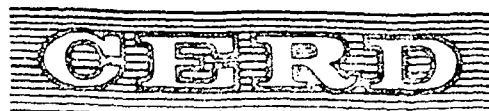


INTERNATIONAL  
CONVENTION  
ON THE ELIMINATION  
OF ALL FORMS OF  
RACIAL DISCRIMINATION



Distr.  
GENERAL

CERD/C/107/Add.4  
23 February 1984

Original: ENGLISH

COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION  
Twenty-ninth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION

Seventh periodic reports of States parties due in 1983

Addendum

NORWAY 1/

[Original: English]  
[15 February 1984]

CONTENTS

Paragraphs

General Introduction .....	1 - 11
Education .....	12 - 32
Refugees .....	33 - 51
Immigration Questions .....	52 - 75
Questions raised in connection with the Consideration of the Sixth Periodic Report of Norway .....	76 - 79
Supplement to the Sixth Periodic Report with regard to Sami .....	80 - 83

1/ For previous reports submitted by the Government of Norway and the summary records of the meetings of the Committee at which the reports were considered, see:

Initial report - CERD/C/R.25/Add.4 (CERD/C/SR.96-97);

Second periodic report - CERD/C/R.53/Add.5 (CERD/C/SR.185);

Third periodic report - CERD/C/R.78/Add.7 and Add.9 (CERD/C/SR.300  
and 328-329);

Fourth periodic report - CERD/C/22 (CERD/C/SR.372);

Fifth periodic report - CERD/C/50/Add.5 (CERD/C/SR.470-471);

Sixth periodic report - CERD/C/76/Add.2 (CERD/C/SR.565-566).

ANNEXES

- I. Judgement of the Supreme Court of Norway (Case No. 134 B/1981)
- II. Case of the Press Council: The Association against Racism et al.  
v. the Newspaper Verdens Gang
- III. Case of the Press Council: Yngvar Karlsoon v. the Newspaper  
Helgelands Blad

A. General introduction

1. Reference is made to Norway's previous reports, in particular its sixth periodic report (CERD/C/76/Add. 2). In preparing the seventh periodic report attention has been paid to the revised general guidelines concerning the form and contents of reports by States Parties (CERD/C/70). It was thought useful to consult the Norwegian Government's Advisory Committee on Human Rights before submission of this report to the United Nations Centre for Human Rights whose functions and composition were described in the sixth periodic report of Norway (see CERD/C/76/Add.2, Part I - Introduction).
2. Although the consideration by the Committee on the Elimination of Racial Discrimination of the sixth periodic report gave answers to most questions raised during the examination, information is submitted in particular relating to articles 4, 5 and 7 of the Convention.
3. On the other hand, it is presumed that there is no further need for information concerning the Norwegian Supreme Court's final judgement with regard to the Alta case (see CERD/C/76/Add. 2, p.7, and CERD/C/SR 565 and SR 566).
4. It is also presumed that sufficient detailed information has been submitted on the anti-apartheid policy of Norway at the national and international levels. Since the sixth periodic report was submitted no changes or developments have occurred.
5. Section E contains supplementary information to the sixth periodic report concerning the Sami.
6. It can be mentioned that no changes have been made in Norwegian legislation relating to article 4. It may, however, be of interest to know that a 61-year-old woman was given a suspended prison sentence of 120 days by the District Court pursuant to paragraph 135 a of the Penal Code for statements contained in three leaflets which she wrote and had distributed in her capacity as chief campaign organizer of the "Organization against harmful immigration into Norway". Her appeal to the Supreme Court on the basis of the application of the law was rejected but, with two of the five judges dissenting, the punishment was reduced to a suspended sentence of 60 days. On the question of the application of the law, too, the majority and the minority gave somewhat different reasons for rejecting the appeal. The judgement of the Supreme Court of Norway (Rt. 1981 p. 1305) is reproduced as annex I to the present report.
7. The Press Council has during the period June 1982 - June 1983 considered two cases concerning racial discrimination mentioned in newspapers i.e. The Association against Racism et al. v. The newspaper Verdens Gang, and Yngvar Karlsson v. The newspaper Høgelands Blad. These two cases are reproduced as annexes II and III respectively to the present report.
8. The sixth periodic report of Norway (CERD/C/76/Add.2) mentioned on page 9 that Norwegian ratification of the Council of Europe's Convention on the Legal Status of Migrant Workers could be expected in the course of 1982, but that there was some uncertainty concerning to what extent the Convention also applied to foreign manpower on contract on the Norwegian continental shelf. A member of the committee stated (CERD/C/SR.566) that the Norwegian doubts were understandable if the Convention did not distinguish between these and normal employees. He inquired whether Norway had ruled out the possibility of making a reservation.

9. Because of the uncertainty mentioned above, Norway has not so far ratified that Convention. After having been ratified by five countries, it entered into force on 1 May 1983. A "Consultative Committee" with responsibility for the implementation of that Convention will thus be appointed within a year of its entry into force (article 33 of that Convention). Norway intends to submit the questions concerning contracts on the continental shelf to that Committee in order to obtain an interpretation of that Convention concerning its applicability to foreign manpower on contract on the continental shelf.

10. In connection with article 5, the previous Norwegian report mentioned on page 12 the difference between nationals of Nordic countries and other nationals with regard to the period of residence required in order to obtain Norwegian citizenship. With reference to the question on this point (CERD/C/SR.566) we would answer as follows:

According to paragraph 6 of Act no. 3 of 8 December 1950 relating to Norwegian Nationality one of the general conditions for being granted Norwegian citizenship is that the foreign national has been permanently resident in the realm for the last seven years. Exceptions to this requirement can be made in respect of Nordic nations, among others. In practice, the period of residence required of them is now two years. This is in accordance with a request from the Nordic Council.

11. Underlying this special rule is the consideration that conditions in the Nordic countries are very similar. The reasons for stipulating a period of residence do not therefore apply to their nationals to the same extent as to others. Nordic nationals integrate easily into Norwegian society because of their closeness geographically, linguistically and culturally. The shorter period of residence required does not, therefore, imply any discrimination in relation to other nationals. Reference can moreover be made to paragraph 3 of article 1 of the Convention, since this is not a question of discrimination "against any particular nationality", either.

#### B. Education

12. Among the overriding objectives of the Norwegian educational system is to increase understanding of foreign peoples and to combat racism and racial discrimination. This finds expression among other things in:

The curricula;

The system of approval for school textbooks

13. In the general part of the "Model Plan for Teaching in the 9-year Compulsory Primary School" (a framework of guidelines for teachers issued by the Ministry of Church and Education), the following is part of what is said concerning the school's mediation of knowledge about society:

"But the information must gradually be extended to comprise larger and more distant groups and societies, so that pupils learn not only about their own community and country, but also about the whole world community which they are entering. By promoting understanding of the lives and living conditions of people in other parts of the world, the school can help pupils to appreciate the importance of co-operation across national boundaries, and thus contribute to international understanding and peace between different peoples and nations."

14. The general part of the Model Plan also emphasizes the school's function of educating for responsibility in the world community, and stresses the importance of developing broad-minded and tolerant attitudes in pupils.
15. This is expressed in greater detail in the syllabuses for the individual subjects, principally the social subjects (Geography, History and Social Studies) and Religious Knowledge/Alternative Philosophy.
16. Similar statements of aims can be found in the general part of the curriculum for secondary schools (see paras. 28-32 below), and in the syllabuses of several subjects.
17. School textbooks are designed in accordance with current curricula and syllabuses, and are subject to a system of official approval. The current regulations (1962) for the approval of textbooks state that among the things which the approving authorities must ensure is:
- "(b) that the textbooks do not discriminate against particular peoples or cultures."
18. It must be acknowledged that as the number of immigrants and refugees has grown; there have been cases of negative attitudes among school pupils. In 1978, the Ministry of Church and Education took steps to set up an information committee with the object of promoting the creation of positive attitudes towards immigrants. The committee consists of representatives of the Norwegian Broadcasting Corporation's School Broadcasting, the National Film Board, the Council for Immigrant Questions, the Head of the Oslo Municipal Schools Administration, the Ministry of Local Government and Labour through the Secretariat for Immigrant Affairs, the Ministry of Health and Social Affairs, the Ministry of Church and Education and the Council for Primary Education.
19. In 1980 the committee presented the report "Immigrant Children in the Norwegian Primary School". The report suggests a number of methods of informing Norwegian schools and homes about the background of immigrant children and how much can be expected of them.
20. The Ministry of Church and Education has previously had the UNESCO recommendation concerning education in international understanding, co-operation and peace (19 November 1974) translated and printed in the teachers' periodical Norsk Skole (no. 10, 1976). More recently (no. 11, 1981), the magazine carried a translation of a declaration on racism adopted by a UNESCO colloquy on racism held in Athens from 30 March to 3 April 1981.
21. It is also known that some schools and pupil councils have recently been receiving propaganda material which is partly racist in content and hostile to immigrants and refugees. The Ministry has sent out a circular asking school councils to deal with such material in the light of the goals and guidelines for teaching in primary and secondary schools contained in the statements of aims of the Act relating to the Primary School and the Act concerning the Upper Secondary School. The circular also points out that such material, and contributing to its distribution at schools, can be an offence under paragraph 135 a of the Penal Code.
22. A number of measures have been adopted to meet the educational needs of Sami people. Since 1975 the Ministry has been assisted by a separate Council for Sami Education, consisting entirely of Sami members, which gives advice and makes recommendations on matters relating to Sami education.

23. According to the Act relating to the Primary School, children in Sami regions are to be taught Sami as their mother tongue if their parents so demand. During the last two years of the primary school, Sami-speaking pupils can choose Sami as one of their two language forms. Attempts are also being made to promote recruitment of Sami-speaking teachers to Sami regions, for instance by offering courses at the college of education in Alta specially designed for Sami students.

