

## Report from Norway

for the period ending 31 May 2023, in accordance with Article 22 of the Constitution of the ILO on measures taken to fulfil the provisions of the

# ILO Convention No. 169 on Indigenous Peoples and Tribal Peoples in Independent Countries (1989)

This report discusses legislation and measures adopted or implemented since the previous report was made, and which are relevant to the fulfilment of the Convention's obligations. The report also responds to comments from ILO's Expert Committee in connection with Norway's reporting in 2013.

## New legislation and other measures in connection with the follow-up of the Convention

### Article 2

#### ***Restitution of Sami cultural heritage***

##### ***The Bååstede project***

Through the Bååstede project, around 1600 Sami cultural heritage artefacts from the Norwegian Folk Museum and the Museum of Cultural History in Oslo are being returned to six Sami museum siidas.

Investment in new buildings, storage facilities and exhibition facilities has meant that five of the six museums are able to receive the artefacts from the project in a responsible manner. Among other things, Sami cultural heritage is being returned to the Ä'vv Skolt Sami Museum (formerly East Sami Museum) in Neiden, which opened in 2017.

##### ***The Lapp Codicil***

The National Archives of Norway handed over the Lapp Codicil to the Sami Archives in Kautokeino through a formal ceremony on 19 October 2021 in Karasjok.

The Lapp Codicil is the name of an addendum to the border treaty of 1751 between Denmark-Norway and Sweden (which then included Finland). Among other things, the addendum contains provisions on citizenship, taxation and the right of reindeer-herding Sami to drive reindeer across the border between Norway and Sweden.

Through the ages, the Lapp Codicil has been interpreted as an important legal acceptance of Sami rights because it recognised the Sami people as a separate ethnic group.

### ***Ceremonial artefacts***

In January 2022, ownership of Anders Poulson's Sami drum was transferred from the National Museum in Copenhagen to RiddoDuottarMuseat (RDM) in Karasjok.

For the Sami population, the restitution of ceremonial artefacts such as the Sami drum and the Sami woman's horn hats is of great symbolic significance for today's Sami culture and identity. Drums played a key role in Sami religious traditions. Because most of the drums were confiscated in the 17th and 18th centuries, there are few drums left in Norway that are intact, but several can be found in foreign museums.

### ***The Dávvirat Duiskkas Project/ 'Artefacts in Germany'***

Several European museums have Sami artefacts in their collections. It is most likely that Sami artefacts can also be found in museums outside Europe. However, there is little systematic knowledge about these collections. Through the Dávvirat Duiskkas project, which means 'Artefacts in Germany', German and Sami museums are collaborating on mapping and exchange of knowledge regarding Sami artefacts in German collections.

The project runs over a five-year period.

The Ministry of Culture and Equality has facilitated and financed the project, the Sámediggi (the Sami Parliament) is the project owner, while the Sami Museum Association is the project coordinator.

### ***Saemien Sijte, Snåsa Trøndelag***

Saemien Sijte – *South Sami Museum and Cultural Centre* received a new building which was opened on 17 June 2022. The museum building is financed from the state budget.

The museum exhibits the South Sami artefacts that were returned through the so-called Bååstede Project, discussed above in this article. The museum building also has workshops and workrooms that make the museum a suitable arena for the protection and continuation of South Sami intangible cultural heritage.

In addition to its museum activities, the museum works with future-oriented cultural issues, where the main goal is to strengthen South Sami identity, language and sense of community.

The museum works together with Norwegian museums in Trøndelag County to safeguard the South Sami perspective. The goal is for Trøndelag County to become a pioneer region when it comes to highlighting and thematising Sami history and cultural heritage in Norwegian museums.

### ***Beaivváš Sámi Našunálateáhter /The Sami National Theatre Beaivváš***

The Sami National Theatre Beaivváš needs new premises. In 2022, the Storting allocated funds for the construction of a co-located new building for the theatre and a Sami upper secondary school and

reindeer herding school in Kautokeino. Construction is underway, and the new building is expected to be completed in 2024.

The Sami National Theatre Beaivváš is a touring theatre that tours throughout the entire Sami area in Norway, Sweden and Finland, and previously in Russia. The theatre also tours outside the Nordic countries to showcase the Sami perspective internationally.

### ***RiddoDuottarMuseat (RDM), Karasjok***

The Sami museum RiddoDuottarMuseat (RDM) in Karasjok needs new premises. The museum manages a substantial art collection of over 1400 works on behalf of the Sámediggi, and also has a large cultural heritage collection. Good premises for displaying the collection to the public and for conservation and preservation are also a prerequisite for the museum to be able to receive the North Sami artefacts that are to be returned through the Bååstede agreement. The Storting has allocated funds to initiate further planning of the project in 2023.

### ***New Book Act***

The Ministry of Culture and Equality is working on a proposition to the Storting on the Act relating to the sale of books (the Book Act). In the proposal for a new Book Act, there are a number of proposals aimed at facilitating the creation of a diverse literature in Norwegian Bokmål, Norwegian Nynorsk, Sami languages and the national minority languages, and that this literature is available to everyone in Norway.

### ***Translation of Sami literature***

In 2019, the Norwegian Cultural Fund was strengthened to establish a new grant scheme for the translation of Sami literature into Norwegian Bokmål and Norwegian Nynorsk. The purpose is to increase the dissemination of Sami literature by making this literature visible and accessible to everyone, and to give it a larger market. Translated Sami literature can then be included in the established schemes in the field of literature. Among other things, quality Sami literature translated into Norwegian can be distributed to all Norwegian public libraries through the so-called procurement scheme.

### ***Arts and Culture Norway***

In 2020, Arts and Culture Norway (formerly Arts Council Norway) was commissioned by the Ministry of Culture and Equality to be the national coordinator for increased diversity, inclusion and participation in the cultural sector. Diversity efforts are developed in dialogue with the target groups and the cultural sector to ensure relevance and establishment. The Sami population is one of the target groups that the coordinator assignment places particular emphasis on.

### ***Arts Council Norway***

Arts Council Norway, which manages the Norwegian Cultural Fund (NOK 910 million in 2022), aims to stimulate the diverse artistic and cultural expressions of our time and contribute to the creation,

preservation, documentation and accessibility of art and culture for as many people as possible. One of the Arts Council's focus areas in the 2021-24 period is diversity – multiple voices, expressions and aesthetic practices. As part of the initiative, the Council has an increased focus on Sami art and culture. The Sami knowledge and expertise in the academic committees have been strengthened, dialogue meetings have been held with Sami actors and organisations, and the grant schemes have been further developed to ensure that Sami art and cultural actors feel included in the objectives of the schemes.

