Lule Sámi areas is especially difficult. This is a serious problem in terms of access to and the quality of instruction in the Sámi school system and for Sámi languages. In the autumn of 2017, Sámi allaskuvla, the Sámi University of Applied Sciences, began to offer a master's programme in Sámi elementary education for grades 1-7 and 5-10. From the autumn of 2018, North University will also be offering a master's programme in South and Lule Sámi elementary education for grades 1-7. The Sámi Parliament believes there is a need to implement special initiatives to promote recruitment to the Sámi elementary education programmes. It has therefore given priority to providing grants for higher education in said elementary education programmes. In addition, priority should be given to grants for Sámi speakers who study to be kindergarten teachers (Art. 4(1). cf. 28(1)(3)).
36. NPR 2014:8 *Interpreting in the public sector – a question of constitutional rights and equality* puts forward a bill relating to the government authorities' responsibility for using interpreters. The Ministry of Justice and Public Security is working on this bill. The Sámi Parliament had a meeting with the Ministry in March 2017, at which agreement was reached about consulting on the bill before sending it out for a hearing. A hearing on the bill for a new Act related to Interpreting was expected in 2018. However, the legislative work has now been put on the back burner at the Ministry of Justice and Public Security. The public health service, the judicial system and the police all lack people with proficiency in Sámi, and there is a great need for competent interpreters in Sámi languages. An Act related to Interpreting and an authorisation scheme for Sámi interpreters must be put into place soon so that these challenges can be resolved (Art. 4, cf. Art. 12).

1.2.3 Sea salmon fishing

37. 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 and local and Sámi customs. The Sámi Parliament ascertains that the current salmon regulations are very strict and that in 2016, the authorities introduced further restrictions in the fishing season in certain areas, so the very basis for the existence of salmon fishing in the sea is seriously threatened. The Sámi Parliament underlines the severity of the situation and emphasises the urgent need for special measures for sea salmon fishing (Art. 4, cf. 13, 8, 15(1) and 23).

1.2.4 East Sámi culture

38. The Sámi Parliament's reports in 2008 and 2013 described the situation for the East Sámi (also referred to as the Skolt Sámi). 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. 14 and 15).

1.3 Article 5

1.3.1 Sámi religious life

39. The Ministry of Culture has put forward a bill for a new Act relating to religious communities and philosophies of life. In its consultative statements on the bill, the Sámi Parliament has focussed on consideration for Sámi religious life, and on adaptations for Sámi speakers in the Church of Norway. The Sámi Parliament is of the opinion 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. The Sámi Parliament has asked for consultations with a view to promoting Sámi religious life and the use of Sámi languages in the Church of Norway in future. The Sámi Parliament is awaiting feedback from the Ministry on these issues.

1.4 Articles 6 and 7

1.4.1 Consultations

40. The Sámi Parliament has practised the consultation procedures ("Procedures for Consultations between the State Authorities and the Sámi Parliament" (PCSSP)) with the State authorities for more than 10 years. Experiences are generally good, although there are some exceptions.
41. In cases regarding individual decisions on energy development cases, it has been difficult to undertake substantive consultations because the Norwegian Water Resources and Energy Directorate (NVE) has not shared its assessments or proposed solutions. Accordingly, the meetings have the feel of hearings and input collection. This is in the process of improving since the Ministry of Petroleum and Energy, in its White Paper on Energy (Report No. 25 to the Storting (Norwegian Parliament), 2015–2016) made it clear that before NVE adopts a decision in a case or submits recommendations to the Ministry in major cases, the Sámi Parliament must be sufficiently familiarised with the content of the draft resolution to make it possible to determine whether agreement can be reached. In recent years, consultations on energy development cases have been good and transparent, resulting in genuine assessments of the effects of initiatives in the light of the provisions of international law regarding cultural heritage (Art. 6 and 7, cf. Art. 15(1) and 33).
42. In cases related to reindeer husbandry, the consultations have improved compared with the situation prior to 2013, because the Sámi Parliament and the Sámi Reindeer Herders' Association in Norway (NRL) have been brought into decision-making processes at an earlier point in time by the Ministry of Agriculture and Food. Nonetheless, agreement has still not been reached on amendments to the Reindeer Husbandry Act and on measures to improve the situation of the reindeer husbandry industry. This is considered a serious problem because reindeer husbandry is an exclusively, culture-specific Sámi industry, so the right to adopt its own ranking of priorities pursuant to Art. 7 must be great. Once again in 2018, the Sámi Parliament has chosen not to appoint new representatives to the National Reindeer Executive since they are subject to State instruction and control, and they do not guarantee independent representation of the Sámi and the Sámi reindeer husbandry. As regards legislation and initiatives of direct importance for Sámi agriculture, there is currently almost a total absence of consultations with the Ministry of Agriculture and Food (Art. 6 and 7, cf. Art. 15(1) and 23).
43. 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 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.