24. The Council for Sami Education, and at the Nordic level the Nordic Sami Institute, which is a permanent institution financed out of the Nordic cultural budget, have each contributed significantly to increasing Sami awareness of their own cultural identity.

25. The work of the education authorities on education in human rights deserves further discussion. The Ministry of Church and Education attaches fundamental importance to the role of the schools in the promotion of attitudes. This point was underlined in the Norwegian contribution by former Minister Tore Austad at the UNESCO conference on education in international understanding, co-operation and peace in Paris in April 1983. Schoolteachers have a decisive part to play in the formation of attitudes, and the Ministry has helped to start further education courses in this field for teachers. On the initiative of the working group on education in the Advisory Committee on Human Rights, (the Ministry of Church and Education is represented in both the group and the Committee), co-operation has been established, among other things, between the Ministry, the National Council for Teachers' Training, and the United Nations Association of Norway on further education for teachers.

26. A further education course for teachers in human rights teaching was held in 1983, and a follow-up course for 1984 is being planned. The courses deal with the formation of attitudes in general and with racism in particular.

27. The Ministry of Church and Education has appointed a working group to prepare a plan of action against bullying in schools. The group had a "package" ready in the autumn 1983 which the Ministry distributed to all the primary schools. The material included information on the subject and on practical measures for use in efforts to eliminate bullying. Similar measures directed in particular against racial discrimination are now being planned.

28. The further education courses for teachers and the campaign against bullying are chiefly concerned with the primary school. But in the secondary school, too, great emphasis is placed on creating favourable attitudes to other peoples and cultures. Among the statements in the secondary school curriculum we find:

"The school must itself practise tolerance and thus contribute to promoting a fundamental attitude of tolerance."

29. This section provides a good basis also for the efforts to combat racism in schools. For instance, a video film about racism is planned.

30. Secondary school syllabuses in the social sciences, and thereby also the text books, bring up the topic in a number of connections. In its statement of aims, the syllabus for the compulsory subject in social science includes that pupils are to acquire "respect for our own culture and society and for other past and present cultures and societies, sympathy with people who live under different conditions, and tolerance towards those who think differently."

31. In addition, the Council for Upper Secondary Education has supported projects, such as "The world has come to Norway". Here literature from

immigrants' home countries is presented as illustrations of the culture of non-Norwegian-speaking pupils. A textbook on immigration questions has also been edited.

32. The following objectives have been defined for the efforts to combat racism in every type of school:

All teacher training should include an introduction to teaching of topics relating to immigration.

Information must be stepped up. Suitable informative material should be produced for parents, teachers and pupils. The Norwegian Broadcasting Corporation should also be involved.

Parent councils should be urged to discuss attitudes to immigrants and to attempt to find suitable social events at which Norwegian and non-Norwegian-speaking pupils and parents can meet.

Ongoing projects and work should take more account of the attitudes of population majorities to minority groups.

## C. Refugees

### 1. Organization

33. The lines along which work with refugees is carried on are roughly the same as those described in the sixth periodic report. Work with refugees has, however, been reorganized with the establishment on 1 July 1982 of the Government Refugee Agency, which is now responsible for the reception and establishment of refugees.

34. The Refugee Agency enters into agreements with each municipality concerning the reception of refugees, and the refugees are now as a rule received directly by the municipalities, which are responsible for their further integration.

35. Through the County Governors, the Refugee Agency and the Ministry of Health and Social Affairs therefore are responsible for providing advisory services to the municipalities in the form of courses and material.

### 2. Education

36. The individual municipalities have also been made responsible for providing instruction in Norwegian and introductions to Norwegian life. Government grants for these purposes still cover 240 hours of instruction. The majority of the Vietnamese refugees who come to Norway, that is those who first spend 6 months in a "transit camp" in Bataan in the Philippines, are also taught Norwegian in the camp, which is an addition to the 240 hours of teaching received after arrival in Norway.

37. Special scholarships are still being awarded to refugees in secondary schools and folk high schools during their initial period of adaptation to Norwegian society.

### 3. Work

38. Refugees are now entitled to so-called "work-familiarization" grants from the labour market authorities along the same lines as occupationally

handicapped employees, the aim being to provide work for the refugees in a situation of relatively high unemployment (see para. 79 below).

39. In addition, vocational guidance programmes and work training courses have been started, which also contain some instruction in Norwegian.

#### 4. Research project

40. The project called "The adaptation of refugees to Norwegian Society", financed by the Ministry of Health and Social Affairs, is nearing completion (the final report is expected early in 1984). On the basis of this study, the Ministry will consider the need for further measures for refugees.

41. Since 1981, there have been no significant changes in the work for gypsies. It should nevertheless be mentioned that the Government appointed an independent researcher in 1981 to evaluate the work done on behalf of Norwegian gypsies since such work first took organized shape about 10 years ago. The expert presented his report in July 1982.

42. Among favourable developments, the report especially points out that most gypsy families now have homes; most have homes of their own, but some are in rented apartments. Their municipality of residence (Oslo) has plans ready for providing the remainder with homes.

43. Work among gypsies is difficult to organize in such a way that they are able to exercise a real influence themselves. One reason seems to be that public aid is built up and organized in ways which prevents measures from being sufficiently flexible, and makes them difficult for the gypsies to relate to actively.

44. The Ministry of Health and Social Affairs is now following up the report. One of the items being planned is better co-ordination of the various forms of assistance.

45. Otherwise, work on behalf of gypsies has the same objectives as were mentioned in the sixth periodic report.

46. There is general agreement as to the overriding objectives of Norwegian immigration policy, such as voluntary integration, equal opportunities and cultural equality. However, the concrete application of these principles in every day life has proved complicated.

47. Attention has recently been attracted to the work of matrimonial agents who arrange for marriage partners to come from the third world to Norway, among other countries.

48. The Norwegian Commissioner for Consumer Affairs, a body controlling that advertising is fair, has pointed out the sexually discriminating nature of the publicity for one of these agencies, and our Embassy in Manila has also drawn attention to the regrettable aspects of such activities.

49. In our view, this type of matrimonial agency has racially discriminatory features and reflects a condescending attitude to women.

50. Through our Scandinavian contacts we have learned that several third-world women's organizations have matrimonial agencies of this kind on their agendas, and are opposed to brokerage which they call "sexual slavery".



51. Since marriages arranged in this way are not forbidden under Norwegian law, work on this problem will have to be aimed at influencing attitudes.

D. Immigration questions

52. Although immigration into Norway continues to be strictly regulated, a gradual increase is taking place in the number of foreign nationals.

Table 1

The figures as of 1 July 1983 are:

Total number of foreign nationals:	92 205
Europe	58 430
Africa	3 037
Asia	16 480
America	13 388
Oceania	572
Unspecified or stateless	248

(Altogether 48 562 men and 43 643 women)

53. Admission of foreign nationals currently only takes place pursuant to the exception clauses in the regulations which refuse permission to obtain a first-time work permit (the so-called "immigration stop" described in previous reports).

54. The most frequent exceptions relate to refugees, the reunification of families (mainly spouse and children under 20) and experts.

55. As pointed out in the sixth periodic report, a main principle of Norwegian immigration policy is that immigrants shall have the same rights and obligations as other citizens. Certain special measures are necessary in a transition period to ensure that immigrants are able to make use of their rights. An account of new measures adopted since the previous report is given below.

1. Instruction and education

56. Work is still going on to make more teaching in their native language available to immigrant children. A committee set up by the National Council for Teacher Training and the Ministry of Church and Education has included in its report a number of proposals aimed at providing improved educational opportunities for native-language teachers. The report is being circulated for comments.

2. Interpreting services

57. A steadily increasing number of municipalities are now able to provide the services of interpreters; this is provisionally being financed out of government funds.

58. A group of specialists is preparing a course plan for the training of municipal interpreters. A one-year training course for interpreters is also being prepared, which will probably be held at the University of Oslo.

3. Information and the promotion of favourable attitudes

59. As mentioned in the previous report, considerable sums are being devoted to this sector.

60. In addition to previously mentioned measures, it can be noted that the Ministry of Local Government and Labour has initiated inter-disciplinary and inter-sector co-operation intended to arrive at strategies and methods for counteracting discrimination and racism. In co-operation with the British Council, the Ministries of Local Government and Labour and of Church and Education conducted a seminar this autumn on "Strategy for Anti-Racist Work in Schools". A representative of the Commission for Racial Equality was invited from Britain as guest speaker.

61. The seminar, which attracted considerable attention not least among the media, concluded that it is essential to work to counteract racism at a number of different levels and in various sectors of society.

62. The co-operation with the British Council will continue with a series of seminars in March 1984 with the participation of British experts in the field of anti-racist work. The seminars will be organized by the United Nations Association of Norway in co-operation with the Ministry of Local Government and Labour. The next step will be to plan a course for civil servants whose jobs include dealing with immigrants, to make them more aware of the problem of racism.

63. Last autumn, the municipal conference arranged twice a year by the Ministry of Local Government and Labour for representatives of municipal administration had racism as its main theme. The purpose was to strengthen the co-operation between local and central authorities, and to exchange views on the experience gained at the local level concerning attitudes towards immigrants.

64. The Ministry of Local Government and Labour has initiated a joint project with the Ministry of Justice to study laws and regulations in order to find out if rights are unnecessarily limited on the basis of nationality. Data processing equipment will be employed to discover eventual discriminating provisions.

4. Immigrants and the elections

65. In April 1983, the Storting decided that immigrants who have been resident in Norway for at least three years shall have the right to vote at municipal and county elections, and the right to be included on the lists of candidates submitted by political parties. Formerly such rights required Norwegian citizenship.