### ***Amendments to the Child Welfare Act and Regulations***

Several legislative amendments have been implemented to help ensure that children's backgrounds are taken into account when in contact with the child welfare services. These have been continued and further strengthened in the new Child Welfare Act that came into force on 1 January 2023.

The Child Welfare Act has several provisions intended to safeguard children's cultural, linguistic and religious background.

The Act contains a new general provision that emphasises that the child welfare service must take into account children's ethnic, cultural, linguistic and religious background in its work. The provision is important for indigenous peoples, national minorities and children with ties to other countries. This provision applies to all proceedings, actions and decisions in the child welfare services in all phases of a given case. This general provision also emphasises that "the special rights of Sami children must be safeguarded". Furthermore, when selecting a placement following a care order, account must be taken of aspects such as the child's religious, linguistic and cultural background. This has been retained in the new Child Welfare Act.

In addition to statutory regulations, there are several regulatory provisions that specifically safeguard Sami children, including in foster homes and institutions. One example is a new regulation on the child welfare service's follow-up of children in child welfare institutions. The regulations state that in its follow-up of children in institutions, the child welfare service must take into account the child's ethnic, cultural, linguistic and religious background, and that the special rights of Sami children must be safeguarded.

Increased expertise is a key instrument for improving the child welfare service's work involving children and families who have an ethnic minority background in general, and indigenous peoples in particular. A further education programme on minority expertise in the child welfare services has been established, and a training programme has also been procured that focuses on the child welfare service's encounters with minorities, which includes Sami people and national minorities.

The Sámediggi has been consulted in the legislation and regulation processes.

### ***Provisions relating to elections to the Sámediggi***

In June 2021, the Ministry of Local Government and Regional Development adopted amendments to the Regulations relating to elections to the Sámediggi. Among other things, the ministry adopted amendments to the assistance provisions so that voters who cannot vote alone due to mental or physical disabilities are entitled to the assistance of a returning officer or another person they designate, without a person from the election authorities having to enter the voting booth. In addition, the ministry also adopted amendments to the regulations that require advance votes to be

sent in a faster manner than regular mail in the last week of the advance voting period, so that as many advance votes as possible arrive for approval before the deadline.

The amendments are in accordance with changes made to the regulations for Storting, county council and municipal council elections. The Sámediggi has stated that it considers it important that, to the greatest possible extent, the elections have the same rules. The Sámediggi was presented with a draft proposal of the amendments. The Sámediggi had no comments on these and therefore saw no need for consultations.

## Article 3

### ***Racism, discrimination and hate speech***

The Government's strategy against Hate Speech (2016-2020) was evaluated in 2021. The evaluation points out that the strategy and the work on it may have helped to ensure continuity in the work against hate speech over time. It has contributed to important knowledge development, which in turn has helped to raise awareness of hate speech. In addition to knowledge development, efforts within the legal system are also highlighted as positive.

The Government will continue the efforts established through the strategy and has announced that it wishes to increase its efforts to combat online harassment.

The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) manages the scheme called *Grants for measures against racism, discrimination and hate speech*, which was established in 2021. The aim of the grant scheme is to facilitate local, regional and national initiatives and activities aimed at combating racism, discrimination and hate speech on the grounds of ethnicity, religion and beliefs. The purpose of the grant scheme is to promote anti-racism, diversity and dialogue, as well as contribute to knowledge and awareness among the majority population about racism, discrimination and hate speech. Through the scheme, grants have been given to several projects aimed at combating hate speech, discrimination and racism directed at Sami people.

In collaboration with Bufdir, the regional equality and diversity centres have conducted dialogue meetings around the country on racism and discrimination. The Sami's situation has been raised at several dialogue meetings.

In 2020, Bufdir launched its own knowledge portal on gender equality and living conditions among Sami and national minorities. The portal covers areas such as hate speech and attitudes in the population. Bufdir also administers the [hatytringer.no](http://hatytringer.no) website.

The Norwegian Government's Action Plan against Racism and Discrimination on the Grounds of Ethnicity and Religion (2020-2023) is a broad plan with measures in nine different areas. The action plan is based on the fact that racism and discrimination affect different groups in Norwegian society.

By the end of 2023, the Government will present a new action plan against racism and discrimination. The action plan will focus on racism and discrimination that particularly occur when one enters and progresses in working life. The other main focus of the plan is racism and discrimination that take place in youth arenas. The target group for the plan will be all groups that are subjected to racism and ethnic and religious discrimination. During the work on the plan, a number of actors, researchers and members of civil society have provided input to topics and measures through input meetings and written contributions. There has been a separate meeting with the Sámediggi and Sami organisations on the matter.

Democratic preparedness against racism and antisemitism (Dembra) is a skills development service for schools that want to work systematically on critical thinking, democratic formation and inclusion, or who find that schools face challenges related to group hostility and prejudice. The purpose of Dembra is to prevent hatred and exclusion by building democratic competence – with inclusion and participation, critical thinking and diversity competence as fundamental principles. By mid-June 2023, Dembra's digital resources will be available in the North Sami, Lule Sami and South Sami languages.

### ***Gender and sexual diversity***

In 2021, the government at the time launched an action plan against discrimination on the grounds of sexual orientation, gender identity, gender expression and gender characteristics. This included measures to develop knowledge about LGBT+ people with Sami background, and dialogue with the Sámediggi and Sami institutions on gender and sexuality diversity. The Sámediggi was consulted, and together with other key Sami actors, they contributed to the plan.

In February 2023, the Government presented a new action plan on gender and sexual diversity. The plan is valid until the end of 2026. This action plan includes an initiative for annual dialogue meetings with the Sámediggi regarding the situation for queer people with Sami background, as well as an initiative on research assignments regarding queer historical practices, language and terminology in Sápmi to develop words about gender and sexual diversity in the various Sami languages. The Sámediggi has been consulted on measures in the plan.

