

Thematic analysis of the implementation of Council of Europe Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity

## **Measures to address hate speech based on sexual orientation, gender identity, gender expression, and sex characteristics in Norway**

### **REPORT**

**31 March 2026**

*This English version is a courtesy translation provided for information purposes. References should be made to the original Norwegian version.*

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## Executive Summary

This national thematic review was prepared in the framework of the implementation of Recommendation CM/Rec(2010)5 of the Committee of Ministers. It examines the measures taken by Norway to address hate speech on grounds of sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC), identifies good practices and remaining challenges, and formulates recommendations for further strengthening protection.

The review is situated within a wider European context marked by rising hostility towards LGBTI persons and the growing mobilisation of actors opposing LGBTI equality. Anti-human-rights narratives, frequently framed around resistance to so-called “gender ideology”, have contributed to a more polarised public discourse and to an increase in demeaning and inflammatory speech targeting LGBTI persons, particularly transgender people. These dynamics can contribute to undermining the dignity and safety of those affected as well as limiting their democratic participation and social cohesion in society.

Norway has long positioned itself as a pioneer in the protection of the human rights of lesbian, gay, bisexual and transgender persons through a broad set of criminal, civil and administrative measures. These frameworks are regularly reviewed and updated, including reforms to the Penal Code in 2021 to reflect contemporary understandings of gender and sexual diversity, amongst other things. At the same time, explicit legal protection on grounds of sex characteristics remains absent, and recent data indicate a visible increase in negative and derogatory statements about LGBTI persons. Opinion polls suggest that over a fifth of the population believe that efforts to advance LGBTI equality have gone too far, which may reflect a widening gap between Norway’s legal, policy and practical measures and aspects of the broader societal climate.

The review situates Norway’s efforts within the broader human rights standards of the Council of Europe, the European Union and the United Nations. It finds that hate speech targeting LGBTI persons produces serious psychosocial harm, contributes to minority stress, and facilitates the silencing and marginalisation of affected groups, thereby eroding democratic resilience. The analysis further highlights that the impact of hate speech depends not only on its content but also on who expresses it and the position they hold in society, and that current challenges must be understood in the context of transnational anti-gender mobilisation.

Norway’s legal framework combines criminal, civil and administrative responses to hate speech. While the Penal Code criminalises the most serious forms of hateful expression, the Equality and Anti-Discrimination Act provides remedies for harmful speech that does not reach the criminal threshold. The review nevertheless finds that uncertainty about the scope and application of Section 185 of the Penal Code creates problems both for LGBTI persons seeking protection and for legal predictability in relation to freedom of expression.

Operationally, the review identifies significant variation across police districts in terms of expertise and capacity to address SOGIESC-based hate speech. Reporting hate speech incidents requires in-person contact with the police, which creates additional barriers for victims. At the same time, important institutional developments have taken place, including specialised training at the Police University College, the establishment of a national centre of expertise on hate crime and a national police hate crime network, and the integration of victim support and systematic data collection across police districts.

A number of promising practices are also highlighted, including cooperation between civil society organisations and the Ministry of Justice and Public Security, the National Police Directorate and the Norwegian Police Security Service to ensure the safety of Pride events, the development of local action plans against hate speech in major municipalities, and initiatives by Bufdir to analyse online hate speech using artificial intelligence. However, there remains persistent low levels of trust in the police among minority communities. LGBTI people also point out that it is challenging to understand how the police, the prosecuting authority and the courts assess what constitutes punishable hate speech. This undermines the effects of some of the promising measures.

The report concludes with recommendations aimed at strengthening trust between minorities and the police, improving the accessibility and transparency of data and statistics on hate speech, enhancing international co-operation to address emerging threats, particularly online, and developing an overarching action plan against hate speech (and hate crime).

# Introduction

The Council of Europe's Committee of Ministers' Recommendation CM/Rec(2010)5<sup>1</sup> to member States on measures to combat discrimination on the basis of sexual orientation or gender identity is the most comprehensive pan-European instrument that explicitly addresses the rights of lesbian, gay, bisexual, and transgender (LGBT) people in Europe. The recommendation was unanimously adopted by the Council of Europe's Committee of Ministers in 2010 and is considered the gold standard for LGBT rights in Europe. The recommendation sets out specific measures for member states, including the obligation to protect LGBT people from hate speech and hate crimes.

This report presents a thematic review of Norway's implementation of this recommendation, limited to efforts to combat hate speech based on sexual orientation, gender identity and expression, and sex characteristics<sup>2</sup> (SOGIESC).

The Council of Europe's Committee of Ministers' Recommendation CM/Rec(2022)16<sup>3</sup> on combating hate speech defines such speech "as any type of speech that incites, promotes, disseminates or justifies violence, hatred or discrimination against a person or group of persons, or that degrades them, on account of their actual or attributed personal characteristics or status, such as 'race',<sup>4</sup> skin colour, language, religion, nationality, national or ethnic origin, age, disability, gender, gender identity, and sexual orientation."

The review has examined how this type of hate speech is defined, handled, prevented, and counteracted in legislation, policy, and practice, including in the regulation of media, public debate, digital platforms, and public authority communications in Norway. The focus is mainly on developments and initiatives that have taken place over the past five years.

The purpose of the review is twofold: firstly, to identify examples of promising practices; secondly, to identify any shortcomings and challenges in the work to counter and combat hate speech based on SOGIESC. On this basis, we highlight good practices that may also be relevant for other member States, and we provide action-oriented recommendations for measures to further develop Norway's ability to prevent and deal with such hate speech, in line with international human rights obligations and democratic principles.

## Background for the thematic review of CM/Rec(2010)5

This review of Norway's efforts to combat SOGIESC-based hate speech complements the comprehensive review of the implementation of the Council of Europe's recommendations<sup>5</sup> in

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<sup>1</sup> See the recommendation: <https://www.coe.int/en/web/sogi/rec-2010-5>

<sup>2</sup> In English, the term "sex characteristics" is normally used and there is a distinction between "sex" and "gender". In Norwegian there is no such distinction. Therefore, the term kjønnskarakteristika (sex characteristics) is used in Norwegian, with the same meaning as the English term.

<sup>3</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680a67955](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a67955)

<sup>4</sup> See footnote 2 in this recommendation for a justification for the use of "race":

[https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680a67955#\\_ftn2](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a67955#_ftn2)

<sup>5</sup> See report on the comprehensive review (2025): Report on the review of the implementation of Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity <https://rm.coe.int/report-on-the-review-of-the-implementation-of-recommendation-cm-rec-20/48802904af>

CM/Rec(2010)5<sup>6</sup> which is carried out every five years, with each report focusing on a specific theme. This year's review deals with the implementation of the recommendations for the thematic area concerning hate speech based on SOGIESC in the member states.

An overall thematic review is being conducted across the member States, but in addition, national reports were prepared that focus on selected countries. Norway is one of the countries that has expressed interest and made itself available to such a national review. Together with a similar national review of Malta, the report on Norway will contribute to the Council of Europe's review of the implementation of the relevant recommendations at the European level.

## Why a review of SOGIESC-based hate speech?

Hate speech has negative psychosocial consequences and limits freedom of expression and representation by intimidating or restricting the individuals and groups affected. The increase in the extent of hate speech in recent years, particularly online, has been well documented by various monitoring bodies and organisations<sup>7</sup> and shows a worrying trend that requires targeted action to protect human rights and democratic stability.

The need to strengthen efforts against hate speech and hate crime based on SOGIESC has been recognised by the Council of Europe through the adoption of Recommendation CM/Rec(2022)16 on hate speech.<sup>8</sup> The explanatory memorandum<sup>9</sup> to CM/Rec(2022)16 highlights the challenges and negative consequences that hate speech represents for democratic societies: Hate speech not only violates the dignity and rights of the individuals directly affected, but also affects the entire minority group that the victim represents, which also contributes to division, polarisation, and threatens democracy.

Reports from Council of Europe bodies, the EU, and civil society organisations also point to an increase in violence and hate incidents targeting LGBTI<sup>10</sup> persons in Europe, as well as increased opposition to efforts to promote the human rights and representation of LGBTI persons in recent years.<sup>11</sup>

An increase in degrading rhetoric and hate speech against LGBTI people is evident, among other things, in anti-gender narratives, often promoted by well-organized international movements,

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<sup>6</sup> <https://www.coe.int/en/web/sogi/rec-2010-5>

<sup>7</sup> See, for example, reports on hate crimes from the OSCE/ODIHR: <https://hatecrime.osce.org/hate-crime-report>  
Results from the EU LGBTIQI survey by the EU Agency for Fundamental Rights (FRA): <https://fra.europa.eu/en/project/2022/eu-lgbtqi-survey-iii>

<sup>8</sup> See Recommendation CM/Rec(2022)16 of the Committee of Ministers to member states on combating hate speech:

<https://search.coe.int/cm?i=0900001680a67955>

<sup>9</sup> <https://search.coe.int/cm?i=0900001680a6891e>

<sup>10</sup> In the Council of Europe's current practice, the acronym LGBTI is used in official contexts. The Council of Europe's work is structured around the grounds of sexual orientation, gender identity and expression, and sex characteristics (SOGIESC), which are interpreted broadly so as to encompass a wide range of identities and experiences. This approach seeks to ensure inclusiveness while avoiding exhaustive or potentially incomplete lists of terms, without prejudice to the use of other terminology in different contexts.

<sup>11</sup> See, for example, the report from UN Women (2025): <https://www.unwomen.org/en/digital-library/publications/2025/06/measuring-gender-based-violence-data-collection-and-evidence-on-violence-based-on-sexual-orientation-gender-identity-gender-expression-and-sex-characteristics>

On developments in Europe, see ILGA's Rainbow Map survey (2025): <https://rainbowmap.ilga-europe.org/>

which criticise Pride, gender equality and gender diversity, and refer to this as "gender ideology", a rhetorical construct used to undermine gender equality and the human rights of LGBTI people.<sup>12</sup>

The anti-gender movements that promote these narratives accuse, among other things, organisations working for the human rights and equality of LGBTI people of having gone from a simple demand for acceptance and equal treatment to an attempt to "dominate" and redefine biology, family, and the relationship between parents and children. Legitimate and democratic measures for gender equality and gender and sexual diversity are portrayed as a threat to "traditional values" and traditional gender roles.<sup>13</sup>

Across Europe, anti-gender campaigns have led to an increase in derogatory rhetoric in public discourse, including comments that can be described as intolerant or hateful towards LGBTI people, particularly transgender people.<sup>14</sup> In some Member States, anti-gender and anti-LGBTI narratives and talking points have also been promoted by elected politicians in an attempt to capitalise on expressed discontent and portray themselves as defenders of "traditional values."<sup>15</sup>

The anti-gender movement puts forward a wide range of statements, much of which fall within the scope of freedom of expression, while some constitute punishable hate speech. Anti-gender mobilisations have contributed to an increase in negative statements about the human rights of LGBTI people and the holding of Pride events.<sup>16</sup> The mobilisations have been drivers of increased hostility towards both LGBTI people and civil society organisations that promote LGBTI people's human rights and equal treatment, as well as restrictions and curtailments of their democratic rights in certain European countries.<sup>17</sup>

## The Norwegian context

In Norwegian public discourse, the terms hate speech, hateful statements, and hateful expressions are used interchangeably to describe various derogatory statements about other people, regardless of whether the statements are punishable by law or not. This report deals to a large extent with measures that counter hateful expressions based on sexual orientation, gender identity and expression or sex characteristics (SOGIESC)<sup>18</sup> that are punishable under Norwegian and international law.<sup>19</sup> However, the review of Norway's efforts to combat such hate speech also

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<sup>12</sup> Giulia Mariani, Transnational Networks against Equality: The Anti-Gender Mobilization in the European Parliament, *Social Politics: International Studies in Gender, State & Society*, 2025;, jxaf015, <https://doi.org/10.1093/sp/jxaf015>

Kuhar, R., & Paternotte, D. (Eds.). (2017). *Anti-gender campaigns in Europe: Mobilizing against equality*. Bloomsbury Publishing PLC.

<sup>13</sup> Elisabeth Lund Engebretsen (2022) Scientizing gender? An examination of anti-gender campaigns on social media, Norway. In: Hande Eslen-Ziya; Alberta Giorgi, *Populism and science in Europe*. Palgrave Macmillan. ISBN 9783030975357. pp. 185-206.

<sup>14</sup> Kuhar, R., & Paternotte, D. (Eds.). (2017). *Anti-gender campaigns in Europe: Mobilizing against equality*. Bloomsbury Publishing PLC.

<sup>15</sup> ECRI General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons: <https://rm.coe.int/general-policy-recommendation-no-17-on-preventing-and-combating-intole/1680acb66f>

<sup>16</sup> See, for example, the report from Analyse & Tall SA (2023): [https://www.ogtall.no/assets/files/2023-06-20\\_Ytringsklimaet-for-skeive-paa-Twitter-Facebook\\_2023-06-22-202328\\_pmgmt.pdf](https://www.ogtall.no/assets/files/2023-06-20_Ytringsklimaet-for-skeive-paa-Twitter-Facebook_2023-06-22-202328_pmgmt.pdf)

<sup>17</sup> For developments in Europe, see, for example, the Rainbow Map survey (2025) from ILGA: <https://rainbowmap.ilga-europe.org/>

<sup>18</sup> Sex characteristics are not explicitly mentioned as a protected ground in the Norwegian legal text of Section 185 of the Penal Code on criminal hate speech or other relevant legal texts. However, certain preparatory works such as the Equality and Discrimination Act, state that sex characteristics are included so that the law also applies to intersex persons.

<sup>19</sup> Recommendation CM/Rec(2022)16, paragraph 3, states that member states should distinguish between: 1) hate speech that is prohibited under criminal law; and 2) hate speech that does not reach the level of severity required for criminal liability, but which is nevertheless covered by civil or administrative law; and 3) offensive or harmful statements that are not sufficiently serious to be restricted by law under the ECHR, but which nevertheless require countermeasures, such as counter-speech and other preventive

describes general preventive efforts, such as measures to promote gender and sexual diversity or counteract prejudice that can legitimise hate speech. These measures have a broader impact and can help prevent both punishable speech and other hate speech that is not punishable.

Norway is obliged under several international conventions to ensure that minority groups are protected by criminal law against hate speech.<sup>20</sup> Acts that constitute criminal hate speech are considered a form of hate crime in Norway. The police define hate crime as "criminal acts that are wholly or partly based on another person's skin colour or national or ethnic origin, religion or belief, sexual orientation, gender identity or gender expression, or disability."<sup>21</sup>

Norway considers itself a pioneer in legislation and public policy for the human rights of LGBTI people and for gender and sexual diversity, and puts this into practice through various legislative decisions and their enforcement, as well as through national strategies and action plans and other practices that contribute to recognising and protecting the human rights of LGBTI people.

However, there is also a visible trend on social media in Norway of increasing negative and derogatory statements about LGBTI people and issues related to SOGIESC. For example, Pride parades were increasingly debated in public during the period 2018-2023. The number of messages on Twitter (now X) expressing support and positive statements about Pride declined during that period, while there were more messages containing criticism and attacks.<sup>22</sup> During the same period, there was also a marked increase in messages from Norwegian users on Twitter (now X) about transgender people (from 1,485 to 23,465 messages), with 47% of the messages expressing negative or critical attitudes towards transgender people.

A survey conducted by the Norwegian Institute of Human Rights showed that more than 1 in 5 (22%) of respondents agreed or strongly agreed with the statement that "The fight for LGBT+ rights has gone too far."<sup>23</sup> But there are also surveys that show that people are more positive towards LGBTI people today than they were 15 years ago.<sup>24</sup>

Hateful statements are quickly disseminated via social media, where algorithms also contribute to increased attention and engagement, which can reinforce the spread of such content.<sup>25</sup> Online expressions, including symbols and graphics (memes, etc.), can also use "coded" language that conveys a hateful message, but which is not necessarily as direct and does not use the same well-known dehumanising expressions that the courts have typically ruled on in the past. Furthermore, the language, codes, and symbols used online are constantly changing, which can

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measures; measures that promote intercultural dialogue and understanding, as well as relevant education and awareness-raising activities.

<sup>20</sup> See section 10.3.2 International obligations and recommendations behind section 185 of the Penal Code, in the Freedom of Expression Commission's report (2022): <https://www.regjeringen.no/contentassets/753af2a75c21435795cd21bc86faeb2d/no/pdfs/nou202220220009000dddpdfs.pdf#page=187.19>

<sup>21</sup> Kierulf, A., Spurkland, K., and Hansen, I. (2023) Hate Crime. Gyldendal Norsk Forlag AS. 1st edition

<sup>22</sup> See the report prepared by Analyse & Tall SA: [https://www.ogtall.no/assets/files/2023-06-20\\_Ytringsklimaet-for-skeive-paa-Twitter-Facebook\\_2023-06-22-202328\\_pmgt.pdf](https://www.ogtall.no/assets/files/2023-06-20_Ytringsklimaet-for-skeive-paa-Twitter-Facebook_2023-06-22-202328_pmgt.pdf)

<sup>23</sup> See the report from "Survey on attitudes towards queer people in Norway": <https://www.nhri.no/wp-content/uploads/2024/06/Undersokelse-om-holdninger-til-skeive-i-Norge.pdf>

<sup>24</sup> See Bufdir's thematic webpage for more surveys on attitudes towards LGBTI people: <https://www.bufdir.no/statistikk-og-analyse/LHBT/holdninger/>

<sup>25</sup> Ministry of Culture and Equality (2025). Strategy to strengthen resilience against disinformation (2025–2030). <https://www.regjeringen.no/no/dokumenter/strategi-for-a-styrkje-motstandskrafta-mot-desinformasjon-2025-2030/id3109255/>

make it difficult to stay up to date. This poses a challenge for the police, prosecutors, and courts in their ability to detect and respond to criminal hate speech of this kind.

The digital arena has a dual role for minorities: it enables visibility and participation, but at the same time represents an unsafe sphere where LGBTI people and other minorities are exposed to aggressive and coordinated attacks.<sup>26</sup>

LGBTI people are more vulnerable to hate crimes and hate speech than cis<sup>27</sup> -heterosexuals in Norway,<sup>28</sup> and several studies show that transgender people are particularly vulnerable and experience more hate speech than LGBT people and cis-heterosexuals.<sup>29</sup> Despite limited knowledge about the experiences of hate speech among LGBTI people with multiple minority backgrounds, research shows that they are more vulnerable to hate speech than other LGBTI people. This may apply, for example, to LGBTI people who are Muslim, Sami, disabled<sup>30</sup>, or from other religious or ethnic minority backgrounds.<sup>31</sup> Research has shown, among other things, that hate crimes against people with disabilities are often overlooked because such acts are typically understood as abuse or neglect, which is linked to the victims' vulnerability rather than the hostility of the perpetrators.<sup>32</sup> The situation for LGBTI people in religious communities and sports, for LGBTI people with minority or indigenous backgrounds, as well as the living conditions for transgender people and people with gender incongruence, have been highlighted by the Norwegian authorities as areas characterised by particularly clear challenges in Norway.<sup>33</sup>

Far more lesbians, gays, and bisexuals than cis heterosexuals report having been subjected to discrimination, hate speech, or hate crimes: In 2024, 13.3 percent of bisexuals and 15.5 percent of gays and lesbians reported having experienced this, while 2.6 percent of cis-heterosexuals

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<sup>26</sup> Page 5: <https://www.medietilsynet.no/globalassets/publikasjoner/kritisk-medieforstaelse/2022-rapport-hatefulle-ytringer.pdf>

<sup>27</sup> The cis term is used here to clarify that we refer to the group of heterosexuals who identify with the gender they were assigned at birth (cisgender heterosexuals), as opposed to, for example, transgender heterosexuals

<sup>28</sup> See, for example: pages 64-70 in the National Safety Survey (2023): <https://oda.oslomet.no/oda-xmlui/bitstream/handle/11250/3184220/NOVA-Rapport-13-2024.pdf?sequence=1&isAllowed=y>

Fladmoe, A., & Nadim, M. (2023). *The extent and consequences of hate speech and hate crimes in critical periods. Experiences from the coronavirus pandemic (2020–2022) and the shooting at a London pub and the monkeypox outbreak (summer 2022)*. Institute for Social Research. <https://hdl.handle.net/11250/3066857>

<sup>29</sup> Anderssen, N., Eggebø, H., Stubberud, E., & Holmelid, Ø. (2021). *Sexual orientation, gender diversity, and living conditions. Results from the 2020 survey*. Department of Social Psychology, University of Bergen.