66. The Act was applied for the first time in connection with the elections in September 1983, when the Ministry of Local Government and Labour issued a number of folders and other material which were also made available to the immigrant organizations.

67. The information campaign included posters and televised items.

68. The Ministry of Local Government and Labour has engaged the Central Bureau of Statistics to conduct a poll to map the participation of immigrants in the elections. The preliminary figures show that the level of participation was 46 per cent. However, 60 per cent of the Pakistanis voted. The various nationalities show considerable differences. The information available will be analysed and form a basis for the information plans of coming elections.

#### 5. Research and statistics

69. In order to plan measures for immigrants it is necessary to know about their situation. On the 1983 budget of the Ministry of Local Government and Labour, Nkr. 700,000 has been allocated for research on migration and minorities, and on two projects in particular: the preparation of informative material against discrimination and racism with participation of the immigrants themselves and a large research project on Norway as a country for immigrants.

70. During the period 1981-83, the Ministry of Health and Social Affairs allocated Nkr. 400,000 to a project called "The work performed by a social welfare office for immigrant families with children", and Nkr. 900,000 to a project concerning preventive child and youth work among immigrants. Both projects were carried out in a local area in Oslo with a relatively high immigrant population. The Ministry has also given financial support to a few additional projects in the same period.

71. Norway will participate in a joint Nordic project under the auspices of the Nordic Council of Ministers regarding the health and social services in relation to immigrants.

72. An advisory committee on migration and minority research was set up in 1980, and includes members from the various ministries and research environments involved. According to its terms of reference, the committee is to "maintain a running assessment of the migration and minority research being done, in particular research financed in whole or in part by ministries, identify gaps in available knowledge ... and point out where further research is needed".

73. As to statistics, mention has already been made above of a poll relating to immigrant participation in the last elections. A comprehensive study is also being conducted of living conditions which will map the situation of immigrants with regard to jobs, housing, leisure, etc. The results will be available in 1984. In December 1983 a booklet on the results of the 1980 census with regard to foreign citizens was published by the Ministry of Local Government and Labour in co-operation with the Central Bureau of Statistics. It contains essential information relating to employment, housing, education, etc. and is therefore a useful tool in actual and future policy planning.

#### 6. Cultural and religious activities

74. Support arrangements for immigrants' organizations were described in the previous report.

75. In co-operation with immigrant representatives and the Central Organisation of Municipalities, the Ministry of Government and Labour is currently planning a transfer of the funds granted to immigrant organizations to the municipalities with effect from 1985. Most of the 120 organizations registered have a local basis, and the Government therefore considers it more sensible that these grants should be administered by the local authorities instead of the Ministry.

E. Questions raised in connection with the consideration of the sixth periodic report of Norway

1. Statistics

76. When the previous report was examined the question was asked whether the statistical data applied to migrant workers or to people intending to take up residence in the country (CERD/C/SR.566). The statistics make no distinction, and the figures only give the number of foreign nationals who are not Norwegian citizens. Another question (CERD/C/SR.566) was whether the figures include Sami, which they do not because the Sami are Norwegian citizens.

2. The Council for Immigration Questions  
(CERD/C/SR.566)

77. The Council was discontinued in 1982. It will, however, be replaced by the "Contact Committee", whose terms of reference include the following: "to be an advisory body which can take up for discussion any matter of principle relating to Norwegian immigrant and refugee policy". The Committee will not deal with individual cases or hear complaints from individuals (this being the task of the other national recourse bodies, such as the Courts and Ombudsmen), but will discuss matters it raises itself, or matters which are sent to it by competent authorities or by organizations (including immigrant organizations). The Ministry of Local Government and Labour has nominated two politicians as chairman and vice-chairman. The Committee will have 28 members, 14 from Norwegian authorities and organizations and 14 immigrant representatives. The immigrants will elect their own representatives. The Committee will have its own secretariat, for the time being a staff of two.

3. Co-ordination of refugee and immigration questions  
(CERD/C/SR.566)

78. Immigrants are the responsibility of the Ministry of Local Government and Labour's Immigrant Division (with the exception of Immigration Control, which is the responsibility of the Ministry of Justice). Refugee matters are dealt with by the Ministry of Health and Social Affairs and the Government Refugee Agency (formerly the domestic division of the Norwegian Refugee Council). A final answer to the problem of a better administrative co-ordination is being sought.

4. The effect of the suspension of the 25 per cent rule  
(CERD/C/SR.566)

79. No study has been made of what consequences the suspension of the 25 per cent rule has had for the foreign work force. The effects have probably been slight, because the rule was never strictly enforced. Increasing unemployment has, however, resulted in a slightly higher rate of unemployment among foreign nationals than among Norwegians (4 per cent and 3.6 per cent respectively). In Oslo, about 15 per cent of the foreigners are out of work. However, job preparation courses are specially adapted to the needs of unemployed foreign workers.

F. Supplement to the sixth periodic report with regard to Sami

1. The past and present number of Sami  
(CERD/C/SR.566)

80. Because of the considerable difficulty of defining the concept "Sami", and because the Sami population is scattered all over the country, reliable registrations of the numbers of Sami through census-taking have not been possible. The most reliable count covering the whole country was carried out in 1930, when 20,704 were registered. The number is assumed to have remained stable, probably showing some increase in the last 20 or 30 years. The present estimate is about 30,000.

2. Sami representation in elected bodies  
(CERD/C/SR.566)

81. In the Sami core area, inner Finnmark, Sami are in the majority in the municipal councils. The representatives were candidates of various political parties as well as figuring on separate "Sami lists".

82. Sami have also been elected to the Finnmark county council on various political party lists. There was also a separate "Sami list" at the county council elections, and one representative from that list was elected.

83. One Sami has been elected to the Storting as a Labour Party representative for Finnmark.

Annex I

JUDGEMENT OF THE SUPREME COURT OF NORWAY (CASE No. 134 B/1981)

On 11. November 1981, case no. 134 B/1981:

State Advocate Ole Haugstad, Counsel for the Prosecution v. A. (Counsel for the Defence: Supreme Court Advocate Erik Gjems-Onstad).

Associate Justice Aasland: On 7 May 1981 the Asker and Baerum District Court rendered judgement with the following conclusion:

"1. A, born 18 October 1919, was convicted for violation of § 135 a of the Penal Code and sentenced to imprisonment for 120 - one hundred and twenty - days. The serving of the sentence shall be postponed pursuant to § 52 et seq. for a probation period of 2 - two - years.

2. Costs are not awarded."

The conviction relates to utterances or statements which A put forward as the principal campaign director in "The Organization against harmful immigration into Norway". These were made in three leaflets which she herself drew up and had distributed to the general public during the period January-June 1980. The leaflets which were distributed totalled approximately 16,000 copies. They contained violent attacks against the Islamic religion and strongly opposed immigration into Norway of Islamic foreign workers where these people were referred to in very negative terms.

As regards the proceedings themselves and the personal circumstances of the convicted person I refer to the judgement of the District Court.

The convicted person petitioned in the first instance to have a renewed trial in the High Court (Criminal Division), alternatively she lodged an appeal. The prosecution which took the view that there was no dispute as regards the assessment of evidence of any material importance relating to the question of guilt and that a renewed trial would therefore not be applicable, submitted this question of legal remedy to the District Court in pursuance of paragraph 403 of the Act relating to Criminal Procedure. In the Court ruling dated 2 June 1981 the convicted person's petition for a renewed trial was rejected. The convicted person's interlocutory appeal against this ruling was dismissed by the Eidsivating High Court's decision of 3 July 1981, and a further interlocutory appeal was dismissed by the Appeals Selection Committee of the Supreme Court on 31 July 1981.

The appeal concerns the application of the law and the sentence imposed.

In the opinion of the convicted person the District Court has applied paragraph 135 a incorrectly when the Court has found that her utterances were in violation of this provision. She stresses that the purpose of her statements was to assert the political point of view that immigration of foreign workers from the Islamic countries should be halted in order to combat the spread of the Islamic religion and hereunder counteract the plans for the erection of a mosque in Oslo. Here it is a question of expressions of opinion concerning vital community issues. Paragraph 135 a of the Penal Code must be applied keeping article 100 of the Constitution in mind as a guiding principle and cannot therefore affect such statements. This must also be the case even if the wording in the statements is violent and polemic in form, cf. the judgement of the Supreme Court rendered in the Report on the Decisions of the Supreme Court (Rt.) of 1978, page 1,072 (hereinafter referred to as Rt.)

Further, the convicted person asserts that the utterances she had been accused of are truthful and that this must be given due consideration. The assessment of the District Court in the contrary sense is therefore incorrect. Since the convicted person has been denied a renewed trial, it must be up to the jurisdiction of the Supreme Court to decide on the truthfulness of the utterances. Paragraph 135 a cannot be construed in such a manner that it makes truthful utterances a punishable offence. In any case the provision would in such an event have to be applied with the greatest circumspection and cannot be used to criminalize such comments on community issues as in this case.

The convicted person has in addition asserted that her utterances are first and foremost directed against the Islamic religion. Such utterances can under no circumstances be in violation of paragraph 135 a of the Penal Code. They cannot be considered punishable offences under any conditions, but any consideration of their punishability would in case have to be tied to the provision concerning blasphemy in paragraph 142 of the Penal Code. The Public Prosecution has taken the view that no indictment should be raised under this provision since considerations of public interest do not require an indictment.

