



Office for Democratic Institutions and Human Rights

**Information Submitted to the
Office of the United Nations High Commissioner for
Human Rights
as a Stakeholder in the
Universal Periodic Review of Norway**



WARSAW, 13 SEPTEMBER 2013

The following information is submitted by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review process:

Participating/Partner State: Norway

UPR Session and Date of Review: 19th Session, April-May 2014

Background

Norway has been a participating State in the Organization for Security and Co-operation in Europe (OSCE) since 1973 and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.¹ The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has been mandated by OSCE participating States, including the Republic of Albania, to assist them in implementing their human dimension commitments. OSCE/ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to the implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Norway and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in the country.

Overview of this Submission

Upon invitation, the OSCE/ODIHR deployed a Needs Assessment Mission (NAM) for the 14 September 2009 Parliamentary Elections, an Election Expert Team (EET) for the 12 September 2011 Local Government Elections, and an Election Assessment Mission (EAM) for the 9 September 2013 Parliamentary Elections. Detailed information is summarized below and reports from these Missions are annexed.

The authorities in Norway and other sources have provided information to ODIHR most recently for its 2011 annual report on *Hate Crimes in the OSCE Region: Incidents and Responses*. This information is described below.

Elections

Parliamentary Elections, 14 September 2009

¹ OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, <http://www.osce.org/odihr/elections/76894> and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011, <http://www.osce.org/odihr/76895>; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010, <http://www.osce.org/cio/74985?download=true>

In response to an invitation from the Permanent Mission of Norway to the OSCE, and based on the recommendation of a needs assessment mission (NAM), ODIHR deployed an election assessment mission (EAM) from 2 to 16 September 2009. It was led by Ambassador Geert Ahrens of Germany and consisted of nine election experts from as many OSCE participating States.

According to the mission's final report: *“Norway has a long tradition of holding democratic elections, and the conduct of the 14 September elections confirmed that Norwegian elections are characterized by political pluralism, respect for fundamental freedoms and rights, a high degree of public trust in the impartiality of the election administration, and the integrity of the process as a whole. The authorities have displayed a particular responsiveness to remedy existing weaknesses in the electoral process and improve it further.”* The full report, together with its recommendations, is annexed.²

Local Government Elections, 12 September 2011

Following an invitation from the Government of Norway to the OSCE/ODIHR, an Election Expert Team (EET) was deployed to follow the preparations and conduct of the Internet voting pilot project during the 12 September 2011 local government elections. The team consisted of one election/legal analyst and two new voting technologies (NVT) analysts.

The final report noted that *“the internet voting pilot project was conducted in an open and inclusive manner. Election stakeholders, despite some who questioned the principle of remote internet voting, expressed confidence in the overall administration of the internet voting pilot.”* The full report, together with its recommendations, is annexed.³

Parliamentary Elections, 9 September 2013

Following an official invitation from the Permanent Mission of Norway to the OSCE to observe the parliamentary elections scheduled for 9 September 2013, and based on the findings and conclusions of the OSCE/ODIHR Needs Assessment Mission deployed from 4 to 6 June 2013, the OSCE/ODIHR deployed an Election Assessment Mission.

The NAM report concluded that *“all OSCE/ODIHR NAM interlocutors expressed full confidence in the professionalism and impartiality of the election administration... At the same time, the OSCE/ODIHR NAM noted that the new political finance regulations might benefit from further scrutiny, together with the new electronic election administration system, as well as the legal changes impacting these elections.”* The full NAM report is annexed.⁴

Election-related legislation reviewed by the OSCE/ODIHR

Upon request by authorities of an OSCE participating State, the OSCE/ODIHR reviews draft or enacted legislation of OSCE participating States on electoral matters for its conformity with OSCE commitments and other international standards. The legal reviews and opinions are often produced in co-operation with the Council of Europe's Commission for Democracy

² <http://www.osce.org/odihr/elections/norway/40529>

³ <http://www.osce.org/odihr/88577>

⁴ <http://www.osce.org/odihr/elections/103545>

through Law (Venice Commission). In the case of Norway, ODIHR reviewed the following election-related legislation in 2010:

Joint Opinion on the Electoral Legislation of Norway (Opinion-Nr.: 587/2010, issued jointly by ODIHR and the Venice Commission on 22 December 2010)

This opinion was prepared jointly by ODIHR and the Venice Commission in order to comment on the electoral legislation in regards to complaints and appeals. The opinion concluded that *“the system of appeals in electoral matters does diverge from international commitments and standards, as well as good practice. Norwegian citizens are left without an option of timely appeal to independent courts in matters regarding the exercise of the right to choose their local government, their national Parliament and, indirectly, their national government. Similarly, the courts do not play a role in the final validation of elections. In order to meet international standards and commitments, Norway should include the judiciary in the process of electoral dispute resolution. It should provide for final appeal on all election-related complaints to a court. Furthermore, the final validation of the election should include a possibility of appeal to a high judicial body, such as the Supreme Court. This solution would entail the need for a constitutional amendment.”* The full text of the joint opinion is annexed to this document.⁵

Tolerance and non-discrimination issues, including incidents of and responses to hate crime

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and the OSCE/ODIHR supports states in their implementation of those commitments. As of 2011, 55 OSCE participating States including Norway had appointed National Points of Contact on Combating Hate Crimes, to support ODIHR in its task of serving “as a collection point for information and statistics collected by participating States”. In this context, the OSCE/ODIHR produces an annual report on hate crime – *Hate Crimes in the OSCE Region: Incidents and Responses* – to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. The bulk of information for the report was gathered through the completion of an online questionnaire by National Points of Contact. The questionnaire for 2011 contained questions about the following areas: data-collection methods; legislation; reported hate crime data; and policies and initiative.

For the 2011 report,⁶ the National Point of Contact from Norway submitted a completed questionnaire, and provided figures (128 hate crimes recorded by the police). ODIHR also sent requests for information on hate crime to Norway-based non-governmental organizations, but none responded to the request.

⁵ <http://www.osce.org/odihr/elections/norway/75054>

⁶ <http://tandis.odihr.pl/hcr2011/>