Fladmoe, A., Nadim, M., & Birkvad, S. R. (2019). *Experiences with hate speech and harassment among LGBT people, other minority groups, and the general population*. Institute for Social Research. <http://hdl.handle.net/11250/2584665>

Analysis & Figures. (2023). *The climate for expression for queer people on Twitter and Facebook. Report by Analysis & Figures, on behalf of Amnesty International Norway and FRI*. Analysis & Figures.

<sup>30</sup> See, for example, the report *Trans og funksis* (2024): <https://ungfunk-site.files.svdcn.com/production/Samfunnsotat-v1.pdf?dm=1716897929>

<sup>31</sup> See, for example: E Akin, D., Wold, L.K., Stokke, M. and Skarli, J.B. (2022). In search of safety: Integration of LGBTIQ+ refugees in Norway. Lillehammer: Østlandsforskning.

Eggebø, H., Karlstrøm, H., and Stubberud, E. (2020). Discrimination and social exclusion of queer people with immigrant backgrounds. *Journal of Gender Research*, 44(2), 132-152.

Eggebø, H., Karlstrøm, H., & Stubberud, E. (2020). Discrimination and social exclusion of queer people with immigrant backgrounds. *Journal of Gender Research*, 44(2), 132-152

Stubberud, E., Prøitz, L., & Hamidiasl, H. (2018). The only queer person in the village? Young LGBT people's use of municipal health services. Steigen: KUN.

Eggebø, H. and Stubberud, E. (2016). *Hateful expressions. Sub-report 2: Research on hate and discrimination*. Oslo: Institute for Social Research

<sup>32</sup> Perry, B. & Scrivens, R. (2017). The Maturation of Hate Crime Scholarship. In P. Bean (Ed.), *Hate Crime: Critical Concepts in Criminology* (pp. 1-42). London: Routledge.

See also the report: *Hatytringer, hatkriminalitet og diskriminering – funksjonshemmedes erfaring* (Hate speech, hate crime and discrimination – disabled people's experience) (2024): <https://www.faf.no/publikasjoner/faf-rapporter/hatytringer-hatkriminalitet-og-diskriminering-funksjonshemmedes-erfaringer>

<sup>33</sup> See the Action plan: <https://www.regjeringen.no/contentassets/cae838ecc4204787857a0499fd8b7c11/no/pdfs/regjeringens-handlingsplan.pdf>; and report on queer people in sports: <https://www.bufdir.no/aktuelt/ny-rapport-inkluderer-av-skeive-i-idretten/>

reported having experienced the same.<sup>34</sup> However, even though LGBTI persons have reported relatively frequent experiences with hate speech in Norway, only a very limited number of people report these incidents to the police.<sup>35</sup>

In 2024, incidents related to sexual orientation were the second largest category of all hate crime cases reported to the police (280 of 1,172 reports), followed by gender identity (100 of 1,172 reports). Hate speech accounted for about a quarter of these reports.<sup>36</sup> The low reporting rate means that police statistics on recorded reports of hate speech do not reflect the true extent of such incidents.<sup>37</sup>

The reasons why many LGBTI people refrain from reporting such cases in Norway are that they do not believe a report will lead anywhere, that it involves too great a personal cost, and because they lack trust in the police and the legal process. Uncertainty among LGBTI people about what is serious enough to report and what the police, the prosecution authority and the courts will consider punishable is also cited as a reason for not reporting.<sup>38</sup> The challenges of low reporting rates and low trust in the police are also known from surveys among minority groups in other countries, both in and outside Europe.<sup>39</sup>

While 70% of Norway's population reports high or very high trust in the Norwegian police, only 37% of LGBTI residents express the same.<sup>40</sup> Norway is also one of the 37 member states of the Organisation for Economic Cooperation and Development where residents have the highest trust in public institutions.<sup>41</sup>

## Methodology and content

The report is based on a review of a number of different existing and publicly available sources, as well as information obtained from various ministries and directorates specifically for the purpose of this report. The focus is mainly on developments over the last five years. Recent initiatives and changes after December 2025 have not been assessed.

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<sup>34</sup> <https://www.bufdir.no/statistikk-og-analyse/LHBT/hatkriminalitet-diskriminering/#section-3610>

<sup>35</sup> Jakobsen, M. H. (2023). *Results from the LGBTIQ+ survey at Pride 2022*. POD REPORT 2/2023. National Police Directorate.

See Memo from the Center for Research on Extremism (2025): <https://www.sv.uio.no/c-rex/forskning/prosjekter/hatecycle/arbeidsnotat-skeives-tillit-til-og-erfaringer-med-politiet.pdf>

<sup>36</sup> National Competence Center for Hate Crime (2023). *Hate Crime in Norway 2024: Report on Registered Reports and Developments*. National Police Directorate and Oslo Police District. <https://www.politiet.no/globalassets/dokumenter-strategier-og-horinger/oslo/rapporter/hatkriminalitet-norge/hatkriminalitet-i-norge---arsrapport-2024.pdf>

<sup>37</sup> Ellefsen, R., Os, K., & Jakobsen, M. H. (2024). Reporting Anti-LGBTQI Hate Crime to the Police: First-Hand Experiences and Reasons for not Reporting. *Nordic Journal of Studies in Policing*, 11(1), 1–21. <https://doi.org/10.18261/njsp.11.1.9>

<sup>38</sup> The figure for residents in general is taken from the police's citizen survey (2024):

<https://kudos.dfo.no/dokument/344299/politiets-innbyggerundersokelse-2024-hovedrapport>. The figure for attitudes among LGBTI people is from a survey conducted by the police in connection with Pride in 2022:

<https://www.politiet.no/globalassets/dokumenter-strategier-og-horinger/pod/rapporter/pod-rapport-09-2023-resultater-fra-lhbtqi-undersokelsen-pa-pride-2022.pdf> While the citizen survey has a representative sample, the Pride survey is based on self-recruitment, and the responses may be influenced by the terrorist incident on 25 June 2022 that occurred during the survey period.

<sup>39</sup> Pezzella, F. S., Fetzer, M. D., & Keller, T. (2019). The dark figure of hate crime underreporting. *American Behavioral Scientist*, 0(0). <https://doi.org/10.1177/0002764218823844>

<sup>40</sup> Jakobsen, M. H. (2023). *Results from the LGBTIQ+ survey at Pride 2022*. POD REPORT 2/2023. National Police Directorate.

However, the results of the Pride survey may be influenced by the fact that it was conducted in the same period as the terrorist attack on 25 June 2022.

<sup>41</sup> OECD [The Organization for Economic Co-operation and Development]. (2023). *Government at a glance 2023: Norway*. OECD. [https://www.oecd.org/en/publications/government-at-a-glance-2023\\_c4200b14-en/norway\\_2d302411-en.html](https://www.oecd.org/en/publications/government-at-a-glance-2023_c4200b14-en/norway_2d302411-en.html)

The sources used in the review include:

- Case law from the European Court of Human Rights, reports from the Council of Europe, such as the thematic reports of CM/Rec(2010)5, as well as reports from other Council of Europe bodies, such as the European Commission against Racism and Intolerance (ECRI). Several judgments from Norwegian courts in cases concerning criminal hate speech have also been consulted.
- Data collected by the Council of Europe from various ministries and directorates, mainly through dialogue with the Ministry of Culture and Equality. This includes written responses to questionnaires sent to all member states, including answers to questions about national challenges and good practices in Norway's work to combat SOGIESC-based hate speech, as well as information provided to the Council of Europe in response to other written requests.
- Published peer-reviewed research, research reports, political strategy and action plans, etc. have been reviewed to provide a description of the situation in Norway with regard to current legislation, public policy, institutional practices relating to hate speech, and the situation and vulnerability of LGBTI persons in Norway to hate speech, etc.
- To ensure the participation and inclusion of LGBTI people's lived experiences, and in line with the Council of Europe's revised methodology for these thematic reviews, other sources have also been taken into account in the preparation of this report, such as reports and other publications from civil society organisations working to protect the human rights of LGBTI people.
- A draft of this report was shared with key stakeholders and discussed at a dedicated roundtable conference attended by governmental, private and civil society actors, including Norwegian and international LGBTI organisations. The input from the roundtable conference in the form of presentations, group work and comments submitted via Mentimeter was reviewed. In addition, several actors provided written submissions on the draft report following the roundtable. All contributions have been duly considered and have informed certain revisions and additions to the final report. However, parts of these inputs extend beyond the specific scope, thematic focus and temporal limitations of this report, and are therefore not addressed herein.

The rest of the report is organised into three parts (A-C).

First, there is a status description where we present the relevant international human rights standards and a brief overview of the negative consequences of hate speech. Part two presents a review of Norway's initiatives against hate speech in three separate areas: legislation; implementation (of public policy and legislation); and prevention. The final part summarises the situation in Norway in relation to the Council of Europe's Recommendation CM/Rec(2010)5<sup>42</sup> and other relevant international standards, before concluding with recommendations for measures to strengthen Norway's efforts to counter and combat SOGIESC-based hate speech.

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<sup>42</sup> <https://www.coe.int/en/web/sogi/rec-2010-5>

## A. International overview

Combating hate speech, including that directed at LGBTI persons, is increasingly understood not only as a matter of protecting individual rights, but also as crucial to safeguarding the integrity of democracy.<sup>43</sup>

To meet these challenges, Council of Europe member states have access to a robust and increasingly well-developed set of international legal and guidance standards. Instruments from the Council of Europe, the EU, and the UN provide guidance on regulating hate speech, protecting victims, safeguarding freedom of expression, and managing systemic risks in digital environments. Although Norway is not a member of the EU, it is obliged, through the Agreement on the European Economic Area (EEA), to comply with rules that apply to member states of the EEA and the EU.<sup>44</sup>

This chapter goes on to describe these legal and advisory standards in more detail, with an emphasis on the strategic role that combating hate speech against LGBTI people plays in strengthening democracy. The chapter concludes with a description of the various negative consequences of hate speech.

### A1. International human rights standards

The following section presents relevant human rights standards relating to hate speech against LGBTI persons. This includes standards from Council of Europe bodies, case law from the European Court of Human Rights, and other standards and monitoring instruments from the EU and the UN.<sup>45</sup>

#### *A1.1. Council of Europe*

The Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights)<sup>46</sup> is at the forefront of international legal instruments that establish legal recourse for individuals to hold Council of Europe member states accountable for their obligations to prevent and combat hate speech, particularly through Article 8 (right to respect for private and family life), Article 10 (right to freedom of expression) and Article 14 (prohibition of discrimination).

Beyond the European Convention on Human Rights (ECHR) and other binding treaties, there are several instruments available to the Council of Europe that represent the opinion of its various bodies or the consensual position of the member States. The Committee of Ministers of the

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<sup>43</sup> See the Council of Europe's overall efforts to promote democratic resilience in response to democratic decline: <https://www.coe.int/en/web/new-democratic-pact-for-europe/home>

<sup>44</sup> See 5.3.4. Brief overview of EU and EEA law in the book: Spurkland, K., Kierulf, A. & Hansen, I. (2023). Hate crime. Gyldendal Norsk Forlag.

<sup>45</sup> See also: "Skeiv rett: Ei oversikt over utvalgte delar av menneskerettsvernet til LHBTI+-personar" (2023) (Queer law: An overview of selected aspects of human rights protection for LGBTI+ persons) published by the Norwegian Institute of Human Rights: [https://www.nhri.no/wp-content/uploads/2023/06/Skeiv\\_rett\\_web.pdf](https://www.nhri.no/wp-content/uploads/2023/06/Skeiv_rett_web.pdf)

<sup>46</sup> <https://www.echr.coe.int/european-convention-on-human-rights> Norwegian translation of the Human Rights Convention: [https://lovdata.no/dokument/NL/lov/1999-05-21-30/KAPITTEL\\_emkn-1#KAPITTEL\\_emkn-1](https://lovdata.no/dokument/NL/lov/1999-05-21-30/KAPITTEL_emkn-1#KAPITTEL_emkn-1)

Council of Europe regularly develops non-binding recommendations to member states on how they can improve their laws, policies, and practices in a number of areas. The European Commission against Racism and Intolerance (ECRI) prepares general policy recommendations (GPRs) to the governments of all member states, providing detailed guidance that can be used for the development of national strategies and policies. Similarly, resolutions of the Parliamentary Assembly of the Council of Europe (PACE) reflect the collective opinion of PACE members. Although these instruments are not legally binding, they can be used (and have been used) in decisions of the European Court of Human Rights and are considered international standards in their own right.<sup>47</sup>

### **Relevant case law from the European Court of Human Rights**

The Court considers statements that spread, incite, promote or justify violence, hatred or intolerance against a person or group to be a threat to social cohesion and a risk of violence. The Court's practice has largely focused on extending protection to individuals through the application of Article 8 alone or in conjunction with Article 14 and, in exceptional cases, Article 13 (the right to an effective remedy). In relation to Article 8, the Court also considers that negative stereotyping of a group can affect the group's sense of identity, as well as the self-esteem of its individual members, and thus affect the private life of all members of the group.<sup>48</sup>

The Court's case law distinguishes between two categories of hate speech: "the most serious forms of 'hate speech', which the Court has considered to fall under Article 17 (Prohibition of abuse of rights) and thus be completely excluded from the protection of Article 10 (Right to Freedom of Expression) and less serious forms of 'hate speech', which the Court has not considered to fall completely outside the protection of Article 10, but which it has considered permissible for the States Parties to restrict."<sup>49</sup>

*Beizaras and Levickas v. Lithuania* (2020)<sup>50</sup> is a landmark decision in terms of hate speech against LGBTI persons, as it establishes a violation of positive obligations not only in relation to Article 14 of the ECHR in conjunction with Article 8, but also a separate violation of Article 13, where failure to recognize prejudice-motivated crime means that "crimes motivated by prejudice would inevitably be treated in the same way as ordinary cases without such overtones, and the resulting indifference would be tantamount to official tacit acceptance or even complicity in hate crime." The Court also endorsed a referenced decision by the Constitutional Court of Lithuania, which stated that "*attitudes or stereotypes prevailing among the majority of society over a certain period of time cannot serve as a justification for discriminating against persons solely on the basis of their sexual orientation, or to restrict the right to protection of private life.*"

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<sup>47</sup> ECHR 241 (2023) <https://www.echr.coe.int/w/70-years-since-the-european-convention-on-human-rights-entered-into-force-on-3-september-1953>

<sup>48</sup> ECHR-KS Key theme – Articles 8, 13 and 14 Protection against hate speech <https://ks.echr.coe.int/documents/d/echr-ks/protection-against-hate-speech>

<sup>49</sup> Lilliendahl v. Iceland, Application no. 29297/18, May 12, 2020: <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-203199%22%5D%7D>

<sup>50</sup> *Beizaras and Levickas v Lithuania*, Applications no [41288/15](#), 14 January 2020

Other relevant cases include:

On obligations under Articles 3, 8, 11, and 14 of the ECHR:

*ACCEPT and Others v. Romania (2021)*:<sup>51</sup> The Court found that the authorities violated Article 14 in conjunction with Article 8 by failing to ensure that an LGBT event (a public film screening depicting a same-sex family) could be held peacefully by adequately restricting counter-demonstrators and effectively investigating homophobic insults and threats directed at participants.

*Genderdoc-M and M.D. v. Moldova (2021)*:<sup>52</sup> The judgment found a violation of Article 14 in conjunction with Article 11 and reinforced the obligation of states to actively investigate acts of violence against LGBTI persons for underlying prejudice, rather than waiting for the persons concerned to explicitly describe the acts as hate crimes.

*Oganezova v. Armenia (2022)*:<sup>53</sup> The Court found that the authorities had failed to provide protection and investigate an aggressive homophobic campaign against an LBT woman, thereby violating Article 3 in conjunction with Article 14.

*Nepomnyashchiy and Others v. Russia (2023)*:<sup>54</sup> In cases where LGBTI applicants brought criminal and civil cases against homophobic statements by Russian politicians, the Court found that even though the authorities claimed that there was no specific protection for LGBTI persons as a social group in Russian law, European human rights law still obliges states to protect individuals affected by hate speech under the broader rights to privacy (Article 8) and non-discrimination (Article 14).

On the application of protection under Article 10 of the ECHR:

*Vejdeland and Others v. Sweden (2012)*:<sup>55</sup> The Court emphasised that hate speech against sexual minorities is not protected under Article 10 of the ECHR if it constitutes serious and harmful attacks on their dignity. The judgment confirmed that “even though [the statements on the flyers distributed by the applicant at a public school in Sweden] did not directly incite individuals to commit hateful acts, they are serious and harmful allegations” and that “hatred does not necessarily imply an incitement to violence.”

*Delfi AS v. Estonia (2015)*:<sup>56</sup> The first case in which the Court considered platform liability for user-generated content. The Court found that Estonian courts had not violated Article 10 of the ECHR by fining the largest news portal in Estonia for the content of user comments under one of the portal's articles, and ruled that the risk of harm from content and communication on the Internet is higher than the risk of such speech in the print media.

*Lenis v. Greece (2023)*:<sup>57</sup> The Court considered whether the prosecution and conviction of a Greek Orthodox priest for a homophobic article on his blog constituted a violation of his freedom of expression under Article 10, and the court found that statements denying the human nature of

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<sup>51</sup> *Association ACCEPT and Others v. Romania*, Application no. [19237/16](#), 1 June 2021

<sup>52</sup> *Genderdoc-M and M.D. v. Moldova*, Application no. [23914/15](#), 14 December 2021

<sup>53</sup> *Oganezova v. Armenia*, Applications nos. [71367/12](#) and [72961/12](#), May 17, 2022

<sup>54</sup> *Nepomnyashchiy and Others v. Russia*, Applications nos. [39954/09](#) and [3465/17](#), May 30, 2023

<sup>55</sup> *Vejdeland and others v. Sweden*, Application no. [1813/07](#), February 9, 2012

<sup>56</sup> *Delfi AS v. Estonia*, Application no. [64569/09](#), June 16, 2015

<sup>57</sup> *Lenis v. Greece*, Application no. [47833/20](#), June 27, 2023

LGBTI persons and inciting violence fall under Article 17 of the ECHR (prohibition of abuse of rights), and upheld the authorities' conviction.