In the opinion of the convicted person it is not so much what she has actually said, but that the Islamic doctrine itself, in particular the treatment women are there subjected to, the punishments meted out in Islamic States which have been practised in the name of Islam, that is liable to arouse indignation against this religion and those who profess it. Furthermore, she referred to critical expressions of opinion both in professional literature and in the press relating to the practices of Islam and to conditions in the Islamic States as well as to problems connected to the immigration of Islamic workers, and she asserted that the leaflets were no more critical of Islamic immigrants than that which has otherwise been given public expression in this country.

Alternatively, the convicted person asserts that she must be acquitted because of an excusable mistake of law. The three leaflets to which the indictment applies do not differ either as to their content or to their form in any material respect from previous utterances in leaflets and in the press for which she was responsible and of which she was also accused. She was notified that the Director General of Public Prosecutions had dismissed these charges on the grounds that he did not regard them as punishable offences. Because of this she had no reason to believe that she had, through these earlier utterances, been on the brink of committing a punishable offence as the District Court had found.

The Prosecutor has substantially followed the judgement rendered by the District Court.

I have come to the conclusion that the appeal cannot be upheld.

First I will consider the appeal against the application of the law.

In the indictment there are repeated eight statements taken from three leaflets which the convicted person drew up herself and had distributed. It appears that these statements are mentioned as examples and that the indictment comprises these statements "taken as a whole and seen in relation to the general form and content of the leaflets". In the way the indictment has been formulated it is necessary, when considering the question of whether the accused has committed a punishable offence, also to pay due regard to the other parts of the leaflets insofar as these are able to elaborate, modify or strengthen the statements specially emphasized. The District Court has also considered the full and complete content in its evaluation of the leaflets.

When trying the District Court's application of the law, it is in my opinion necessary therefore to pay due regard to the complete text of the leaflets within the limits I have now indicated. In connection with the alternative assertion of the convicted person that she must be acquitted by reason of mistake of law, we must furthermore pay due regard to previous utterances with which she has been charged and to the grounds given by the Director General of Public Prosecution when he dismissed the charges. None of the texts I have mentioned are repeated in the District Court's grounds for the judgement. However, they have been brought before the Supreme Court in the same way as before the District Court and it is clear that they must be regarded as supplementing the grounds of the District Court's judgement as a basis for the Supreme Court to try the application of the law.

Since I, as I shall revert to later on, attach great importance to the individual statements mentioned in the indictment and consider that they must be seen in relation to the general contents of the three leaflets, I find it necessary to recapitulate the contents in their entirety. I would single out the statements which are especially mentioned in the indictment and will follow the enumeration they have been given there.

The first leaflet claims that it emanates from the Organization against Harmful Immigration in Norway and contains the following:

"Dear members and all those who feel a responsibility for Norway's future.  
Happy New Year! We persevere in our common struggle against harmful  
immigration!"

Our appeal is: Fight on, with all lawful means, each member in his own place  
in the community!

Do not allow a day to go by without agitating and fighting for what we know to be right. You can see for yourselves that we have been right in everything we have said, and more admissions and worse disclosures will follow. For immigration stinks of bribery, lies and corruption, smuggling of human beings, trade in narcotics etc. Many people succumb to threats by immigrants not to expose shameful and unlawful conditions.

We must ask you all carefully to think over what the struggle involves: the environment in residential areas, in schools, in work places, in the streets, restaurants and eating places where people seek security, peace and orderly conditions. We must fight against narcotics, each one of us in his own environment. We must fight for our freedom, overcome want, chaos and overpopulation. Fight for the right of women to decide for themselves and over their own affairs. We must also fight for a positive development of a sound and modern industrial community, with security and protection for all our national rights.

1. We are all of us in the situation that we must fight for our own cultural heritage in our own country.

If we fail to take up this fight, we will in a few years time, given an uncontrolled and harmful immigration process, develop the same community pattern, with chaos and distress, drug addiction and hunger, which is the usual pattern in the Third World. This is what we have to fight to avoid. And in order to avoid it, we must also fight against the root cause itself, namely Islam and other distress-spreading, barbaric religions.



The world has enough evidence that religious fanaticism is the cause of overpopulation and want. The dogma of this religion under the slogan 'fill up the earth' with new human life, even if the larders are empty. Islam is on the march all over the world. In spite of the fact that it is well-known that the worst form of torture against women and children (circumcision) skulks behind these bastions of barbarism on those continents dominated by Islam. The fact that Islam is allowed to spread, says a good deal about the crazy world we live in.

The much praised Islamic 'brotherhood' based on terror, is nothing but political and religious fanaticism. In return for submitting to the Islamic regime, men are given full freedom to buy and exploit women as their lusts dictate. In this way this religion is particularly attractive to millions of primitive men. Male-dominated religions use the subjugation of women as a lure and a reward for blind submission.

What the Islamic leaders fear most of all, is the development of modern societies which liberate women. For the slavery of women is the basic premise for Islam to gain support.

2. The Islamic hordes in our capital, the foreign workers, wish to erect a mosque. This is no less than an insolent attempt to introduce barbarism into a civilized country.

We do not wish to discuss whether or not each individual Islamite's attitude is barbaric or criminal. Given the fact that they wish to build a mosque and submit to the Islamic religion, we must be entitled to assume that they have not left parts of their religion behind them at our borders when they entered into Norway.

The Norwegian press and mass media which support those political parties who feel it right to introduce cheap labour from the Third World, try to hide the harmful effects by glossing over the Islamic religion with the appellation 'the foreign workers' culture'. Such an interpretation is deliberately misleading and represents a misuse of the word culture, since culture and cultural development can only be used in the sense of an ennoblement and a development in a positive direction.

No one can help the many developing countries out of the backwater and political morass they are in if they will not liberate themselves from primitive barbaric religions. And we do not help them by accepting and disseminating these religions in civilized and cultivated nations.

It is not a question here of relinquishing divine concepts. For God and Allah are not the religions. Religions only represent man's pathetic attempt to set the divine on paper and for this reason religions are full of primitive man's ominous egoism.

Let us fight against the spread of barbarism, even if it is called religion and culture."

The second leaflet comes under the heading "Protest against a mosque" and claims that it emanates from the Organization against Harmful Immigration in Norway and is signed by the convicted person and contains the following text:

"Help us struggle against the spread of the Islamic barbaric religion!

The Islamic religion is the world's crudest male-dominated religion. Fanatic politics and a body of laws which mercilessly exercises the crudest form of totalitarian dictatorship. Terror and torture are carried out according to the precepts of the Koran. These precepts and these laws contravene Norwegian law in all the most important and crucial sectors. It is therefore absurd, illogical and totally against all common sense to bring Islam into Norway by permitting the building of mosques. It is the same as a deliberate effort to introduce criminality.

The Oslo City Council has the nerve to allow the city's own inhabitants to suffer want in order to appropriate enormous sums of money for building projects for the benefit of the Islamite foreign workers. This unworthy and fussy desire to promote even negative developments represents misunderstood and misplaced humanitarianism.

Islamic laws and ideology violate human rights and are an outrage against all civilized values. The Islamic continents are bastions of barbarism. Islam is a tragedy for the world in general and for the Third World in particular.

The Islamites have come to claim our rights because under the precepts of the Koran it is no sin to steal from the white race.

3. Do not let us fall asleep while barbarism invades our Fatherland!

The inhabitants of Oslo have asked our Organization to gather protests against the mosque.

Send us therefore your protest and we will collect all these protests and forward them to the Oslo City council. Write a postcard or letter or write on the back of the postgiro application form.

NB! It is not necessary to be a member of our Organization to send a protest against the mosque. The membership fee this year amounts to NOK 25,- Membership is secret for all who so wish."

The back of this leaflet reads as follows:

"Realities and appeal to common sense!

4. Our Fatherland is threatened by hordes of foreign workers who arrive here with their large families to take advantage of our social welfare benefits. The majority of them belong to Islam, the religion which promotes distress .....

Islam is called a religion, a code of law and a culture, but is in fact synonymous with terrorism, crude male-dominated religion and the subjugation of women, unscrupulous over-population and widespread want and distress .....

5. The Islamic continents are bastions of barbarism and it is this form of outrage and disgrace to the entire civilized world which is now about to gain ground in Norway.

The building of the mosque is supported by our own exploiters who aid with agitation and embellishing this religion with fine designations. The newspaper 'Aftenposten' which also continues to agitate for the import of 'cheap' labour calls the measure 'an enrichment of culture', and Oslo's conservative Mayor is 'happy that the Islamites mean something with their religious fanaticism .....

6. Foreign workers conquer our labour market with the help of bribery, in particular by offering their services cheaply. In radio and TV programmes foreign workers have been given every opportunity to agitate for their 'cheap' labour services.

But the reverse side of the medal of this generous gift to greedy employers is that many foreign workers must ask for social welfare assistance because they are unable to support their families, for the simple reason that no one can live by giving away his labour services cheaply in Norway.

The State is faced with serious financial problems since the social security budget is unable to cover our own necessary expenditures for the benefit of the old and infirm, the handicapped and those living on minimum pensions.

Can we expect anything else when the social security budget is to subsidize cheap imported manpower which is donated to the many multi-millionaires who run the big hotel and restaurant chains, and otherwise other greedy and cynical industrialists.

In fact, it is not only the foreign workers, but to a high degree their employers, who receive social welfare support by acquiring cheap and profitable labour in this manner.

Persons who speculate in 'cheap' imported labour, use foreign workers to squeeze Norwegian workers out of their enterprises in order that they can obtain 'cheap' manpower who do not make any claims on the enterprise, but who claim social benefits instead.

It is also remarkable that foreign workers in spite of low wages and large families they have to support, are able to send large sums of money out of the country. It ought to be an object for our authorities to investigate how much of these sums of money are in fact earned by honest labour.

