



# Norway

## Ratified the European Convention on Human Rights in 1952

### National Judge: Erik Møse

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Terje Wold (1959-1972), Rolv Ryssdal (1973-1998), Hanne Sophie Greve (1998-2004), Sverre Erik Jebens (2004-2011)

The Court dealt with 132 applications concerning Norway in 2017, of which 129 were declared inadmissible or struck out. It delivered 3 judgments (concerning 3 applications), one of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2015	2016	2017*
Applications allocated to a judicial formation	73	90	123
Communicated to the Government	2	7	2
Applications decided:	79	90	132
- Declared inadmissible or struck out (Single Judge)	70	82	126
- Declared inadmissible or struck out (Committee)	8	2	2
- Declared inadmissible or struck out (Chamber)	0	3	1
- Decided by judgment	1	3	3
Interim measures:	7	12	8
- Granted	0	1	0
- Refused (including out of scope)	7	11	8

\* January to July 2017

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#)

Applications pending before the court on 01/01/2018	
Total pending applications*	66
Applications pending before a judicial formation:	52
Single Judge	18
Committee (3 Judges)	3
Chamber (7 Judges)	31
Grand Chamber (17 Judges)	0

\*including applications for which completed application forms have not yet been received

### Norway and ...

#### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **668** Registry staff members of whom **2** are Norwegian.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### [\*\*A and B v. Norway\*\*](#) (nos. 24130/11 and 29758/11)

15.11.2016

The case concerned two taxpayers who submitted that they had been prosecuted and punished twice – in administrative and criminal proceedings – for the same offence.

No violation of Article 4 of Protocol No. 7 (right not to be tried or punished twice)

#### [\*\*Folgero and Others v. Norway\*\*](#)

29.06.2007

Applicants, members of the Norwegian Humanist Association (Human-Etisk Forbund), complained about the domestic authorities' refusal to grant their children full exemption from lessons at primary school on Christianity, religion and philosophy.

Violation of Article 2 of Protocol No. 1 (right to education)

### Freedom of expression (Article 10)

#### [\*\*Nilsen and Johnsen v. Norway\*\*](#)

25.11.1999

Concerned representatives of the Norwegian Police Association's complaint about being held liable to pay compensation for defamation of a University Professor in the course of a heated public debate on police brutality.

Violation of Article 10

#### [\*\*Bladet Tromsø and Stensaas v. Norway\*\*](#)

20.05.1999

Complaint by newspaper and its former editor about being held liable to pay compensation for defamation of seal hunters.

Violation of Article 10

### Chamber

#### Cases concerning Article 6

#### Right to a fair trial/hearing

##### Violations of Article 6

#### [\*\*Hansen v. Norway\*\*](#)

02.10.2014

The case concerned the failure to give reasons for the refusal to admit for examination a civil appeal subjected to a filtering procedure before a Norwegian High Court (*lagmannsrett*).

#### [\*\*Ekeberg and others v. Norway\*\*](#)

31.07.2007

Concerned the lack of objective impartiality of a High Court, sitting with a jury, in a case brought against members of a motorcycle club – a hang-out for the Hells Angels – for detonating explosives and killing the driver of a passing car.

#### [\*\*Botten v. Norway\*\*](#)

19.02.1996

Unfairness of criminal proceedings brought against a lieutenant-colonel in Norwegian Air Force for neglect or carelessness in the performance of his official duties (a rescue operation at sea) as the Supreme Court overturned his initial acquittal without hearing him in person.

##### No violation of Article 6

#### [\*\*N.A. v. Norway\*\*](#)

18.12.2014

The case concerned the applicant's complaint that she had been ordered to pay compensation to her children for having caused injuries to them, although she had been acquitted of the related criminal charges.

#### [\*\*Procedo Capital Corporation v. Norway\*\*](#)

24.09.2009

Concerned complaint by Procedo, a company registered in Panama, about the lack of impartiality of the Norwegian High Court as a whole, after the disqualification of one of its lay members, in proceedings with regard to a dispute with Sundal Collier, a Norwegian securities broker.

## Presumption of innocence

### Violations of Article 6

#### [Orr v. Norway](#)

15.05.2008

#### [Hammern v. Norway](#)

11.02.2003

#### [O v. Norway](#)

11.02.2003

#### [Y v. Norway](#)

11.02.2003

In the cases of O and Hammern, the applicants were acquitted of sexually abusing minors. Following their acquittal, they claimed compensation for the inconvenience suffered as a result of the criminal proceedings. In the case of Y, the applicant, acquitted of rape and murder charges, was found liable to pay compensation to the victim's parents under the civil law on tort. In the case of Orr, a former British Airways Pilot, acquitted of having raped one of his cabin crew, was ordered to pay compensation to the alleged victim. The applicants all complained that the decisions taken by the Norwegian courts concerning the compensation claims in question were based on reasoning which contained assumptions of criminal guilt despite their acquittal.

## **Cases concerning private and family life (Article 8)**

### Violations of Article 8

#### [Vilnes and Others v. Norway](#)

05.12.2013

The case concerned former complaints by divers that they are disabled as a result of diving in the North Sea for oil companies during the pioneer period of oil exploration (from 1965 to 1990).

This case is of interest because it complements the Court's case-law on access to information under Articles 2 and 8, notably in so far as it establishes an obligation on the authorities to ensure that employees receive essential information enabling them to assess occupational risks to their health and safety.

#### [Nunez v. Norway](#)

28.06.2011

Concerned a complaint of a national of the Dominican Republic that an order to expel her from Norway would separate her from her small children.