### **Relevant recommendations from the Committee of Ministers of the Council of Europe**

*Recommendation CM/Rec(2010)5*<sup>58</sup> on measures to combat discrimination on grounds of sexual orientation or gender identity specifically addresses the human rights of LGBTI persons, and includes the obligation to protect this group from hate speech and hate crimes. This recommendation forms the basis for the review of Norway's implementation of measures against SOGIESC-based hate speech.

*Recommendation CM/Rec(2025)7*<sup>59</sup> on equal rights for intersex persons recognises the unique experiences, challenges, and vulnerabilities of intersex persons<sup>60</sup> and encourages member states to incorporate sex characteristics as a protected ground in legislation on hate crimes and hate speech, supported by systematic data collection and monitoring that also covers people with variations of sex characteristics (intersex people).

*Recommendation CM/Rec(2022)16*<sup>61</sup> on combating hate speech marks a significant development in the Council of Europe's approach to regulating hate speech. Unlike its predecessor CM/Rec(97)20, which focused largely on racist and xenophobic speech in traditional media, the 2022 instrument offers a comprehensive and updated framework for addressing hate speech in the context of amplified digital dissemination, democratic disruption, and intersectional harms. The Recommendation explicitly recognises that hate speech can be directed at individuals because of their “real or attributed personal characteristics” and refers to a non-exhaustive list of protected characteristics, thereby broadening its scope.

*Recommendation CM/Rec(2018)2*<sup>62</sup> on the roles and responsibilities of internet intermediaries specifies that platforms/third-party services on the internet must operate in accordance with respect for human rights, remove illegal hate content, cooperate with authorities, and ensure legal certainty and transparency.

### **The European Commission against Racism and Intolerance (ECRI) – General Policy Recommendations (GPRs)**

In *GPR No. 15 (2015)*,<sup>63</sup> ECRI provided a definition of hate speech that includes negative stereotyping, insults, or threats directed at individuals based on personal characteristics, including sexual orientation and gender identity. The recommendation calls for a coordinated response and proportionate criminalisation of the most extreme forms of such hate speech. GPR No. 15 thus establishes hate speech directed at individuals on the basis of sexual orientation and gender identity as a legitimate legal concern and provides a framework for a societal response.

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<sup>58</sup> <https://www.coe.int/en/web/sogi/rec-2010-5>

<sup>59</sup> <https://search.coe.int/cm?i=091259488028b934>

<sup>60</sup> Persons who have innate variations of sex characteristic(s), including chromosomal, gonadal, anatomical or hormonal, that vary from the societal and/or medical understanding of typical female and male bodies.

<sup>61</sup> <https://search.coe.int/cm?i=0900001680a67955>

<sup>62</sup> <https://search.coe.int/cm?i=0900001680790e14>

<sup>63</sup> <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.15>

GPR No. 17 (2023)<sup>64</sup> addresses the human rights of LGBTI persons across the entire spectrum of SOGIESC grounds for the first time and calls for comprehensive measures in the areas of prevention, protection, investigation, prosecution, and institutional policy coordination. As a supplement to GPR No. 15, GPR No. 17 provides tailored guidelines for combating anti-LGBTI harassment, particularly in digital environments and through cross-sectoral institutional reforms.

## Resolutions

In 2010, the Parliamentary Assembly (PACE) adopted *Resolution 1728 (2010)*<sup>65</sup>, which confirms that hate speech based on sexual orientation and gender identity is incompatible with human rights law. The resolution calls on member states to condemn such speech and protect LGBT people, while upholding Article 10 of the ECHR.

In 2015, *PACE Resolution 2048 (2015)*<sup>66</sup> on discrimination against transgender people in Europe highlighted for the first time the need for specific protection measures for transgender persons and called for the systematic collection and analysis of data, including mapping transphobic hate speech as a separate category.

*PACE Resolution 2417 (2022)*<sup>67</sup> on combating rising hate against LGBTI people in Europe reflects the evolving understanding of anti-LGBTI hatred as a growing and systemic problem in Europe. The resolution recognises hate speech against LGBTI persons as a direct threat to democracy and fundamental rights, and recommends that all SOGIESC grounds be included in legislation, including criminal law.

*Resolution 470 (2021)*<sup>68</sup> from the Council of Europe Congress of Local and Regional Authorities on the role of local and regional authorities in protecting LGBTI persons in light of increasing hate speech and discrimination against LGBTI persons, emphasises the critical need to protect the human rights and equality of LGBTI persons in order to safeguard democracy. It calls on local and regional authorities to develop clear ethical guidelines prohibiting hate speech based on SOGIESC.

### A1.2. The European Union (EU)

#### Primary legislation

The EU Charter of Fundamental Rights<sup>69</sup> does not explicitly mention or define hate speech, but it prohibits discrimination on various grounds, including sexual orientation (but not gender identity and expression or sex characteristics) in Article 21. This article provides the broad framework for addressing hate speech that stems from discrimination based on the aforementioned grounds at the EU level. Articles 1 (on human dignity) and 7 (on respect for private and family life) provide further grounds for preventing and combating hate speech. The Charter was the first international

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<sup>64</sup> <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.-17>

<sup>65</sup> <https://pace.coe.int/en/files/17853/html>

<sup>66</sup> <https://pace.coe.int/en/files/21736/html>

<sup>67</sup> <https://pace.coe.int/en/files/29712/html>

<sup>68</sup> <https://rm.coe.int/resolution-470-2021-en-protection-of-lgbti-people-current-affairs-comm/1680a2dfe6>

<sup>69</sup> Charter of Fundamental Rights of the European Union (2000/C 364/01) [https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf)

human rights document to explicitly prohibit discrimination on the basis of "sexual orientation" in Article 21(1).<sup>70</sup>

The Treaty on the Functioning of the European Union (TFEU) mentions sexual orientation among the protected grounds in Article 19 (on non-discrimination).<sup>71</sup> However, hate crime and hate speech are not among the types of crime with a cross-border dimension for which the European Parliament and the Council may establish minimum rules under Article 83(1), known as "EU crimes."<sup>72</sup>

The European Commission has stated that all forms of hatred, including hate speech, are incompatible with the EU's common values and fundamental rights.<sup>73</sup> In December 2021, the Commission adopted a communication<sup>74</sup> proposing to extend the list of EU crimes under Article 83(1) to include hate speech and hate crime, in the hope of triggering a decision by the European Council that would enable the Commission to strengthen secondary legislation to combat hate speech and hate crime in the EU.<sup>75</sup> To date, the proposal has received support from the European Parliament (January 2024), while it has been challenging to reach consensus in the Council.<sup>76</sup> The communication is explicitly framed as a response to threats to the EU's common values, the rule of law, and democracy.

### Secondary legislation

EU law, through Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law, criminalises hate speech and hate crime,<sup>77</sup> in relation to a limited set of characteristics,<sup>78</sup> which does not include sexual orientation, gender identity and expression, or sex characteristics.<sup>79</sup> Although the SOGIESC grounds are not covered, the approach of requiring states to legislate against hate speech on defined grounds provides an important template for codifying protected grounds in legislation through harmonisation instruments.

The 2012 Directive on victims' rights,<sup>80</sup> unlike the 2008 Framework Decision, does not make protection under EU law conditional on victims belonging to a specific group, i.e. it is ground-neutral. Through a needs-based logic, it requires individual assessments in all cases to identify and accommodate specific protection needs. Once a certain threshold is reached (incitement to violence or hatred), this also means that protection against hate speech and support schemes for LGBTI persons can be developed and applied in member states even without specific

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<sup>70</sup> De Groot and Immenkamp 2025

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/767219/EPRS\\_BRI\(2025\)767219\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/767219/EPRS_BRI(2025)767219_EN.pdf)

<sup>71</sup> The current list of crimes includes terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime, and organized crime [https://eur-lex.europa.eu/eli/treaty/tfeu\\_2008/art\\_19/oj/eng](https://eur-lex.europa.eu/eli/treaty/tfeu_2008/art_19/oj/eng)

<sup>72</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12008E083>

<sup>73</sup> Immenkamp 2024a. <https://epthinktank.eu/2024/11/04/criminalisation-of-hate-speech-and-hate-crime-in-selected-eu-countries/>; European Commission [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/combating-hate-speech-and-hate-crime\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/combating-hate-speech-and-hate-crime_en)

<sup>74</sup> European Commission COM(2021)777: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52021DC0777>

<sup>75</sup> <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF>

<sup>76</sup> European Parliament (2025): <https://www.europarl.europa.eu/legislative-train/theme-protecting-our-democracy-upholding-our-values/file-hate-crimes-and-hate-speech>

<sup>77</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law [https://eur-lex.europa.eu/eli/dec\\_framw/2008/913/oj/eng](https://eur-lex.europa.eu/eli/dec_framw/2008/913/oj/eng)

<sup>78</sup> Race, skin color, religion, descent, or national or ethnic origin.

<sup>79</sup> Immenkamp 2024b: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762389/EPRS\\_BRI\(2024\)762389\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/762389/EPRS_BRI(2024)762389_EN.pdf)

<sup>80</sup> <https://eur-lex.europa.eu/eli/dir/2012/29/oj/eng>

SOGIESC protections in legislation. Over time, this has been interpreted by EU bodies to include intersectional vulnerabilities, particularly for LGBTI persons. For example, the FRA stated that "when implementing the Victims' Rights Directive and with regard to the rights of victims of crimes committed with discriminatory motives, Member States should interpret 'discrimination' as relating to all characteristics protected under Article 21 of the Charter",<sup>81</sup> including sexual orientation. In 2023, the Commission developed a proposal<sup>82</sup> to amend the 2012 Directive, which explicitly includes sexual orientation among the personal characteristics of victims to be considered. The legislative process for the revised Directive is ongoing.

The 2024 Directive on combating violence against women and domestic violence<sup>83</sup> addresses the prevention and combating of violence against women. It is a breakthrough in EU law on hate speech in that it criminalises hate speech based on gender. In contrast to the narrow list of protected grounds in the 2008 Framework Decision, it sets a precedent for the expansion of protected characteristics in EU-level criminal law and makes the future inclusion of SOGIESC grounds more legally feasible, particularly by recognising the relevance of intersectional discrimination and explicitly mentioning LGBTI persons in this context. Although "gender" is not defined, the decision to refer to "gender" rather than "biological sex" provides room for interpretation for member states to extend protection to a broader range of gender identities and expressions, including non-binary and transgender persons, as well as to intersex persons

The EU's Digital Services Act (DSA)<sup>84</sup> sets out procedural obligations for platforms to address systemic risks, in particular the spread of illegal content and threats to fundamental rights, meaning that any hate speech that is illegal under EU or national law requires platforms to address it under the DSA. It strengthens the impact of the Code of Conduct on countering illegal hate speech online,<sup>85</sup> adopted in 2016, by establishing consequences for non-compliance. The 2018 revisions to the Audiovisual Media Services Directive<sup>86</sup> extend EU content regulation to include video-sharing platforms (as opposed to the very large online platforms covered by the DSA). The DSA is platform-neutral and requires platforms to protect users from hate speech regardless of the basis for victim status, i.e., broad and comprehensive handling of hate speech. It also allows for alternative interventions beyond criminal law, where standards can be influenced through co-regulation and public accountability mechanisms.

In 2025, the revised Code of Conduct<sup>87</sup> was integrated into the DSA framework, which requires national data to be disaggregated by grounds such as race, ethnicity, religion, gender identity, or sexual orientation.<sup>88</sup>

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<sup>81</sup> FRA Opinion – 2/2013 – Framework Decision on Racism and Xenophobia [https://fra.europa.eu/sites/default/files/fra-opinion-2-2013-framework-decision-racism-xenophobia\\_en.pdf](https://fra.europa.eu/sites/default/files/fra-opinion-2-2013-framework-decision-racism-xenophobia_en.pdf)

<sup>82</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023PC0424>

<sup>83</sup> <https://eur-lex.europa.eu/eli/dir/2024/1385/oj/eng>

<sup>84</sup> [https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-services-act\\_en](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-services-act_en)

<sup>85</sup> European Commission: [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en)

<sup>86</sup> <https://eur-lex.europa.eu/eli/dir/2018/1808/oj/eng>

<sup>87</sup> European Commission (2025): <https://digital-strategy.ec.europa.eu/en/library/code-conduct-countering-illegal-hate-speech-online>

<sup>88</sup> DNS.PT (2025): <https://www.pt.pt/en/blog/code-of-conduct-plus-hate-speech/>

## Resolutions of the European Parliament

In 2019, the European Parliament adopted a resolution on public discrimination and hate speech against LGBTI persons, including LGBTI-free zones,<sup>89</sup> which condemns hate speech offline and online on all grounds and calls on member states to develop mechanisms for reporting hate speech and ensure that all cases are effectively investigated, prosecuted, and tried in court.

## Action plans and strategies

In 2020, the European Commission adopted its first LGBTIQ Equality Strategy, covering the period 2020–2025.<sup>90</sup> Under the motto "Union of Equality" and based on the fundamental rights of equality and non-discrimination, the Strategy is structured around four pillars – one of which is to ensure the safety of LGBTIQ people and thus protect them from hate speech and hate crime.<sup>91</sup> In 2025, the second LGBTIQ+ equality strategy, covering the period 2026–2030,<sup>92</sup> was adopted. The first pillar concerns protection against discrimination, harassment, and violence. The Strategy points out that "LGBTIQ+ people and women are increasingly targeted by anti-gender narratives online, often as part of foreign information manipulation and interference (FIMI) and disinformation campaigns." It highlights that foreign actors are increasingly well-funded and use FIMI to manipulate public opinion, create polarisation, and disrupt democratic processes in the EU and globally, and that this is "a direct challenge to the EU's core values of equality, respect for human dignity, and non-discrimination."

The EU Action Plan on Democracy (2020)<sup>93</sup> refers to hate speech and disinformation as intertwined factors that prevent vulnerable groups, including LGBTI people, from participating in society,<sup>94</sup> thereby contributing to democratic destabilisation. In this sense, the plan explicitly recognises hate speech as a driver of disinformation campaigns and extends the political imperative to act against hate speech directed at LGBTI persons as a measure to protect democracy.

### A1.3. The United Nations (UN)

Binding UN treaties remain relatively limited in terms of explicitly recognising SOGIESC-based hate speech, although the UN human rights system has gradually expanded a normative framework that recognizes hate speech both as a violation of human dignity and as a threat to democratic participation.

The International Covenant on Civil and Political Rights (ICCPR)<sup>95</sup> reflects the original tension in international law between freedom of expression (Article 19) and the prohibition of incitement to discrimination, hostility, or violence (Article 20(2)). The UN Human Rights Committee's General Comment No. 34<sup>96</sup> clarifies the relationship between these two articles and states that

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<sup>89</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52019IP0101>

<sup>90</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0698>

<sup>91</sup> Molter (2022): <https://beobachtungsstelle-gesellschaftspolitik.de/f/58c1a1e9f7.pdf>

<sup>92</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52025DC0725>

<sup>93</sup> [https://commission.europa.eu/publications/documents-european-democracy-action-plan\\_en](https://commission.europa.eu/publications/documents-european-democracy-action-plan_en)

<sup>94</sup> European Commission (2020): <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0790>

<sup>95</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>96</sup> <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

restrictions on freedom of expression are permitted in cases of incitement to hatred, providing a three-part test of necessity, legality, and proportionality.

The 2012 Rabat Plan of Action<sup>97</sup> further defines how member states should interpret Article 20(2) of the ICCPR and has thus developed the international standard for assessing hate speech through a six-part threshold test that critically includes the likelihood of harm and opens the door to regulation of digital spaces by highlighting the potential for rapid dissemination of harmful speech via online platforms.

The UN Independent Expert on Sexual Orientation and Gender Identity (IE SOGI) has consistently identified hate speech, particularly online, as a structural driver of violence, exclusion, and democratic marginalisation.

The UN Strategy and Plan of Action on Hate Speech from 2019<sup>98</sup> aims to address the underlying causes of hate speech as a threat to social cohesion, while upholding freedom of expression and clarifying how such a response does not constitute a threat to freedom of expression. It refers explicitly to identity-based hate speech, with the UN Secretary-General clearly linking this to the need to protect LGBTI people in his speech to the UN Core Group Meeting in 2019, and distinguishes between freedom of expression and permission to hate.<sup>99</sup>

UNESCO's 2023 guidelines for the governance of digital platforms<sup>100</sup> emphasise transparency, risk reduction, and democratic accountability in how platforms regulate hate speech and disinformation. The document explicitly highlights the disproportionate impact of online hate speech on marginalised communities.

### **Other relevant standards**

Although not legally binding in themselves, the Yogyakarta Principles (2006) and the Yogyakarta Principles Plus 10 (2017)<sup>101</sup> provide guidance to states, courts, and civil society on the application of existing human rights law on a SOGIESC basis. Principle 36 in particular reflects the growing understanding of violations based on gender expression and sex characteristics, as well as the emergence of hate speech online, and outlines the state's obligations to take all necessary measures to prevent, remedy, and eliminate hate speech online based on SOGIESC grounds.

## **A2. Consequences of hate speech and accounting for intersectionality**

Hate speech and other forms of hate crime have a wide range of negative consequences for the individuals exposed to them, the minority groups they belong to, and society in general.<sup>102</sup> Hate

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<sup>97</sup> <https://www.ohchr.org/en/documents/outcome-documents/rabat-plan-action>

<sup>98</sup> <https://www.un.org/en/hate-speech/un-strategy-and-plan-of-action-on-hate-speech>

<sup>99</sup> <https://www.un.org/sg/en/content/sg/statement/2019-09-24/secretary-generals-message-the-un-core-group-meeting-ending-hate-speech-against-lgbt-people-social-and-traditional-media-freedom-of-speech-vs-license-hate>

<sup>100</sup> <https://www.unesco.org/en/internet-trust/guidelines>

<sup>101</sup> <https://yogyakartaprinciples.org/>

<sup>102</sup> See, for example, the report "Hateful statements online" (2021) published by the Equality and Anti-Discrimination Ombud: <https://ldo.no/content/uploads/2024/06/Hatefulle-yringer-pa-nett-2021.pdf>

Bell, J. & Perry, B. (2015) Outside looking in: the community impacts of anti-lesbian, gay, and bisexual hate crime. *Journal of Homosexuality*. 62(1): 98–120.

crime and hate speech have therefore increasingly been recognised as a democratic challenge and have led to a number of action plans and strategies from authorities in Norway<sup>103</sup> and other European countries.