7. What we do know is that enormous quantities of narcotics are produced in the homelands of foreign workers and are sold throughout the entire western world. And that foreign workers all over Europe are able to send milliards of kroner home which cannot have been earned by purely honest labour.

Harmful immigration, in particular from the Third World, stinks of bribery.

The Bishops Conference this autumn decided that the Church should institute a major campaign in support of these foreign workers so that they could press their large families into Norway unhindered by any immigration rules and without regard to housing shortages and unemployment.

This campaign is explained by the fact that the Church wishes to help Islam into Norway in return for the Church being allowed to conduct missionary work in those countries dominated by Islam. Many people have turned charity work into a gainful occupation for themselves. Please note that these religions do not desire to prevent distress and want from arising on account of overpopulation, which is the cause of all hopeless distress.

The charity protagonists want to have distress and want in order to have an excuse to continue begging and undertake charity work. This is the path they choose towards smug self-glorification.

If they were really concerned and had compassion for those who are the victims of this very overpopulation caused by the religions, they would in fact help to prevent millions of children coming into the world only to be exposed to hunger, disease and suffering.

Combat the religions which create want! Fight the extension of barbarism in our Fatherland!

The final leaflet has the same heading, the same source and the following text:

"Help to combat the Islamic religion: Do not allow it to expand in Norway! The Islamic religion is the world's crudest male-dominated religion. Fanatical policies and a codified system which exercises pitilessly a totalitarian dictatorship; terror and torture is carried out according to the precepts of the Koran.

The Islamic precepts and laws are contrary to Norwegian law in all the most important fields. It is therefore absurd, illogical and contrary to good sense to bring Islam into Norway by allowing the building of mosques. This represents a deliberate effort to import criminality. The building of the mosque is a recognition and a prize of honour for barbarianism and for one of the world's worst totalitarian systems.

The mass media warn us of zero growth in the Oslo Municipality because the economic situation is very vulnerable. Both the elderly and other groups of the population suffer distress, and the city's population is appalled by developments. Savings in the health sector is a scandal, and there is a crisis in the health and social welfare administration.

In spite of this, Oslo Municipality can afford to give away a valuable piece of property to a mosque .....

Humanitarian generosity, misunderstood and erroneously applied, obviously covers a sick desire which infects those popularly elected representatives when they come into power and are to administer other people's tax money.

Those who are elected by popular suffrage and politicians otherwise never mention their responsibility for the Norwegian population (and if one does so, this is immediately labelled racialism) but appropriations for the benefit of development assistance and for immigrants continue to be explained by the fact that our politicians feel a responsibility to give help. NORAD disburses millions of Norwegian kroner out of the country to aid countries richer than Norway, and which only destroy themselves and are subjugated by regimes of violence. There ought to be put a stop to exporting other countries' problems to Norway.

Is Norway best served by being ruled by politicians whose main preoccupation is to help other nations? Many of these who figure among those elected by popular suffrage obviously feel that it is irrelevant whether Norway is populated by Norwegians or Asiatics and Africans. It is this very attitude which is mortally dangerous for a small country like Norway. It is high time that we achieve a better control and a more critical evaluation of those who are elected to govern the country. Chance and aimless infatuation are characteristic of Norwegian politics today and give ground for anxiety and unrest among the people.

8. The Islamites (who breed at an explosive rate and are as numerous as the grains of sand in the seas) are coming to claim our rights for themselves, because, according to the Koran, it is no sin to steal from the white race. The laws and ideologies of Islam violate human rights and are a disgrace to all civilized values .....

The Islamic continents are bastions of barbarism. The Islamic religion is a tragedy for the world in general, and for those countries called 'the Third World' in particular.

Come therefore and take part in the signature campaign against a mosque in Norway's capital. Write on the back of this leaflet or on a postcard or letter and send the protest to our Organization, and we shall collect all the protests and forward them to the Oslo City Council. (Canvass among neighbours and acquaintances.)

NB! It is unnecessary to be a member of the Organization in order to participate in our campaign against the mosque. For those wishing to be members, the subscription is NOK 25,- Membership is secret for all those who desire this (in case anyone is afraid to be exposed to political bullying tactics) which are also the result of harmful immigration."

These leaflets appear as propagandist appeals with a collection of strongly emotional and condemnatory utterances. Basically, they are connected to Norwegian immigration policy and to the Islamic religion, but Islamic immigrants into Norway are also referred to in a grotesque and crassly biased form.

Paragraph 135 a of the Penal Code imposes i.a. punishment on "anyone who threatens, insults or exposes any person or groups of persons to hatred, persecution or contempt on account of their religion, race, colour or national or ethnic origin by means of a public utterance or by other means of communication brought before, or in any other way disseminated among, the general public." The provision therefore also somewhat restricts freedom of expression by reason of protecting the groups in question. In principle it is clear that this restriction on the freedom of expression does not conflict with the freedom of the press in article 100 of the Constitution. But the protection prescribed by the constitutional provision: "Everyone shall be free to speak his mind frankly on the administration of the State and on any other subject whatsoever" must be accorded due importance for the interpretation and the application of paragraph 135 a of the Penal Code, cf. Rt. 1977 p. 114 and the so-called "Readers Letter" Judgement in Rt. 1978 p. 1,072. Here we must undertake a weighing up process which causes problems. I find the most practical procedure is to give an account of my opinion on the scope of the penal provision seen in relation to a more detailed analysis of the utterances we have before us in the present case.

As already mentioned before, a central feature of the leaflets is that Islam is a primitive and harmful religion from which it is necessary to disassociate ourselves as markedly as possible, and which should not be allowed to gain ground in Norway. It is pointed out in forceful language that Islam is of a female-subjugating nature; i.e. it is described as being "the world's crudest male-dominated religion", and it is held that it attracts primitive men by granting them freedom to exploit women as they themselves desire. Furthermore, the Islamic States are described as crude totalitarian dictatorships, and they are associated with terror and barbarism. It is also stated that these States find themselves, on account of Islam, in a situation of overpopulation, distress and want.

The convicted person has, by reference to extensive documentation, tried to show that such and similar utterances represent the truth. I see no reason to deal any further with the question of how we are to measure propagandist and emotional utterances on issues of this nature by using truthfulness as a yardstick, since I agree with the District Court that this aspect of the leaflets can under no circumstances be considered as a violation of paragraph 135 a of the Penal Code. Even if the convicted person's utterances concerning the Islamic religion and culture doubtless must be felt as defamatory by Islamic immigrants and even if the utterances may indirectly be considered to hit at this population group in the way described in paragraph 135 a of the Penal Code, the provision cannot in my opinion be construed so that it renders an expression of opinion of this nature a punishable offence. Likewise it is clear that the very crass description of the communities in the Islamic countries regardless of whether these utterances may lead to harmful results for the Islamic immigrant in this country, cannot be considered as punishable offences.

The attacks on Islam constitute the basis for that which appears as the principal message in the leaflets, namely that immigration to Norway from Islamic states must be combated. The philosophy here, worded in a more matter-of-fact vein than that used in the leaflets, seems to be that the culture the immigrants bring with them represents a danger for Norwegian society that the rapid growth of the immigrant population gives cause for fearing that immigration will result in this country having a development towards dictatorship and material distress so characteristic of the social conditions in the immigrants' home country. Furthermore, it is asserted that immigration will lead to a number of social problems in that foreign workers represent cheap manpower, that they take up dwellings at the expense of Norwegians and that they are a burden on our social welfare budgets etc.

Utterances with this tendency will probably be able to create or stir up antagonism and prejudices against immigrants. Regardless of what one might feel about the objectiveness of such utterances, it nevertheless seems difficult to react against the statements with punishment, cf. here also the "Reader's Letter" judgment in Rt. p. 1072. In the present case, the utterances are particularly crass and aggressive in form; in violent terms appeals are made to latent dissatisfaction which are directed against Islamic foreign workers. In so far as it is a question of political expressions of opinion on immigrant issues, I am nevertheless unable to see that there is any basis for punishment pursuant to paragraph 135 a of the Penal Code.

However, the leaflets do not confine themselves to utterances concerning Islam and Norwegian immigration policy; they contain too, strongly worded derogatory statements with Islamic immigrants in this country as the target concerning their character and behaviour. These sort of utterances lie at the very core of what paragraph 135 a of the Penal Code aims at punishing. But the provision cannot be applied to any and all negative references to a population group. The preparatory work on the statute makes the obvious reservation that objective criticism of a population group etc. shall not be considered a punishable offence (Proposition to the Odelsting no. 48 (1969/70) p. 9-10 and p. 16). In the "Reader's Letter" judgment Rt. 1978, p. 1072 it was furthermore held that out of regard for freedom of speech, a generous margin would have to be allowed for anyone lacking in ability to formulate their utterances in an objective and unexceptionable form. The decision on whether paragraph 135 a of the Penal Code has been violated must, as especially emphasized in Rt. 1977, p. 114, rest on a concrete weighing-up of the pros and cons in each individual case.

Before I, on this basis, turn to a specific evaluation of the individual statements in the leaflets, I find it incumbent on me to address some general remarks concerning the basis for such an evaluation.

Above I have set up against each other, on the one hand utterances concerning Islam as a religion, on conditions in the Islamic states and on Norwegian immigration policy, which in my opinion was not affected by paragraph 135 a of the Penal Code, and on the other hand utterances which more directly attack Islamic immigrants in this country and which, according to the circumstances, may represent violations of the penal provision. Even if I ascribe decisive importance to this distinction, it is nevertheless clear to me that both in general as well as in individual cases it might prove difficult to draw a sharp distinction between utterances falling in the one or in the other category. In assessing the punishability of utterances which are directed against Islamic immigrants, we must to some degree have regard to the rest of the contents of the leaflets. In the context in which the statements concerning the immigrants appear, they aim at buttressing the convicted person's attack on Norwegian immigration policy and this connection with political expressions of opinion indicates that we must grant a wider margin for what can be considered acceptable. On the other hand, due regard must in my opinion and based on an overall assessment - a matter I shall revert to later - be paid to the violent and defamatory language which characterizes the leaflets, and it is therefore difficult to overlook altogether that those parts which, on their own cannot be regarded as an offence against paragraph 135 a of the Penal Code, have in the aggregate the effect of reinforcing the attacks against immigrants.