44. In May 2018, the Ministry of Local Government and Modernisation and the Sámi Parliament agreed to add a new chapter on consultations to the Sámi Act. The draft bill 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 approved the draft bill through its plenary decision in June 2018, and the Government is expected to present the bill to the Norwegian Parliament in autumn 2018. The bill essentially focusses on the consultation procedures, but rests on a comprehensive legislative history and annotations to the provisions. The Act is excepted from opposition proceedings pursuant to the Planning and Building Act. The Sámi Parliament has chosen to accept this because it ensues from the legislative history of the Act that the opposition scheme pursuant to the Planning and Building Act as a whole shall ensure compliance with the same considerations as the consultation scheme, *inter alia*, for the Ministry's final processing of issues on which the Sámi Parliament has raised an objection. 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.
45. In a case involving the construction of a road across reindeer-herding lands, (the Langsund connection HR-2017-2247A), the Supreme Court of Norway concluded that it is valid and not a breach of international law. Through written pleadings, the Sámi Parliament proved to the Supreme Court that the reindeer grazing district in question had not been consulted in the decision-making process. It showed that the necessary studies of the consequences of the measures existed as a basis for dialogue, but that the process did not take place in good faith and did not lend itself for the purpose of reaching agreement. The reindeer grazing district was not involved, except to be invited on inspections of the area and given an opportunity to express an opinion on the plans. The Supreme Court establishes only that: "the reindeer grazing stakeholders [have] had satisfactory opportunity to make their view known". In this matter, the Supreme Court has reduced the importance of consultations pursuant to ILO C169 Art. 6 and 7 to a question of "making their view known", a development that the Sámi Parliament finds extremely disquieting.
46. The Sámi Parliament expects that a decision on amendments to the Sámi Act featuring consultation provisions will guarantee a greater degree of implementation of Art. 6 and 7 throughout the public administration and in judicial decisions. The Sámi Parliament therefore maintains that the Act should provide grounds at some point for the Supreme Court to reassess of the Sámi's right to consultations to achieve free and informed consent, so that there is a legal clarification that leaves no doubt about the content and objective of consultations. Further, the Sámi Parliament finds reason for the State authorities to ensure that directly affected Sámi interests are given real means and opportunities to participate in consultations with government authorities in future (Art. 6 and 7).
47. In cases in which the Norwegian Parliament deviates from solutions negotiated by the Government, in cases in which proposals are made by parliamentary motion, through political agreements that can affect Sámi interests, and in cases in which the Government has not consulted with the Sámi Parliament, the Norwegian Parliament will still be under an obligation to consult. In a letter to the expert committees, the Norwegian Parliament'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 complied with when one side enters into political agreements that affect Sámi interests and lead to decisions in the Norwegian Parliament. There is no mechanism involving the Norwegian Parliament to help ensure clarification about whether the consultation obligations have been met in specific cases (Art. 6 and 7).

1.4.2 Budget routines

48. The Sámi Parliament needs a new budgeting model that will help satisfy its international commitments. In January 2018, the Ministry of Local Government and Modernisation and the Sámi Parliament agreed on new budget processes. 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 Parliament, a report is to be sent from the Government to the Parliament, outlining development trends and challenges for Sámi language, culture and way of life. It 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. 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. 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).

1.4.3 Sámi parliamentary elections

49. 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 be allowed to decide 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 regarding Sámi parliamentary elections. This would seem to be a natural consequence of the Sámi Parliament, pursuant to §2-10 of the Sámi Act, being the supreme governing body for Sámi parliamentary elections, that it is the Sámi Parliament itself that has drawn up the proposal for a new electoral system and that the Sámi Parliament is the supreme appellant body if anyone feels they themselves or anyone else is wrongly registered in the Sámi Parliament's electoral roll. A relatively large proportion of the rules that apply to elections to the Sámi Parliament has been established by regulation. Today, the Sámi Parliament cannot adopt election regulations for Sámi parliamentary elections. The Sámi Parliament must go through the Ministry to amend the regulations that govern their own elections. A high degree of self-determination for the Sámi Parliament's own electoral system is not especially compatible with the Norwegian authorities' micro-management of how elections are conducted by stipulating regulations. The Sámi Parliament's desire for regulatory jurisdiction has not been followed up by the Norwegian authorities (Art. 6(1.c), cf. Art. 7).

1.4.4 The knowledge base of publicly appointed committees

50. The authorities have too little knowledge and understanding of Sámi languages, Sámi culture, Sámi values and Sámi traditional knowledge. The Sámi Parliament finds that representatives who possess this knowledge are not always included on government committees that frame legislative amendments, measures and schemes that will also affect the Sámi community. The Sámi Parliament finds it natural that it be the Sámi Parliament that appoints people to such committees to best ensure the knowledge base (Art. 7(1)(3), cf. Art. 33).

1.5 Articles 8, 9, 10 and 12

1.5.1 The courts

51. The State of Norway is built on the territory of two peoples, Sámi and Norwegians. A state based on the rule of law must be based on interpretation 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 Norwegianification policy that did not respect established Sámi rights, or Sámi customs or the Sámi interpretation of the law. Until fairly recently, this has been mitigated to some extent through judicial practice. The courts depend on people trusting them to adopt decisions that are fair and impartial. Accordingly, it is important that the Sámi also have confidence in the courts (Art. 8 and 9, cf. Art. 12).

52. 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 interpretation of the law and the Sámi Parliament's statements. The Sámi Parliament maintains that the other courts should apply this approach as an example when dealing with cases involving Sámi parties. In addition, for the courts be able to deal with and decide Sámi matters, it is decisive that there be a good understanding of Sámi culture and an intimate 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 this 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).

53. 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 studies of jurisprudence and property law. This is only partially the case now, and is very weak for those who would like to become land consolidation judges by studying property law. Today, property law studies are only offered by the Norwegian University of Life Sciences, but not by the University of Tromsø - Norway's Arctic University, which offers studies in Sámi and indigenous law. It should be an explicit goal to offer a course of study in Sámi law and Sámi property law for applicants who want to become land consolidation judges. Further, the continuing education courses for judges must be improved so that they shed light on real and methodical questions related to 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 problems are decided by the courts (Art. 8 and 9).