Below is a brief overview of some of these negative consequences at the individual, group, and societal levels:

- Unlike other forms of crime, hate speech is directed at the (perceived) characteristics of the victims and their affiliation with a minority group.<sup>104</sup> The consequences of hate speech to which victims are exposed online and offline are often difficult to distinguish, reflecting the fact that the effects of hate speech cut across virtual and physical arenas.<sup>105</sup>
- Among LGBTI persons, the degree of visible difference and the number of societal norms they break can be decisive in determining how often they are exposed to hate speech.
- People who do not conform to gender expression norms therefore appear to be particularly vulnerable.<sup>106</sup>
- Other particularly vulnerable members of the diverse group of LGBTI persons are those who also have other minority backgrounds or identities, who may, for example, experience hate speech directed both at their ethnic minority background and at a gender expression that breaks with dominant binary gender norms.<sup>107</sup>
- Hateful comments and threats can also have negative consequences for the mental health of those affected. For example, LGBTI residents who have been victims of hate crimes have lower mental well-being, but also less trust in the police and less willingness to report future hate crimes compared to those who have not been victims.<sup>108</sup>
- Experiences of hate speech, harassment, and discrimination can also affect victims' trust in social institutions. For example, transgender people with disabilities are particularly vulnerable and express far lower levels of trust in politicians and key social institutions (including the healthcare system) than other groups of LGBTI people.<sup>109</sup>

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Eggebø, H. & Stubberud, E. (2016). Hateful statements - Sub-report 2: Research on hate and discrimination. Report 2016:15. Oslo: Institute for Social Research

<sup>103</sup> Spurkland, K., Kierulf, A. & Hansen, I. (2023). *Hate crime*. Gyldendal Norsk Forlag.

<sup>104</sup> Farrell, A. & Lockwood, S. (2022). Addressing Hate Crime in the 21st Century: Trends, Threats, and Opportunities for Intervention. *Annual Review of Criminology*, 6: 107-130. <https://doi.org/10.1146/annurev-criminol-030920-091908>

<sup>105</sup> Awan, I., & Zempi, I. (2016). The affinity between online and offline anti-Muslim hate crime: Dynamics and impacts. *Aggression and Violent Behavior*, 27: 1–8. <https://doi.org/10.1016/j.avb.2016.02.001>

<sup>106</sup> See, for example: Eggebø, H., Karlstrøm, H., & Stubberud, E. (2020). Discrimination and social exclusion of queer people with immigrant backgrounds. *Journal of Gender Research*, 44(2), 132-152.

Anderssen, N., Eggebø, H., Stubberud, E., & Holmelid, Ø. (2021). *Sexual orientation, gender diversity, and living conditions. Results from the 2020 survey*. Department of Social Psychology, University of Bergen.

<sup>107</sup> Eggebø, H., Karlstrøm, H., & Stubberud, E. (2020). Discrimination and social exclusion of queer people with immigrant backgrounds. *Journal of Gender Research*, 44(2), 132-152.

Akin, D., Wold, L.K., Stokke, M., and Skarli, J.B. (2022). In search of safety: Integration of LGBTIQ+ refugees in Norway. Lillehammer: Østlandsforskning.

Eggebø, H., Stubberud, E., and Karlstrøm, H. (2018). Living conditions among queer people with immigrant backgrounds in Norway. Bodø: Nordlandsforskning.

<sup>108</sup> Feddes, A.R., & Jonas, K.J. (2020). Associations between Dutch LGBT hate crime experience, well-being, trust in the police and future hate crime reporting. *Social Psychology*, 51(3): 171–182. <https://doi.org/10.1027/1864-9335/a000409>

<sup>109</sup> See the 2024 report by Unge funksjonshemmede on the experiences of transgender persons with disabilities (2024): <https://ungefunksjonshemmede.no/rapporter/trans-og-funkis-m%C3%B8tet-med-samfunnet>

- Experiencing or observing hate speech can contribute to mental stress for LGBTI people and other people from minority backgrounds.<sup>110</sup> Such "minority stress"<sup>111</sup> can also cause LGBTI people to avoid certain public arenas or refrain from participating in public debate.<sup>112</sup> The limiting effect of hate speech on the participation of LGBTI people is also detrimental to democracy.<sup>113</sup>
- These limiting and negative effects of hate speech can be further exacerbated by online practices such as "shadow banning," where words and expressions that are common in content intended to highlight LGBTI voices or to protect the human rights of LGBTI people are restricted or not displayed to others. This happens because certain common words and expressions are misclassified, for example as "sexualised content" even though they are not.<sup>114</sup> This further contributes to reducing the visibility, participation, and freedom of expression of LGBTI people and defenders of LGBTI human rights online.
- Hateful speech is part of a wider spectrum of hatred and prejudice experienced by LGBTI persons, and such negative experiences can have a limiting effect on their citizenship, thereby violating the principle that all citizens should be treated as equal members of society and have equal opportunities for active participation in political and civil society.
- This must be seen in the context of the international mobilisation of the "anti-gender movement," which, among other things, challenges the human rights of LGBTI people.<sup>115</sup>
- The Norwegian Media Authority's (2021) survey of the general population<sup>116</sup> showed that hate speech was the most common form of harassment they experienced online. Of those who had experienced harassment, four out of ten responded that they had become more cautious about expressing their opinions on the internet, and two out of ten responded that they had stopped participating in debates altogether.
- The consequences of criminally punishable hate speech should also be understood in relation to other statements and actions that violate personal integrity but that are not necessarily criminal offences. Such hate speech may form part of a continuum of abuses of varying severity, the cumulative effect of which constitutes a broader overall harm.
- The potential harm and impact of hate speech also depends, among other things, on who is expressing it and their position in society. For example, hate speech that is deliberately and publicly expressed by an elected politician, which receives widespread attention and dissemination, can have a greater symbolic effect and negative repercussions than an anonymous person expressing hate speech in an online comment field that reaches only a few people.

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<sup>110</sup> See, for example, the report from the Norwegian SINTEF (2024): Experiences with minority stress. <https://www.sintef.no/contentassets/b2e7c53eda434a038898993874b2b925/rapport-fra-erfaringer-med-minoritetsstress-sintef-20-juni-2024---signed.pdf>; and research results from the Institute for Social Research (2017): <https://hdl.handle.net/11250/3314981>

<sup>111</sup> Minority stress refers to the "additional burden experienced by individuals belonging to marginalised groups in society by virtue of their membership in one or more such groups, which may manifest, inter alia, in mental ill health." Page 58: Stubberub, E., Eggebø, H., & Anderssen, N. (2022). Skeive liv: Felles fortellinger på tvers av forskjeller. Lambda Nordica, 26(4-1), 50-73. <https://doi.org/10.34041/ln.v26.763>

<sup>112</sup> See, for example, research results from the Institute for Social Research (2017): <https://hdl.handle.net/11250/3314981>

<sup>113</sup> <https://www.medietilsynet.no/globalassets/publikasjoner/kritisk-medieforstaelse/2022-rapport-hatefulle-ytringer.pdf>

<sup>114</sup> Shadowbanning is a practice on social media where a user or their content is hidden or subject to severely limited visibility without the user being notified. See, for example: [https://www.isdglobal.org/digital\\_dispatches/five-year-overview-of-the-online-and-offline-anti-lgbtq-landscape/](https://www.isdglobal.org/digital_dispatches/five-year-overview-of-the-online-and-offline-anti-lgbtq-landscape/)

<sup>115</sup> See, for example: Engebretsen, E.L. (2022). Scientizing Gender? An Examination of Anti-Gender Campaigns on Social Media, Norway. In: Eslen-Ziya, H., Giorgi, A. (eds) Populism and Science in Europe. Palgrave Studies in European Political Sociology. Palgrave Macmillan, Cham. <https://doi.org/10.1007/978-3-030-97535-7>

<sup>116</sup> [210427-kmf-2021-sub-report-2-harassment-and-hatred.pdf](https://hdl.handle.net/11250/3314981)

- Related to the above point, the Council of Europe's Committee of Ministers states in its Recommendation CM/Rec(2022)16<sup>117</sup> that when assessing the seriousness of hate speech (and the type of responsibility of the person making such a statement), the authorities of the member states and other actors should, in line with relevant case law from the European Court of Human Rights, take into account the following factors and the interaction between them "the content of the statement; the political and social context at the time of the statement; the intention of the person making the statement; the position and status of the person making the statement in society; how the statement is communicated or amplified; the statement's ability to cause harmful consequences, including how imminent such consequences are; the type and size of the audience, as well as the characteristics of the group affected."

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<sup>117</sup> See point 4 in the recommendation: <https://search.coe.int/cm?i=0900001680a67955>

## B. Norwegian legislation, public policy, and preventive measures, as well as promising practices

This section presents an overview of Norway's measures to combat SOGIESC-based hate speech in three different areas: legislation, implementation of legislation and public policy, and prevention. In addition, particularly promising practices are highlighted to provide examples that are also relevant to other member states.

6. "Member States should take appropriate measures to combat all forms of expression, including in the media and on the Internet, which can reasonably be understood as likely to incite, spread or promote hatred or other forms of discrimination against lesbian, gay, bisexual and transgender persons. Such 'hate speech' should be prohibited and publicly condemned when it occurs. All measures should respect the fundamental right to freedom of expression in accordance with Article 10 of the Convention and the case law of the Court."

CM/Rec(2010)5

### B1. Legislation

Below is a description of the Norwegian legislation that is most relevant for combating hate speech against LGBTI persons. This mainly includes criminal law provisions, which are described first, but also other legal rules, which are described at the end.

#### Criminal law

- Section 185 of the Penal Code establishes criminal law protection against hate speech, in line with Recommendation CM/Rec(2010)5.
- According to Section 185 of the Penal Code,<sup>118</sup> hate speech is "the act of threatening or insulting someone, or promoting hatred, persecution or contempt towards someone because of their"
  - a. skin colour or national or ethnic origin,
  - b. religion or belief,
  - c. sexual orientation,
  - d. gender identity or gender expression, or
  - e. disability.
- The law applies to statements made publicly or to a person affected by them, regardless of whether the statements are made online or offline, including on social media.
- In a legislative amendment in 2020, "gender identity or gender expression" were added as protected grounds, in Section 185, which applies to hate speech and other provisions in the Penal Code that apply to hate crimes. At the same time, the wording "homosexual

<sup>118</sup> See section 185 of the Penal Code: <https://lovdata.no/lov/2005-05-20-28/s185>

orientation" was replaced with "sexual orientation" in these provisions. The changes came into force on 1 January 2021.

- These changes were made as part of efforts to strengthen protection against discrimination and ensure that the legislation is inclusive and up to date in line with today's understanding of gender and sexual diversity.
- In 2022, the first Supreme Court judgment on hate speech against a transgender person was handed down, in which the aforementioned amendment to the law was applied.<sup>119</sup>
- Sex characteristics are not included as a protected basis in Section 185 of the Penal Code. The preparatory work for the Penal Code and Section 185 refers to the use of the terms "gender identity" and "gender expression" in several acts: "The Ministry has considered alternative formulations, but has placed decisive emphasis on the fact that the terms 'gender expression' and 'gender identity' are used in a number of laws that prohibit discrimination, including the Equality and Anti-Discrimination Act, the Working Environment Act, the Tenancy Act, the Co-operative Housing Act, the Condominium Act, and the Housing Construction Act."<sup>120</sup> With regard to the interpretation of the expressions, reference is made specifically to the following statement in the preparatory works for the former Anti-Discrimination Act: "Gender identity refers to what kind of gender we feel and experience ourselves as. This feeling or experience may be consistent or break with one's biological sex. Gender expression means how gender identity is consciously or unconsciously expressed or perceived by others, for example with voice, clothing, body language, make-up or hairstyle".<sup>121</sup>
- Although the preparatory work for the Equality and Anti-Discrimination Act states that the terms gender expression and gender identity shall also provide protection for intersex persons<sup>122</sup>, there is no basis for interpreting the corresponding expressions in the Penal Code in the same way, so that they include statements and other actions that are motivated by negative attitudes towards intersex people. However, in sentencing for criminal offences, it may be an aggravating factor if the act has its background in circumstances that are offensive to groups with a special need for protection. This can include intersex people.<sup>123</sup>
- A previous report<sup>124</sup> on the legal situation of persons with variations of sex characteristics (intersex persons) also pointed out that gender expression is not an ideal legal term to refer to sex characteristics or to providing protection to intersex persons.
- According to Section 185 of the Penal Code, "anyone who intentionally or through gross negligence publicly makes a discriminatory or hateful statement" is punishable by a fine or imprisonment for up to three years. The use of symbols also counts as a statement. Anyone who, in the presence of others (not publicly, thus with a lower penalty),

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<sup>119</sup> <https://lovdata.no/dokument/HRSTR/avgjorelse/hr-2022-1843-a?q=transperson>

<sup>120</sup> This is discussed in section 8.3.3, page 70: [Prop. 66 L \(2019–2020\)](#)

<sup>121</sup> See section 21.4, page 153 of Prop. 66 L (2019–2020):

<https://www.regjeringen.no/contentassets/ebc345549f9f441e9dcee7a91fb214dc/no/pdfs/prp201920200066000dddpdfs.pdf>

<sup>122</sup> See page 313 in Prop. 81 L (2016–2017): "The grounds for discrimination based on gender identity and gender expression provide protection for transgender and intersex persons." <https://www.regjeringen.no/no/dokumenter/prop.-81-l-20162017/id2547420/?ch=32>

<sup>123</sup> Confirmed in the input provided by the Ministry of Justice and Public Security on the draft report.

<sup>124</sup> See chapter 3 of the report (2018): Law and Intersex in Norway: Challenges and Opportunities [https://www.academia.edu/71933387/Law\\_and\\_Intersex\\_in\\_Norway\\_Challenges\\_and\\_Opportunities](https://www.academia.edu/71933387/Law_and_Intersex_in_Norway_Challenges_and_Opportunities)

intentionally or through gross negligence makes such a statement to a person affected by it may be punished by a fine or imprisonment for up to one year.<sup>125</sup>

- Section 185 of the Penal Code must be interpreted with Section 100 of the Constitution on freedom of expression as a guideline. In its 2022 report, the Freedom of Expression Commission stated that "A major objection to the hate speech provision has been that it may have a chilling effect on public discourse," and the commission therefore presented two alternative proposals<sup>126</sup> for amended wording in Section 185 that could make the legal text more generally understandable and clarify what is punishable.<sup>127</sup> The proposal has been subject to public consultation, which was concluded several years ago. The wording of Section 185 has not yet been amended, and there is no indication of political processes underway to consider or implement such a change.
- The Supreme Court has ruled that when the criminality of statements is assessed by the courts, it is decisive "how the average person would perceive the statement based on the context in which it was made."<sup>128</sup> The defendant's own motivation for the act is not, in principle, decisive.
- The courts often refer to the preparatory work for Section 185, which states that "the interpretation of a statement must be made in light of the context in which the statement was made."<sup>129</sup> The courts distinguish between statements made in connection with a political debate or as a public expression of opinion and "purely harassing statements." The first category of statements enjoys much stronger protection under freedom of expression.<sup>130</sup>
- This is in line with the Council of Europe's Recommendation CM/Rec(2022)16,<sup>131</sup> which emphasises that criminal sanctions against hate speech must continue to "respect freedom of expression and freedom of information, including criticism and information that may be perceived as offensive, shocking, or disturbing to the member state or parts of the population."
- The Supreme Court has expressed that society should have "a relatively spacious margin for tasteless expressions",<sup>132</sup> which means that the threshold for what is permitted to be said, even if the expressions may be perceived as degrading and unpleasant to others, must not be set too low.
- The Supreme Court has specified that hate speech must be "qualifiably offensive" in order to cross the threshold of criminal liability, such as statements that "encourage or endorse violations of integrity" or "involve a gross devaluation of a group's human dignity."<sup>133</sup>

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<sup>125</sup> <https://lovdata.no/lov/2005-05-20-28/§185>

<sup>126</sup> See the proposed new wording: <https://www.regjeringen.no/no/dokumenter/nou-2022-9/id2924020/?ch=11#kap10-7-1>

<sup>127</sup> See pages 208-210 in the Freedom of Expression Commission's report (2020):

<https://www.regjeringen.no/contentassets/489a604a3dc849438b1d203539c2cb53/no/pdfs/stm202420250013000dddpdfs.pdf>

<sup>128</sup> See section 26 of <https://lovdata.no/dokument/HRSTR/avgjorelse/hr-2020-2133-a>; and

section 30: <https://lovdata.no/dokument/HRSTR/avgjorelse/hr-2020-184-a?q=HR-2020-184-A>

<sup>129</sup> Page 343 in Ot.prp. no. 22 (2008-2009):

<https://www.regjeringen.no/contentassets/380dda240b3f47a0a2d8e4151d4f4ca9/no/pdfs/otp200720080008000dddpdfs.pdf>

<sup>130</sup> Borvik, B. (2005). Grunnlova § 100 og vernet mot rasistiske ytringar. Nordic Journal of Human Rights, 23(2), 159–173.

<https://hdl.handle.net/1956/606>

<sup>131</sup> <https://search.coe.int/cm?i=0900001680a67955>

<sup>132</sup> <https://lovdata.no/dokument/HRSTR/avgjorelse/hr-2018-674-a?q=HR-2018-674-A>

<sup>133</sup> See, for example, sections 26–27 in HR-2020-184-A: <https://lovdata.no/dokument/HRSTR/avgjorelse/hr-2020-184-a?q=HR-2020-184-A>

- For statements to be punishable under Section 185 of the Penal Code, they must be directed at a person or group (who are covered by one of the protected grounds listed in letters a-e of the section, as listed above), and not merely general statements about a topic or "subject."<sup>134</sup>
- The penalty for hate speech alone typically involves a fine of around NOK 10,000-20,000 (the amount depends, among other things, on the convicted person's income) and a short suspended prison sentence (typically between 10 and 20 days).<sup>135</sup> However, the penalty can also be set higher.<sup>136</sup>
- As mentioned above, a conviction under Section 185 of the Penal Code requires that the hate speech be made intentionally or through gross negligence, and that it be made in public or in the presence of others. If a hateful statement is not made in public or in the presence of others, and in certain other cases, Section 266 of the Penal Code on reckless behaviour<sup>137</sup> may apply.<sup>138</sup> However, Section 266 applies to all citizens, regardless of the legally protected minority characteristics specified in Section 185, and may apply to various acts beyond statements. The penalty for violating Section 266 is a fine or imprisonment for up to two years.
- The Supreme Court has stated that Section 185 of the Penal Code "must be seen in conjunction with Section 266 of the Penal Code, which covers 'reckless behaviour'. Section 266 can provide grounds for punishment for hate speech more generally, regardless of whether the statements concern vulnerable groups" protected by Section 185.<sup>139</sup>
- Sections 263 or 264 of the Penal Code<sup>140</sup> may also potentially be used against SOGIESC-based hate speech if the statements contain what the law defines as threats or serious threats. Section 183 of the Penal Code<sup>141</sup> may also apply to statements that publicly incite someone to commit a criminal act.
- However, it is Section 185 of the Penal Code that appears most widely used in both reports and prosecutions in cases involving hate speech against the protected grounds covered by this section, including SOGIESC.
- No official or standardised measures for dealing with hate speech promoted by elected officials were identified. However, such statements are subject to the applicable criminal law provisions as well as the civil law provisions described below. Some political parties also have their own internal guidelines that can be implemented to counteract or sanction such statements.

<sup>134</sup> See, for example, sections 22-24 in HR-2020-184-A: <https://lovdata.no/dokument/HRSTR/avgjorelse/hr-2020-184-a?q=HR-2020-184-A>

<sup>135</sup> See, for example, the judgments

LF-2025-66122: <https://lovdata.no/dokument/TRSTR/avgjorelse/thod-2024-76538?q=THOD-2024-76538>

TOSL-2024-6157: <https://lovdata.no/dokument/TRSTR/avgjorelse/tosl-2024-6157?q=TOSL-2024-6157>

<sup>136</sup> See, for example, the judgments Rt-1977-114, where the sentence was set to suspended imprisonment for 120 days, Rt-1981-1305, where the sentence was set to suspended imprisonment for 60 days, and HR-2020-184-A

(<https://lovdata.no/dokument/HRSTR/avgjorelse/hr-2020-184-a?q=rt-1981-1305>), where the sentence was set to suspended imprisonment for 24 days and a NOK 25,000 fine.