### ***Concretisation and strengthening of employers' activity and reporting obligations pursuant to the Equality and Anti-Discrimination Act***

Employers' activity and reporting obligations pursuant to the Equality and Anti-Discrimination Act are an important tool for achieving the goal of real equality. The obligations entail working actively, purposefully and systematically to promote equality and prevent discrimination, and to account for/document this work.

The activity and reporting obligation was strengthened through a concretisation of the statutory provisions in 2019. The legislative amendments came into effect on 1 January 2020. Among other things, the strengthening of the activity obligation means that the general activity obligation for all employers has been broadened to include complex discrimination. This means that employers must now pay particular attention to circumstances that can lead to discrimination occurring on several grounds of discrimination at the same time. The act additionally specifies that active gender equality efforts also entail that employers must seek to prevent harassment, sexual harassment and gender-based violence.

The Equality and Anti-Discrimination Ombud has been given responsibility for guidance and follow-up of the activity and reporting obligation, both for private and public actors.

### ***People with disabilities***

The Government has presented a report to the Storting on human rights for persons with intellectual disabilities (Report to the Storting No. 8 (2022-2023)). The situation for Sami people with intellectual disabilities is discussed in the report, and there has been dialogue with the Sámediggi regarding the work on the report.

## Article 4

For the most part, the financial resources for Sami culture are channelled through the Sámediggi. The Sámediggi makes the specific distributions based on its own priorities.

### ***Legislative change for Sami cultural heritage***

The Act relating to amendments to the Cultural Heritage Act with a fixed protection limit for Sami cultural heritage entered into force on 22 June 2018. Sami cultural heritage sites from the year 1917 or older are automatically protected. The year 1917 was chosen because it represents a political turning point in Sami history, with the first national congress in Trondheim. A change from a floating to a fixed protection limit for automatically protected Sami cultural heritage sites and the possibility of protecting selected cultural heritage sites from the period after 1917 are in accordance with the Sámediggi's other guidelines for the management of Sami settlement areas. It also reflects international conventions and declarations on the rights of indigenous peoples to a greater extent.

## Article 6

See discussion under Comments from ILO's Expert Committee.

## Article 7

### ***Transfer of authority and duties to the Sámediggi regarding cultural environment management***

In connection with the regional reform and the transfer of authority and duties in the cultural environment field to the county municipalities, the same authority and duties were transferred to the Sámediggi for Sami cultural heritage, cf. *Regulations relating to the establishment of authority, etc. pursuant to the Cultural Heritage Act* which came into force on 1 January 2020.

## Article 14

See discussion under Comments from ILO's Expert Committee.

## Article 15

### ***Lodden/duck hunting in the spring***

Lodden is a North Sami term for duck hunting in the spring and is part of the Sami hunting and trapping tradition. This form of hunting has had and continues to have strong cultural roots in the local population. In the autumn of 2022 and spring of 2023, a thorough process was conducted to revise the regulations governing this type of hunting. A site inspection was carried out in Kautokeino and meetings with local actors and the Sámediggi, in addition to consultations with the Sámediggi and Sami Bivdo- ja Meahcástansearvi/Sami Trapping and Uncultivated Land Association and Boarri (the Sami interest organisation for lodden). A general consultation on new regulations was also

conducted. On May 1, 2023, a new regulation for lodden came into force. The new regulation, *Regulations relating to Lodden (duck hunting in the spring) from 1 May 2023-6 June 2028, Kautokeino Municipality, Troms and Finnmark*, tripled the duck quota, extended the hunting season, permitted the hunting of more species and expanded the hunting area for spring duck hunting to double the size of the previous agreement. Great emphasis was placed on local input and traditional knowledge when determining the new regulations.

## Article 25

### ***Health services for the Sami population***

The Ministry of Health and Care Services has given Northern Norway Regional Health Authority a special responsibility for providing specialist health services to the Sami population. This was stipulated in the National Health and Hospital Plan (2016-2019) and the principle was retained in the National Health and Hospital Plan (2020-2023). The Storting endorsed the stipulation.

The assignment document for the regional health authorities stipulates a requirement that Sami patients' right to and need for adapted services must be requested and highlighted throughout the entire patient pathway. Northern Norway Regional Health Authority has, in close collaboration with the Sámediggi and the three other regional health authorities, developed the strategy document called Specialist Health Services for the Sami Population (2020). The work of following up the strategy will take place in close collaboration with the Sámediggi. A report has been prepared with action plans for each health authority in the Northern Norway Regional Health Authority in order to follow up the strategy, where responsibility for follow-up lies at both regional and local levels. The purpose of the action plans is to ensure quality and develop expertise about Sami language and culture in the specialist health service.

Within the specialist health service, Sami Klinihkka in Karasjok offers services within the fields of somatics, mental health, substance abuse and addiction that are linguistically and culturally adapted to the Sami population. The clinic was formally opened in January 2020.

A Sami interpretation service has been established in the Northern Norway Regional Health Authority. All regular general practitioners and patients can book an interpreter in advance.

### ***Professional development and competence enhancement in the care services for Sami users***

In 2018, a political consultation was held between the Sámediggi and the Ministry of Health and Care Services on the further development of responsibility for professional development and competence enhancement in the care services for Sami users. In collaboration with the Sámediggi, the Norwegian Directorate of Health investigated criteria for a new scheme, with a view to using existing professional communities with expertise in Sami language and culture. The purpose of the scheme is to contribute to professional development and competence enhancement in the care services for Sami users.

### ***Competence-enhancing measures in the care services***

Competence Boost 2025 is a plan for recruitment, competence and professional development in the municipal health and care services and the county dental health service. The goal is to contribute to a professionally strong service, and to ensure that the service has adequate and competent staffing. Competence Boost 2025 consists of four strategic areas with approximately 60 measures, which will be further developed in the planning period 2021-2025. In Competence Boost 2025, work is being



done on a competence-enhancing measure to help build up and strengthen the quality of services for users with Sami language and cultural background through professional development and competence enhancement. The measures will be aimed at areas that include inhabitants with South Sami, North Sami and Lule Sami languages and culture. The grant will contribute to obtaining and spreading knowledge about the needs of Sami inhabitants who receive municipal health and care services, as well as how these needs can best be met and contribute to increased competence among personnel who provide health and care services to Sami users.

The professional development and competence enhancement will ensure that the candidate achieves an understanding of how Sami society, language, culture, religions, healing traditions, views on illness and health have been, are and how it changes over time.

