[NO] Sanctions on RT and Sputnik not to be adopted in Norway

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Freedom of expression has a high level of protection under the Norwegian Constitution. Based on a constitutional assessment, the Norwegian government has decided not to adopt sanctions on Russian state-controlled media.

In a statement presented at the Norwegian Parliament on 18 March 2022, Prime Minister Jonas Gahr Støre stressed that media literacy should, as far as possible, be the main tool to fight disinformation. The Prime Minister also expressed concerns that sanctions against the Russian controlled media outlets, Russia Today (RT) and Sputnik could be exploited by Putin's regime to legitimatise further restrictions on media freedom, and on national and international editorial media in Russia. The threshold for restricting freedom of expression is high under the Norwegian Constitution, and the Prime Minister concluded that the government would conduct thorough assessments of the legal and constitutional dilemmas before reaching a conclusion.

On 26 April 2022, Anette Trettebergstuen, Minister of Culture, announced that Norway would not implement sanctions in Norway: “The threshold to restrict freedom of expression under the Constitution's Article 100 is high, and we do not currently see that a general blocking of these actors could be legitimised by the threats imposed to basic societal functions in Norway”, she said.

The Norwegian government's decision is in line with the recommendations made by the Norwegian Media Authority (NMA). Mari Velsand, Director General of the NMA has said: “Russian aggression in Ukraine and the horror of war require a firm response from the EU and EFTA. The way Putin's regime exploits information is a risk for several of Russia's neighboring countries. However, freedom of expression is under the competency of the member state of the EEA. Our assessment is that Norwegian society and the public are able to resist manipulation attempts from Russian state-owned media”.

According to the Norwegian Constitution, several preconditions need to be met in order to restrict freedom of expression. Political content, even propaganda from hostile third countries, has particularly strong protection under the Norwegian Constitution. Legal liability needs to be regulated by law, and to be justified on the grounds of seeking the truth, the promotion of democracy or the individual’s freedom to form opinions. Prior censorship, or other preventive measures, may

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not be applied unless they are required to protect children and young people from harmful content. As such, prior censorship or blocking of RT and Sputnik was found to be unconstitutional. “In the Norwegian context, we see media literacy as the best tool against Russian propaganda”, said Mari Velsand. The Norwegian population has a relatively high level of media literacy, and editorial media has a prominent role in Norway. These factors enable people to resist attempts at manipulation and make the thresholds for restricting political content even higher.

Although Norway shares a border with Russia, the political context is very different to that of other neighboring countries, which were a part of the Soviet Union or have a large Russian population. “We stand with Ukraine and other countries under threat. Our constitutional assessment does not change that. However, in a time of crisis it is important to maintain important principles on jurisdiction. Hence, the war is a test for open societies in Europe. We believe that bad practices should be countered by best practices, as far as it is possible”, said Mari Velsand. As the DSA is in its final stage, and the EMFA is in process, it is important to maintain core principles of openess and jurisdiction on content. "We are in the middle of a cruel war, and need to stand united and supportive of the Ukrainian people's struggle for democracy. However, we need to look beyond the conflict when processing and adopting regulations like the DSA and EMFA. War is not the right time for evaluations, but when time is ripe we will need to have a close look at the implemention of sanctions in the light of freedom of expression and jurisdiction between the EU and member state level", said Mari Velsand.

Sanction text

https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32022R0350&from=EN

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https://stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2021-2022/refs-202122-03-18?m=1

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