<sup>137</sup> <https://lovdata.no/lov/2005-05-20-28/§266>

<sup>138</sup> See, for example, the case concerning hate speech against queer people:

<https://lovdata.no/dokument/LBSTR/avgjorelse/lb-2019-3868?q=LB-2019-3868>

<sup>139</sup> <https://lovdata.no/dokument/HRSTR/avgjorelse/hr-2022-1843-a?q=HR-2022-1843-A>

<sup>140</sup> [https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL\\_2-9#%C2%A7263](https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL_2-9#%C2%A7263)

<sup>141</sup> [https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL\\_2-5#%C2%A7183](https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL_2-5#%C2%A7183)

- There are examples of elected politicians being reported for hate speech based on SOGIESC,<sup>142</sup> but no cases where elected officials have been convicted for such statements were found. However, there are several examples of extremist parties that have not been represented in the Storting (Norwegian Parliament) that have been convicted of hate speech. For example, the leader of the extremist micro-party Alliansen has been convicted in lower courts for various SOGIESC-based hate speech, and in an appeal case, the Supreme Court will now consider whether the defendant can also be punished under Section 185 for *inciting others* to make hateful statements,<sup>143</sup> as the defendant allegedly did via online platforms.<sup>144</sup>
- There are other examples of elected politicians who have made highly derogatory remarks and spread misinformation about transgender people in particular.<sup>145</sup> In these cases, internal sanctions have also been imposed by the politician's own party and fellow party members.

#### Equality and anti-discrimination law:

- In addition to Section 185 and the other provisions of the Penal Code mentioned above that may be applicable in response to hate speech and other threatening or harassing statements against LGBTI persons,<sup>146</sup> there are also civil law provisions that protect this group. The Equality and Anti-Discrimination Act<sup>147</sup> also prohibits discrimination and harassment on the basis of sexual orientation, gender identity, and gender expression.
- An example of grounds for complaint to the Anti-Discrimination Tribunal may be SOGIESC-based differential treatment, where an LGBTI person is treated worse than others are, have been or would be treated in a similar situation. The Tribunal does not require that the intention of the person behind the differential treatment is discriminatory.<sup>148</sup>
- Violations of these civil law provisions are not reported to the police, but to the Anti-Discrimination Tribunal, which assesses the case. Complaints are made using your full name via the Anti-Discrimination Tribunal's electronic online complaint form.<sup>149</sup>
- It can be challenging to decide what is to be considered a punishable statement (which is reported to the police) and what is to be considered a discriminatory or harassing statement that is not punishable, and which is therefore appealed to the Anti-Discrimination Tribunal. The Equality and Anti-Discrimination Ombud (LDO) has a free counselling service for people who have been subjected to unfair treatment,<sup>150</sup> which can also provide guidance in such cases of doubt.
- As a sanction in the event of a breach of the prohibition against discrimination and harassment, the Anti-Discrimination Tribunal may, for example, "order the suspension,

<sup>142</sup> [Frp punishes local politician after statements affecting queer people – NRK Østfold – Local news, TV, and radio](#)

<sup>143</sup> [25-163235STR-HRET | Norwegian courts](#)

<sup>144</sup> <https://rett24.no/articles/medvirkeransvaret-for-hatefulle-ytringer-skal-opp-i-hoyesterett>

<sup>145</sup> See, for example, the case from 2025: <https://www.nrk.no/norge/far-kross-kritikk-for-slettet-transideologi-innlegg-jeg-blir-helt-aerlig-sara-1.17568037>

<sup>146</sup> See chapter 10: Spurkland, K., Kierulf, A. & Hansen, I. (2023). *Hate crime*. Gyldendal Norsk Forlag.

<sup>147</sup> Read more about the law: [https://juridika.no/no/lov/2017-06-16-51/kapittel\\_2](https://juridika.no/no/lov/2017-06-16-51/kapittel_2)

<sup>148</sup> Read more on the Anti-Discrimination Tribunal's website: <https://www.diskrimineringsnemnda.no/klagegrunnlag/diskriminering>

<sup>149</sup> Read more about complaining to the Anti-Discrimination Tribunal: <https://www.diskrimineringsnemnda.no/klage>

<sup>150</sup> See LDO's page about the guidance service: <https://ldo.no/fa-veiledning/>

correction and other measures that are necessary" to ensure that the discrimination or harassment ceases.<sup>151</sup>

- The Equality and Anti-Discrimination Act imposes a duty of action and accountability on public authorities, such as service providers and public officials.<sup>152</sup> Section 24 states that public authorities, as part of their duty to promote equality and prevent discrimination, shall also prevent harassment, sexual harassment, and gender-based violence and counteract stereotyping. Public authorities are required to report on what they are doing to integrate gender equality and non-discrimination into their work and how they are working to translate principles, procedures, and standards for gender equality and non-discrimination into action. Such accounts shall be provided in annual reports, annual statements or other publicly available documents, and may potentially include efforts to counter hate speech.<sup>153</sup>
- Sections 26<sup>154</sup> and 26a<sup>155</sup> of the Equality and Anti-Discrimination Act impose on employers an activity and reporting duty similar to that which applies to public authorities.

## B2. Implementation

**The following describes the implementation of legislation and publicly adopted policies against hate speech, sorted by different thematic areas:**

### Reporting mechanisms and criminal proceedings

- Reports must be made to the police and are normally made in person to ensure full rights for the victim in the event of further criminal proceedings. Reporting a criminal case can therefore not be made anonymously.
- However, anyone can report cases of hate speech or hate crime and then choose whether they want to provide personal details. Hate speech based on SOGIESC and other grounds can be reported to the police via their website<sup>156</sup>.
- The police's national hate crime unit handles tips received via the website and can create a report based on tips if they believe there are grounds for doing so.
- In Norway, there are no mechanisms or opportunities for reporting hate speech via third parties, such as interest groups or others, as an alternative to reporting directly to the police.
- In 2024, 1,172 cases were reported to the police as hate crimes. Of these, 280 (24%) had sexual orientation as the motive for the hate crime, and 25% of the cases involved hate

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<sup>151</sup> See § 11: <https://lovdata.no/lov/2017-06-16-50/§11>

<sup>152</sup> <https://do.no/bli-betre-pa-likestilling-og-mangfald/likestillingsplikt-for-offentleg-sektor/#aktivitetsplikta>

<sup>153</sup> <https://juridika.no/no/lov/2017-06-16-51/%C2%A724>

<sup>154</sup> <https://juridika.no/no/lov/2017-06-16-51/%C2%A726/kommentar>

<sup>155</sup> <https://juridika.no/no/lov/2017-06-16-51/%C2%A726a/kommentar>

<sup>156</sup> See the police's tips page on hate speech: [Hate speech on the internet - Politiet.no](https://www.politiet.no/tjenester/tips-politiet/hatefulle-ytringer-pa-internet/), <https://www.politiet.no/tjenester/tips-politiet/hatefulle-ytringer-pa-internet/>

speech. 100 reports (9%) had gender identity or gender expression as the motive for the hate crime, and of these, 17% involved hate speech.<sup>157</sup>

- While the clearance rate<sup>158</sup> (i.e. the proportion of reported cases that were investigated and formally closed) for reported hate speech (n=355) was 45% in 2022 for all types of grounds, the overall clearance rate was 31% for cases with a hate motive related to sexual orientation, gender identity, and gender expression.<sup>159</sup>
- Between 2019 and 2025, there were between 30 and 56 criminal cases involving hate speech that resulted in a verdict each year, and this figure may include some acquittals. The majority of these cases concerned hate speech based on the victim's national or ethnic origin. There have been few court rulings for hate speech based on the victim's sexual orientation, with the exception of 2023 and 2024, with 12 and 10 court rulings, respectively. For the other years in this period, there are between one and three court rulings per year for hate speech based on the victim's sexual orientation. These figures, which come from the reaction register (SPP), do not include separate figures for hate speech based on the victim's gender identity and gender expression.<sup>160</sup>
- Criminal cases involving hate speech may, in some instances, be referred to the National Norwegian Mediation Service (Konfliktrådet), provided that the conditions for such transfer are met, including that criminal liability is considered proven, that both the perpetrator and the victim consent, and that the case is deemed suitable (cf. Section 71a<sup>161</sup> of the Criminal Procedure Act). In such cases, the parties participate in a restorative process facilitated by mediators from the Mediation Service, as an alternative to ordinary criminal proceedings..
- Currently, very few criminal cases involving hate speech under Section 185 of the Penal Code are resolved by referral to the National Norwegian Mediation Service. Between 2019 and 2025, three to eight such cases were resolved in this manner each year. However, it cannot be ruled out that in some of these cases, for various reasons, the dispute resolution board may not have conducted mediation after all. This may happen, for example, if the parties to the criminal case do not agree to participate in mediation.<sup>162</sup>
- In the period 2022–2025, the National Mediation Service received 56 mediation cases explicitly concerning various forms of hate speech; however, it has not been recorded how many of these involved expressions falling within the scope of Section 185 of the Penal Code. Several of these cases concerned hate speech based on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC), and more than half had been reported to the police but were subsequently discontinued. Cases involving hate speech may be referred to the National Mediation Service either as criminal cases

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<sup>157</sup> See "Report on registered reports and developments" (2025) published by the National Competence Center for Hate Crime, the National Police Directorate, and the Oslo Police District: <https://www.politiet.no/globalassets/dokumenter-strategier-og-horinger/oslo/rapporter/hatkriminalitet-norge/hatkriminalitet-i-norge---arsrapport-2024.pdf>

<sup>158</sup> As a general rule, an offence is considered 'cleared up' when the police and prosecuting authorities have charged at least one person (or a legal entity) at the conclusion of the investigation.

<sup>159</sup> See pages 38-39 in the "Report on registered complaints and developments" (2025) published by the National Competence Center for Hate Crime, the National Police Directorate and the Oslo Police District: <https://www.politiet.no/globalassets/dokumenter-strategier-og-horinger/oslo/rapporter/hatkriminalitet-norge/hatkriminalitet-i-norge---arsrapport-2024.pdf>

<sup>160</sup> Figures and information received on January 12, 2025, from the National Police Directorate in response to a request.

<sup>161</sup> <https://lovdata.no/lov/1981-05-22-25/§71a>

<sup>162</sup> Figures and information received on January 12, 2025, from the National Police Directorate in response to a request.

(for mediation, youth follow-up, youth sanctions, or follow-up through the Mediation Service) or as civil cases brought by the parties themselves or by public authorities other than the prosecuting authority.<sup>163</sup>

- In 2024, the National Mediation Service established a working group specifically tasked with examining how it should address hate crime internally, including expressions that may fall within the scope of Section 185 of the Penal Code. In 2021, the Mediation Service also participated in an international working group that developed professional guidance materials on the use of restorative processes in cases involving violent extremism and hate crime.<sup>164</sup>
- The Director of Public Prosecutions has stated the following regarding the suitability of cases for referral to the National Mediation Service: “Cases concerning Section 185 of the Penal Code on hate speech are, as a general rule, somewhat less suitable for direct referral to the Mediation Service, as they primarily serve to protect the public interest in countering harassment of groups within society and safeguarding these groups’ collective protection against discrimination, and may also raise complex considerations relating to freedom of expression. Such cases should therefore, as a main rule, be subject to court proceedings. [...] However, the provision also encompasses elements of purely personal harassment (cf., for example, HR-2020-184-A), and less serious instances of such harassment that do not incite violence, but are more akin to cyberbullying, may be suitable for direct referral for mediation (cf. HR-2022-1843-A, paragraph 49).”<sup>165</sup>
- The Freedom of Expression Commission's report from 2002 emphasised that "the National Mediation Service's potential to handle Section 185 cases should be better utilised. If necessary, the councils should be given expertise and training in handling cases of hate speech."<sup>166</sup> There is also international research on the use of restorative processes in hate crime cases that may be consulted.<sup>167</sup>
- The Council of Europe Recommendations CM/Rec(2024)4<sup>168</sup> on combating hate crime and CM/Rec(2018)8<sup>169</sup> on restorative justice in criminal matters also recognise the potential benefits of using restorative processes, which may complement or, in certain cases, serve as an alternative to traditional criminal justice proceedings. However, voluntariness and due consideration of the needs of victims in hate crime cases are emphasised as essential preconditions where restorative processes are employed.
- The Freedom of Expression Commission has also proposed new approaches to combating criminal hate speech, for example to relieve the burden on the police and because in some contexts it can be problematic for the police to intervene preventively in

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<sup>163</sup> Figures and information received in input to the draft report from the National Mediation Service (Konfliktrådet).

<sup>164</sup> See the practical guidance on restorative justice in cases of violent extremism and hate crime (2021):

<https://www.euforumrj.org/sites/default/files/2021-06/Practice%20paper%20-%20Restorative%20justice%20in%20cases%20of%20violent%20extremism%20and%20hate%20crimes%20-%20June%202021.pdf>

<sup>165</sup> See page 14 of the Director of Public Prosecutions’ circular No. 3/2025 on the transfer of cases to the Mediation Service. (2025): <https://www.riksadvokaten.no/wp-content/uploads/2025/12/Rundskriv-nr.-3-2025-om-overforing-av-saker-til-konfliktradet.pdf>

<sup>166</sup> Page 212 in NOU 2022: 9:

<https://www.regjeringen.no/contentassets/753af2a75c21435795cd21bc86faeb2d/no/pdfs/nou202220220009000dddpdfs.pdf>

<sup>167</sup> Se for eksempel: Walters, M., & Hoyle, C. (2017). Healing harms and engendering tolerance: The promise of restorative justice for hate crime. In *Hate crime* (pp. 228-248). Willan.

Walters, M. A. (2014). *Hate crime and restorative justice: Exploring causes, repairing harms*. Oxford University Press.

<sup>168</sup> Se anbefalingen: <https://search.coe.int/cm?i=0900001680af9736>

<sup>169</sup> Se anbefalingen: <https://rm.coe.int/09000016808e35f3>

cases of hate speech if there is no obvious violation of the law. One of the proposals is for civil preventive conversations in which the person behind criminal hate speech meets with a civilian employee as a response or as an alternative to reporting the matter to the police.<sup>170</sup> As far as the review can ascertain, this proposal has not been explored further.

- The Discrimination Tribunal, which assesses violations of the Equality and Discrimination Act, had decided a total of 378 complaints in 2024, of which 8 concerned sexual orientation, 7 concerned gender identity, and 5 concerned gender expression. The processing time for incoming cases has been long, with cases remaining pending for up to a year before being processed, and "some complaints have taken about two years to complete."<sup>171</sup>
- It appears that the expertise and resources across police districts to pursue cases of hate crime and hate speech, including cases based on SOGIESC grounds, still vary greatly. Identifying and following up on such cases requires expertise on the part of the regional police, and this expertise may vary in line with variations in the number of cases in different districts, with some districts (typically those covering the capital and large cities) having a much higher number of reported cases.<sup>172</sup> The national competence environment in hate crime was established to remedy this, among other things, and has taken measures to change the situation during the period.

*Promising practice:*

The Police University College (PHS) offers a dedicated continuing education and training program on "Prevention and Investigation of Hate Crime"<sup>173</sup> for police employees, which is also open to agencies that collaborate with the police and employees of organisations that work with diversity, inclusion, and discrimination. This includes training on hate speech based on SOGIESC and other principles as part of the training. PHS offers further education in cultural understanding and diversity,<sup>174</sup> as well as conflict management in a diverse society,<sup>175</sup> which has been developed to strengthen diversity competence in the police. This is also important for the work of strengthening the police's efforts against hate speech, preventive work and dialogue in general.

## Legal interpretation and considerations regarding freedom of expression

- The decisive factor for the courts is not how the defendant himself understands the statement, but rather how what the court calls a "reasonable listener" would perceive the

<sup>170</sup> Page Commission's proposal on civil preventive talks: <https://www.regjeringen.no/no/dokumenter/nou-2022-9/id2924020/?ch=11#kap10-7-4-2>

<sup>171</sup> The Discrimination Tribunal's annual report for 2024: <https://www.diskrimineringsnemnda.no/media/32ydg2bg/aarsrapport-2024-diskrimineringsnemnda-til-publiserings.pdf>

<sup>172</sup> See "Report on registered reports and developments" published by the National Competence Centre in Hate Crime, the National Police Directorate and Oslo Police District: <https://www.politiet.no/globalassets/dokumenter-strategier-og-horinger/oslo/rapporter/hatkriminalitet-norge/hatkriminalitet-i-norge---arsrapport-2024.pdf>

<sup>173</sup> See the Police University College's subject page on education: <https://www.politihogskolen.no/studier/master-etter-og-videreutdanninger/videreutdanning-i-forebygging-og-etterforskning-av/>

<sup>174</sup> See the Norwegian Police University College's course page about the education: <https://www.politihogskolen.no/studier/master-etter-og-videreutdanninger/videreutdanning-i-kulturforstaelse-og-mangfold/index.html>

<sup>175</sup> See the Norwegian Police University College's course page about the education: <https://www.politihogskolen.no/studier/master-etter-og-videreutdanninger/konflikthandtering-i-et-mangfoldig-samfunn/index.html>

statements – in other words, it is not the defendant's own motivation or intention that is decisive, even though this may also be relevant in a legal proceeding concerning hate speech.<sup>176</sup>

- LGBTI people have expressed uncertainty about where the line is between derogatory and degrading statements that are legal and statements that are punishable under Section 185 of the Penal Code, and how the police and courts draw the line for what is punishable under this provision.<sup>177</sup>
- Both the Freedom of Expression Commission and research have pointed out that the assessments and distinctions regarding which statements should be considered punishable under Section 185 can be challenging to understand, subject to disagreement and heated debate,<sup>178</sup> and that how the police and courts determine what is considered punishable can appear unclear.<sup>179</sup> If the boundaries are perceived as unpredictable by Norwegian citizens, this can have negative consequences both for freedom of expression and for LGBTI people and other minorities that Section 185 is intended to protect.
- The Freedom of Expression Commission also pointed out an objection to how Section 185 is applied; that it does not necessarily target the statements that are most dangerous or have the greatest potential for harm: "Political statements by people in power have greater influence than mere harassment in comment fields. Well-articulated and well-thought-out statements about depriving someone of their fundamental rights probably have far greater potential for harm than unreflective and strongly derogatory statements such as 'damn black bastard' [a statement that in combination, led to a criminal conviction]. A resourceful and eloquent racist ideologue can be more dangerous than a less articulate "everyday racist." But the eloquent and more influential are not necessarily as easily convicted in court." According to the Freedom of Expression Commission, this different treatment of the two categories of statements represents a real dilemma, because there are many examples of "obvious, but helplessly formulated racist statements" that have been punished by the courts, but at the same time there are "many examples of dehumanising rhetoric being presented through memes, satire, or subtle language," but where Section 185 is ill-suited to address this. The examples raise the question of whether Section 185 is applied in a way that is socially biased in terms of which individuals and statements are actually punished, where it is not necessarily the most socially harmful statements that are most often targeted, as may also be the case with SOGIESC-based hateful statements.<sup>180</sup>

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<sup>176</sup> See, for example, sections 18-19 in HR-2012-689-A: <https://lovdata.no/dokument/HRSTR/avgjorelse/hr-2012-689-a?q=HR-2012-689-A>

LG-2021-29858: <https://lovdata.no/dokument/LGSTR/avgjorelse/lg-2021-29858?q=LG-2021-29858>

<sup>177</sup> Ellefsen, R., Os, K., & Jakobsen, M. H. (2024). Reporting Anti-LGBTQI Hate Crime to the Police: First-Hand Experiences and Reasons for not Reporting. *Nordic Journal of Studies in Policing*, 11(1), 1–21. <https://doi.org/10.18261/njsp.11.1.9>

<sup>178</sup> See chapter 10.3 on hate speech in the Freedom of Expression Commission's report (2022): <https://www.regjeringen.no/contentassets/753af2a75c21435795cd21bc86faeb2d/no/pdfs/nou202220220009000dddpdfs.pdf#page=190.49>

See chapter 10 in Spurkland, K., Kierulf, A. & Hansen, I. (2023). *Hate crime*. Gyldendal Norsk Forlag.