### ***Crisis centre services for the Sami population***

All municipalities have a duty to provide crisis centres for women, men and children exposed to domestic violence or threats of domestic violence, cf. the Crisis Centre Act. The only Sami crisis centre in Norway was closed down in December 2018. The background was that a supervision made by the County Governor had revealed major deficiencies, among other things in terms of staffing, competence, security measures, services for men exposed to violence, etc. Since 2018, the Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) has worked with relevant actors in the area to re-establish a permanent crisis centre service adapted to the Sami population.

The Ministry of Children and Families is preparing a consultation document on amendments to the Crisis Centre Act and the development of crisis centre services. The document will be ready in 2023. Among other things, the consultation document will address the challenges associated with the crisis centre services for the Sami population.

### ***National Sami Competence Centre for Municipal and State Child Welfare, Family Welfare and Crisis Centre Services (NASAK)***

The National Sami Competence Centre for Municipal and State Child Welfare, Family Counselling Services and Crisis Centre Services (NASAK) was established in 2021. The background for the establishment of NASAK is the need to develop and implement the necessary language and cultural competence and ability to act in the services' work involving Sami children, adults and families. The target group for NASAK includes managers and employees who work with Sami children, adults and families in family counselling services, state and municipal child welfare services and in crisis centres.

The competence centre will contribute to strengthening the quality of the services' work with Sami children, adults and families, and provide equal services to the Sami population.

### ***Domestic violence in Sami society***

The Government's action plan against domestic violence (2021-2024), 'Freedom from Violence', which was launched in August 2021, contains a separate section on violence and abuse in Sami society. This section has been prepared in close collaboration with the Sámediggi. Knowledge and competence about Sami language and culture among the support services and the police is an important topic in the plan.

The Government is developing an escalation plan that deals with violence and abuse against children and domestic violence. The plan will be presented in the autumn of 2023. The escalation plan will focus on the safety and legal protection of victims. The work builds on the collaboration that has been established around this topic. The Sámediggi is participating in the preparation of the plan, and it will include a separate Sami section.

See more about the research background for these measures discussed in Norway's report on ILO Convention No. 169 in 2018.

### ***Children's House***

The Government will ensure that Sami children receive services that are culturally and linguistically adapted. A children's house will therefore be established in the Sami core area in Finnmark.

## Article 27

### ***Sami nursing education***

In 2019, the Storting allocated funds for 25 part-time places in Sami nursing education at the University of Tromsø – The Arctic University of Norway (UiT). The programme is offered in collaboration between UiT, which has academic responsibility, and the Sami University of Applied Sciences, which provides the courses in Sami language and cultural knowledge. Admission to the programme of study takes place every two years. The first admission took place in 2021. The programme results in a bachelor's degree and is offered as part-time study over a period of four years.

On 1 January 2022, a separate regulation on national guidelines for Sami nursing education came into force. This means that graduates are qualified for nursing positions throughout the entire country. They also gain special competence related to Sami language and cultural understanding. The programme ensures that the candidates can practise holistic and health-promoting nursing with particular specialisation in the health conditions of the Sami population.

### ***First degrees in health and social care***

All first degrees in health and social care included in the National Curriculum Regulations for Norwegian Health and Welfare Education (RETHOS) will provide learning outcomes about the rights of the Sami, and knowledge and understanding of the status of the Sami as an indigenous people.

## Article 28

### ***Sami identity, language and culture***

In the spring of 2023, the Government presented a report to the Storting on Sami language, culture and society. The main topic of the report is competence and recruitment – limited to kindergartens, primary and lower secondary education and higher education.

The Ministry of Education and Research has presented Competence for the Kindergarten of the Future. Revised strategy for competence and recruitment 2023–2025 and Kindergartens towards 2030 – strategy for kindergarten quality. The Sami perspective is focused upon throughout both strategies.

In the work on evaluating the Framework Plan for Kindergartens (2021), Sami content and Sami children are particularly highlighted.

In 2023, grants for development work and projects in Sami kindergartens, kindergartens with Sami departments and kindergartens offering Sami language instruction have been strengthened to increase the competence of employees in Sami kindergarten programmes, in accordance with the Sámediggi's budget input.

### ***New Education Act***

In the spring of 2023, the Ministry of Education and Research presented Prop. 57 L (2022–2023) Act relating to Primary and Secondary Education and Training to the Storting.

In the draft legislation, the Ministry has proposed extending the right to instruction in Sami so that non-Sami pupils who have had instruction in and through the medium of Sami in primary and lower secondary school also have the right to instruction in Sami in upper secondary education. The Ministry also proposed legislating that municipalities and county municipalities should offer part of the instruction in Sami in a Sami-speaking environment when necessary for the instruction to be pedagogically sound. The Ministry also proposes a separate statutory provision on the school's duty to provide information and proposes to highlight the duty to inform about the right to instruction in and through the medium of Sami in a separate sentence in the statutory provision. In addition, it is proposed that the current rules on instruction in and through the medium of Sami be retained.

The draft legislation was processed and adopted by the Storting in June 2023. The act is scheduled to take effect on 1 August 2024.

### ***New curriculum for primary and secondary education***

From the autumn of 2022, the Curriculum for Knowledge Promotion in Primary and Secondary Education and Training 2020 (LK20) and the Sami Curriculum for Knowledge Promotion in Primary and Secondary Education and Training (LK20S) will be used for all thirteen year grades in primary and secondary education. This is the biggest change in the school system since the Knowledge Promotion reform in 2006, and the curriculum will contribute to an enhancement in values in schools and will equip pupils in the best possible way for the future. In the years 2020–22, additional funds were allocated for the development and adaptation of Sami teaching materials due to the Knowledge Promotion reform (the so-called curriculum renewal). 2022 was initially the last year for this additional funding, but due to great need, additional funds have also been allocated to the Sámediggi in 2023.

### ***Norwegian Broadcasting Corporation (NRK)***

In 2022, the Storting decided to emphasise NRK's obligations to offer content in the Sami languages and minority languages, in addition to Norwegian as a socially important national language. The Sami

languages include North Sami, Lule Sami and South Sami. The change entails a specified obligation for NRK to offer content in Sami languages, national minority languages and sign languages, but without any quantitative requirements.