Paragraph 135 a of the Penal Code makes it a punishable offence as mentioned above, to utter derogatory statements on the characteristics of a population group and its behavioural pattern. When deciding whether or not individual negative utterances about Islamic immigrants should carry any weight when assessing their punishability, it is impossible in my view to place one-sided emphasis on how the statements are to be understood based on a reflective, logical analysis of their contents. The leaflets contain, as already emphasized, a strongly worded emotional appeal which does not invite readers of these leaflets to analyse them in a calm and reflective manner. As I see it, we must pay due regard to the meaning the individual statements directly bring to mind to a person not wholly conversant with reflective reading. When deciding whether or not a statement implies an insult or exposes to hatred, persecution or contempt, we cannot either pay a too one-sided regard as to whether the statement brings to mind any specific meaning. Also an emotional reprobation without such a specific content, may under the circumstances be a punishable offence in itself and may all the more be given weight when seen in conjunction with more specific derogatory statements. This leads to what I consider to be the crux of any assessment of this case; namely that the individual utterances cannot be considered as isolated one from another, but must be given an overall assessment and seen in relation to the rest of the contents of the leaflets.

An assessment along these lines must in my opinion lead to the conclusion that paragraph 135 a of the Penal Code has been violated. I do not consider it necessary to examine all the 8 statements referred to in the indictment, but stress those which in my opinion are of importance when considering their punishability.

Some of these statements associate - whether more through insinuations than through direct wording - Islamic immigrants with criminal behaviour. I find particular reason to emphasize statement no. 7 which, seen in the context of the immediately preceding paragraph, is difficult to understand in any other way than as a general insinuation that Islamic foreign workers in this country earn large sums of money through traffic in drugs. Statement no. 6 associates foreign workers with bribery. Even if a supplement is made which may indicate that the word is used in a somewhat special meaning, the mere use of such a derogatory word will tend to reinforce prejudice and an attitude of condemnation by the unreflected reader. Also statement no. 8, in which it is stated that the Islamites have come to demand our

rights, since, according to the precepts of the Koran it is no sin to steal from the white race, contributes in a rather underhand way to associate Islamic immigrants with criminality. Statements of this nature also appear in other parts of the leaflets. I refer thus to the ambiguous, but very insinuating statement in the introductory paragraph of the first leaflet that many people "succumb to threats by immigrants not to expose shameful and unlawful conditions."

Certain other statements are directly aimed at Islamic immigrants and refer to them in such an arbitrary and condemnatory manner that the statements must in my opinion be taken into account in an evaluation of their punishability. Thus I refer to statement no. 2, where foreign workers are described with the strongly defamatory wording "Islamic hordes in our capital", and where their plan for building a mosque is characterized as "an insolent attempt to introduce barbarism into a civilized country". Regardless of what reservations one might have against Islam as a religion, we must in my opinion react against such a condemnation of members of a religious community merely because they practise their constitutional right to the free exercise of their religion. Another strongly worded derogatory statement which I also consider it necessary to mention is statement no. 4, which seems to imply that foreign workers are parasites on our social welfare system.

The statements which I have just mentioned must be considered to have been aimed at Islamic immigrants in general. Although the first leaflet contains a somewhat conditional reservation that "we would like to discuss whether each individual Islamite has a barbaric or criminal attitude." But the statements must at any rate be understood to mean that the characteristic feature and behavioural patterns to which the statements refer, must be regarded as typical for this population group.

I must also in this context discuss the assertion by the convicted person that her utterances are truthful. According to the wording of paragraph 135 a of the Penal Code, there is no reference in the description of the offence that the utterances complained of must be incorrect, nor is there any basis for construing this as a general condition for punishability. Nevertheless, the validity of the utterances may be a factor in that overall assessment which decides whether the provision has been violated in a particular case. However, I am unable to see that the generally derogatory and crass nature of the utterances involved in this case, directed against a particular population group, can be defended on such a basis. When it comes to such utterances, there is, in my view, little meaning in discussing the question of truthfulness.

When the utterance about the Islamic immigrants are to be assessed in terms of the rest of the contents of the leaflets, I attach importance, as I have mentioned before, to the violent and strongly condemnatory language which permeates them and also the intensity and the many repetitions which are such a characteristic feature of the organized agitation by the convicted person. The District Court has considered the leaflets to contain a campaign of hate against a particular population group. I find that this is an adequate description.

The convicted person's statements hit out at a group which is easily identifiable, and which, on account of its alien nature, is particularly vulnerable to contempt and prejudice. The people we are here concerned with find themselves in many ways in a very exposed situation, transplanted as they are to another culture with another set of values and norms, with contact problems and language barriers. Their opportunities for defending themselves against such a campaign which has been carried out through the leaflets are very limited, quite apart from the fact that it is difficult to argue against such a suggestive appeal to prejudice.



In my opinion, the utterances expose the population group in question to hatred and contempt. It is true that paragraph 135 a of the Penal Code must be applied with due caution, but in my opinion, it would not be able to give an exposed minority group the protection which the legislation has intended, if it were not applicable in a case like this.

I now turn to the convicted person's alternative assertion concerning excusable mistake of law. The assertion is based, as mentioned above, on the fact that the leaflets with which the indictment is concerned, do not differ materially from previous utterances she has disseminated and has been accused of and which the Director General of Public Prosecutions has stated that he did not consider them punishable offences.

I do not deem it necessary to repeat the earlier, quite extensive utterances by the convicted person. But of the Director General of Public Prosecutions' statement issued on 20 February 1980 I find it necessary to repeat one paragraph. The Director General first discusses certain utterances the accused denies she has made, and finds that the charges are concerned with these utterances and that they must be dismissed for lack of evidence. Thereupon the Director General of Public Prosecutions continues:

"When it comes to the remaining material on which the charges are based, A. has admitted this. The contents may briefly be summed up to mean that A. takes the view that Norway should be reserved for Norwegians. Furthermore she expresses herself critically about Mohammedanism. Regardless of what we may think of such views, it is clear that there is no violation of paragraph 135 a of the Penal Code when such opinions are expressed so long as they are kept within fairly decent limits. These limits have not been overstepped judging from the material I have been given to assess. The charges against A., except for those dismissed because of lack of evidence, are therefore set aside because there has been no punishable offence."

The decisive factor for dismissing the case was therefore that the accused's utterances were regarded as referring to Islam as a religion and to the view that Norway must be reserved for Norwegians. Even if these views also form the central feature of the later leaflets with which the indictment is concerned, I find that these leaflets - in addition to the fact that they are couched in a cruder language - are also more directly aimed at Islamic foreign workers in this country. In the same way as the District Court, I cannot therefore see that the convicted person had any reason for assuming, on the basis of the statement by the Director General of Public Prosecutions, that subsequent leaflets would not violate paragraph 135 a of the Penal Code.

In the way I have assessed the circumstances around the punishable offence, I agree with the sentence imposed by the District Court.

I vote for dismissing the appeal, but since I, subsequent to the Consultation in Court, am in a minority, I will therefore not formulate any conclusion.

Associate Justice Schweigaard Selmer: I agree with Justice Aasland that the convicted person has transgressed the boundary for punishability in pursuance of paragraph 135 a of the Penal Code, but in other respects I regard the case in a somewhat different light.

First of all, I agree with Justice Aasland that the 8 utterances included in the indictment must be assessed in the aggregate and seen in relation to the form and contents of the leaflets, otherwise, but without my considering it necessary to examine the formulation of the indictment on this point. Furthermore, I agree with Justice Aasland that, when trying the application of the law by the District Court with respect to the question of mistake of law, we must pay due regard to the earlier utterances with which the convicted person was charged, as well as to the grounds given by the Director General of Public Prosecution for dismissing these charges, in the way the District Court has done.

The statements of the convicted person are in the first place aimed at the Norwegian authorities' immigrant policy and the Islamic religion. I agree with Justice Aasland that paragraph 135 a of the Penal Code is not applicable to this side of the convicted person's utterances and am in substantial agreement with the opinion Justice Aasland has expressed about this aspect of the case. The convicted person's views on religion and politics must be within her constitutional rights. In this relation her utterances must be regarded as freedom of speech which article 100 of the Constitution is designed to protect, even if the utterances are a crude and biased condemnation, and may undoubtedly seem wounding and offensive to those who profess the Islamic religion. As far as the attacks on Islam as a religion are concerned, I regard this in the same light as the District Court. The actual provision would in such a case be paragraph 142 of the Penal Code. However, an indictment under this provision may only be effected if the public interest so should require and the Director General of Public Prosecutions has not deemed this to be the case here.

As regards the question of whether or not the convicted person's utterances, despite the fact that they are primarily directed against Norwegian immigration policy and the Islamic religion, should nevertheless be punishable under paragraph 135 a of the Penal Code, I would remark:

The question is whether the utterances, at the same time as they attack Islam, the conditions in the countries professing this religion and the Norwegian authorities' handling of immigration questions, are also directed against the Islamic immigration group in Norway, so that the limit permissible under paragraph 135 a of the Penal Code has been transgressed.