<sup>179</sup> Ellefsen, R., Lingaas, C., & Houge, A. B. (2025). (Il)legal tasteless statements: A socio-legal analysis of the courts' boundaries for criminal hate speech. *Journal of Social Research*, 66(4), 1–18. <https://doi.org/10.18261/tfs.66.4.3>

<sup>180</sup> See page 206 in the Freedom of Expression Commission's report (2022): <https://www.regjeringen.no/contentassets/753af2a75c21435795cd21bc86faeb2d/no/pdfs/nou202220220009000dddpdfs.pdf>

## Institutional cooperation, coordination, and priorities

### National action plans:

- While there was previously a national strategy to combat hate speech (2016-2020), it was not continued after 2020. However, some measures against hate speech have been continued and introduced as part of strategies and action plans aimed at combating hate speech and prejudice against various minority groups. The action plan for gender and sexual diversity (2023-2026) has a sub-goal of "combating hate crimes against queer people". While hate crime includes hate speech, hate speech is not discussed further or explicitly in the action plan.<sup>181</sup>
- In 2024, the Extremism Commission recommended developing a separate national action plan against hate crime, including measures against criminal hate speech. There is currently no overall national strategy or separate action plan against hate speech or hate crime against LGBTI people or other minority groups protected by law.
- Measure 15<sup>182</sup> in the government's action plan for gender and sexual diversity (2023-2026) involves establishing dialogue and meeting places between the police and LGBTI communities: "The police shall, both nationally and at the district level, take the initiative to establish dialogue and suitable meeting places with different groups of citizens. This is important both to ensure mutual exchange of information and to build relationships and trust." The police must have designated officers in all districts who are responsible for hate crime and who must maintain regular contact and dialogue with LGBTI communities and organisations.
- All police districts shall also have a diversity coordinator,<sup>183</sup> and some of these may cover a similar function and potentially include dialogue work with LGBTI communities. The police action plan "Diversity, Dialogue, and Trust (2022-2025)" states that the police must have knowledge about gender and sexual diversity, that there is a need to raise awareness about gender and sexual diversity, and that diversity work should be directed at LGBTI residents, among other minority groups.<sup>184</sup> The action plan also states that the police should take the initiative to establish dialogue and appropriate meeting places with various resident groups, including LGBTI people. The extent to which this is being done in relation to LGBTI communities in the various districts is unclear after this review, but several competence-building measures have been implemented in all police districts in the country in the period from 2022 to 2025.
- In 2024, there was a guideline that all police districts must hold meetings with LGBTI organizations and organizers of Pride and other "queer events".<sup>185</sup> The same guideline applied for 2025 and will be reported on in the police's annual report, which will be published in March 2026.

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<sup>181</sup> Pages 17-18 of the government's action plan for gender and sexual diversity (2023-2026):

<https://www.regjeringen.no/contentassets/cae838ecc4204787857a0499fd8b7c11/no/pdfs/regjeringens-handlingsplan.pdf>

<sup>182</sup> See description of the measure in the government's action plan: [https://www.regjeringen.no/no/dokumenter/regjeringens-handlingsplan-for-kjonns-og-seksualitetsmangfold-20232026/id2963172/?ch=4#id0018\\_p5](https://www.regjeringen.no/no/dokumenter/regjeringens-handlingsplan-for-kjonns-og-seksualitetsmangfold-20232026/id2963172/?ch=4#id0018_p5)

<sup>183</sup> See measure 40 in the government's Action Plan against Racism and Discrimination (2024-2027):

<https://www.regjeringen.no/no/dokumenter/handlingsplan-mot-rasisme-og-diskriminering-ny-innsats-20242027/id3015471/>

<sup>184</sup> See page 23 of the police action plan: <https://www.politiet.no/globalassets/dokumenter-strategier-og-horinger/pod/mangfold-dialog-og-tillit--handlingsplan-for-politiets-arbeid.pdf>

<sup>185</sup> See page 20 of Appendix 8: <https://www.politiet.no/globalassets/dokumenter-strategier-og-horinger/pod/rapporter/politiets-arsrapport-2024.pdf>

- Measure 13<sup>186</sup> in the government's action plan for gender and sexual diversity (2023-2026) includes strengthening the police's work against hate crime by having the national centre of expertise on hate crime raise the police districts' competence on hate crime, including through training on hate crime and hate speech.

#### Police and prosecution authorities:

- In 2022, the police established a national hate crime network consisting of one contact point and one team in each police district. In 2023, the national centre of expertise on hate crime conducted training for individuals associated with the national hate crime network, and the training was followed up in 2024.<sup>187</sup> The competence centre has also provided customised training to certain districts and will map the training needs in the districts going forward.
- In 2025, the police's national expertise centre on hate crime organised the first national conference for participants in the police's national hate crime network and others. A similar conference is planned for 2026. These police-internal conferences are combined with a separate conference program that is also open to other invited participants from civil society, government, research, and other sectors.

#### *Promising practice:*

In 2022, the police established a national hate crime network consisting of one contact point and team in each police district. Norway's organisation of a national centre of expertise on hate crime with ongoing responsibility for national training and capacity building is an important example of promising practice to ensure that police throughout the country have the knowledge and tools they need to detect and prosecute hate crime and hate speech, and that these are maintained and updated regularly. This type of organised effort to improve competence and ensure continuous competence building in a dedicated professional environment within the police appears to be a clear example to follow for several member states.

- As part of this training and measures to improve police expertise on hate crime and criminal hate speech, the Norwegian Police National Expert Group on Hate Crime has produced training videos specifically for investigators and prosecutors. They have also developed an action card for patrols. This is a practical tool for identifying potential hate crime cases, which also includes a checklist to guide the police in making sound and necessary assessments for this type of case.

#### Judicial system and courts:

- In 2025, for the first time in many years, hate crime is not explicitly mentioned as one of the priority areas for the police in the Director of Public Prosecutions' circular.<sup>188</sup> This has

<sup>186</sup> See description of the measure in the government's action plan: [https://www.regjeringen.no/no/dokumenter/regjeringens-handlingsplan-for-kjonns-og-seksualitetsmangfold-20232026/id2963172/?q=hatefulle+ytringer&ch=4#id0018\\_p3](https://www.regjeringen.no/no/dokumenter/regjeringens-handlingsplan-for-kjonns-og-seksualitetsmangfold-20232026/id2963172/?q=hatefulle+ytringer&ch=4#id0018_p3)

See page 7: [Hate crime in Norway 2024](#)

<sup>187</sup> See page 7: [Hate crime in Norway 2024](#)

<sup>188</sup> Read more at the Office of the Director of Public Prosecutions <https://www.riksadvokaten.no/document/prioriteringar-for-straffesaksbehandlinga-2025/>

triggered concern among several civil society organisations representing various minority groups, including LGBTI people, that hate crime, including hate speech, is in fact being deprioritised by the police.<sup>189</sup>

- The Director of Public Prosecutions has recently appointed a contact person at the Office of the Director of Public Prosecutions to handle general questions about hate crime and to arrange meetings with organisations representing affected groups, including LGBTI people.
- While there have been and are several ongoing initiatives within the police, the review has not been able to identify any measures for the facilitated exchange of best practices between judges, lawyers, and other employees of the prosecution service who handle cases involving hate speech.
- In 2022, the Norwegian Supreme Court handed down a historic ruling in the first case concerning hate speech directed at a transgender person, two years after gender identity and gender expression were included in 2021 as protected grounds in Section 185 of the Penal Code, which prohibits hate speech.<sup>190</sup>

#### Civil society actors:

- Rosa kompetanse (Pink Competence) is a government-funded initiative that offers courses and skills development to employees in various sectors of society, such as justice, health, and social services. The initiative is run by Fri – the Association for Gender and Sexual Diversity, and is a good example of a skills development initiative aimed at state actors that has been initiated by a civil society actor. Rosa kompetanse contributes, among other things, to the capacity building of actors in the justice sector, and disseminates, among other things, information on rights and protection against hate speech and hate crime. The skills development in the police that the initiative contributes to can potentially strengthen LGBTI citizens' trust in the police and their willingness to report hate crime and hate speech.

#### **Support for victims and vulnerable persons**

- All police districts have a support centre for victims of crime, and their guidance and assistance services also cover LGBTI people and other minorities exposed to hate crimes, including hate speech. The staff at the centres are usually social or health professionals and can provide advice and guidance on everything from reporting a case to applying for compensation for victims of violence.<sup>191</sup> There is no requirement to report the case to the police in order to receive help from the support centres. However, it is unclear to what extent LGBTI people who are victims of hate speech are aware of and use these services.
- In 2025, a total of 8,964 inquiries were registered with support centres nationwide. A hate motive was recorded in 306 of these cases. These are recorded according to the same protected grounds specified in Section 185 of the Penal Code. Forty-five of the 306 cases

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<sup>189</sup> See letter sent from several organizations affiliated with the hate crime network to the Director of Public Prosecutions: [Concerns about priorities in the Director of Public Prosecutions' circular 1/2025 - hate crime: https://ldo.no/content/uploads/2025/06/Bekymring-om-prioriteringer-i-Riksadvokatens-rundskriv.pdf](https://ldo.no/content/uploads/2025/06/Bekymring-om-prioriteringer-i-Riksadvokatens-rundskriv.pdf)

<sup>190</sup> See the Supreme Court's description of the case: <https://www.domstol.no/no/hoyesterett/avgjorelser/2022/hoyesterett---straff/HR-2022-1843-A/>

<sup>191</sup> See the police's description of the Support Center for Victims of Crime: <https://www.politiet.no/kontakt-politiet/stottesenter-for-kriminalitetsutsatte/>

with a hate motive recorded in 2025 concerned sexual orientation (32 cases) and gender identity and gender expression (13 cases).<sup>192</sup>

- In 2024-2025, the National Centre of Expertise on Hate Crime has provided training on hate crime to all police districts, with good practices for protecting victims being one of the topics covered. For example, if a reported case is dismissed by the police, the investigator or police lawyer responsible for the case should ideally contact the victim by telephone and inform them why the case has been dismissed, what investigative steps have been taken, and their right to appeal. After the phone call, the victim should also receive a letter with written information about the right to appeal the dismissal.
- There are various legal aid services, some of which cover all types of cases, while a few cover hate speech and hate crime in particular. There are limitations to several of the services, with the scope of assistance from DiME (Discrimination Assistance and Mediation) only covering Bergen and Oslo. DiME is operated by Norwegian People's Aid, the Anti-Racist Centre, the Disability Association, the Cooperation Council for Faith and Life Stance Communities, and Skeiv Verden. General and free legal aid is also offered by Legal Advice for Women (JURK), Jussbuss, Jusshjelpa in Northern Norway and Jussformidlingen in Bergen.
- The Equality and Anti-Discrimination Ombud (LDO) has a free guidance service that also covers cases where people have experienced harassment and discrimination.<sup>193</sup> In 2022 and 2023, the LDO had 87 and 62 guidance cases concerning sexual orientation, and gender identity and gender expression, respectively.<sup>194</sup>
- As part of the HATECYCLE research project, the Equality and Anti-Discrimination Ombud (LDO), in cooperation with C-REX – Centre for Research on Extremism, will implement and pilot a scheme providing free legal guidance to individuals who have been subjected to hate speech or other forms of hate crime. The pilot project is time-limited and is scheduled to commence in the first half of 2026. The project will be evaluated to assess its usefulness, development potential, and the need for such a service.<sup>195</sup>
- The website hatytringer.no is a resource that was launched in 2017 and is operated by Bufdir. The website provides advice on what to do if you are exposed to hate speech in general, including certain points about criminal hate speech, regardless of the minority group or characteristics targeted by the speech.
- The Mediation Service (Konfliktrådet) reports a general lack of information provided to victims regarding its restorative justice services and calls for improved and more systematic information on the availability of such processes. This includes informing victims of their ability to initiate proceedings themselves, as well as the possibility of being contacted by the Mediation Service in suitable cases, including those involving hate speech. Cases referred to the Mediation Service that involve convicted persons and inmates are typically initiated through the offender; the Council has therefore indicated that it would be desirable to establish a legal basis ensuring that restorative justice services are also accessible to victims who wish to make use of them.<sup>196</sup>

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<sup>192</sup> Figures and information received on January 12, 2025, from the National Police Directorate in response to a request.

<sup>193</sup> Read about LDO's guidance service: <https://ldo.no/fa-veiledning/>

<sup>194</sup> See statistics from Bufdir: <https://www.bufdir.no/statistikk-og-analyse/LHBT/hatkriminalitet-diskriminering/#section-3615>

<sup>195</sup> For further information on the measure, see [hatkriminalitet.no](http://hatkriminalitet.no)

<sup>196</sup> Based on input received from the National Mediation Service (Konfliktrådet).

## National data systems and documentation on SOGIESC-based hate speech

- The National Police Directorate and the national centre of expertise on hate crime publish annual reports describing the number of hate crime incidents that have been reported and referred to the judicial system across police districts in Norway.<sup>197</sup> These reports also distinguish between cases based on SOGIESC and other protected grounds.
- Measure 14 in the Action Plan for Gender and Sexual Diversity (2023-2026) states that national statistics on hate crime should be further developed to provide more knowledge about how hate crime affects different groups, including those based on sexual orientation, gender identity, and gender expression.
- After Section 185 was expanded to also include gender identity and expression in 2021, the police's annual statistics have also begun to include figures and data on these grounds.
- The police's publicly published statistics do not include figures and data on hate crimes or hate speech based specifically on sex characteristics, since this ground is not formally included in Section 185.

### *Promising practice:*

The national centre of expertise on hate crime has expanded its staff with its own analytical capacity, who can help develop statistics and strengthen the analyses in the annual reports published on hate crime and more. This capacity also enables the expert community to carry out specialised in-depth analysis of available data and statistics, which can provide an important knowledge base for both preventive and reactive measures.

- The Safety Survey is a representative questionnaire survey funded by the Ministry of Justice and Public Security. In 2022, the survey began to include questions about citizens' experiences with hate speech and hate crime. The survey thus provides knowledge about the extent of such self-reported incidents and is an important supplement to the statistics on incidents reported to the police. If the survey is repeated with the same questions about self-experienced hate crime and hate speech, it will provide an important knowledge base for monitoring developments in scope over time and comparing this with police statistics on reports.<sup>198</sup>
- The 2021 survey of living conditions among LGBTI people, "Sexual orientation, gender diversity and living conditions",<sup>199</sup> provides another important knowledge base. It maps reported cases of discrimination, but does not specifically cover hate speech, which could further strengthen the knowledge base on self-reported cases of SOGIESC-based

<sup>197</sup> See the latest annual report from the police: Hate crime in Norway 2024: <https://www.politiet.no/globalassets/dokumenter-strategier-og-horinger/oslo/rapporter/hatkriminalitet-norge/hatkriminalitet-i-norge---arsrapport-2024.pdf>

<sup>198</sup> See OsloMet's summary of results concerning queer people compared to heterosexuals: <https://kommunikasjon.ntb.no/pressemedling/18026493/skeive-i-noreg-er-mykje-meir-utsette-for-vald-og-hatytringar-enn-heterofile?publisherId=15678779&lang=no>

<sup>199</sup> Anderssen, N., Eggebø, H., Stubberud, E., & Holmelid, Ø. (2021). *Sexual orientation, gender diversity, and living conditions. Results from the 2020 survey*. Department of Social Psychology, University of Bergen.

hate speech. A new survey on living conditions will be published in 2027, which will make it possible to follow developments over time.<sup>200</sup>

### B3. Prevention

**The following describes various types of preventive measures across several sectors of society. These preventive measures are aimed not only at criminal acts, but also at various underlying conditions and factors that can contribute to hate speech, as well as attitude-shaping and other measures.**

7. *"Member States should raise awareness among public authorities and institutions at all levels of their responsibility to refrain from statements, particularly to the media, that could reasonably be understood as legitimizing such hatred or discrimination."*

8. *"Public officials and other government representatives should be encouraged to promote tolerance and respect for the human rights of lesbian, gay, bisexual, and transgender persons when engaging in dialogue with key representatives of civil society, including the media and sports organizations, political organizations, and religious communities."*

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#### General preventive measures

- For several years, the Equality and Anti-Discrimination Ombud (LDO) has coordinated the Hate Crime Network, which is a forum for discussing developments in and the authorities' work against hate crime, including hate speech, in which various organisations representing different minority groups participate. The police, ministries, and others also have the opportunity to participate as observers.

#### *Promising practice:*

In recent years, Pride events have been subjected to an increasing number of hateful comments, threats, and attacks. In 2024 and 2025, the National Police Directorate and the Norwegian Police Security Service have arranged a safety conference for organisers of Pride and other LGBTI events, with the aim of ensuring the safe implementation of these events throughout the country. Several LGBTI organisations, the police, the Police Security Service (PST), and others have participated in the conference and engaged in dialogue on situational awareness, as well as measures and cooperation between the PST, the police, and civil society actors who organise Pride. In recent years, the PST has also prepared its own threat assessments concerning the implementation of Pride events as part of its efforts to protect Pride organisers and participants, and as part of the police's efforts to improve dialogue and cooperation between LGBTI communities and state authorities. These measures may also contribute to building trust and increasing the propensity of LGBTI people to report hateful comments and other hate crimes.

<sup>200</sup> <https://www.nordlandsforskning.no/nyheter/leder-nytt-forskningsprosjekt-om-levekr-blant-skeive>

- “Stopp hatprat” (Stop Hate Speech)<sup>201</sup> the movement against hate speech – was established in Norway in 2014 and forms part of the Council of Europe's international No Hate Speech Movement<sup>202</sup> launched in 2013. It aims to equip young people and youth organisations with the tools, knowledge and skills necessary to recognise hate speech and take action against human rights violations online. “Stopp hatprat” receives operational funding from the Ministry of Culture and Equality. The organisation works against all types of hate speech, including SOGIESC-based hate speech, and targets both criminal hate speech and non-criminal hate speech. The campaign uses workshops, social media content, national conferences, and youth ambassadors to raise awareness and promote dialogue about hate speech and human rights.
- It is unclear from our review whether specific legal, political, or preventive measures have been implemented to strengthen efforts to protect people who are exposed to hate speech and hate crimes based on sex characteristics (intersex people) over the past five years.
- Cross-sectoral working groups have been established at both the ministry and directorate levels to implement the government's action plan for gender and sexual diversity (2023–2026). The action plan also includes cross-sectoral measures to prevent and combat hate crimes, discrimination, negative attitudes, and violence against LGBTI persons.
- The government's strategy "Freedom of expression: National strategy for open and informed public debate"<sup>203</sup> refers to hate speech but does not present any new measures specifically targeting such speech. Among other things, the strategy states that "Hate, incitement and harassment can, for example, have particularly harmful effects on various minority groups, not least on their real opportunities for expression and democratic participation. This also applies when the statements fall outside the absolute prohibitions, for example in Section 185 of the Penal Code or the Equality and Anti-Discrimination Act."