1.5.2 Supreme Court judgments

54. The Sámi Parliament is concerned about the lack of understanding demonstrated by the Supreme Court in linking processes and contents together in consultations on decisions that directly affect Sámi interests. The Supreme Court has recently handed down two judgments involving this. Both cases affect of the Sámi's material cultural heritage pursuant to the Covenant on Civil and Political Rights (ICCPR), Art. 27, but also raise questions about whether substantive consultations were conducted with Sámi interests in accordance with ILO C169, Art. 6, before the decisions were taken.
55. The Sámi Parliament is of the opinion that the majority of the Supreme Court has come to an unexpected and very unfortunate result in the case between the Ministry of Agriculture and Jovsset Ante Sara on reducing the number of reindeer (HR- 2017-2428-A). The same applies to the case involving the Langsund connection (HR-2017-2247A), see paragraph 45. In *Jovsset Ante Sara v. the Ministry of Agriculture and Food*, the Supreme Court has not delved deeply into the importance of and the genuine carrying out of consultations in the cases, but appears rather to espouse the attitude that it is the State, and not the Sámi themselves, that knows what is best for the Sámi. The Sámi Parliament does not find this to be in accordance with the Sámi interpretation of the law. The Sámi Parliament maintains that the Supreme Court demonstrates a condescending attitude that we recognise from the time when the Norwegianification policy was used as an active tool to oppress Sámi culture, language and way of life. In this case, the minority opinions from the Court of Appeal and the Supreme Court took this into consideration. All the same, the majority of the Supreme Court has arrived at a result that is perceived as neither legitimate nor fair by the Sámi community. For the Sámi Parliament, it will be important to ensure that this case is followed up on the international legal arena so that assessments of international law made by the majority of the Supreme Court can be reviewed (Art. 8 and 9, cf. Art. 6 and 15(1)).
56. The Sámi Parliament finds it troubling that in the *Stjernøya* case (HR-2016-2030-A), the Supreme Court has simply assumed that the Norwegian district court's judgment is in keeping with Art. 14 regarding the grounds for the Sámi's acquisition of property rights, which has resulted in the Sámi not being granted such rights. The Sámi Parliament is of the opinion that such a supposition on the part of the Supreme Court is not necessarily compliant with Art. 14 and 8, especially because considerable emphasis is attached to the State's earlier disposition of land and resources without taking into account the context of the assimilation policy that applied at the time (Art. 8 and 9, cf. Art. 14).
57. The Sámi Parliament refers to the *Femund* case, HR-2018-872-A, in which the Norwegian Supreme Court's assessment takes the protection of Sámi culture into consideration, cf. ILO 169, Art. 4, 5 and 6. The judgment states that the legislative history leading to the Reindeer Husbandry Act is clearly coloured by being written at a time when views on Sámi rights were different from today (Art. 8 and 9).

1.5.3 The Norwegian Correctional Service

58. The action plan *Quality and equality in sentence execution for Sámi offenders* was adopted four years ago. In 2018, the Norwegian Correctional Service will invite the Sámi Parliament to consultations to revise and update the action plan. The Sámi Parliament has received a status report on the Norwegian Correctional Service Region North's work on an action plan in 2017, as well as its priorities for 2018. 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 and Lule Sámi languages. The Sámi Parliament considers it important to incorporate measures for South and Lule Sámi-speaking inmates and those sentenced to incarceration into the action plan (Art. 10).

1.5.4 Legal aid

59. The Ministry of Justice and Public Security decided to discontinue funding for the legal aid office in Karasjok in Indre Finnmark County as from 1 July 2015. The Ministry felt that the legal aid office did not satisfy the criteria for receiving subsidies. The Ministry found that the Sámi population of Finnmark County would not get poorer access to legal counsel or have to pay more for the legal counsel they receive, cf. Act relating to free legal aid, which is subject to financial means testing. This assumes that today's legal firms and the broad geographical distribution of lawyers in Norway will be maintained. The Sámi Parliament is of the opinion that closing the legal aid office in Indre Finnmark County will have a bearing on Sámi legal aid challenges covered by international conventions, including ILO C169, Art. 12. The closure of the legal aid office makes it difficult for North Sámi-speaking residents of Indre Finnmark County to understand and make themselves understood in legal proceedings (Art. 12).

60. The Sámi Parliament notes that Sámi industries are being exposed to ever increasing outside pressures involving plans that entail encroachments by new industries and infrastructure. Sámi business owners risk that their collective industrial resource bases, e.g. grazing grounds, gathering areas and fishing grounds, will be supplanted by other activities. This trend means that a growing number of Sámi business owners must fight for their rights in the courts. The Sámi Parliament recognises the need to create schemes that will improve opportunities for free legal aid for Sámi business owners who find themselves in such situations. For example, the County Governor has the authority to grant free legal aid in all types of cases, even when the financial conditions for free legal aid are not satisfied (Art. 12).

2 Land rights

2.1 Articles 13, 14 and 15

2.1.1 The Finnmark Estate

61. 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 it must clearly be assumed that it is not a type of public authoritative body, since that cannot entail recognition of Sámi property and right of use positions. Even though FeFo is a private rights object, it is also intended to protect and manage collective Sámi rights, which the Sámi Parliament believes must take place through a transparent and close dialogue with the Sámi

Parliament, but also such that there are Sámi local rights of use that FeFo has been assigned to manage pursuant to ILO C169. Art. 6 also applies to FeFo (Art. 14, cf. Art. 6 and 15).

62. 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 it means that in actual practice, local populations and visitors have virtually the same access to natural resources, despite the fact that the Finnmark Commission's survey found significant local rights of use. In certain areas, the local population finds its use of uncultivated land to be supplanted by other uses. The Finnmark Estate's statistics on the number of fishing licences sold shows, e.g. that the number of visitors without close ties to Norway has increased considerably on the Finnmark Estate's lands since 2005. Further, several areas are subjected to heavy recreational and fishing-related pressure, especially during certain parts of the year (Art. 14(1), cf. Art. 8).

2.1.2 The areas outside Finnmark County

63. The Sámi Rights Commission was re-appointed in 2001 to report on 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 in current legislation. On 3 December 2007, the Sámi Rights Commission II presented NPR 2007:13 *The new Sámi right* and NPR 2007: 14 "*Sámi use of natural resources 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 commitments under international law in respect of the Sámi. The Commission made three main proposals: identification legislation to safeguard rights under Art. 14, management and administration legislation to protect rights under Art. 15 and consultation legislation to protect the right under Art. 6.

64. 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. The report is to assume that Statskog will continue to be responsible for Norway's forestry resources. Further, the report is to assume that the current Finnmark Act will continue to apply within the prevailing county borders for Finnmark County, and will not be expanded to new geographical areas. This decision came as a surprise to the Sámi Parliament and was made without any previous consultations. The Sámi Parliament understands the method to be an attempt to circumvent the processes on which there has been broad agreement thus far about implementing in order to study 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 thus far. This can also be understood as an expression of the fact that the Sámi Rights Commission II has not been followed up. A report on the introduction of the Mountain Act in Troms County and Nordland County must be a step in the follow up of the Sámi Rights Commission and be part of a comprehensive whole, under which Statskog must no longer be owner of the land. At the same time, schemes are needed to ensure genuine opportunities to establish rights of ownership and use by judgment. The Sámi Parliament has made the

Norwegian authorities aware of this, and the Sámi Parliament urges prompt follow up of the Sámi Rights Council's proposal (Art. 14 and 15, cf. Art. 6 and 7).

