NORWAY

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I. Main achievements

This chapter presents short summaries of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms, referring however also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation, government regulations, the adoption of new policies or general guidance from superior courts. As a rule, the overview does not cover information on measures providing individual redress to applicants.

The reforms are in principle presented in the order corresponding to the thematic domains used in the specialised database HUDOC-EXEC of the Department for the Execution of Judgments of the European Court of Human Rights.

Many reforms address issues which appear to be on-going challenges in member states. The effects of reforms adopted at one point in time may thus need to be monitored and possibly revisited as conditions change.[1]

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

[1] The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued Recommendation (2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

Functioning of justice

Fairness of proceedings

2003 amendments of the Criminal Procedure Act provided that acquitted persons are eligible to claim compensation from the State for any damage that they have sustained as a result of the prosecution without being required to prove that they had not committed the offences charged with.

O. and Y. (29327/95 and 56568/00)
Final Resolution CM/ResDH(2009)8

Legal certainty

The Code of Criminal Procedure of 1995 created a new level of jurisdiction providing for improved legal certainty. Appeals made against judgments of the city courts would now fall within the jurisdiction of the Court of Appeal which is competent both as regards points of fact, law and procedure.

Botten (16206/90)
Final Resolution CM/ResDH(97)220

Remedies against excessive length of proceedings

Measures to accelerate criminal and civil proceedings were adopted in 2002 and 2005 respectively. These measures were combined with the possibility to obtain compensation in cases of excessively lengthy proceedings and, in criminal cases, a reduction in the length of sentences. A number of measures were also adopted to accelerate proceedings concerning industrial property rights.

A. and E. Riis (16468/05 and 9042/04)
Final Resolution CM/ResDH(2009)109
Kristiansen and Tyvik AS (16468/05)
Final Resolution CM/ResDH(2015)82

Protection of family life

Expulsions and best interests of the child

In 2011, the Ministry of Justice issued new instructions to the Immigration Directorate to align administrative practice with the European Court's case-law. They underlined the general principles and considerations to be taken into account, including the importance of a thorough assessment of each individual case, paying particular attention to the best interests of the children of persons subject to expulsion.

Nunez (55597/09)
Final Resolution CM/ResDH(2013)117

Right to respect for correspondence

Following the European Court's judgment, the Supreme Court, in its criminal case-law, has clearly settled that seized data which might contain correspondence protected due to legal professional privilege (LPP) should be carefully sifted through by the police. In June 2021, the Prosecutor General adopted a Directive with clear and specific procedural guarantees to prevent LPP from being compromised by the police search of digital data carriers. The Directive created a new technical unit within the police, distinct from the investigating agents, responsible for performing the filtering of digitally stored data. The officers in the unit must follow strict rules on confidentiality, verifiability, and the secure storage of confidential data.

Saber (459/18)
Final Resolution CM/ResDH(2022)307

Shortcomings in child welfare cases

Following the European Court's judgment in September 2019, a broad range of general measures have been taken in this group. In particular, a new Child Welfare Act was adopted, the Supreme Court and lower instances changed their case law, new guidelines for the child welfare services and the domestic courts were put in place, and numerous capacity building and training measures were carried out. The general measures taken have led to the necessary adjustment of the decision-making processes of the Norwegian child welfare authorities and the domestic courts, and to a genuine balancing of competing interests in line with Article 8 of the Convention.

Strand Lobben and Others group of cases (37283/13)
Final Resolution CM/ResDH(2025)259

Freedom of expression

- Defamation

In 2004, a new law abolished civil liability for defamation following a publication, in good faith, of factual statements on issues of general interest that were eventually proven to be untrue.

Blådet Tromsø A/S and Pål Stensås (21980/93)
Final Resolution CM/ResDH(2002)70

- Broadcasting

In order to better secure small political parties' access to television during elections, the Statutes of the National Public Broadcaster (NRK) was changed, in 2009, to include an obligation to provide broad and balanced coverage of political elections and editorial coverage also to smaller parties. Since 2008, all political parties may also use a new TV channel, "Frikanalen" (the Open Channel) to communicate political messages.

TV Vest As and Rogaland Pensjonistparti (21132/05)
Final Resolution CM/ResDH(2011)234

Protection of property rights

To strike a fair balance between the interests of landowners (the lessors) and leaseholders (Lessees), amendments to the Ground Lease Act of 2015 introduced a mechanism allowing one-off rent increases reflecting the real market value of the land. Lessees maintain the right to extension of the lease when the contract expires. However, should they wish to do so, the new law grants the lessors a one-off upward rent adjustment.

Lindheim and Others (13221/08+)
Final Resolution CM/ResDH(2016)46

Right to education

To prevent undue preference of the Christian faith in State primary schools, the Education Act was amended in 2008 in order to set up classes in "Religion, Philosophies of Life and Ethics". The new curriculum emphasises that religions and philosophies of life are to be presented in an objective, critical and pluralistic manner. As regards the partial exemption scheme, the law enjoins schools to respect the religious and philosophical convictions of pupils and their parents and to ensure the right to equivalent education. Disputes on the application of the exemption clause may be brought before courts.

Folgerø and Others (15472/02)
Final Resolution CM/ResDH(2011)237

II. Main issues pending before the Committee of Ministers

This chapter presents the main issues pending in cases/groups of cases currently under the Committee of Ministers' supervision. The relevant supervision procedure is indicated for each case/group of cases.

Detailed information on the status of execution of these cases as well as on the Committee of Ministers' supervision process is available on the specialised database HUDOC-EXEC of the website of the Department for the Execution of Judgments of the European Court of Human Rights.

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

Right to life

Failure to safeguard the life of a person suffering from psychiatric disorders who committed suicide in pre-trial detention; lack of an effective remedy to obtain compensation.

Haugen (59476/21)
Judgment final on 17/03/2025
Enhanced supervision
Status of execution

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. The Committee of Ministers is the Council of Europe's decision-making body, composed by the foreign ministers of all 46 member states. It is a forum where national approaches to European problems and challenges are discussed, in order to find collective responses. The Committee of Ministers participates in the implementation of the European Convention on Human Rights through the supervision of the execution of judgments of the European Court of Human Rights.

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