*Promising practices:*

There are promising examples of large municipalities that have introduced their own action plans against hate speech and for gender and sexual diversity. For example, the municipality of Oslo has its own *Action Plan against Hate Speech and Attitudes (2021-2025)*<sup>204</sup> with the aim of "preventing and limiting damage caused by hate speech and attitudes by raising awareness of the municipality's responsibility to counter hate speech and attitudes and by ensuring that the municipality exercises non-discriminatory practices." The action plan will be continued for the period after 2025. The City of Oslo also has an action plan entitled *Proud and Free – Action Plan for Gender*

<sup>201</sup> The movement against hate speech – Stop hate speech: <https://stopphatprat.no/stopp-hatprat/>

<sup>202</sup> No Hate Speech Youth Campaign Website - No Hate Speech Youth Campaign: <https://www.coe.int/en/web/no-hate-campaign>

<sup>203</sup> The strategy is available here: <https://www.regjeringen.no/no/dokumenter/ytringsberedskap-nasjonal-strategi-for-eit-ope-og-opplyst-offentleg-ordskifte/id3119708/>

<sup>204</sup> See Action plan against hateful speech and attitudes: [https://einnsyn-fillager-api.api.oslo.kommune.no/fil?virksomhet=976819853&filnavn=c8c82829c250449fa94a56acb114cc95\\_df7e695c47e31512c58d5405ed3b6eb6.pdf](https://einnsyn-fillager-api.api.oslo.kommune.no/fil?virksomhet=976819853&filnavn=c8c82829c250449fa94a56acb114cc95_df7e695c47e31512c58d5405ed3b6eb6.pdf)

*and Sexual Diversity (2024–2028)*,<sup>205</sup> which includes increased training and expertise, protection against discrimination, and the visibility and celebration of gender and sexual diversity in Oslo. This includes support for and contributions to ensuring the implementation of Pride parades and events in Oslo's public spaces.

- Bufdir has its own grant scheme where voluntary organisations, private individuals, municipalities, and others can apply for grants to combat racism, discrimination, and hate speech based on ethnicity, religion, and belief. There is no corresponding support scheme that directly addresses hate speech against LGBTI people. The grant scheme “Funding to strengthen gender and sexuality diversity” is also administered by Bufdir and includes both operational funding for organisations by, for and with the target group, as well as project-based activity grants. The objectives of the scheme include contributing to better living conditions and quality of life for persons who challenge norms relating to sexual orientation, gender identity, gender expression and sex characteristics. Measures aimed at combating hate speech on SOGIESC grounds may also be supported under this scheme<sup>206</sup>
- The government's “Strategy (2025-2023) for strengthening resilience against disinformation” states that “regional and international initiatives to coordinate and share experiences and knowledge about the spread of disinformation and how countries can strengthen their resilience” are becoming increasingly important, and that the authorities will therefore strengthen Norway's participation in relevant international forums and initiatives, including by increasing support for cooperation with international organisations such as the Council of Europe, both to uncover and counter hate speech online and to strengthen cooperation with the Organisation for Economic Cooperation and Development to promote good governance at all levels.<sup>207</sup>
- The seven peace and human rights centres located across the country (including the 22 July Centre and the European Wergeland Centre) also play important roles in efforts to combat hate speech. Among other things, they carry out preventive work, including educational activities for children and young people on democracy and human rights, as well as initiatives aimed at preventing and addressing racism, extremism and hate speech. The centres focus, inter alia, on discrimination and hate speech targeting indigenous peoples and various minority groups, which may also include LGBTI persons.<sup>208</sup>
- The program Democratic Preparedness against Racism, Anti-Semitism and Undemocratic Attitudes (Dembra) is aimed at primary and secondary schools and teacher training programmes and offers background information and teaching resources to prevent prejudice and exclusion. Dembra is funded by the state budget, largely through

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<sup>205</sup> [https://einnsyn-fillager-api.oslo.kommune.no/fil?virksomhet=976819837&filnavn=ab9fc3efddb84c019a6ab697e5890aea\\_e2e488f7042429631618d26dd962debe.pdf](https://einnsyn-fillager-api.oslo.kommune.no/fil?virksomhet=976819837&filnavn=ab9fc3efddb84c019a6ab697e5890aea_e2e488f7042429631618d26dd962debe.pdf)

<sup>206</sup> See Bufdir's grant scheme for strengthening gender and sexual diversity: <https://www.bufdir.no/tilskudd/kjonns-og-seksualitetsmangfold/>

<sup>207</sup> [https://www.regjeringen.no/contentassets/3efc37e03b6747bfa0806b8df44fb466/nn-no/pdfs/strategi\\_desinformasjon.pdf](https://www.regjeringen.no/contentassets/3efc37e03b6747bfa0806b8df44fb466/nn-no/pdfs/strategi_desinformasjon.pdf)

<sup>208</sup> See the joint strategy for the peace and human rights centres (2025): <https://www.regjeringen.no/no/dokumenter/felles-strategi-for-freds-og-menneskerettighetssentrene/id3124997/>

the Ministry of Education and Research,<sup>209</sup> and addresses various challenges to democracy, such as racism, Islamophobia, anti-Semitism, hate speech, and extremism. More resources are available at Dembra.no, but there is little that deals with hate speech based on SOGIESC or in relation to gender and sexual diversity more generally.

### Knowledge production

- The Equality and Anti-Discrimination Ombud has produced a guide (2025) on "Discrimination protection for transgender persons",<sup>210</sup> which is intended to provide an "overview of the aspects of discrimination protection for transgender persons that have actually been clarified through legal and administrative practice." The guide describes the provisions of the Penal Code (such as Section 185), the Equality and Anti-Discrimination Act, and the Act on Legal Gender Change.
- In 2021, the Ministry of Local Government and Regional Development prepared a guide on the prevention and handling of hate speech, harassment, and threats directed at politicians in particular,<sup>211</sup> with professional contributions from the National Police Directorate and the Police Security Service (PST). The guide provides practical advice to elected politicians, candidates, and others involved in political activities. Among other things, the guide provides specific recommendations for preventing and handling incidents on the website hatogtrusler.no.
- Bufdir also operates its own online information portal that provides comprehensive statistics and analysis on SOGIESC,<sup>212</sup> the living conditions of LGBTI people, and more, with a separate section dealing with discrimination, hate crime, and hate speech against LGBTI people.<sup>213</sup>
- The HATECYCLE research project<sup>214</sup> (2023-2026), which is funded by the Research Council of Norway and led by the Centre for Research on Extremism (C-REX) at the University of Oslo, with the National Police Competence Centre for Hate Crime and the Equality and Discrimination Ombud's Hate Crime Network as partners in the project. Through collaboration between researchers, public actors and agencies, as well as a number of civil society organisations representing various minority groups, including several LGBTI organisations, the research project aims to generate new knowledge about hate crime and hate speech that will also be useful in efforts to prevent and combat these phenomena.

### Measures in social media and on the internet:

- The police's internet patrol is present on the internet and social media, and hate speech is one of the criminal acts they are tasked with prosecuting and preventing through their presence and police work online.<sup>215</sup> The police's national centre of expertise on hate crime

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<sup>209</sup> See section 4: <https://www.regjeringen.no/no/dokumenter/felles-strategi-for-freds-og-menneskerettighetssentrene/id3124997/?ch=5>

<sup>210</sup> <https://ldo.no/content/uploads/2025/06/Diskrimineringsvern-for-transpersoner.pdf>

<sup>211</sup> <https://www.regjeringen.no/no/tema/valg-og-demokrati/den-norske-valgordningen/veileder-om-forebygging-og-handtering-av-hatefulle-ytringer-hets-og-trusler-mot-politikere-og-kandidater/id2877153/>

<sup>212</sup> <https://www.bufdir.no/statistikk-og-analyse/LHBT/>

<sup>213</sup> <https://www.bufdir.no/statistikk-og-analyse/LHBT/hatkriminalitet-diskriminerings/>

<sup>214</sup> <https://www.sv.uio.no/c-rex/forskning/prosjekter/hatecycle/index.html>

<sup>215</sup> Read the police's own description of the internet patrols: <https://www.politiet.no/rad/trygg-nettbruk/politiet-i-sosiale-medier/>

has produced information videos and other content to disseminate information about hate crime and hate speech to the general public, including in relation to SOGIESC.

- The government's Strategy for Strengthening Resilience to Disinformation (2025–2030) says little about hate speech, but the government says it will "increase support for cooperation with international organisations such as the Council of Europe to detect and counter hate speech online and strengthen cooperation with the OECD to promote good governance at all levels, including in relation to information integrity."<sup>216</sup>
- Norway has been in the process of implementing the EU's Digital Services Act (DSA) into national law.<sup>217</sup> The DSA introduces binding obligations for online platforms to remove illegal content, including hate speech, while safeguarding users' rights to freedom of expression and privacy. Norwegian authorities such as the Norwegian Communications Authority, the Media Authority, the Consumer Authority, and the Data Protection Authority are expected to assume responsibilities for monitoring compliance within their respective areas. However, it is not clear from this review whether any (or which) of these will have specific responsibility for matters relating to hate speech.
- The DSA came into force in November 2022 and has been enforced by the European Commission since August 2023 and in all member States since February 2024. For the DSA to apply to Norway, however, it must be incorporated into the EEA Agreement, and there remains uncertainty as to whether and when this will occur. Acts that are already criminal offences in Norway, including hate speech, are expected to be enforced extensively online should the DSA be incorporated into the EEA Agreement.

*Promising practice:*

Buudir has initiated research on the use of artificial intelligence to identify, map, and prevent hate speech on social media, which will be completed in 2026. The project will use artificial intelligence (AI) to map the extent of hate speech online and the connection between online actions and events in the real world (such as political events, conflicts, etc.). The project will also explore the possibilities and limitations of using advanced AI tools to combat criminal hate speech and other hateful expressions, including how social media companies operate and regulate their platforms. Such research addresses an important and necessary need for knowledge.

## **Narrative interventions and preventive messages**

### From public agencies:

- A change in the law in 2021 now allows the use of Pride flags on public buildings in Norway, among other places. However, this has also been met with criticism and many cases of vandalism and theft of Pride flags from public and other buildings. Theft of and damage to other people's Pride flags is considered a hate crime, and the police have

<sup>216</sup> Page 72: [https://www.regjeringen.no/contentassets/3efc37e03b6747bfa0806b8df44fb466/nn-no/pdfs/strategi\\_desinformasjon.pdf](https://www.regjeringen.no/contentassets/3efc37e03b6747bfa0806b8df44fb466/nn-no/pdfs/strategi_desinformasjon.pdf)

<sup>217</sup> See, for example, the discussion of the DSA and the implementation work by Stortinget.no: <https://www.stortinget.no/no/Hva-skjer-pa-Stortinget/EU-EOS-informasjon/EU-EOS-nytt/2024/eueos-nytt---20.-februar-2024/forordningene-om-digitale-tjenester-og-digitale-markeder-ute-av-startropa-i-eu--men-ikke-i-eos/>

recorded an increase in such cases since 2021.<sup>218</sup> Flying Pride flags on public buildings during certain periods can have a strong symbolic effect and be a good way of showing support for Pride and gender and sexual diversity.

*Promising practice:*

Bufdir has developed "Guidance on Interacting with People of Diverse Genders for Public Sector Employees" so that public employees know how to "appropriately interact with transgender people and others who break with norms and expectations related to gender" in their work. The guidelines also include sections on relevant legislation that addresses criminal hate speech.<sup>219</sup> The final version of the guidelines is expected to be finalised in spring 2026.

- In 2024, the police issued the "National Guidelines on the Police's Use of Gender-Related Language," a brief guide for addressing gender-related issues in general, with some of the recommendations pertaining to LGBTI individuals.<sup>220</sup>
- In 2022, Norway's first Prison Pride was organised by Røverradion in Eidsberg Prison.<sup>221</sup> The Correctional Service has also participated in the large Pride parade in Oslo and issued public messages about the importance of marking Pride for the Correctional Service as well.<sup>222</sup> This sends an important preventive message and sets an example of promising practice.
- In 2022, the Norwegian police conducted a survey on LGBTI people's trust in the police, as described earlier.<sup>223</sup> Among other things, the survey showed that 40% reported having been subjected to hate crime in the last two years, but that only 8% of these reported the incident, partly due to a lack of trust in the police.<sup>224</sup> Such surveys conducted by the police send an important signal to LGBTI residents that the police take hate crimes against them seriously, and it can also send a clear signal when the police publish such results, despite the fact that they contain criticism of the police.

Elected officials and representatives of public institutions:

- The Prime Minister and members of the royal family, together with LGBTI organisations, attended the memorial service for the victims of the terrorist attack outside London Pub – Oslo's oldest nightclub for LGBTQI people – in 2022. Five ministers also attended the two-year anniversary commemoration in 2024. There are several similar examples of participation in seminars and important public events by elected officials and other representatives of key public institutions.

<sup>218</sup> See pages 28-29 of the "Report on registered reports and developments" published by the National Competence Center for Hate Crime, the National Police Directorate, and the Oslo Police District in 2025: <https://www.politiet.no/globalassets/dokumenter-strategier-og-horinger/oslo/rapporter/hatkriminalitet-norge/hatkriminalitet-i-norge---arsrapport-2024.pdf>

<sup>219</sup> Read more about the advice at Bufdir: <https://www.bufdir.no/om/hoeringer/horing-faglige-rad-kjonns mangfold/>

<sup>220</sup> See the police's national guidelines on communication relating to gender: <https://kudos.dfo.no/dokument/148763/nasjonale-rad-om-politiets-omtale-av-kjonn>

<sup>221</sup> <https://foreningenfri.no/verdens-forste-fengselspride/>

<sup>222</sup> See the Norwegian Correctional Service's coverage of its own Pride celebrations: [HappyPride! - Kriminalomsorgen.no](http://HappyPride!-Kriminalomsorgen.no)

<sup>223</sup> See the police report summarizing the results of the survey: [Results from the LGBTQI+ survey at Pride 2022](https://www.politiet.no/globalassets/dokumenter-strategier-og-horinger/oslo/rapporter/hatkriminalitet-norge/hatkriminalitet-i-norge---arsrapport-2024.pdf)

<sup>224</sup> Ellefsen, R., Os, K., & Jakobsen, M. H. (2024). Reporting Anti-LGBTQI Hate Crime to the Police: First-Hand Experiences and Reasons for not Reporting. *Nordic Journal of Studies in Policing*, 11(1), 1-21. <https://doi.org/10.18261/njsp.11.1.9>

- High-profile elected politicians and members of the royal family have also participated in public ceremonies in support of LGBTI people and those affected by the June 25 terrorist attack in Oslo. For example, in 2025, both the President of the Storting (Parliament) and the Mayor of Oslo attended the memorial service for the victims of the terrorist attack.<sup>225</sup>
- The Government organises an annual “Government Pride Reception” in connection with Oslo Pride. Representatives of LGBTI organisations, as well as other actors working to promote sexual and gender diversity are invited. In 2025, 12 government ministers attended the reception.<sup>226</sup>
- Each year, the Government also awards the Kim Friele Memorial Prize to an individual, institution, group or organisation that has demonstrated significant dedication and commitment in advancing the rights of LGBTI persons and human rights more broadly.<sup>227</sup>

#### Actors in sports and religious communities:

- During the winter of 2024, Oslo Pride and the Elite Series in ice hockey organised a Pride week, where all teams received training in gender and sexual diversity, including tools for working strategically with inclusion and diversity.<sup>228</sup>
- In its 2021 strategy, “Values Worth Fighting For”, the Norwegian Sports Federation (NIF) made clear commitments related to athletes' freedom of expression, and support for the use of rainbow flags at sporting events. The strategy also states that NIF has zero tolerance for any discriminatory practices that affect participation in sports, for example based on gender, sexual orientation, gender identity, political views, or religious affiliation.<sup>229</sup>
- In 2023, the Preses (the highest-ranking bishop in Norway) participated in Pride for the first time and called for people to "close ranks around Pride."<sup>230</sup>

#### *Promising practice:*

In October 2025, the Church of Norway issued a public apology to LGBTI people for causing them harm and pain through statements and actions. The apology was launched at an open press conference followed by a church service attended by, among others, LGBTI people employed by the church and LGBTI organisations.<sup>231</sup>

<sup>225</sup> See, for example, coverage of the memorial service in 2025: <https://www.abcnyheter.no/nyheter/dette-er-tida-for-a-sta-opp-sier-stortingspresidenten-under-25-juni-markering/1111501>

<sup>226</sup> <https://www.regjeringen.no/no/aktuelt/regjeringens-pride-mottakelse/id3110876/>

<sup>227</sup> Read about the 2025 award ceremony here: <https://www.regjeringen.no/no/aktuelt/kim-frieles-minnepris-gar-til-christine-marie-jentoft-teigland-og-luca-dalen-espseth/id3112560/>

<sup>228</sup> Read about the case on the website of the Norwegian Ice Hockey Association: Pride Week in week 5:

<https://www.hockey.no/nyheter/2024/pride-week-i-uke-5/>

<sup>229</sup> See page 9 of the Norwegian Sports Federation's strategy:

[https://www.idrettsforbundet.no/contentassets/730d39e2d41047738df9f2756d7c2e85/65\\_21\\_nif\\_internasjonale-strategi\\_oppslag\\_lr.pdf](https://www.idrettsforbundet.no/contentassets/730d39e2d41047738df9f2756d7c2e85/65_21_nif_internasjonale-strategi_oppslag_lr.pdf)

See also Skeiv idrettskompetanse (Queer Sports Competence) on hate speech:

<https://www.skeividrett.no/ressurser/forbund/hatefulle-ytringer/>

<sup>230</sup> See the Church's own statement on the presiding bishop's participation in Pride: <https://www.kirken.no/nb-NO/om-kirken/aktuelt/preses%20sl%C3%A5%20ring%20om%20pride/>

<sup>231</sup> See the Church of Norway's statement on the public apology: <https://www.kirken.no/nb-NO/om-kirken/aktuelt/den-norske-kirke-vil-si-unnskyld-til-skeive/>

- An initiative organised by the Cooperation Council for Faith and Life Stance Communities in Norway has included several dialogue meetings between LGBTI organisations and representatives of various religious communities. The initiative to increase dialogue between LGBTI people and religious communities came in the wake of the terrorist attack against LGBTI people on June 25, 2022. The dialogue initiative has resulted in joint statements<sup>232</sup> and a research report on the dialogue collaboration.<sup>233</sup>
- In December 2023, the Cooperation Council for Faith and Life Stance Communities (STL) issued a joint statement from religious leaders and leaders of LGBTI organisations.<sup>234</sup> The statement reads, among other things: "We want to stand up for each other when any of us are attacked In 2025, STL also launched the Checklist for Constructive Discussion on LGBT+ issues and Religion."<sup>235</sup>

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<sup>232</sup> <https://stl.no/nyheter/dialogen-mellom-religiose-ledere-og-skeive/>

<sup>233</sup> <https://stl.no/nyheter/kifos-forskningsrapport-om-dialogen-mellom-religiose-ledere-og-skeive/>

<sup>234</sup> <https://stl.no/nyheter/fellesuttalelse-fra-religiose-ledere-i-stl-og-ledere-fra-skeive-organisasjoner-og-religiose-skeive>

<sup>235</sup> See the checklist developed by STL: <https://stl.no/nyheter/sjekkliste/>

## C. Summary and recommendations

Below is a summary of the key findings of the review, followed by recommendations for strengthening efforts to combat SOGIESC-based hate speech in Norway.