The 8 utterances enumerated in the indictment are, at any rate in part, directed against Islamic immigrants in Norway, but they are lacking in clarity. The content is ambiguous and it is not clear against whom it is directed. In utterance no. 6 in the indictment for example, the word "bribery" has been used to describe the fact that foreign workers are offering their labour cheaply, while the attack in the following paragraph is directed against "greedy" employers who make use of this cheap manpower. The connection in utterance no. 8 concerning immigrants who live and work in Norway and thereby benefit from our social welfare benefits with the convicted person's assertion that it is no sin, under the precepts of the Koran, to steal from the white race, is both meaningless and contrary to common sense. I also find it necessary to draw attention to utterance no. 7 concerning the distribution of narcotics in the western world. Explicitly, the utterance is directed against "foreign workers all over Europe" who come from the countries producing narcotics.

In the leaflets' preceding paragraphs, which have not been included in the indictment, it is argued that Norwegian authorities should investigate how foreign workers in this country have earned large sums of money which they send home. Seen as a whole, these two paragraphs in the leaflet contain an insinuation about unlawful activities committed by foreign workers in Norway. But the statement in the indictment is far from clear.

On the whole, analysing each of the 8 statements separately, it is not very clear what the meaning really is. The statements are inconsistent, exaggerated and unreasonably generalized and may have a negative emotional appeal, but as is particularly clear from Justice Aasland's opinion about the "Reader's Letter" Judgment, included in Rt. 1978 p. 1072, this is not sufficient for punishability in pursuance of paragraph 135 a of the Penal Code. This penal provision must, as has been emphasized, be interpreted in the light of article 100 of the Constitution as the guiding principle so that the consideration for the freedom of speech is given substantial importance. This implies in my opinion that there must be ample margin for unfortunate and tasteless utterances. Any other conclusion would mean giving an unreasonably preferential treatment to well-educated people who know how to word their statements properly.

When I have reached the conclusion that paragraph 135 a of the Penal Code has been violated, this is because the 8 utterances included in the indictment must be assessed in the aggregate and in the light of the leaflets' contents otherwise. Viewed in this way I feel that they contain a sufficiently massive, biased and condemnatory attack on the Islamic immigrant group in Norway and that this is unacceptable. In this connection I pay, as does the District Court, due regard to the fact that this is not a single utterance or spontaneous expression of opinion, but rather an organized campaign where the utterances are repeated in different variations and hammered in by means of leaflets which are distributed in large numbers.

As regards the organized campaign and the constant repetitions, this case differs from the "Reader's Letter" case included in Rt. 1978, page 1072.

Thus I reach the conclusion that the statements made by the convicted person expose the Islamic immigrants to contempt and that the statements have been set forth in such a manner that they represent a violation of paragraph 135 a of the Penal Code.

I also agree with Justice Aasland as regards the significance, seen in relation to paragraph 135 a of the Penal Code, of whether the statements are truthful, but I feel like him, that to talk about the truthfulness of utterances of the type applicable in this case is meaningless.

Furthermore, as Justice Aasland, I have reached the conclusion that the alternative assertion by the convicted person concerning mistake of law cannot be upheld.

The convicted person has also appealed against the sentence imposed by the District Court. According to my opinion of the convicted person's punishable conduct, I find that the punishment may be suitably set, as a suspended sentence, at imprisonment for 60 days. I therefore vote for the following judgment:

In the judgment of the District Court, the following amendment is made, so that the punishment awarded shall be a suspended sentence of imprisonment for 60 - sixty - days.

Associate Justice Holmøy: I am in substantial agreement with the conclusion reached by Associate Justice Aasland.

Associate Justice Endresen: I am substantially in agreement with the conclusion reached by Associate Justice Schweigaard Selmer.

Associate Justice Bølviken: Likewise.

After the vote, the Supreme Court rendered judgment in accordance with the conclusion reached by Associate Justice Schweigaard Selmer.

ANNEX II

CASE OF THE PRESS COUNCIL: THE ASSOCIATION AGAINST RACISM  
ET AL. VERSUS THE NEWSPAPER VERDENS GANG

CASES 38, 40 and 41/83

Foreningen mot rasismen ("the Association against Racism") et al

v

the newspaper Verdens Gang

On 17 March 1983, Verdens Gang carried an article headed "8060 Kroner a month to a Pakistani: Living in luxury on Norwegian insurance." Among the statements in the article were: "A stream of immigrant workers are leaving Norway each month to live on Norwegian disability benefits in their home countries. Several have been granted between 5,000 and 8,000 kroner a month - tax free - for themselves and their families. Since New Year alone - i.e. in the space of two and a half months - about 50 immigrant workers have gone home, well provided for out of the Norwegian insurance budget." The article goes on to say that "Personnel at the Oslo tax assessment office are furious about what is going on: a large majority can return to their respective native countries - most often Pakistan, Turkey and Morocco - with fantastic incomes by home standards".

The article contains information on the rules governing insurance payments to persons resident abroad, and ends as follows: "The Oslo assessment office emphasizes that the same rules apply to immigrant workers as to everyone else. The only difference in treatment relates to the standard of living which Norwegian disability benefits enable the immigrant workers to maintain in their respective home countries."

On 18 March, Verdens Gang followed the article up with an interview with Deputy Director General Bjørn Naug at the Oslo tax assessment office. The headline over the interview was "Sky-high Norwegian insurance payments to Pakistan: No insurance swindle." The Deputy Director General is quoted as saying that to the best of his knowledge, there has been no abuse of the insurance system. The same rules apply to Pakistanis as to Norwegians.

The article repeats the example given on the previous day, and describes how both the newspaper and the Oslo tax assessment office had had their lines jammed with telephone calls from people wanting to express their disgust with what they saw as extreme abuse of the insurance system.

On 19 March a further follow-up article was headed "Norwegian super-insurance for immigrants: Children are money." The main point of this article was that "A Pakistani who has gone home with a Norwegian disability benefit is entitled to 5,040 kroner per year for each child he has until he reaches the age of 66." The point is repeated that the average income is much lower in many countries than in Norway, so that recipients of Norwegian disability benefits are well off. Special mention is made of Pakistan, Morocco and Turkey. Under the headline "People raging at the insurance system", Verdens Gang on the same page carried a calculation of how much disability benefit someone supporting minors was entitled to. There was also a presentation of the possibility under the law of granting tax exemption to people who wish to take up residence abroad. "The same rules of course apply to Norwegians as to Pakistanis."

The Press Council has received three complaints concerning the articles in Verdens Gang, from the Association against Racism, from the Oslo Turkish Workers' Union, and from Seamus Thackeray, Oslo. The first two complaints are identical. Their comments on the article carried on 17 March include the following:

The article deliberately attempts to give the impression that immigrants from the Third World are insurance abusers. It contains, however, no documentation at all to support this. We call attention to such expressions as "Living in luxury on Norwegian insurance" in the headline, "A stream of immigrant workers are leaving Norway each month to live on Norwegian disability benefits in their home countries" in the opening paragraph, and "Personnel at the Oslo tax assessment office are furious ...", etc. The Article's bias is demonstrated when it singles out one Pakistani for attack. The article claims that about 50 immigrant workers have gone home since New Year, but without specifying which nationalities are involved: most immigrants come from Europe.

Immigrants who have been granted disability benefits have used their rights according to Norwegian law, and there is nothing suspicious about this. In our opinion, this is a clear infringement of section 2 of the Code of Ethics concerning respect for people's race and nationality. In view of the increasing racism of our time, special care ought to be shown in this respect. The article is speculatively written, and accuses immigrants from the Third World of criminal offences, despite the fact that they have only done what they have a right to. The gravity of the matter is emphasized by the fact that the "National People's Party" has welcomed the article and is making active use of it in its propaganda. Verdens Gang is thus creating foundations for increased racism in Norway.

The grounds for complaint are the same where the articles of 18 and 19 March are concerned. The plaintiffs call attention to such tendentious expressions as "glaring example", "veritable telephone deluge", and "sky-high incomes", and question the accuracy of the figure 50 "Pakistanis, Moroccans and Turks". Specific complaints relate to the headlines on 19 March and to the use by Verdens Gang in that article of extreme cases of insurance amounts so as to give the impression that they are unreasonably high. The plaintiffs regard the three articles as a systematic campaign to malign and throw suspicion on Third-World immigrants in Norway.

The complaint also refers to an item in the "Laffen" column on the back page of Verdens Gang on 18 March, in which "Laffen" says "Immigrant workers live a high life on Norwegian insurance. Makes me sick." The plaintiffs see this as a manifestation of a campaign against foreigners.

Seamus Thackeray's complaint chiefly relates to the article on 17 March, and has the same basis. In his opinion the article is written in such a way that it can lead to racial discrimination of immigrant workers. Most Norwegians would define immigrant workers as "non-white". He is personally acquainted with a Pakistani family who have lived in Norway for 10 years and who were interfered with because of the article, and an Indian family who received abusive phone calls at night on the basis of the same article. The plaintiff claims that Verdens Gang is guilty of racial discrimination and of systematically campaigning on racial grounds.

Answering the complaints, editor-in-chief Andreas Norland points out that the newspaper regularly receives letters which display negative attitudes to immigrants - especially from the Far and Middle East and from Africa. The editor of the correspondence column states that the newspaper is most reluctant to publish such contributions, but that they are so numerous as to show that this is a problem which needs to be aired. The newspaper has published such contributions from time to

time in the hope of receiving counter-arguments. This has not always happened to the extent the editors had hoped, but the correspondence column for its part has given priority to contributions from or in favour of immigrants.