In order to fulfil its assignment, NRK must, among other things, have Sami-language journalists who create content that reaches a Sami audience. There are currently very few Sami-language journalists and few Sami speakers who are educated in journalism. NRK describes it as particularly challenging to recruit journalists who master the most threatened Sami languages, i.e. Lule Sami and South Sami. NRK has therefore started work with the aim of motivating and developing future journalists who possess Sami language competence.

A dedicated Sami talent and recruitment programme was further developed in 2021 with emphasis on Lule Sami and South Sami competence. The programme runs over one school year and seven young people learn how to create content for the internet, radio/audio, video/TV and social media, especially for younger target groups. So far, the talent programme has developed 12 young, Sami-speaking journalists. Four out of five journalists in the first cohort work for NRK Sápmi.

### **Sámi Giellagáldu – The Nordic Resource Centre for Sami languages**

Sámi Giellagáldu aims to strengthen and develop the Sami languages across national borders and ensure that the languages develop equally across these borders. Sámi Giellagáldu was established by the Sámediggi of Norway, Sweden and Finland in 2013. In August 2018, the Nordic Civil Service Body for Sami Issues (NÄS) established a working group consisting of representatives appointed from each of the Sámediggi and ministries in Finland, Sweden and Norway. Its task was to study the possibilities for a new and permanent organisational model for Sámi Giellagáldu. The working group submitted its report in 2019 and the desired organisational model was decided in 2020. A new director of Sámi Giellagáldu was appointed in 2022. Sámi Giellagáldu is an expert body that provides language assistance and guidance on issues relating to the use of the Sami languages, approves new terms, adopts standardisation, language preservation, place names, language development and naming service, and provides information about the Sami languages. Sámi Giellagáldu aims to enrich the Sami languages and thus contribute to securing the future of the Sami languages.

### **International work on indigenous languages**

In connection with the UN's International Year of Indigenous Languages in 2019, the Government supported the Sámediggi with additional funding. Norway was a partner of the Year of Indigenous Languages. 2022–2032 is the United Nation's International Decade of Indigenous Languages. Norway is represented in the Global Task Force for the Decade of Indigenous Languages during the period 2021-2023. Furthermore, the Sámediggi and the Ministry have jointly established a national collaboration forum to coordinate the work on the decade in Norway. In connection with the Decade of Indigenous Languages, the Government is focusing on language technology, digitalisation and the education of children and young people, and the Government will prepare a national action plan in collaboration with the Sámediggi with the aim of preserving, highlighting and developing Sami languages in Norway.

Please indicate whether you have received from the organizations of employers or workers concerned any observations regarding the practical application of the provisions of the Convention.

This report has been communicated to the members of the Norwegian Tripartite ILO Committee, including the most representative organisation of employers, The Confederation of Norwegian Enterprise (NHO), and workers, The Norwegian Confederation of Trade Unions (LO). We have not received any comments.

## Comments from ILO's Expert Committee in 2014

Articles 6 and 7 of the Convention. Consultations and participation

**The Committee requests the Government to continue to pursue its efforts to address the challenges identified and to provide information enabling it to examine the manner in which the procedures established ensure the effective consultation and participation of the indigenous peoples concerned in decisions which may affect them directly, giving full effect to the requirements of the Convention**

### ***New statutory provisions on consultations in the Sami Act***

New statutory provisions on consultations came into force in July 2021. The statutory provisions are mainly a continuation of "Procedures for consultations between state authorities and the Sámediggi", from 2005.

The duty to consult applies to state authorities, county municipalities and municipalities, as well as private legal entities when exercising authority on behalf of the state, cf. Sections 4-3 and 4-4 of the Sami Act.

The purpose of consultations is to ensure that Sami interests are included in relevant processes at an early stage, and that they have the opportunity to influence the result. Consultations must be conducted in good faith and with the aim of reaching agreement, and must not be concluded as long as the parties believe that it is possible to reach agreement on the matter, cf. Section 4-6 of the Sami Act.

The right of consultation applies to the Sámediggi and other representatives of affected Sami interests in matters concerning legislation, regulations and other decisions or measures that may directly affect Sami interests.

Breach of the consultation rules may provide grounds for invalidity in accordance with the general principles of administrative law.

The Ministry has issued a guide on the implementation of consultations for municipalities and county municipalities.

The legal establishment of provisions on consultations is a follow-up to the report from the Sami Rights Committee 2 (NOU 2007: 13 The New Sami Law), from 2007.

Reference is also made to the response to this comment in Norway's report on ILO Convention No. 169 in 2018.

Follow-up of the Committee's previous comments. Amendments to the Finnmark Act

**The Committee trusts that the necessary steps will be taken to ensure that the process of identifying and recognizing rights of use and ownership under the Finnmark Act will be consistent with Article 14(1) and also Article 8 of the Convention which requires due regard to customs and customary law of the indigenous peoples concerned in applying national laws and regulations. The Committee therefore requests the Government to provide information on progress made regarding the survey and recognition of existing rights of indigenous peoples in Finnmark County, including information on the work of the Finnmark Commission and the Uncultivated Land Tribunal for Finnmark. Please also include information on the implementation of the Finnmark Act as regards the management of the use of uncultivated land in Finnmark County and on how the rights and interests of the Sami have been taken into account in this process.**

### ***Mapping of rights in Finnmark***

The Finnmark Commission's work has been ongoing since Norway's previous report. The Commission has now completed the mapping of rights in field 1 Stjernøya/Seiland, field 2 Nesseby, field 3 Sørøya, field 4 Karasjok, field 5 Varangerhalvøya east and field 6 Varangerhalvøya west. Mapping work is ongoing in field 7 Tana and Tanafjorden, field 8 Kautokeino, field 9 Porsanger and field 10 Nordkyn/Sværholthavøya. Following the Finnmark Commission's report on rights in field 4 Karasjok, questions about ownership of land in Karasjok were brought before the Uncultivated Land Tribunal for Finnmark. The Uncultivated Land Tribunal for Finnmark passed judgement in the case on 21 April 2023. Like the majority of the Finnmark Commission, the majority of the Uncultivated Land Tribunal for Finnmark (dissent 3–2) concluded that most of the land in Karasjok Municipality is collectively owned by the people of Karasjok. The verdict has been appealed to the Supreme Court of Norway.

