

Freedom of the Press.

In Norway's Constitution, dated 17 May, 1814, freedom of the press and freedom of expression are laid down in para. 100, which still preserves the original wording :

"There should be freedom of the press. No one can be punished for any piece of writing, no matter what its contents, which he has caused to be printed or published, unless he has manifestly and wilfully either been guilty himself or aided or abetted others in breaking the law, mocking at religion, decency or those in authority, opposing the decrees of the latter or making wilfully false and libellous statements about anyone. Outspoken comments on the government or any other subject whatsoever are permitted to anyone."

This paragraph from the constitution is regarded in Norway as a fundamental part of the country's democratic way of life, and lays down the main principle for all sources of public opinion within the country, and though at the time it was formulated in 1814 it was only concerned with printed matter, it is also unreservedly applicable to-day in principle to the films and wireless.

Norway has no general press law. The regulations governing the press do not place the press in a special category, but regard its activity within the limits of the legal system which applies generally to all the doings of her citizens, whether from the point of view of civil or criminal law. Military law decides what offences are to be regarded as military crimes or offences. Anyone has the right to own or publish a newspaper, and this also applies to foreigners.....

After the liberation a Norwegian citizen published a paper called "Paragraph 100", which contained some violent attacks on the legal proceedings then going on against the "Quislings", i.e. those who had been guilty of some form of un-national conduct during the German occupation. The legality of the paper was tested by the Norwegian courts who found that it was in every way legal according to the constitution.

Apart from the "Norsk Kunngjølsestidende" (Norwegian Gazette) which only contains official announcements, the press in Norway is owned by private individuals or by jointstock companies. The majority

of the daily papers are stock companies and the shares are being held by numerous private individuals and local political organisations. The Labour press is the property of local labour party organisations and trade unions.

Norway has no official information service, all official documents being available to news agencies, newspapers and wireless. The Ministry of Foreign Affairs has a press department.

The Penal Code states in para 428 that the name of the person or firm responsible must be affixed to all printed matter, likewise that a copy must be forwarded to the police immediately after printing. In the case of a newspaper or periodical the editor responsible must have his name printed. If the Public Prosecutor considers that the contents of the matter printed offends against decency, or invites its readers to disrespect for the law etc. (the actual wording of para. 100 of the constitution), legal proceedings may be instituted, and the editor responsible is called to account before the ordinary court of law. Legal proceedings can not be instituted through administrative channels. Practise is very liberal. In this respect the laws of Norway put the Norwegian Broadcasting Corporation (Norsk Rikskringkasting) in the same category as the press. Only in the case of film performances is any prior censorship enforced.

Cases relating to the press are dealt with by the ordinary courts of law. Here the jury principle and the right of every citizen to defend himself are fundamental.

No censorship exists.

The Norwegian point of view is that regulations and laws in force under existing conditions are sufficient and a safeguard against the spreading of false and tendentious rumours etc., which might tend to embitter or in any way upset international relations.

Proprietors of Norwegian newspapers are, on the principle of legal responsibility for aiding and abetting in committing an offence or a crime, placed on an equal footing with an editor or a journalist, who through the medium of any sort of printed matter incites to "breaking the law, mocking at religion, decency, or those in authority, opposing the decrees of the latter or making wilfully false and libellous statements about anyone" (Paragraph 100 of the Constitution).

This question has repeatedly been discussed by the Norwegian press organisations, and the Foreign Minister has from the rostrum of the Storting (Norwegian Legislative Assembly) appealed to the press to give

as correct and complete information as possible on conditions in other countries.

See paragraphs in the Penal Code on offences relating to printed matter.

There is satisfaction both among journalists and lawyers with the regulations in force in Norway.

Responsibility is both civil and criminal, according to the gravity of the offence committed.

The responsibility rests primarily with the author of the offending article. In the event of the editor (chief editor) being aware of the contents of the article and understanding its illegal character, he is liable to punishment for complicity. If he has not understood its illegal character he may nevertheless be liable to punishment on the grounds of negligence.

Finally we have the responsibility of the printer and the compositor, which arises in the event of their direct complicity in the publication of the illegal printed matter and then having been aware of its illegal character. (In practice this regulation which is only intended for quite exceptional circumstances, has never been applied by a Norwegian court of law).

In the event of news personnel being involved in legal proceedings, a distinction would have to be drawn according as they were appearing as defendant or witness. The defendant always has the right to refuse to explain himself, and an accused editor may likewise also refuse to divulge the author of the printed matter concerned. On the subject of the duty of giving evidence the law lays down :

"Anyone may claim exception from answering questions, the answering of which would render him, or any person to whom he is related in one of the degrees hereinunder mentioned (here follows a list of relatives of varying degrees of proximity), liable to punishment or to loss of the esteem of his fellow-citizens."

A matter of principle of importance to the Norwegian Press has recently been decided by the Norwegian Supreme Court, who stated that it is also encumbrent on a journalist to give evidence where divulging his source of information is concerned, in so far as this is of importance to the police in their investigations into a case. In the sentence it is said that "the hearing of the person who is the source of a statement in the press could be made superfluous, if the press itself will give an explanation of the information it

has received". Norwegian press organisations have been very dissatisfied with this statutory provision, and a committee appointed to deal with this question has recently forwarded to the Government a recommendation for a change in the law, which would recognise for "news personnel" a professional obligation to secrecy.

As already mentioned press cases are dealt with by the ordinary courts of law, where the jury system is in force. However, a person charged with a minor offence may be tried in a police court, provided he is willing and enters a plea of guilty. The municipal or district court consists of one professional judge and two lay judges chosen by the municipal council. This court decides minor civil and criminal cases. Bigger cases go direct to the court of assize, which consists of three professional judges from various municipalities. The jury alone decide the question of guilt, whereupon the professional judges decide the extent of the punishment. The Supreme Court consists solely of professional judges. This court cannot alter the question of guilty or not guilty after the verdict of the assize court, but it can alter the punishment and decide whether any mistakes were made in the proceedings of the lower court which would make new proceedings necessary.

All official sessions in the Storting (Norwegian Legislative Assembly), all regulations from Government departments or decisions of Storting committees are made public, and are available to anyone, Norwegian or foreigner. Secret cases are usually only those which involve the safety of the realm and relations to foreign powers. Legal proceedings are as a rule held in public. There is no law which prevents the press criticising courts and their decision.

The authorities are pleased to see the press organisations in Norway make their own provisions to ensure a high standard of conduct within the press. The Norwegian press has made good progress in this direction. In some cases the newspapers have agreements which protect them against disloyal competition, in others news personnel have set up a so-called "professional committee" which is elected by the annual national congress of the Norwegian Press Association. This committee deals with such complaints of unprofessional conduct as may be made, and it can also on its own initiative call a newspaper to account for such acts of unprofessional conduct as it may consider to have occurred. The press of all parties has so far accepted the ruling of the "professional committee".

circumstances, and similar cases are either mentioned very briefly and without giving the names of the persons involved, or else not mentioned at all.

There is no government information service in Norway, though the legations of some countries issue a stencilled news bulletin to a limited number of people. There is no law in Norway which places any obstacle in the way of this. The Norwegian Embassies in London, Washington and Paris issue weekly or monthly bulletins and the Norwegian Government Information Office in New York also issue a weekly bulletin.

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