2.1.3 Reindeer husbandry

65. Reindeer husbandry is a cornerstone of Sámi culture and way of life. Reindeer husbandry helps preserve Sámi language and traditions. In the *White Paper to the Sámi Parliament on Reindeer Husbandry* (2016), the Sámi Parliament ascertained that there are several factors involved in the Reindeer Husbandry Act and its administration that are problematic in the light of Norway's obligations under international law. In recent years, a number of amendments have been made to the Reindeer Husbandry Act and the government reindeer husbandry administration without the consent of either the Sámi Parliament or the Sámi Reindeer Herders' Association in Norway (NRL). Regional administration has been transferred to the County Governor, and the Norwegian Reindeer Husbandry Administration has been put under the auspices of the Norwegian Agricultural Agency. In 2015, the Government discontinued the allocation of MNOK 2 for the Sámi Parliament's earlier subsidisation of the reindeer husbandry industry. Accordingly, phased revisions have been made in the Reindeer Husbandry Act, along with changes in the reindeer husbandry administration, without genuine 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).
66. There is a need for a study on the administration of reindeer husbandry in Norway. The Sámi Parliament's budget for 2018 has set aside funding to commission an independent project to make a study and review the Reindeer Husbandry Act and the reindeer husbandry administration. The Sámi Parliament would like a committee to examine the principal international law and practical aspects of the Reindeer Husbandry Act and the reindeer husbandry administration. The NRL and the Sámi Parliament have reached a consensus on the committee's mandate. It is necessary to study the need for amendments to the Reindeer Husbandry Act and propose any other measures to ensure processes that are supported and considered legitimate by the reindeer husbandry industry and which strengthen land protection for reindeer husbandry. The Sámi Parliament is of the opinion the entire process of making adjustments in the number of reindeer must be evaluated and considered in the light of international law. In particular, the committee should highlight the distinction between administration under civil law and public administration. The Sámi Parliament would like consultations on the entire Reindeer Husbandry Act and future reindeer husbandry administration (Art. 15(1), cf. Art. 6 and 7).

2.1.4 Agriculture

67. Sámi agriculture plays an important role as grounds for employment, added value and settlement in Sámi areas. Agriculture plays a part in carrying forward the Sámi languages and cultural traditions. The Government discontinued the allocation of funding under the agricultural agreement to the Sámi Parliament in 2015. The allocation of MNOK 2 must be re-introduced to strengthen development opportunities for agriculture in Sámi areas (Art. 15(1), cf. Art. 23).

2.1.5 The Tana Agreement

68. 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, with narrow majorities, the Norwegian and Finnish parliaments ratified a new agreement in 2017 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.
69. In the case of *Taivalo v. Finland* 2006, the European Court of Human Rights has ascertained 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 respect of 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".
70. 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 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.
71. The Tana Act's wording on "consultations", combined with the fact that the Act is to be applied in compliance with the rules of international law on 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 for obtaining agreement or consent. This is 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 real participation and possibility to exercise influence must be safeguarded better in this type of processes. The Sámi Parliament is of the opinion that efforts must continue to be made to renegotiate the Tana Agreement, so that it safeguards rights in relation to the watercourse and is experienced as legitimate and fair by the rightsholders (Art. 14 and 15(1), cf. Art. 6, 23 and 35).

2.1.6 The Neiden watercourse

72. §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 will contribute to the planning of local management (Art. 15(1), cf. Art. 23).

2.1.7 Fisheries

73. In 2016, the Norwegian Institute of Human Rights (NIM) published a report on the Sea Sámi's right to fish in the sea, pointing out that fishing constitutes a crucial part of the Sea Sámi culture, meaning that extensive regulations present a formidable challenge to the survival of Sea Sámi culture. The Norwegian Institute of Human Rights recommends further that the Sea Sámi's right to fish be established by law, since it is part of the practice of their culture 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 safeguard the Sea Sámi's human rights. However, the recommendations have not been followed up by the Government. Fishing activities from vessels less than 11 metres in length in a closed group have fixed quotas that vary on the basis of the total Norwegian quota. Fishermen in open groups have far smaller quotas than similar vessels in closed groups. To boost opportunities to generate income for fishermen in open groups in the Sea Sámi areas, the State authorities decided in 2012 to earmark a separate coastal fishing quota of 3 000 metric tonnes of cod, which was assigned as an extra quota to the fishermen in open groups in Sámi areas so that those fishermen can also earn a living by practising their profession. To boost profitability in the closed group, the authorities recently proposed introducing limits on fishing from vessels less than 11 metres long. This initiative will have a strong impact on Sámi fishing rights and social conditions inasmuch as the number of vessels in the closed group is expected to be reduced by about one-third, which will in turn lead people to move away, leaving the population critically low in many coastal areas. The State has not studied or by other means rendered visible what the structural proposal for vessels less than 11 metres long will mean for the Sea Sámi communities' fishing in the fjords and along the coast (Art. 15(1), cf. Art. 7(3) and 13(2)).

2.1.8 The Fjord Fishing Board

74. 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 in a position to make necessary studies or do other work required to render visible the effects on the Sámi community that the authorities' various proposals for watercourse regulation will have on fishing and fish farming. The Sámi Parliament has addressed the matter with the Ministry of Trade, Industry and Fisheries, but conditions have not improved much (Art. 15(1), cf. Art. 13(2)).

2.1.9 Duck hunting in the spring

75. Victoria Tauli-Corpuz, the UN's special rapporteur on the rights of indigenous peoples, submitted a report in September 2016. In the report, she pointed out a number of facts about the Sámi's rights situation in Norway, Sweden and Finland. The special rapporteur mentions duck hunting in the spring in Kautokeino municipality as an important part of Sámi culture that should be protected by special measures so that the tradition can continue in a culturally and ecologically sustainable manner. One of the recommendations made in the report is that the State of Norway and the Sámi Parliament ought to find solutions for the regulation of duck hunting in the spring in Kautokeino municipality so that the tradition can be continued.