### Article 7 of the Convention. Development activities

**The Committee requests the Government to continue providing information on the cooperation between the Ministry of Petroleum and Energy, and its subordinate agency the NVE, and the Sami Parliament concerning oil and gas, water and energy projects.**

Reference is also made to the response to this comment in Norway's report on ILO Convention No. 169 in 2018. Since then, the Storting has legislated new rules on consultations in a separate chapter of the Sami Act. The Ministry of Petroleum and Energy applies these rules in all matters affecting Sami interests.

In individual cases where the energy initiative directly affects Sami interests, most often involving reindeer herders, the Ministry offers consultation with affected reindeer herding districts. An observer from the Sámediggi often participates in these consultations. Later in the process, the Sámediggi is made aware of the content of the draft final decision before the Ministry and the Sámediggi consult on the outcome of the case.

The Ministry also consults the Sámediggi on any legislative amendments within the sector authority of the Ministry of Petroleum and Energy. The most recent example is the Sámediggi's involvement in the legislative amendment process of the Planning and Building Act, in collaboration with the Ministry of Local Government and Regional Development.

Articles 14 and 15. Land rights in traditional Sami areas south of Finnmark County

**The Committee trusts that Articles 14 and 15 of the Convention will be duly taken into account in this process and that consultation and participation will take place in accordance with Articles 6 and 7. The Committee also requests the Government to provide further information on the measures to protect the land rights in traditional Sami areas south of Finnmark County.**

The Government has not decided on how the Sami Rights Committee's proposal to map rights south of Finnmark should be followed up.

Article 15(2). Mining legislation

**The Committee requests the Government to provide further information on the manner in which it ensures that the Sami participate in the benefits of mining activities.**

Pursuant to Section 57 of the Minerals Act, the landowner is entitled to a remuneration of 0.5 percent of the value of the State's minerals extracted from the landowner's land. Minerals other than the State's minerals belong to the landowner pursuant to Section 7, second paragraph of the Minerals Act. Section 58 of the Minerals Act stipulates that in the case of extraction of minerals owned by the State from land owned by the Finnmark Estate, the Ministry may by regulation set a higher annual landowner fee than that specified in Section 57 of the Act. The remuneration is currently fixed at 0.25 percent, cf. Regulations of the Minerals Act sections 5-6. This is paid to the Finnmark Estate.

A higher landowner fee has not been stipulated for extraction outside the Finnmark Estate's land. The Government is now working on a new Minerals Act. The legislative work is a follow-up to the NOU 2022 report: 8 New Minerals Act, which includes proposals for landowner remuneration regarding mineral extraction in Sami reindeer herding areas, also outside Finnmark County.

Articles 7 and 15(1). Reindeer husbandry

**The Committee requests the Government to continue to provide information on the measures taken to ensure that the rights of the Sami to the natural resources pertaining to their lands are specifically safeguarded. Please also provide an evaluation of the impact of the changes eventually introduced in the public administration of reindeer husbandry.**

#### ***Consultations with the Sámediggi and the Reindeer Herders' Association of Norway regarding reindeer husbandry***

Within the field of reindeer husbandry, the Ministry of Agriculture and Food has held several consultations with the Sámediggi and the Reindeer Herders' Association of Norway since the last report.

The Ministry of Agriculture and Food has consulted with the Sámediggi and the Reindeer Herders' Association of Norway on amendments to the Reindeer Husbandry Act. The proposed legislative amendments were the prioritisation of ecological sustainability in the preamble, individual tagging of reindeer, the availability of reindeer numbers and the Reindeer Husbandry Board. During the consultations, the Ministry of Agriculture and Food and the Sámediggi reached partial agreement on some of the issues consulted, while the Ministry of Agriculture and Food and the Reindeer Herders'

Association of Norway did not reach an agreement. The Reindeer Husbandry Act was amended in 2019.

Furthermore, the Ministry of Agriculture and Food has consulted with the Sámediggi and the Reindeer Herders' Association of Norway on regulations regarding reindeer tags. The purpose of the regulations is to ensure uniform processing of tagging cases in accordance with Sami tradition and customary law. During consultations, the Ministry of Agriculture and Food reached an agreement with the Sámediggi and the Reindeer Herders' Association of Norway. The regulation entered into force in 2022.

Consultations have also been carried out on regulations relating to the availability of reindeer numbers in the reindeer herding industry. The purpose of the regulations is to facilitate predictability and secure framework conditions in reindeer husbandry by giving reindeer herders access to information on reindeer numbers at the siida share level in their own district. In this consultation process, the Ministry of Agriculture and Food did not reach an agreement with the Sámediggi and the Reindeer Herders' Association of Norway on a comprehensive solution. This regulation also entered into force in 2022.

In connection with the preparation of the guide on reindeer husbandry and the Planning and Building Act, consultations were also carried out where the Ministry of Agriculture and Food reached agreement with the Sámediggi and the Reindeer Herders' Association of Norway. The purpose of the guide is to highlight the rights and obligations of developers, planning authorities and reindeer husbandry, as well as the opportunities reindeer husbandry has to influence processes and inform about reindeer husbandry.

### ***Evaluation of changes in the public administration of reindeer husbandry***

The regional section of public reindeer husbandry administration was reorganised with effect from 1 January 2014. The reorganisation involved the system of area boards being discontinued and their duties transferred to the offices of the then county governors. At the same time, the offices of the county governors took over the administrative responsibility for the area offices.

On behalf of the Ministry of Agriculture and Food, the change in reindeer husbandry administration was evaluated in 2019, *Evaluation of changes in the public administration of reindeer husbandry* (NIBIO report 5/42/2019). The evaluation was based on interviews with public administration, the Sámediggi and the Reindeer Herders' Association of Norway.

Some of the findings of the evaluation were that the reorganisation of regional reindeer husbandry administration has achieved the objectives that formed the basis for the changes, of more transparent and effective administration with regard to the core tasks of reindeer husbandry administration. For other forms of management, the administrative structure of reindeer husbandry administration has become clearer, but the evaluation also found that the structure did not appear to be clearer for the reindeer husbandry industry. The evaluation points out that the legitimacy of the administration in reindeer husbandry has been weakened, but found no basis for this being solely due to the reorganisation. Nevertheless, there is a need for measures to strengthen the participation of the reindeer husbandry industry, which can contribute to increased legitimacy. Furthermore, knowledge has increased in reindeer husbandry administration, but the evaluation saw a need for the administration to develop practical knowledge about the industry in its region.



