



European Presidents' Conference 2016

Country report from The Norwegian Bar Association

1. About the Norwegian Bar Association

Membership in the Norwegian Bar Association is voluntary for both lawyers and trainee lawyers. However, more than 90 % of them are members of the Bar Association.

The Norwegian Bar association has approx. 8000 member. There are 6 800 lawyers while the number of trainee lawyers is 1 500. The amount of female members is about 38 %.

2. Draft Act on Lawyers

A Commission for reviewing the legislation concerning lawyers was appointed by the Ministry of Justice in 2013. In March 2015 the Commission submitted its final report and a draft Act on Lawyers to the Ministry of Justice. The report is comprehensive and the suggested legislation consists of 101 sections. The propositions of the Commission correspond to a great extent with the recommendations of the Bar Association. Among these are as follows:



- A simplified and more unified legislation concerning lawyers, especially when it comes to the supervisory and disciplinary system
- Stricter requirements for acquiring license to practice law
- Group insurance scheme for lawyers and personal liability established by law
- Client confidentiality established by law

However, the Norwegian Bar Association does not agree with the Commission on all the proposed amendments. The Commission suggested the establishment of a Law Society in Norway (“Advokatsamfunnet”) with mandatory membership. The Commission further suggested that this Law Society with mandatory membership cannot take part in the public debate on controversial issues. The Norwegian Bar Association was given two options; to merge into or to coexist with the new Law Society.

Engagement in Rule of Law issues is important for the Norwegian Bar Association. A Law Society with an unlimited freedom of speech, including in Rule of Law issues, is therefore a condition for supporting and merging into the new Law Society.

The Ministry of Justice sent the Commission’s report on a public hearing with closing date 1.1.2016. Preparing a statement to the Ministry was one of the main focuses of Norwegian Bar Association in the fall of 2015.

3. A Legal Aid Campaign

Free legal aid means legal assistance that is wholly or partly paid for by the government. The term refers both to free legal advice and to free assistance in court proceedings. The Norwegian Bar Association believes that the government has downgraded the free legal aid scheme for the past 15 years by keeping the free legal aid fee low. The government pays lawyers who take on free legal aid cases 995 NOK an hour. From 2014 to 2015 the fee increased by only 0,52 %. The low fee level makes free legal aid cases less attractive to more experienced lawyers – a development which threatens the rule of law. The Norwegian Bar Association wants to strengthen the free legal aid scheme by annual adjustments of the fee in line with the average wage growth in the society. Based on this, the Bar Association demanded an increase of the fee by 8,25 %.



As a result of the government's unawareness the Norwegian Bar Association started a legal aid campaign on 24th of August 2015 which lasted for six days. During these days remand hearings in district courts of Oslo and Bergen were carried out without defence lawyers. Instead, lawyers stood outside the court house offering free legal aid to the general public. Lawyers throughout the country gave their support to the

campaign and free legal aid was given in many other cities as well. The stalls outside the court houses attracted a lot of people in need of legal aid.

The campaign also received a lot of attention in the media and support in the editorials of the six largest newspapers in Norway. From 2015 to 2016 the free legal aid fee increased by 2,58 %. The Norwegian Bar Association still believes that this contributes to creating class gaps in Norwegian courtrooms.

4. The Norwegian Bar Association and Rule of Law issues

As previously mentioned engagement in Rule of Law discussions plays an important role in the work of the Norwegian Bar Association. Among these Rule of Law issues are:

- a. Norway's extensive use of police detention cells

The Norwegian Bar Association is concerned with issues regarding human rights in criminal proceeding. Monitoring bodies such as the European Committee for the Prevention of Torture (CPT) and the UN Committee Against Torture (CAT) as well as the civil society in Norway, have repeatedly for the past 20 years criticized Norway's extensive use of police detention cells for pretrial detention.

Last year the The Norwegian Bar Association was party (third party intervention) to a case regarding police detention cells, arguing that the practice of isolation violates the European Convention on Human Rights. The Court found that the use of isolation in the police detention in Oslo at two instances violated the plaintiff's rights under ECHR Articles 8 and 14. The Government did not appeal the decision and judgment is now final.

b. Imprisonment of children

The Human Rights Committee of the Norwegian Bar Association is concerned with issues regarding conditions for and treatment of children in prisons, police detention and the use of isolation. In 2008, our Human Rights Committee carried out a survey among minors in Norwegian prisons. The children were interviewed and the results were reported in the NGO shadow report, which was submitted to the Committee on the Rights of the Child (CRC). The Committee expressed its concern regarding the increase in the number of imprisoned children and that the children were not detained separately from adult inmates, as well as the conditions in prisons.

The Human Rights Committee in The Norwegian Bar Association is currently carrying out a new survey among minors in Norwegian prisons. We are hoping that the number of minors in Norwegian prisons has decreased and that the conditions in prisons have improved.

5. Annual Events

a. The Annual Speech

The Annual Speech was as usual given by the President of the Norwegian Bar Association in November 2015 and many politicians, lawyers, judges, justice authorities, journalists as well as other professionals attended the event.

The subject of the speech was the Rule of Law. Mr. Keiserud stated that Norway is ranked as number two on the Rule of Law Index by the World Justice Project. However, when the rule of law fails it usually the socially deprived, such as asylum seekers, children and imprisoned persons who is the victim. Mr. Keiserud emphasized the importance of reducing the gap between the rule of law principles and how they are carried out in practice, and he introduced several measures that will contribute to this.

b. The Lawyer's Professional Days 2015

The 7th annual Professional Days were held on 28th and 29th of May 2015 and were yet again a great success with more than 1 500 participants from across Norway attending courses, meetings and social gatherings.

The annual Talent Award went to Mageli Law Firm for its abilities to find, win and develop legal talent, regardless of gender, ethnicity or other external conditions.