76. The Sámi Parliament has had annual meetings with the Ministry of Climate and Environment, at which it has been agreed that the knowledge base must be improved. 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 be conducted more like the traditional spring hunt has been conducted for generations. The study is expected to cost MNOK 9. It was scheduled to be carried out in 2015, but no funding has yet been allocated for this work. The consequence is that spring hunting has been allowed only within the narrow confines of the current regulations (Art. 15, cf. Art. 23).
77. The Sámi Parliament is not satisfied with the regulations that the Ministry of the Environment has handed down for traditional spring hunting of ducks, but its viewpoints have not been taken into account. The Sámi Parliament is of the opinion that the practice is not in keeping with the customary ways in which traditional duck hunting has been carried out. The Sámi Parliament would like for duck hunting to be accepted as a traditional Sámi cultural practice and that the parameters for hunting be expanded so that it will comply with the tradition and fall within the scope of what can be considered to be biologically sustainable. This can be accomplished by increasing the quotas, allowing the same species to be hunted as are hunted in the autumn in Finnmark County and by enlarging the area available for hunting and the parameters for the hunting season. The current annual hunting quota is 150 ducks from three different species per year. The traditional hunt included far more species and at least one thousand ducks per year.

2.1.10 Predators

78. 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 bad signal from the Government to the grazing industry when the solution 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 for the owners of the grazing animals involved. Figures from the reindeer husbandry industry and many reindeer districts show that predators take an unacceptably high percentage of the livestock. There is also a discrepancy between what the commercial actors apply for indemnification for in connection with losses to predators and what is actually paid out. Major losses caused by predators have led many sheep farmers to quit the business. If today's predator policy and predator management continue, the entire basis for the very existence of the grazing industry will be jeopardised. 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 industry itself experiences in actual practice. In cooperation with the Norwegian Environment Agency and the Sámi Reindeer Herders' Association, the Sámi Parliament has taken an initiative that involves incorporating traditional knowledge from the reindeer husbandry industry into the knowledge base for the management of predators. Further, it is absolutely necessary to look at the need for change in today's predator management, especially with a view to animal counts (Art. 15, cf. Art. 7(3) and 23(2)).

3 Vocational training, handicrafts and industry

3.1 Article 23

3.1.1 The use of uncultivated land and rural industries

79. The Sámi's use of uncultivated land in connection with gathering and general passage in traditional territories is crucial 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 restrictive with a view to passage and the gathering of natural resources in the areas in which the Sámi are traditionally located. The Sámi Parliament is of the opinion that the Sámi must have greater opportunities to develop their culture, not least by using modern vehicles (Art. 23, cf. 14(1) and 15(1)).

3.1.2 Duodji

80. A project to revitalise the duodji brand was initiated by the Sámi Council in 2015. The goal of the project was to study how the trademark "Sámi Duodji" (Sámi Crafts) can be revised, revitalised and used to gain a better understanding of the content and to arrive at a common definition. The project report states inter alia that the duodji tradition and duodji knowledge need legal protection.

81. Copying of duodji is a challenge, and the legal protection for duodji is one of the areas that calls for cross-border collaboration. Legal protection must include protection against outsiders' unlawful use of duodji for commercial purposes. It is important to develop strategies for how this can be resolved. Among other things, it is necessary to collaborate with the duodji communities in all the countries in which the Sámi live. A common trademark scheme can be viewed as a means to achieve control of duodji and Sámi culture (cf. Art. 32).

4 Health and welfare

4.1 Article 25

4.1.1 Health

82. It is a problem for Sámi patients that there is no access to Sámi interpreters at the main hospitals that treat Sámi patients. Hammerfest Hospital currently has an interpreter on duty during the day, and offers distance interpreting on evenings and weekends. The Sámi Parliament is of the opinion this is something all hospitals in Sámi areas must have to ensure communication between patient and physician. At present, relatives are often called upon to serve as interpreters, and that is not at all advisable from the perspective of interpreting as a profession. An Act related to Interpreting must be put in place as soon as possible so that these challenges can be met. It is necessary to consider changing the rules for Sámi patients' and users' rights with a view to Sámi languages.

4.1.2 Sámi languages in health and care services

83. The use of Sámi languages in health and care services is related to the right to equal services. This ensues from the rights that Sámi patients and Sámi children under the care of the child welfare authorities have by virtue of national legislation and international conventions. Equal health care services for Sámi patients require that service providers take the patients' cultural and linguistic background into account. Municipal health and care services are governed by Act No. 30 of 24 June 2011 *relating to municipal health and care services* (the Health and Care Services Act). 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 taken into account 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 reach the goal of ensuring equal health and social services for the Sámi population, 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.
84. The Sámi Parliament finds that health and care services 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 Sámi 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 increase the need for Sámi-language health services for children. Sámi children of pre-school age are entitled to have their development followed up, on an equal footing with other children. This means there must be a health centre that can communicate with children in their native language, regardless of domicile. Sámi elderly who forget their second language should be assured of a safe old age, where their own culture and language occupy a natural position in the services they receive. 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 cannot communicate in Sámi. NPR 2016:18 *The Language of the Heart* proposes the establishment of legislation that would grant an individual right to adapted language and cultural services, 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).
85. 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 also reduces the quality of the services, and constitutes a threat to patients' safety because it increases the risk of improper medical treatment. The Sámi Parliament is of the opinion that it is necessary that the Sámi people's right to adapted linguistic and cultural services be pointed out emphatically.