Editor Norland says that the statement by the correspondence editor illustrates the dilemma the press is in where this field, including articles, is concerned:

"I believe other newspapers than Verdens Gang have registered a distinct and quite widespread negative attitude to immigrants in Norway. Our newspaper has chosen to allow only a very limited proportion of this to find expression in our columns, while at the same time deliberately making every effort to stress favourable aspects, counter-statements and the need for understanding. Moreover, although it is not difficult to provide documentary evidence of reproachable or illegal behaviour on the part of immigrants, we have also in this respect chosen to allow only a very small proportion of such information to appear in our columns. Such editing of the newspaper could give rise to the objection that we are presenting a coloured picture of the real situation, but we regard it as the right policy because we consider it to be one of the newspaper's duties to contribute to sympathy and understanding in Norwegian society.

This is the context in which to see the articles against which complaints have been lodged. The daily press of this country must not be expected entirely to omit to mention or discuss matters of fact which under certain conditions can have negative effects on immigrants. Since immigrants benefit from many of the social rights and benefits granted in this country to Norwegian-born citizens, it is unreasonable to demand differentiation by the daily press in public discussion of matters of general interest - beyond the preferential treatment already given to immigrants."

As documentation of circumstances relating to immigrants which are open to criticism, the editor refers to a number of judgements pronounced against Third-World immigrants. The cases concern the sale of drugs and the forging of documents for the purpose of obtaining tax and insurance benefits.

However, the point of the articles complained against was not to draw attention to offences, but to present facts in connection with the way in which existing insurance provisions are put into practice. The editor stresses that the articles made it clear that there was no question of insurance abuse, but that what was shown was "the considerable advantages an immigrant who returns home under certain conditions enjoys with regard to insurance benefits compared to a Norwegian citizen in Norway. In a discussion of the use of resources and of the consequences of social policy, we have in our opinion taken up a question which very much merits public attention, in articles which are written and presented in such a way that there is no justification for maintaining that they are slanted against immigrants."

In the editor's opinion, the accusation that this is a systematic campaign to slur and throw suspicion on Third-World immigrants is disproved by the information given concerning the paper's fundamental attitude and policy in this field. As evidence, a large number of articles from Verdens Gang on immigrants, going back several years and favourable from the immigrant point of view, are appended to the answer.

As to the complaint against the "Laffen" column, editor Norland argues that an innocent jocular remark can not be considered an expression of editorial policy.

The editor also mentions that on 29 March Verdens Gang published a presentation by Minister of Health and Social Affairs Leif Arne Heløe of the system of disability benefits abroad.

This presentation includes: "The factual information contained in the articles is largely correct, but not entirely. The number of foreign workers who return to their home countries with Norwegian disability benefits is probably somewhere between 12 and 24 per year. Disability pensions are therefore not more frequent among foreign than among Norwegian employees, nor is there any reason to suggest that they are abusing our insurance system." Concerning tax advantages, the Minister writes that they apply to all those who draw their pensions abroad, the vast majority of whom are Norwegian nationals.

The comments on the above by the plaintiffs include the following:

The answer from Verdens Gang says that "it is not difficult to provide documentary evidence of reproachable or illegal behaviour on the part of immigrant workers", and illustrates this by mentioning three cases from Oslo town court where those convicted, to judge by their names, were from Pakistan and Morocco. But no one is arguing that there is no criminality among immigrants. (It could be added in parentheses that it is typical of Verdens Gang not to mention examples involving for instance Britons or Americans.) In this connection we would mention that a study by Roushan Jahan Birkeland shows a lower percentage of offences among immigrants than among Norwegians.

Verdens Gang maintains in its answer that the point of the series of articles complained against "was to present facts in connection with the consequences of existing insurance systems." Our complaint demonstrates thoroughly that the series has been given a most regrettable slant with a clearly racist function. This applies particularly to expressions used, both in headlines and in the articles themselves, and to the examples given. A Pakistani is (of course) used as an example. Besides, Verdens Gang's example is an extreme case which results in specially high figures, which is not representative.

Verdens Gang ought to have mentioned that Norwegian pensioners can move to Spain and live there tax free. Mention should also have been made of the fact that applications for disability benefits receive very thorough scrutiny. It must moreover be positively false to say that as many as 50 Pakistanis, Moroccans and Turks have been granted tax exemption since the New Year. According to inquiries carried out by the Pakistan Workers' Welfare Union, there were as of the New Year only 10 persons from these countries who had been granted disability pensions.

In his second answer, editor-in-chief Norland says that in view of the very limited reporting in Verdens Gang and elsewhere on immigrants, it must be permissible from time to time to take up matters of fact without immediately provoking accusations against the paper. "The consequence of the plaintiffs' reasoning would in fact be that the Norwegian press should not do any reporting at all on, for instance, the position of immigrants with regard to insurance", the editor writes, and rejects the complaints, maintaining that Verdens Gang was not in any way in breach of the rules for proper press conduct.

#### THE PRESS COUNCIL MAJORITY RULES AS FOLLOWS:

The articles against which complaints were received are specifically concerned with the size of Norwegian disability pensions, the payment of such pensions to



persons resident abroad, and the possibility under the law of receiving tax allowances in respect of pensions paid abroad.

The rules governing these matters apply both to Norwegian nationals and to foreign nationals who have worked in Norway, and in focussing on these systems Verdens Gang must be within their rights.

That the systems apply to Norwegians as well as to foreign nationals is also stated in the articles in Verdens Gang, but the groups to which attention is particularly drawn, especially in headlines and introductions, are Pakistanis, Turks and Moroccans. The newspaper also mentions an exaggerated number of such nationals who are allegedly obtaining disability benefits/tax concessions. This can create the impression that precisely these groups take unfair advantage of the Norwegian insurance system. That the articles had such an effect is confirmed by what the newspaper itself states about the deluge of telephone calls from people wanting to express their disgust.

The code of ethics calls for respect for people's private lives, race, nationality and belief. In the opinion of the Council, Verdens Gang failed to fulfil this requirement when it drew particular attention to three nationalities in a context where there were no factual or objective grounds for distinguishing these from all the others to whom the systems in question apply.

By doing so, Verdens Gang committed a breach of the rules for proper press conduct.

Oslo, 20 June 1983.

Anders Hagen

Björg Vik

Olaf Kortner

Gro Elin Sande

Arvid Jacobsen.

THE PRESS COUNCIL MINORITY, Ole Jacob Bjønness-Jacobsen, agrees with the first two paragraphs of the majority ruling, and then adds the following dissenting opinion:

That the system applies both to Norwegian and to foreign nationals is stated in Verdens Gang's articles. Three nationalities are mentioned as examples of immigrant workers who on their return home, by means of Norwegian insurance, achieve a standard of living which is said to be far higher than what would otherwise have been possible in their own countries. This is a fact which it must be permissible to point out. That this provokes irrelevant reactions among some Norwegians is not the newspaper's fault.

The inaccuracy concerning the number of people involved was corrected by virtue of the corrections and amplifications in the contribution from the Minister of Health and Social Affairs.

Verdens Gang did not in this matter break the rules for proper press conduct.

Annex III

CASE OF THE PRESS COUNCIL: YNGVAR KARLSSON VERSUS  
THE NEWSPAPER HELGELANDS BLAD

CASE 87/82

Yngvar Karlsson v. Helgelands Blad

Yngvar Karlsson from Sandnessjøen delivered a complaint against Helgelands Blad relating to an article the newspaper carried on 23 September this year under the headline "Illegal door-to-door selling in Nesna. Gypsies taken to the Sheriff."

The article begins by warning its readers "against gypsies, or 'travellers' as they call themselves". It goes on to relate that a gypsy family staying at a local camp site were reported to the Sheriff - Rural Superintendent for illegal selling. A house-owner surprised two minors in his own sitting room and took them to the police station, because they were unable to produce licences to sell the goods they were offering. After a further description of the sequence of events, the article concluded as follows:

"For gypsies to be carrying on illegal sales of suspicious goods is one thing. Another and much more serious thing is that their impudence often knows no bounds. As a rule they force themselves on people, elderly people for preference, and take little notice if their first attempts are rejected. One hears often enough of old people being attacked and robbed of all their belongings. Our warning, therefore, is: keep doors and windows locked as long as you have reason to fear that there are such people in the neighbourhood."

In Yngvar Karlsson's opinion, the article levels serious charges at an ethnic group. The Council received a second complaint concerning the same article from Geir Johnsen, Sandnessjøen, on behalf of the Red Electoral Alliance in Alstahaug. He points out that gypsies in general are subjected to unreasonable persecution in the article, and that it is liable to promote regrettable prejudice against a particular population group.

In his answer, the editor, Svein Forfang, points out that the newspaper has already apologized for the last paragraph of the article, in connection with letters from readers who had taken offence at the article.

Nevertheless, Svein Forfang maintains that there are no grounds for accusing the newspaper of having levelled serious charges at an ethnic group. What Helgelands Blad wrote about were clear offences and a pattern of behaviour which most people find unacceptable. Not only the incidents mentioned, but also several similar occurrences in various places, are in Svein Forfang's opinion sufficient reason for advising people to keep their doors and windows shut.

THE PRESS COUNCIL RULES:

In several previous rulings, and most recently in a ruling of 29 April 1980, the Council has objected strongly to discriminatory discussion of minority groups. This applies also to gypsies, and particularly to cases in which newspapers, on the basis of single incidents, have credited this group with disreputable characteristics such as thievishness.

In certain cases, mentioning the ethnic group to which the persons concerned belong is justifiable by virtue of the circumstances of the case, but this is not a consideration which Helgelands Blad can invoke in the present case. In the judgement of the Press Council the presentation of gypsies in the article in question is a manifest breach of the fifth subparagraph of paragraph 2 of the Code of Ethics and is therefore a breach of proper press practice.

Oslo, 15 November 1982

Andreas Hagen

Olaf Kortner, Sigrid Waage, Sissel Benneche Osvoid, Thor Bjarne Bore,  
Knut Herefoss.