



Reporting in Norway

National reporting procedures for cyberbullying, hate speech and hate crime

The information below is extracted from a mapping study of national reporting mechanisms in the countries involved in the [No Hate Speech Movement](#) of the Council of Europe. It aims to provide:

1. Contact information of national reporting mechanisms for cyberbullying, hate speech and hate crime where they exist
2. Information about the legal grounds for acting on cyberbullying, hate speech and hate crime where they exist

The views expressed in this document do not necessarily reflect the opinions of the Council of Europe¹.

1. REPORTING MECHANISMS

Reporting hate speech

Kripos - National Criminal Investigation Service

- Website: <https://tips.kripos.no/cmssite.asp?c=1&s=8&menu=5>
- Email: kripos@politiet.no
- Tlf: +47 23208000
- Address: Brynsalléen 6, 0667 Oslo
- Postal address: Postboks 8163 Dep., 0034 Oslo

FRI – Foreningen for kjønns- og seksualitetsmangfold

The Norwegian Lesbian, Gay, Bisexual and Transgender Organisation

- Website: <http://www.ikkefinndegidet.no>
- Contact person: Eirik Aimar Engebretsen - Manager Pink Competency justice
- Email: post@foreningenfri.no

Reporting hate crime

“Report racism”

Contact details

Antirasistisk Senter, Storgata 25, Postboks 244, Sentrum, 0103 OSLO

- Email: epost@antirasistisk-senter.no
- Website: <http://www.antirasistisk-senter.no/meld-fra-om-rasisme/>
- Tlf: +47 23 13 90 00
- Fax: +47 23 13 90 13

2. Background information

¹ The authors of this document aimed to be accurate and complete, if however you find corrections or have additions please contact the European campaign secretariat at youth.nohatespeech@coe.int. Reproduction of material from this publication is authorised for non-commercial education purposes only and on condition that the source is properly quoted.

An updated report on the state of affairs related to hate speech in the Norway was published by the ombudsperson for equality http://www.ldo.no/globalassets/03_nyheter-og-fag/publikasjoner/hate-speech-and-hate-crime.pdf.

It comments that:

“Any discussion on hate speech must start with the protection of freedom of speech in § 100 of the Constitution. Most speech is allowed in Norway, and freedom of speech is an essential principle in Norwegian law. However, freedom of speech is not absolute. Norwegian law prohibits certain types of serious hate speech by either such speech being forbidden by various provisions of the Criminal Code, or by the victims being given the opportunity to seek civil damages for the offence. Criminal Code § 135 a protects against serious hate speech which willfully or through gross negligence is made publicly. The speech must threaten or insult someone, or incite hatred, persecution or contempt for someone because of their:

- a) skin colour or national or ethnic origin,
- b) religion or belief, or
- c) sexual orientation or
- d) disability.¹

It states furthermore that in Norway, there is a very high threshold before speech is considered criminal. Prosecutors have pursued just under ten prosecutions for violations of Criminal Code § 135a in the past decade. Social science research shows that both legal and illegal hate speech inflicts major harm on society and individuals. If you want to fight the harm that both legal and illegal hate speech inflicts on individuals and society, it is useful to operate with a definition of hate speech that includes both categories. In addition, the definition of hate speech should take into account both the intention behind and the effects the speech has on the person or persons affected.

This report therefore uses a broad social science definition of hate speech, rather than the more limited definition provided in the Criminal Code. The Ombuds office operates from the following definition:

Hate speech is degrading, threatening, harassing or stigmatising speech which affects an individual's or a group's dignity, reputation and status in society by means of linguistic and visual effects that promote negative feelings, attitudes and perceptions based on characteristics such as ethnicity, religion, gender, disability, sexual orientation, gender expression, gender identity and age.

Norwegian law prohibits certain types of hate speech either through being unlawful under various provisions of the Criminal Code, or through the victims being given the opportunity to seek civil damages for the offence. The Criminal Code contains provisions that protect against serious hate speech (§ 135 a), threats (§ 227), harassment (§ 390 a), defamation (§§ 246 and 247) and violation of privacy (§ 390). Some types of hate speech may be punishable by themselves or in combination with other behaviours under these provisions. The Compensation Act § 3-6 provides for compensation for certain types of defamation and violation of privacy.