### C1. Summary

1. The Council of Europe's assessments on the use of criminal law to address hate speech in relation to freedom of expression point out that member states should use criminal sanctions to combat the most serious forms of hate speech, while other methods must be used to deal with less serious forms of hate speech; and, most importantly, member States must simultaneously address the underlying causes of such speech.<sup>236</sup> Preventive measures are therefore absolutely necessary.
2. Clear and understandable boundaries between hate speech that is covered by the Penal Code and speech that may be controversial and shocking but is nonetheless legal are essential for the law to function as intended and to counteract the most serious forms of criminal hate speech, while at the same time safeguarding freedom of expression.<sup>237</sup>
3. Measures against hate speech must be proportionate to the severity of the offense. While serious hate speech requires a criminal law response, there are other forms of speech where a civil law response is sufficient, or which should rather be countered through counter-speech and other preventive measures such as educational measures or measures to increase understanding of gender and sexual diversity.<sup>238</sup>
4. Over the past five years, the review identifies the most tangible measures directly aimed at countering criminal hate speech based on SOGIESC and other protected grounds in Norway particularly within the justice sector, notably through developments in criminal legislation, the work of the police and prosecution service, and judicial practice.
5. Broader preventive measures have been implemented through action plans that cover other sectors of society, but these are often more general and aimed at raising awareness and changing attitudes, as well as general efforts that can indirectly prevent hate speech and prejudices against LGBTI people.
6. Measures specifically targeting SOGIESC-based hate speech on social media and online platforms appear less clear and underdeveloped. For example, when it comes to dealing with hate speech that is spread and exposed on social media platforms, including the spread of misinformation and disinformation about LGBTI people, in particular trans people. Research on the extent of criminal hate speech in the digital arena, various measures to moderate such online content, and the effects of these measures appear inadequate in the Norwegian context. An important exception is the ongoing research mentioned above on the use of artificial intelligence to map and prevent hate speech on social media, as well as how social media companies and other platforms/third-party services on the internet themselves regulate such speech on their platforms.

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<sup>236</sup> See page 15 of the report: Limiting the Use of Criminal Law to Restrict Freedom of Expression: A Guide to Council of Europe Standards (2025): <https://rm.coe.int/limiting-the-use-of-criminal-law-to-restrict-freedom-of-expression-a-g/4880284fac>

<sup>237</sup> Page 16 of the report <https://rm.coe.int/limiting-the-use-of-criminal-law-to-restrict-freedom-of-expression-a-g/4880284fac>

<sup>238</sup> Page 18 of the report <https://rm.coe.int/limiting-the-use-of-criminal-law-to-restrict-freedom-of-expression-a-g/4880284fac>

7. As of today, the Norwegian Media Authority has no direct role in supervising or enforcing legislation on hate speech.
8. The police have various forms of presence on the internet and social media, which mainly include preventive efforts. However, the police say that they do not actively patrol the internet to uncover hate crimes or hate speech, and that it is likely that many criminal hateful statements are published on the internet and social media that are not detected and registered by the police.<sup>239</sup>
9. The government's national action plan for gender and sexual diversity (2023–2026) includes four important measures that are directly or indirectly relevant to efforts to combat hate crime. As of today, the measures have been fully or partially implemented. While the two overarching measures that explicitly address hate crime also include hate speech, no further specific measures against or descriptions of hate speech are specified in this action plan.
10. This review mainly looks at the national level, but the central national action plans that include preventive and reactive measures against SOGIESC-based hate speech are to be implemented in various agencies, sectors, and geographical regions. The status and variation across agencies, sectors, and regions is less clear, but could provide valuable information for identifying the need for measures across regions and sectors. For example, the duty to take action and report on equality and discrimination also applies to public agencies, but it was not possible to easily locate reports on relevant measures from the country's various agencies in different sectors and regions. This relates to the ECRI recommendation to member states to "ensure that measures to combat discrimination and intolerance against LGBTI persons are implemented at all administrative levels (local/regional and national)".<sup>240</sup>
11. In Norway and other member States, there are several examples of government measures against hate speech against transgender people (such as a report or criminal conviction) and other minorities, which have been put forward by activists or politicians, being actively used on social media to spread misinformation and mobilise opposition to the authorities' policies for diversity, protection of various minority groups, and their human rights.
12. Certain areas emerge as priorities for further action in order to strengthen and advance ongoing efforts to counter SOGIESC-based hate speech in Norway. These include, inter alia, measures addressing hate speech based on sex characteristics; initiatives to monitor the prevalence of, and counter the spread of, hate speech, particularly online and on social media platforms; as well as continued efforts to enhance knowledge and capacity within public administration outside the justice sector, where the level of expertise among state actors remains less well established.

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<sup>239</sup> See page 14 in National Competence Center for Hate Crime (2023). Hate Crime in Norway 2024: Report on Registered Reports and Developments. National Police Directorate and Oslo Police District. <https://www.politiet.no/globalassets/dokumenter-strategier-og-horinger/oslo/rapporter/hatkriminalitet-norge/hatkriminalitet-i-norge---arsrapport-2024.pdf>

<sup>240</sup> Recommendation §2 – ECRI GPR No.17

## C2. Recommendations

The below recommendations are presented according to the following thematic areas: legislation, implementation, knowledge needs, prevention, and overall coordination.

### Legislation

1. Recommendation CM/Rec(2025)7<sup>241</sup> on equal rights for intersex persons, adopted by the Council of Europe, recognises the unique experiences, challenges and vulnerabilities of intersex persons and calls on member States to incorporate sex characteristics as a protected ground in legislation on hate crime and hate speech, and to support this with systematic data collection and monitoring. Norwegian legislation does not explicitly refer to hate crime and hate speech based on sex characteristics. It should therefore be ensured that this form of hate speech is covered by legislation and is known among criminal justice actors and public authorities, so that effective implementation and enforcement are possible.
2. Intersex persons should be included in and protected by Section 185 of the Penal Code, as this review shows that they are not encompassed by current legislation. Similar recommendations were put forward in a previous assessment of the legal situation of intersex persons in Norway.<sup>242</sup> Following such a legislative amendment, it could also be specified whether police reporting statistics include cases of hate speech or other forms of hate crime affecting this group.
3. The Freedom of Expression Commission's concrete recommendations to amend the wording of Section 185 should be implemented, in order to make the provision more up to date, clarify what is considered criminal hate speech, and use language that is more current and therefore more understandable to the public.
4. In line with the observations of the Freedom of Expression Commission and Recommendation CM/Rec(2022)16, the application of Section 185 should be considered in such a way that the harmful potential of hate speech, its dissemination, and the position of the person expressing it are given greater weight when assessing the threshold for criminal liability. This concerns whether expressions protected under freedom of expression (particularly those with significant harmful potential) may in some cases be afforded overly strong protection, and whether convictions for expressions not protected by freedom of expression (particularly those with lower harmful potential) in certain cases reflect too low a threshold for criminalisation. This point applies to Section 185 in general, including SOGIESC-based hate speech.
5. Paragraph 10 of Recommendation CM/Rec(2022)16<sup>243</sup> provides that member States should make it possible for "equality bodies, national human rights institutions and civil society organisations with a legitimate interest in combating hate speech to assist and represent persons affected by hate speech in legal proceedings, and to initiate legal action in cases concerning hate speech, including, where appropriate, in their own name." Civil society organisations may, like victims, report hate speech to the police, but

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<sup>241</sup> <https://search.coe.int/cm?i=091259488028b934>

<sup>242</sup> See Chapter 3 of the report Law and Intersex in Norway: Challenges and Opportunities (2018) [https://www.academia.edu/71933387/Law\\_and\\_Intersex\\_in\\_Norway\\_Challenges\\_and\\_Opportunities](https://www.academia.edu/71933387/Law_and_Intersex_in_Norway_Challenges_and_Opportunities)

<sup>243</sup> <https://search.coe.int/cm?i=0900001680a67955>

they have no formal right to do so on behalf of victims or to represent them in criminal proceedings concerning hate speech, although such organisations may provide informal assistance if the parties so wish. Norway should consider measures to align with this recommendation.

## Implementation

6. Paragraph 25 of Recommendation CM/Rec(2022)16<sup>244</sup> of the Committee of Ministers of the Council of Europe on combating hate speech states that member States should regularly “publish reports containing comprehensive information and statistics on online hate speech, including content restrictions, as well as on requests by national authorities to platforms to remove content on the grounds that it constitutes hate speech.” This review has not identified that such information is publicly available. This should therefore be followed up and may provide an important knowledge base, particularly regarding expressions that may fall within the scope of Section 185 on online platforms. A more detailed description of what such reporting should contain can be found in paragraphs 106–109 of the Explanatory Memorandum<sup>245</sup> of Recommendation CM/Rec(2022)16.
7. In 2022, the Council of Europe recommended that Norwegian authorities take measures to strengthen minorities’ trust in the police. It considered that low levels of trust were one of the reasons for low reporting rates and, consequently, a lack of reliable data on the prevalence of hate crime cases affecting all minority groups in Norway. Although several promising measures have been implemented and are ongoing, research indicates that trust remains low and reporting rates limited. Continued efforts are therefore needed to strengthen trust between the police and LGBTI communities and organisations, including measures by the police and other public authorities located in districts and areas where expertise on criminal hate speech and hate crime may be more limited. If such efforts do not lead to increased trust and reporting, alternative reporting mechanisms, such as the possibility of reporting through a third party, should also be explored or considered.<sup>246</sup>
8. Capacity-building measures within the police, as well as those provided by external actors such as Rosa kompetanse, should be continued. Both the mapping of competence needs and measures to address these needs across police districts should be ensured, and should also include the police’s victim support centres. The police should consider whether further steps can be taken to ensure that training provided by Rosa kompetanse is utilised by actors within the justice sector.
9. The continuity of the police’s national centre of expertise on hate crime must be ensured through long-term allocation of sufficient resources. Sustained efforts are required to maintain and further develop competence on hate speech and hate crime over time. This is essential to strengthen police work in this area across all police districts. As part of this work, it should also be ensured that the centre for expertise is better able to generate data and develop analyses and statistics that can provide the necessary knowledge to inform efforts in this field.

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<sup>244</sup> <https://search.coe.int/cm?i=0900001680a67955>

<sup>245</sup> <https://search.coe.int/cm?i=0900001680a6891e>

<sup>246</sup> See further details on this on page 40. 119-120 i CM/Rec(2024)4:

[https://search.coe.int/cm#/{%22CoEReference%22:\[%22CM/Rec\(2024\)4%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm#/{%22CoEReference%22:[%22CM/Rec(2024)4%22],%22sort%22:[%22CoEValidationDate%20Descending%22]})

10. It is recommended that the Director of Public Prosecutions reintroduce hate crime in its circular on priorities for criminal case processing within the police and prosecution service. This would make the prioritisation explicit, thereby ensuring priority is given to this area and avoiding uncertainty or unintended deprioritisation within the police and prosecution authorities.
11. The regulation of hate speech on social media platforms and other online platforms (such as forums and content-sharing sites) remains a challenge. Norway should seek increased cooperation and engagement at the European level in order to ensure accountability of technology companies and improve content moderation and reporting mechanisms. There are currently limited active national measures in this area, but it should be considered to initiate research mapping developments in this field, as this appears important for following trends and assessing the need for further measures.
12. Editorially controlled media should consider whether they are sufficiently equipped to conduct fact-checking and to guard against the uncritical reproduction of disinformation and pseudoscience, such as that disseminated in anti-trans campaigns by actors within the anti-gender movement. Experiences from long-standing media coverage of climate issues and vaccines may have relevance or transfer value to reporting on issues concerning transgender persons, for example in coverage of debates on gender-affirming treatment.

### **Knowledge needs**

13. Investment in new research on hate speech was highlighted as particularly useful for strengthening competence on this issue in the evaluation of the national strategy against hate speech (2016–2020) conducted in 2021.<sup>247</sup> New research and the production of statistics should now be initiated to provide an updated knowledge base on the extent and distribution of SOGIESC-based hate speech across the most widely used social media platforms and other online platforms. Research is also needed on measures that may have been implemented by social media companies and other platforms or third-party services, Norwegian and international authorities, and civil society organisations to monitor and regulate hate speech on these platforms. This includes how cooperation between these actors functions and the impact of such measures. Research tracking Norway's implementation of the Digital Services Act will be particularly important in the period ahead.
14. Research covering experiences of both criminal and non-criminal hate speech among different professional groups and service providers across sectors (e.g. healthcare and education), as well as service users (e.g. patients and pupils), and how they perceive, respond to and work on these issues, could also address an important knowledge gap

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<sup>247</sup> See the Government's previous strategy for the period 2016–2020: <https://www.regjeringen.no/contentassets/09fc5dbac22043dda68cfcd97d3d2909/status-strategi-mot-hatefulle-ytringer-mai-2020.pdf>

regarding how such experiences manifest in parts of the population beyond directly affected groups.<sup>248</sup> The experiences of young people should also be included.<sup>249</sup>

15. More research is needed to ensure and develop evidence-based measures and policies for LGBTI persons with multiple and intersecting minority backgrounds and identities, who are therefore particularly vulnerable to marginalisation. For example, research could be initiated on this group's exposure to hate speech and hate crime, examined in relation to other forms of vulnerability, such as those experienced by refugees, asylum seekers or persons with disabilities. The aim should be to capture how intersecting minority backgrounds and related forms of vulnerability affect living conditions, quality of life and specific challenges faced by these groups, thereby informing appropriate measures.
16. Alternative sources of knowledge on exposure to hate crime and hate speech, in addition to existing criminal justice statistics, should be ensured. This may include research, population surveys and victimisation surveys capturing self-reported experiences, as well as continuing to include dedicated questions on such experiences in national safety surveys. Such longitudinal research and updated knowledge over time will be important for ensuring evidence-based policy and targeted measures by public authorities.<sup>250</sup>

## Prevention

17. Funding schemes should be established for civil society organisations, allowing grants to be sought for measures addressing hate speech and its negative consequences for LGBTI persons in particular, for example support to victims or targeted preventive efforts. This is in line with similar recommendations previously put forward by national commissions.<sup>251 252</sup>
18. In broader preventive efforts, measures addressing SOGIESC-based hate speech should be developed in relation to wider efforts to counter democratic backsliding and to promote awareness of gender and sexual diversity. This should form part of broader work on human rights and democracy, making use of existing actors and initiatives.
19. Greater emphasis should generally be placed on addressing the causes of hate speech by working proactively to counter prejudice against LGBTI persons and to promote greater tolerance for gender and sexual diversity. Current efforts are largely reactive, focusing on criminal prosecution of the most serious cases. However, there exists a much broader spectrum of expressions, attitudes and behaviours that are not criminal but remain problematic and require different responses.

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<sup>248</sup> See the following relevant Norwegian studies:

Kristiansen, A., Endresen-Maharaj, K., & Fjalsett, G. K. (2025). «Dette er måten de unge snakker på i dag.» Om elevers bruk av hatprat og nedsettende ytringer. *Nordisk tidsskrift for pedagogikk og kritikk*, 11(1). <https://doi.org/10.23865/ntpk.v11.6731>  
Report on transgender persons and persons with disabilities' encounters with the healthcare system (2024): <https://ungfunk-site.files.svdcdn.com/production/Helsenotat-v1.pdf?dm=1716897790>

<sup>249</sup> See, for example, paragraph 13(a) of the input from the UN Committee on the Rights of the Child to the Norwegian authorities on the right to non-discrimination, which highlights the need to strengthen measures, including awareness-raising and efforts to combat and counter SOGIESC-based hate speech affecting children (2025):

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FNOR%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FNOR%2FCO%2F7&Lang=en)

<sup>250</sup> See further details on this on page 40, paragraphs 119-124 i CM/Rec(2024)4:

[https://search.coe.int/cm/#{%22CoEReference%22:%22CM/Rec\(2024\)4%22,%22sort%22:%22CoEValidationDate%20Descending%22%22}](https://search.coe.int/cm/#{%22CoEReference%22:%22CM/Rec(2024)4%22,%22sort%22:%22CoEValidationDate%20Descending%22%22})

<sup>251</sup> The Commission considers that funding should be allocated to organisations working on countermeasures to hate speech, such as counter-speech in comment sections, helplines, and awareness-raising on reasoned argumentation and dialogue. See the Commission's report:

<https://www.regjeringen.no/contentassets/753af2a75c21435795cd21bc86faeb2d/no/pdfs/nou202220220009000dddpdfs.pdf>

<sup>252</sup> <https://www.regjeringen.no/contentassets/b09f8768c15d4d4f9ac8acfab0bf05e3/no/pdfs/nou202420240003000dddpdfs.pdf>

20. Part of such an approach involves placing greater emphasis on preventing hate speech and its spread, rather than focusing primarily on moderation and prosecution after the fact. Educational institutions and civil society actors have important roles in this regard.
21. While additional overarching preventive measures could be identified across sectors, these would be too general and fall outside the scope of this report. Such measures should instead be integrated into and form part of existing efforts (including those mentioned above), adapted to the challenges described in this report.
22. A comprehensive articulation of relevant preventive measures should instead be developed as part of a national action plan, as outlined below.

### **Overall coordination**

23. Consideration should be given to developing a new cross-sectoral action plan in order to achieve a more comprehensive approach and overall coordination of measures addressing hate speech affecting LGBTI persons and other minority groups. A plan covering multiple minority backgrounds would likely be better equipped to address intersecting vulnerabilities and enable more coordinated action.<sup>253</sup>
24. A national action plan on hate crime should include criminal hate speech as well as a broader range of criminal offences that often overlap with and are combined with such expressions. This would enable a cross-sectoral approach in which reactive measures in the justice sector are seen in conjunction with, and aligned with, proactive and preventive measures in other sectors, ensuring greater coherence. Such a plan should apply across all protected grounds to ensure a comprehensive approach, rather than the current fragmented framework of dispersed measures across different action plans.
25. In the development of such a plan, research and analysis providing greater knowledge and understanding of the underlying causes of, and drivers behind the spread of, hate speech will be essential in clearly identifying the main challenges to be addressed by the overarching strategy and its specific measures, ensuring that objectives are clearly defined and that efforts can be effectively evaluated over time.

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<sup>253</sup> See for example: [https://figshare.le.ac.uk/articles/report/Tackling\\_Hate\\_Crime/30752387?file=60071462](https://figshare.le.ac.uk/articles/report/Tackling_Hate_Crime/30752387?file=60071462)