## Fishing rights of the Sami

**The Committee requests the Government to provide information on the measures taken to ensure that the fishing rights of the Sami are specifically safeguarded (Article 15(1)). It also invites the Government to provide information on the measures taken, with the participation of the Sami and whenever appropriate, to ensure that traditional fishing activities are strengthened and promoted (Article 23).**

The Government considers that Coastal Sami interests in the fisheries sector are currently safeguarded by a legal framework in the Marine Resources Act and the Participation Act, which entails that considerable emphasis shall be placed on Sami use in resource administration, and that the Coastal Sami areas in Finnmark, Troms and Nordland counties have established a right to fish for cod through the so-called coastal fishing scheme.

Furthermore, the right to Coastal Sami participation in relevant administrative issues is sought to be safeguarded through ordinary hearings in general, and particularly through consultation pursuant to the Sami Act with the Sami Parliament. The consultations are institutionalised as annual meetings at the administrative and political levels, respectively.

An advisory body, the Coastal Fisheries Board, was established in 2014. It will strengthen the administration of coastal fisheries in the three northernmost counties, with particular emphasis on Sami use and the importance of this use for Sami communities. The committee is composed of members from the Sami Parliament and the county authorities in the north.

### ***Regulation of salmon fishing in the Tana watercourse***

The Tana watercourse is a border watercourse between Norway and Finland. On the Norwegian side of the watercourse, fishing rights belong to the local population, and the local population on both sides is largely Sami. The Sami salmon fishery is an important part of the Sami river culture in the area.

The salmon stocks in the watercourse are managed jointly by the Norwegian and Finnish authorities, in accordance with the principles laid down in the Tana Agreement of 2017 (see the discussion of the agreement in Norway's report on ILO Convention No. 169 in 2018, page 5).

In accordance with Article 7 of the Tana Agreement, the Norwegian and Finnish authorities carry out an annual evaluation of the fishing regulations for the Tana watercourse. The annual adjustments to the fishing regulations for the Tana watercourse are based on input from local rightsholders, and they also participate at all levels in the process.

In 2021 and 2022, the process of annual adjustments resulted in salmon fishing being prohibited in the Tana watercourse. The reason for this was that salmon stocks in watercourse no longer produced any harvestable surplus, and that fishing for salmon was therefore not sustainable. The closure of the salmon fishery places a limitation on the opportunity to practise a central part of the Sami river culture. The fishing for species other than salmon was expanded, both with the use of fishing rods and nets, so that the local fishing culture can be maintained even if salmon is not fished.

Local rightsholders participated in the negotiation process in the usual way in 2021 and 2022. In 2022, the Sámediggi also participated. In addition, political consultation meetings were held both these years with the Sámediggi and local rightsholders. No agreement was reached on the regulation of the salmon fishery, but the meetings strengthened collaboration between the Sámediggi and the

Ministry of Climate and Environment. Funding was also allocated to projects that could safeguard and disseminate knowledge about traditional Sami fishing while fishing in the Tana watercourse was closed.

### ***Sea salmon fishery***

Fishing for salmon in the sea is considered to be an important part of the Coastal Sami culture. The right to fish salmon in the sea is governed by regulations which are revised every four years. Fishing seasons in different areas are adjusted based on the status of salmon stocks that migrate through each area. New regulations were established in 2021, in which no changes were made to fishing seasons in the northernmost region in order to maintain the traditional Sami sea salmon fishery. In the process of establishing the regulations, several collaborative meetings were held with the Sámediggi before a final proposal was presented. Consultations were also held with the Sámediggi at both administrative and political levels.

Due to the poor state of the salmon stocks in the Tana watercourse, it was decided to prohibit sea salmon fishing in Tanafjorden and in an area east and west of the river estuary. The Ministry of Climate and Environment held consultations with the Sámediggi and local rightsholders on this decision, at the same time as the consultation on the prohibition of fishing in the Tana watercourse.

### Article 28(3). Sami languages and education

**The Committee invites the Government to continue to provide updated information on the measures taken to preserve and promote the development and practice of the Sami languages.**

### ***Amendments to the language regulations stipulated in the Sami Act***

The Ministry of Local Government and Regional Development presented a legislative proposal to the Storting in 2023. The legislative proposal is a follow-up to NOU 2016: 18 *Language of the heart*. The Ministry has consulted with the Sámediggi on the proposal and made amendments as a result of the Sámediggi's input in the consultations. One of the main considerations of the proposal is to facilitate language rules that are adapted to the Sami language situation in different municipalities, and that more municipalities join the administrative area for Sami languages. This is important in order to secure as many Sami speaking language rights as possible, and to preserve and develop the Sami languages. The Ministry proposes dividing the administrative area for Sami languages into three different municipal categories with different levels of rights. One municipal category, language stimulation municipalities, will lower the threshold for more municipalities to apply for inclusion in the administrative area. The Storting adopted the amendments 30 May 2023, and they will come into force 1 January 2024.

### ***New Language Act***

A new, comprehensive language act entered into force on 1 January 2022. The purpose of the Act is to ensure the protection and status of the languages for which the Norwegian state is responsible: Norwegian, the Sami languages, Kven, Romani, Romanes and Norwegian Sign Language. Safeguarding languages means that public bodies must ensure access to languages so that different

language communities can use and meet their own languages. The Act states that languages have equal value as linguistic and cultural expressions.

The Language Act defines Sami languages as indigenous languages in Norway. Sami languages and Norwegian are equal languages in accordance with the provisions of the Sami Act. Public bodies are responsible for using, developing and strengthening Sami languages in accordance with the provisions stipulated in Chapter 3 of the Sami Act (on languages).

### **Divvun**

Divvun is a unit of the University of Tromsø – The Arctic University of Norway. In collaboration with Giellatekno at the same university, the unit creates different language tools for the Sami languages. Among other things, Divvun develops and operates correction programmes, spell checkers and keyboards for various computer platforms. In 2020, Divvun launched a new grammar checker for the North Sami. In the period 2020–2023, Divvun has received funding from the Ministry of Local Government and Regional Development to develop Sami speech technology within the field of ‘text-to-speech’ for the South Sami and Lule Sami. ‘Text-to-speech’ technology makes it possible for online texts to be read aloud, etc.