4.1.3 Child welfare

86. Sámi children's contact with the child welfare authorities has been less than satisfactory for a long time. Sámi children's rights as indigenous children are not well known in the child welfare system, and compliance is not good enough. Municipalities have varying degrees of awareness and knowledge about their Sámi populations and about Sámi children's rights. Further, it is also challenging to promote understanding for Sámi children's needs. There is a great need for knowledge about Sámi children's rights as indigenous children at every level of the child welfare service. This means that the decisions taken are not always in the best interest of the children.
87. Guidelines should be developed to assess Sámi children's rights and needs when child welfare measures are initiated. The development of guidelines will ensure that the quality of the protection of Sámi children's rights will not depend on individuals' knowledge, and may also play an important part in training foster parents. The Sámi Parliament is of the opinion that a Sámi national advisory body should be given supervisory responsibility for municipal child welfare services. Municipalities must be required to contact the Sámi supervisory body when considering taking over custody of Sámi children, and the County Governor's supervision and authority must be reinforced in this area (Art. 25, cf. Art. 28, 29, 30 and 31).
88. The Expert Committee for Regional Reform believed that a study should be made regarding the transfer of child welfare duties that are currently the purview of the state and municipalities. The Sámi Parliament would like to have a dialogue with the Ministry before a study is commenced to ensure that Sámi perspectives are included in the study, and the Sámi Parliament also expects to be consulted on measures that might have consequences for Sámi interests (Art. 25, cf. Art. 6 and 7).

5 Education and communication

5.1 Articles 26, 27, 28 and 29

5.1.1 Kindergarten

89. At present, 91 per cent of all children in Norway aged 1-5 are in daycare. Of that number, fewer than 900 children are offered a place in a Sámi kindergarten. The Sámi kindergarten sector covers 31 Sámi kindergartens. These have different points of departure as a result of geographical affiliation, local support and language. In addition to these, roughly 30 Norwegian kindergartens offer Sámi language stimulation to individual children with Sámi as their first language and to children who are learning Sámi. Kindergartens often hire Sámi resource persons for just a few hours per week, on average, two hours per week. This is not an optimal solution for either the Sámi child or the kindergarten staff. Research shows that children learn languages best through interaction with other children and adults. This calls for awareness and systematic language work in kindergartens.
90. The kindergartens lack tools to support their Sámi language work. The kindergartens report that the different levels of children's linguistic development call for methods that are adapted to the individual child. Today, kindergartens make their own choice about how they organise and what methods they use for linguistic work. One method currently used in some kindergartens is an extra Sámi-speaking resource person (giellačeahppi). Today, there are just a few kindergartens

that receive funding for such language measures. The feedback indicates that the kindergartens with this type of support achieve better results from their linguistic work because more children acquire and develop the Sámi language. Kindergarten staff also receive good support from their "giellačeahppi".

91. The Sámi Parliament must have more influence on the development of Sámi children in the kindergarten sector. One of challenges facing Sámi kindergartens is that they often build on western kindergarten traditions. In 2017, the Sámi Parliament initiated a project called *Sámi mánát ođđa searvelanjain* (Sámi children in new educational space). The project is a follow up of initiatives in NPR 2016: 18 *The Language of the Heart*. It was initiated in the autumn of 2017 and will run for five years. Through goal-oriented initiatives, the project is to improve the quality of Sámi kindergartens. This can be accomplished by modifying the educational approach. The main objective is that Sámi philosophy is to pave the way for the content in Sámi kindergartens where Sámi values, lifestyle, natural philosophy, Sámi language, culture, administration and traditional knowledge are guiding elements in educational work. Kindergarten content must take its point of departure in the Sámi seasonal calendar and link the educational work to the turning of the seasons and changes in nature. The Sámi Parliament believes that a good solution would be 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 they are offered a special programme in Norwegian kindergartens: (Art. 27, cf. Art. 7(1), 26, 28(3), 29 and 31).
92. There is a shortage of Sámi educational material for kindergartens. The Sámi Parliament allocates funding for the development of educational material and distributes the funding through subsidy systems. The needs are not met because insufficient funding is set aside for the Sámi Parliament over the government budget (Art. 26, cf. Art. 27, 28(1)(3) and 31).
93. The Kindergarten Act needs to require municipalities to offer Sámi-speaking kindergartens, based on a strong linguistic model, to all children whose parents so desire. The Sámi Parliament has been in dialogue with kindergarten owners/municipalities about the language situation in new Sámi kindergartens or branches, for example, in Trondheim and Røros. New kindergartens or branches encounter many new challenges regarding the content and organisation of Sámi-speaking kindergartens. The Sámi Parliament has supported new ventures by providing guidance and subsidies for business start-ups. The Sámi Parliament's supervision 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)
94. 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. This can be seen from the allocation of funding. The allocation to the Sámi Parliament that was earmarked for kindergartens came to MNOK 22 in 2018. The Sámi Parliament distributes the funding through its subsidy schemes for kindergartens, development work and other administrative work. 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. The lack of Sámi kindergartens and the long waiting lists to get children into Sámi

kindergartens are relevant problems in many municipalities. Parents find it hard to get a place for their children in Sámi kindergartens, and some municipalities have not given priority to paving the way for Sámi kindergartens. The Sámi Parliament has had a dialogue and meetings with parents and municipalities alike. This has resulted, among other things, in the establishment of a South Sámi branch in a kindergarten in Røros, and a North Sámi branch in a kindergarten in Tromsø. The Sámi Parliament has provided start-up grants to both kindergartens. To preserve and develop the Sámi language in kindergartens, the Sámi Parliament is of the opinion that the State of Norway must give priority to and earmark new funding for Sámi language efforts (Art. 27, cf. Art 7(1)(3), 26, 27, 28(1)(3) and 33).