#### [A v. Norway \(no. 28070/06\)](#)

09.04.2009

Concerned the applicant's complaint about the national courts' rejection of his defamation suit against the newspaper *Fædrelandsvennen* for its coverage of him as a suspect in the so-called Banehia case (rape and murder of two young girls)

#### [Sanchez Cardenas v. Norway](#)

04.10.2007

Concerned Norwegian courts' rejection of a father's claim for right of access to his sons on account of allegations of sexual abuse and one of the son's strong anxiety about access.

#### [Johansen v. Norway](#)

07.08.1996

[Violation of Article 8](#) as concerned deprivation of applicant's parental rights and access

[No violation of Article 8](#) as concerned the taking into public care of the applicant's daughter and refusal to terminate the care

### No violations of Article 8

#### [M.L. v. Norway \(no. 43701/14\)](#)

07.09.2017

The case concerned the applicant's complaint about the placement of her son in a foster home under the care of people who were not her relatives.

#### [Lillo-Stenberg and Sæther v. Norway](#)

14.01.2014

Complaint by well-known Norwegian rock musician and actress that the weekly magazine *Se og Hør* published photographs of their wedding on an islet in the Oslofjord.

#### [Bernh Larsen Holding AS and Others v. Norway](#)

14.03.2013

The case concerned the complaint by three Norwegian companies about a decision of the tax authorities ordering tax auditors to be provided with a copy of all data on a computer server used jointly by the three companies.

### **Antwi and others v. Norway**

14.02.2012

Relying on Article 8 (right to respect for private and family life), the applicants complained about the immigration authorities' decision in 2006 to expel Mr Antwi and prohibit his re-entry into Norway for five years following their discovering that his passport was forged.

### **Aune v. Norway**

28.10.2010

Concerned Ms Aune's complaint about the Norwegian courts depriving her of parental responsibilities and authorising her son's adoption by his foster parents. Adoption was in child's best interests and number of visits remained the same even after his adoption.

## **Cases concerning freedom of expression (Article 10)**

### **Violation of Article 10**

#### **Becker v. Norway**

05.10.2017

The case concerned a journalist for a daily newspaper who was ordered to give evidence in a criminal case brought against one of her sources for market manipulation.

#### **TV Vest AS and Rogaland Pensjonistparti v. Norway**

11.12.2008

Concerned fine imposed on TV Vest for showing adverts for the Pensioners Party prior to the local and regional elections of 2003 in breach of statutory prohibition in Norway of broadcasting political advertisements.

### **No violation of Article 10**

#### **Egeland and Hanseid v. Norway**

16.04.2009

Concerned the newspapers' (*Dagbladet* and *Aftenposten*) complaint, in particular, that they were convicted and sentenced to a fine for unlawful publication of photographs of a woman leaving a court building where she had just been convicted and sentenced to 21 years' imprisonment for a triple murder (the so-called Orderud case)

## **Case concerning property rights (Article 1 of Protocol no. 1)**

### **Violation of Article 1 of Protocol No. 1**

#### **Lindheim and Others v. Norway**

12.06.2012

Concerned the impossibility for landowners of permanent homes or holiday homes to increase rent to people leasing their land as a result of a change in the legislation. They were therefore obliged to extend leases on the same conditions as before without limitation in time.

## **Noteworthy cases, decisions delivered**

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### **Behrami and Behrami v. France and Saramati v. France, Germany and Norway**

Declared inadmissible on 02.05.2007

Concerned applicants' complaints about the United Nations peace keeping mission in Kosovo following the 1998-1999 conflict between Serbian and Kosovar Albanian forces. Mr Saramati complained in particular about his extra-judicial detention from July 2001 to January 2002 by order of the international security presence in Kosovo (KFOR).

In particular, Articles 1 (obligation to respect human rights), 5 (right to liberty and security), 6 (right to a fair trial) and 13 (effective remedy).

Saramati application concerning Germany struck out (withdrawn) and the remainder of his application declared inadmissible (Behrami and Behrami v. France application also declared inadmissible).

### **Thiermann and Others v. Norway**

Declared inadmissible on 08.03.2007

Concerned "Lebensborn" (widely referred to as war children), a Nazi scheme, introduced by Heinrich Himmler in 1935, to create children who were deemed racially and genetically pure.

Articles 3 (prohibition of inhuman and degrading treatment), 8 (right to respect for private and family life) and 14 (prohibition of discrimination)

### **Storbråten v. Norway**

Declared inadmissible on 02.01.2007

Applicant complained that he was punished twice for the same offence by first being

declared bankrupt and imposed with disqualification orders preventing him from setting up or running a company for two years and then being convicted in separate proceedings with regard to his conduct in the bankruptcy.

[Article 4 of Protocol No. 7 \(right not to be tried or punished twice\): declared inadmissible](#)

[Article 4 of Protocol No. 7 also declared inadmissible in the case of Haarvig v. Norway in a decision of 11.12.2007 concerning a newly graduated medical doctor who was first convicted of certain offences and then had his licence to practice suspended for a certain period.](#)

## Noteworthy pending cases

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### **Strand Lobben and Others v. Norway (no. 37283/13)**

The case concerns the removal of a mother's parental authority and the adoption of her eldest son.

Relying on Article 8 (right to respect for private and family life) of the Convention, the applicants complain about the domestic authorities' decision to remove parental authority and let the foster parents adopt X. They allege in particular that severing family ties should only be ordered in exceptional circumstances, such as a particularly unfit family, and that it was not enough to show that a child would have a more beneficial environment if brought up elsewhere.

In its Chamber [judgment](#) of 30 November 2017, the Court held, by four votes to three, that there had been no violation of Article 8 of the Convention in respect of T. Strand Lobben and her first son, X.

The Chamber, unanimously, declared the application inadmissible insofar as the other applicants were concerned finding that they had not exhausted all remedies at national level.

Case [referred to the Grand Chamber on 9 April 2018](#)

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