Norwegian anti-discrimination legislation protects against harassing remarks directed against one or more specific persons on the grounds of gender, disability, ethnicity (including national origin, colour, descent, language), sexual orientation, gender identity and gender expression. Harassment is defined as acts, omissions or statements that are or are intended to be offensive, intimidating, hostile, degrading or humiliating. In the workplace, protection also extends to harassment on the grounds of age, political views, and membership in an employee organisation. The Equality and Anti-Discrimination Ombuds office and the Equality and Anti-Discrimination Tribunal enforce anti-discrimination legislation, but are not authorised to award compensation, even if a violation of the law is demonstrated. The victims of such harassing remarks may seek compensation by taking the matter to court, but very few do this in practice. This is probably due to the emotional stress and the risk of having to pay their own and their opponent's legal costs.

Violations of the Criminal Code § 135a are by definition hate crime, i.e. they involve criminal speech motivated by: (a) skin colour or national or ethnic origin, (b) religion or belief, (c) sexual orientation or lifestyle, or (d) disability. Criminal Code § 349a punishes those who in occupational or similar business activity refuses a person goods or services on the terms applicable to others. This discrimination is punishable if the reason for denial of goods and services is the person's religion or belief, skin colour or national or ethnic origin or sexual orientation or lifestyle, or disability. A similar provision in paragraph 2 applies to being denied access to a public performance or exhibition or other public gathering on the conditions that apply to others.

A motive of hate can also be an element of interpretation when assessing the violation of a criminal provision that does not otherwise regulate motives of hate. See the example from the Gulating Court of Appeal under case law below. Furthermore, a motive of hate could be an aggravating circumstance giving rise to an enhanced penalty pursuant to Criminal Code § 232 and § 292. According to § 232 motives of hate include: religion or belief, colour, national or ethnic origin, sexual orientation, and disability.

Criminal Code § 135a is a complicated provision. It specifies the limit of speech that is not protected by freedom of expression, but rather treated as a punishable offence. The provision imposes several requirements for someone to be sentenced because of their speech. A person must wilfully or through gross negligence publicly utter a discriminatory or hateful expression. Furthermore, the expression must threaten or insult someone, or promote hatred, persecution or contempt for someone because of their skin colour or national or ethnic origin, religion or belief, sexual orientation or lifestyle, or disability. The case law reveals that the threshold is very high for expressions to fall within the scope of § 135 a, and according to Norwegian case law § 135 a must be interpreted in light of free speech protections enshrined in the Constitution § 100 and ECHR article 1035. In practice, it is therefore only very serious infringements that are prohibited by § 135 a. The new Criminal Code of 2005 has come into force in 2015. In the new Act, § 135 a is continued in the new § 185 under the title Hate speech and § 349 a and in the new § 186 under the title Discrimination. The provisions §232 and §292 on enhanced punishment and aggravation are continued in the new § 77 which includes aggravated conditions for every punishable act.b)

Cyberbullying

If hate speech occurs at school, there is in the education act a clause about the right to a safe psychosocial school environment, and there are concrete measures and sanctions when this is broken (ex. bullying). There is also an understanding that the schools responsibility is not only in the classroom, but also involves the "expanded" school environment which includes relations between the pupils after school and online, as they affect the school environment. If the act of cyberbullying involves digital crimes such as for instance identity theft, it may be reported to the police.

There are no strong legal sanctions as of today for those who commit bullying in school, such as cybercrimes, but the national authorities are considering new measures.

The before mentioned laws (hate speech/crime) may be used if there is a specific ground.

For more on cyberbullying also see: <http://agnesday.com/wp-content/uploads/2012/10/Slonje-Cyberbullying.pdf> <http://dl.acm.org/citation.cfm?id=2397390>

For additional information also consult the [Country Monitory reports](#) of the European Committee against Racism and Intolerance or reports of relevant national authorities and civil society organisations.