5.1.2 Schools and teaching

95. The State of Norway must ensure that the framework conditions for Sámi educational programmes are not of poorer quality than educational programmes for other pupils in Norway. The Sámi Parliament wants to ensure that one of the objectives 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 the Sámi language.
96. 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 and their right to instruction through the medium of the Sámi language for all subjects outside the administrative area for the Sámi language. It is unfortunate that the Samediggi has not garnered support for its wish that the Government appoint some members of the public committee that will review the Education Act and propose legislative amendments and other measures. The Sámi Parliament has been left to represent the Sámi in a reference group for the Committee. 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. In addition, a right to linguistic immersion sessions should be established by law for pupils who learn the subject Sámi through distance learning or who receive instruction outside the administrative area for Sámi language. (Art. 28, cf. Art. 26, 27, 29 and 33).
97. Neither the Education Act nor the Independent School Act adequately guarantees a Sámi educational programme. Different practices have developed when it comes to interpretation, meaning that Sámi pupils are treated differently from region to region. The Sámi Parliament considers the lack of opportunities for Sámi pupils to choose among different schools to be discriminatory. The Sámi population of Norway must follow societal development trends to keep up with the majority population. This implies a settlement pattern where an exceptional number of Sámi children live outside the administrative area for Sámi language. The Sámi Parliament is concerned about the narrow limits that the Education Act poses for the opportunity to initiate instruction in and through the medium of Sámi outside the administrative area for Sámi language. Owing to extensive use of administrative requirements, like the requirement that there be a specific number of pupils asking for instruction and geographical limitations before instruction can be offered, Sámi children in many parts of Norway do not qualify for instruction in and through their native language. The Sámi Parliament is of the opinion that the number of

pupils alone is not sufficient to determine whether it is possible to arrange instruction in and through the medium of Sámi (Art. 26, 27 and 28(1)(3), cf. Art 2 and 3).

98. 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).
99. Among Sámi boys and young men, a high proportion do not start or complete upper secondary educations. It is conceivable that this is an effect of the school system not being 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 school before completing an upper secondary education (Art. 26., cf. Art. 27).
100. Sámi schools and youth centres are under constant threat of closure. These schools are often located in sparsely populated areas and have relatively few pupils, entailing that municipal and national authorities give little priority to the Sámi schools in budgetary allocations. Examples include Hattfjelldal School in the South Sámi area and Sirma School in the North Sámi area. Both these schools have Sámi pupils exclusively and the teaching is based on Sámi language and culture. Continued operation of these two schools is secured for the time being. There are several examples of closures of district schools in which the majorities of the pupils were Sámi. The Sámi Parliament is critical to the Sámi demographic structure, with scattered development leading to low numbers of pupils, being used as an argument to close down district schools that offer instruction in and through Sámi. Schools for Sámi pupils must take into account the traditional Sámi social structure, with settlements located near traditional industries such as reindeer husbandry, farming, duodji, hunting and fishing. The closure of Sámi schools in rural areas entails a systematic scaling down of educational programmes for Sámi children and undermines efforts to maintain and promote Sámi culture and language. The Sámi Parliament is of the opinion that the Government needs to ensure sufficient budgetary allocations to school owners so that Sámi schools can remain in operation (Art. 27(3), cf. Art 26, 28(1)(3) and 29).

5.1.3 Sámi teaching materials

101. The Sámi Parliament wants to have Sámi teaching materials in all subjects and at all levels, in South, Lule and North Sámi, which have a scope as broad as that of teaching materials in Norwegian. The teaching materials should be of good quality, and be compliant with the current set of general curricula and meet other academic standards. The Sámi Parliament is concerned about the teaching material situation and is of the opinion that the shortage of Sámi teaching materials makes pupils view Sámi language, culture and way of life as having lower status, threatening Sámi children's right to an education of good quality. The Sámi school system does not have Sámi teaching materials in all subjects and at all levels, despite Sámi children's right to instruction. The scope of digital Sámi teaching materials is severely limited and they are costly to develop. The development of teaching materials, especially digital teaching materials, is cost-intensive and there is no commercial market for such teaching materials. Given the current level of state allocations and the constant revisions of teaching plans, engendering a need for new

teaching materials, it is not possible for the Sámi Parliament to keep up with the development of good teaching materials. This calls for a considerable increase in state allocations for the production of teaching materials. The Sámi Parliament is of the opinion that access to Sámi teaching materials must be guaranteed in the revised Education Act, just as today's legislation guarantees access to Norwegian and New Norse teaching materials (Art. 26, cf. 27(1)(3), 28(1)(3), 29, and 31).

102. The evaluation of Knowledge Promotion – Sámi (NR Report no. 1/2012 *Knowledge Promotion 2006 Sámi – towards a school based on equality?*), shows that teachers perceive the shortage of Sámi teaching materials as very demanding because the teachers have to make some teaching materials themselves, increasing their routine workload. In "NPR 2016: 18 *The Language of the Heart*", the Sámi Language Committee recommended that Nordic cooperation be established to focus on the development of Sámi teaching materials, and that a review be made of the current regulations for the Copyright Act, so that it will be easier to share Sámi teaching aids, teaching materials and digital lessons across borders (Art 27 and 28(1)(3), cf. Art 32).

5.1.4 Sámi languages in public administration

103. The Sámi Parliament would like to see effective follow up of NPR 2016: 18 *The Language of the Heart* for Sámi languages, accompanied by legislative amendments and other measures. The Sámi Parliament has participated in and helped organise a number of hearing seminars on the proposals in the Norwegian Public Report. The Sámi Parliament points out that the many responses to the hearing indicate that there is considerable interest in the Sámi languages, at the same time as the Sámi languages are under tremendous pressure and several are in danger of dying out. The follow-up work has continued through consultation and hearing meetings (Art. 28(3)).
104. 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 Sámi Act's language rules. The Sámi Parliament rarely has access to any complaints about the lack of follow up of the Act, but has in some instances received copies of complaints filed with appellate administrative 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 appeals should be processed. A lack of information in the public administration and to 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 a supervisory function and that the appeals options be strengthened by providing additional information about rights, and through the establishment of a language ombud. A Sámi language ombud could also follow up rights ensuing from compliance with Chapter 3 of the Sámi Act (Art. 28(3)).
105. The Norwegian government's five-year action plan for the Sámi language was in effect from 2009 to 2017. The goal was to pave the way for more assiduous efforts for the Sámi languages and efforts aimed mainly at teaching, education, public service, care-giving, and the use and rendering visible of Sámi languages in the public space. The Sámi Parliament is awaiting the final report on the Plan of Action and expects to play a key part in the continuation of planning work for the Sámi languages (Art. 28(3)).