### Article 32. Contacts and cooperation cross-border

**The Committee requests the Government to provide updated information on the measures taken to facilitate contacts and cooperation between the Sami across borders, including activities in the economic, social, cultural and environmental fields. In this regard, please provide updated information on the progress of the negotiations on the Nordic Sami Convention.**

### ***The Interreg – Aurora EU programme***

Interreg Aurora is a cross-border programme that on the Norwegian side covers Nordland, Troms and Finnmark counties, as well as the entire Sami area from Finnmark County to the reindeer grazing grounds in Innlandet County. Interreg Aurora is one of 10 interregional collaboration programmes with the EU, in which Norway is participating in the period 2021–27. Management responsibility on the Norwegian side is vested in Troms and Finnmark county municipalities and includes the management of the Sami projects. Interreg Aurora has defined a separate sub-programme for Sápmi with its own Sami steering committee that processes Sami applications. The Sámediggi is represented in the programme’s Monitoring Committee. The programme is in accordance with regional strategies and priorities in Troms and Finnmark county and Nordland county and the Sámediggi.

Other Interreg programmes also have an indigenous perspective, including the Northern Periphery and Arctic programme.

### ***High North policy***

The indigenous dimension plays a key role in Norway’s High North policy.

In 2020, the government at that time presented a report to the Storting on people, opportunities and Norwegian interests in the north. The platform of knowledge for the report was obtained in dialogue

with the Sámediggi, county municipalities, municipalities and key actors in the business sector, organisations and knowledge institutions in the north. A separate youth panel, on which Sami youth also participated actively, has also provided its input. The report discusses indigenous peoples, the Sami perspective and the need for a strengthened national indigenous identity and culture. Indigenous peoples and international collaboration are also discussed.

### ***The Arctic Council***

All Arctic Council activities were put on hold on 3 March 2022 as a result of Russia's invasion of Ukraine. On 11 May 2023, Norway assumed leadership of the Arctic Council (2023–2025) from Russia. Norway's priorities for the leadership period are the ocean, climate and environment, sustainable economic development and people in the north, in addition to a transverse focus on youth and Arctic indigenous peoples.

In the Arctic Council, the Arctic states of Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and the United States meet, as well as representatives of Arctic indigenous peoples in these countries. Six indigenous organisations have the status of permanent participants in the Arctic Council, the Saami Council being one of these. This means that the organisations have consultation rights on an equal footing with the member states of the Arctic Council in connection with negotiations and decisions made in the Council. Together with Denmark, Norway finances the operating costs of the Arctic Council's secretariat for indigenous peoples and provides travel support to the Saami Council. The Sámediggi is part of the Norwegian delegation to the Arctic Council's ministerial meetings, and the Minister of Foreign Affairs shares their speaking time at the meeting with the President of the Sámediggi.

Through the Sustainable Development Working Group (SDWG) under the Arctic Council, Norway has supported a number of projects addressing the rights and innovative power of indigenous peoples. The continuation of networking and new collaborative work methods has been particularly important during the pandemic. Among other things, support has been provided regarding leadership training for young indigenous leaders, from all the Arctic countries. Under the Arctic Council and SDWG, efforts have also been made to support market adaptation and innovation in reindeer husbandry through the EALLU project.

SDWG has also concentrated its attention on the consequences of the coronavirus pandemic (Covid-19) for indigenous peoples in the Arctic countries. From the Norwegian side, the Centre for Sami Health Research at the Arctic University of Norway has played a key role in this work. The centre has been in close contact with US and Canadian research communities in this work.

### ***The Barents Euro-Arctic Council***

The Barents Euro-Arctic Council (BEAC) consists of Denmark, Finland, Iceland, Norway, Russia and Sweden, in addition to the European Commission. (See more about the Barents Cooperation in Norway's report on ILO Convention No. 169 in 2018, page 8).

Activities with Russia were frozen as a result of the war of aggression on Ukraine, but cooperation in the working groups continued between Norway, Finland and Sweden in a 'Friends of the presidency' format, during the Finnish Presidency (2021-2023). The Barents Euro-Arctic Council has its own

working group for indigenous peoples in which the Sámediggi participates. There is also a working group for culture, which engages in topics where indigenous culture is included.

Indigenous peoples were a priority topic for the Norwegian Presidency of the Barents Euro-Arctic Council 2019-2021, and the rights of indigenous peoples were particularly highlighted in the ministerial declaration that concluded the Norwegian Presidency in 2021. During the Norwegian Presidency, a separate, digital summit on indigenous peoples in the Barents region was also held in 2021. This work was continued by the Finnish Presidency and a Sami summit was held in the European Parliament in Brussels in March 2023. Prior to the summit, a separate meeting for indigenous youth was arranged.

### ***Other cultural collaboration in the High North***

The Government has allocated resources in the cultural sector to promote contact and collaboration, and specific cross-border cultural projects in the north, particularly between the countries in the Barents region (Norway, Sweden and Finland). Up until the war in Ukraine started, the work also included Russia. Several Sami cultural actors have thus received funding for Norwegian-Russian collaboration projects, and for the development of networks and arenas regarding cross-border cooperation.

### ***International Centre for Reindeer Husbandry***

The International Centre for Reindeer Husbandry (ICR) is a subsidiary organisation of the Ministry of Local Government and Regional Development. In recent years, the International Centre for Reindeer Husbandry has worked on projects related to traditional food culture and production in the Arctic, and indigenous peoples' food systems. In connection with the annual Gourmand Awards in 2018, the EALLU project (Indigenous Youth, Food Knowledge & Arctic Change), under the project management of ICR, won first prize for best cookbook in the world regardless of category. In 2020, ICR took the initiative to establish a mobile food laboratory, *Boaššu - Arctic Indigenous Peoples' FoodLab*. The food laboratory will contribute to food innovation, competence and product development based on traditional knowledge. Among other things, the goal is to create economic development for reindeer husbandry, new business opportunities, identity building for young people and increased knowledge about indigenous peoples.

### ***Annual consultation meetings***

Annual consultation meetings are being held between the Minister of Foreign Affairs and the President of the Sámediggi, where international indigenous issues and High North policy issues are on the agenda.

### ***International Sami Film Institute (ISFI)***

In recent years, the Ministry of Culture and Equality has increased its grant allocations for ISFI. ISFI aims to maintain and develop Sami film culture throughout Sápmi (Norway, Sweden, Finland and Russia). ISFI is also working to promote indigenous films and collaboration between the various film communities for indigenous peoples around the world.