

NORWAY

General Comments - Government Responses

CERD A/8718 (1972)

Annex IV

Texts of comments of states parties to general recommendations I and II, adopted by the Committee at its fifth session, received up to the end of the sixth session, in accordance with paragraph 2 of article 9 of the Convention a/

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NORWAY

[Original: English]
12 July 1972

The Norwegian Government would like to make the following comments with regard to the subject-matters of these recommendations:

I. Implementation of article 4 (a) and (b) of the Convention.

1. Under article 4 (a) of the Convention a State Party to the Convention undertakes to "declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof".

As has been mentioned in the report submitted by Norway on 20 October 1971 (CERD/C/R.25/Add.4), a new section 135 (a) has been added to the Penal Code in order to implement subsection (a) of article 4 of the Convention. The new section 135 (a) expressly provides for punishment of incitement or other acts of assistance to the acts mentioned in the section.

It should be mentioned that the provisions of chapter 22 (felonies against another's person, life and health) and chapter 39 (misdemeanours against persons) of the Penal Code make all acts of violence punishable, whatever the motive. It was therefore not considered necessary to implement the Convention any further. The fact that an act of violence has been motivated by racial hatred - or any similar motive - may, however, be taken into consideration by the court when deciding the appropriate punishment.

2. Under article 4 (b), a State Party to the Convention undertakes to "declare illegal and prohibit

a/ See chap. IV, para. 99; and, for the texts of general recommendations I and II, see chap. IX, section A, decisions 3 (V) and 4 (V).

organizations, and also organized and all other propaganda activities, which promote and incite

racial discrimination and shall recognize participation in such organization or activities as an offence punishable by law".

Under section 330 of the Norwegian Penal Code, it is an offence to establish or participate in an association which is prohibited by law, or whose aim is the commission or promoting of offences. The acts mentioned in subparagraph (b) may also be punishable as acts of incitement or assistance.

It should be noted that freedom of speech and of association have long traditions in Norway. These freedoms are expressly mentioned in article 5 (d) of the Convention and in the Universal Declaration of Human Rights. Article 4, paragraph 1, of the Convention contains an express proviso with regard to such rights. The Norwegian authorities - with due regard to the duty under subparagraph (b) of article 4 - have for these reasons not found it necessary to implement the provisions of the said subparagraph any further.

II. The Norwegian Government supports the view of the Commission put forward in the second of the recommendations.