106. The inclusion of new municipalities in the administrative area for Sámi language is of great importance for the Sámi population, helping to improve and develop Sámi language in Sámi areas. Eleven municipalities belong to the scheme now. In addition, the Ministry of Local Government and Modernisation sent out a proposal to amend the Sámi Act's language rules for hearing in connection with Røros Municipality's application for inclusion. Skånland Municipality has also applied for inclusion. The Sámi Parliament expects the Norwegian Government to allocate funding so that new municipalities can soon be incorporated into the scheme (Art. 28(3)).
107. 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 in their municipalities. The Sámi Parliament sees a need for further follow up and for the development of cooperation agreements, as well as the for the management of funding for bilingualism. The Sámi Parliament is currently considering how to convert an administrative area for Sámi language into part of the Sámi language area. Changes in the language situation, settlement patterns and new municipalities in the various language areas must be followed up using an administrative model that also safeguards individual rights. Account must be taken of the different language situations in order to be able to protect and develop the languages based on the needs of the various areas. The Sámi Parliament would argue that it is necessary to update the Sámi Act's language rules (Art. 28(3)).
108. The Sámi Parliament carried out annual action programmes from 2013 to 2016 through the language campaigns "Speak Sámi to me" and "Speak Sámi with the child". The Sámi Parliament would like to motivate children to use Sámi languages. The campaigns have helped to promote positive attitudes and to raise awareness among the parents of small children about language choices, providing information and guidance, and giving support to parents. Language campaigns help direct focus at the languages in the short term, but the Sámi Parliament is aware that it is crucial to have comprehensive, longer lasting initiatives so that the Sámi languages will be used in future as well (Art. 28(3)).
109. The Sámi Parliament is cognisant of a great need to promote the Sámi languages at different levels of society and that special emphasis should be attached to the language skills of children and young people. The Sámi Parliament favours making language-promotion efforts through a language reform featuring specific measures and priorities that take administrative and economic consequences into account. The Sámi Parliament would like to include the Sámi community and Sámi languages users in these efforts through initiatives that will help the Sámi languages to be more visible, and to be heard and used in the community. The Sámi Parliament needs substantially more funding over the government budget to carry out this work (Art. 28).

5.1 Article 31

5.2.1 Establishment of the Truth and Reconciliation Commission

110. The Sámi Parliament is pleased that the Norwegian Parliament has adopted a decision to set up a Truth Commission for Sámi and Kvens in Norway. The stories and abuses that have taken

place, and the consequences for individuals and for the community are examples of aspects that should be documented. The Sámi experience discrimination and hate speech both from Norwegian society, and also internally from within the Sámi community. The Sámi Parliament hopes that the process will lead to greater knowledge and tolerance for each other's stories and different points of view (cf. Art. 2).

5.2.2 Information about Sámi social conditions

111. 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 could also point out the need for research in relevant areas. In 2017, Gáldu's activities were integrated into the Norwegian National Human Rights Institution (NIM). Gáldu's previous function as a central source of information about Sámi conditions is not currently being attended to. The Sámi pathfinders/Ofelaš are a good initiative, but they are not satisfactory information measures in the sense of Article 31. The Sámi Parliament is of the opinion that it would be prudent to offer more instruction on Sámi civics and culture in Norwegian schools.

6 Contact and cooperation across national borders

6.1 Article 32

6.1.1 Sámi languages in several countries

112. The same Sámi languages are used across the national boundaries 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 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 terminology in Sámi, it will also be difficult for the Sámi parliaments in Norway, Sweden and Finland to collaborate on language measures across national borders, e.g. the development of teaching materials and the development of proofreading/QA tools.

113. 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. The agency has three employees in the administration and nine linguistic positions. The challenge related to the shortfall in permanent funding has been on the agenda at several meetings with the Sámi parliaments and the governments of the Nordic countries. No permanent funding arrangement has been put in place as yet. The Sámi Parliament wants to secure

permanent funding over the countries' respective government budgets. At present, Sámi Giellagáldu operates with funding mainly from the EU's Interreg North programme, with project financing, but it came to a close at the end of May 2018. Since then, the agency's future has been uncertain. Norway allocated funds through the government budget in 2018 to cover the agency's overheads in Norway, but the government subsidies provided by the Nordic countries collectively are not sufficient to operate Sámi Giellagáldu at its current capacity. The Sámi Parliament emphasises that it is crucial to have predictable parameters for the Sámi's cross-border language cooperation, and that continued funding on a project-by-project basis will not solve this problem. The Sámi Parliament expects the central authorities in all the Nordic countries to support this measure. The Sámi Parliament points out the need for Norway to contribute to enduring practical and realistic solutions for collaboration on the standardisation and development of the Sámi language (cf. Art. 27 and 28(3)).

6.1.2 Cross-border cooperation between schools

114. 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. The Sámi Parliament seeks to gain insight into what school policy challenges the Sámi in Finland, Sweden and Norway face, and how the Sámi parliaments can work together to promote a Sámi educational programme. In 2016, the Sámi Parliament in Norway invited the Sámi parliaments in Finland and Sweden to the kick-off of a project for cross-border educational cooperation. For the 2017 and 2018 budget years, the Sámi Parliament set aside funding for a project for the further development of cross-border cooperation between Sirbmá on the Norwegian side and Ohcejohka on the Finnish side. In autumn 2018, the Sámi Parliament plans to hire a project secretary for this work. The Sámi Parliament in Norway will cover the project's meeting and travel expenses (cf. Art. 26, 28, 27 and 29).

7 Administration

7.1 Article 33

7.1.1 Subsidy distribution

115. The Sámi Parliament currently provides direct allocations (earmarked subsidies) and application-based allocations. It is the Sámi Parliament that lays down guidelines for how the subsidy is managed. However, the Sámi Parliament does not currently have the authority to stipulate the necessary provisions in the form of regulations. The State's financial rules require the Sámi Parliament to ensure goal-oriented, efficient management of the subsidies. There is also a requirement for control and documentation schemes, so that the use of the funding is documented in a satisfactory manner. The Office of the Auditor General audits the Sámi Parliament's use of the allocated funding. In 2018, the Office of the Auditor General will review the Sámi Parliament's goal-related reports. It is necessary that the Sámi Parliament be granted the authority to adopt regulations for its own subsidy distribution.