



HUMAN RIGHTS HOUSE  
FOUNDATION

## **Input to Stortingsmeldingen “Norge og FN: felles framtid, felles løsninger”**

**Position paper by the Human Rights House Foundation (HRHF)**

**Oslo and Geneva, 13 November 2012**

United Nations advocacy is core to the Human Rights House Network’s advocacy. Its members actively engage in the Universal Periodic Review of the Human Rights Council as well as in the reviews of their respective States at the treaty bodies. As HRHN secretariat, the Human Rights House Foundation opened an office in Geneva in October 2008 and gained special consultative status with the United Nations in 2011.

We welcome the St. melding 33, which underlines that Norway will continue to be an active contributor to the UN system and will be a critical friend of the UN, underlining the need for reform to ensure effective monitoring and assistance, openness and cooperation with civil society. We will like to give some input to the following issues:

### **Human Rights Council**

#### ***Comment to 3.9 Menneskerettighetsrådets oppgaver***

The Council has improved its work and has been able to adopt substantially important resolutions over the past few years, including the establishment of a Special Rapporteur on the rights to freedom of peaceful assembly and of association, as well as specific country mandates on Belarus and Eritrea. The Council however stays extremely politicised.

We especially regret that States members of the Western European and Others Group do not address enough situations in like-minded countries or in countries presenting a strategic interest. With the European Union strengthening its own work, European Union Member States also tend to not criticise each other in the Council.

We therefore call upon Norway to:

- Continue to engage strongly in the Human Rights Council, especially by reaching out to States which are not natural allies and not WEOG members. As underlined in point 1.3 “Norges innflytelse og handlingsrom”, Norway has a particular role to play, in Geneva and in New York, in organising meetings between States and civil society and consultations including not like-minded States;
- Increase the attention given to European countries in the Human Rights Council, especially the Russian Federation, South Caucasus countries, and Western Balkans countries, as well as Member States of the European Union, when relevant. Country situations need to be addressed strongly in the Human Rights Council and attention to European States can decrease the feeling that the Council is acting under double-standard;
- Be a strong ally of civil society in setting new standards. We believe Norway should work with civil society organisations and address critical issues strongly in order to set new standards

with specific country resolutions, including on issues such as protection of human rights defenders, freedom of association and assembly, freedom of expression, arbitrary detention, the independence of lawyers and judges, protection of journalists and media freedoms, prevention and combating torture and summary execution, the death penalty, reprisals against human rights defenders. A specific focus should also be given to protect and support women rights defenders, minority rights defenders, LGBT rights defenders, and defenders from the periphery.

Norway can continue to play a pivotal role in the Human Rights Council, although it is not a member anymore.

### **Human Rights Council's Universal Periodic Review (UPR)**

The Universal Periodic Review (UPR) is the most interesting tool of the Human Rights Council to review country situations. However, it faces also severe criticism, both from States with a bad human rights record and from States feeling that the UPR is used in a biased way.

Again, European States, especially European Union Member States, have the tendency of being less keen to make strong recommendations on like-minded countries or in countries presenting a strategic interest.

Norway needs to continue to set an example in addressing country situations at the UPR in an objective way, without taking into consideration other geo-political interests, including for the upcoming UPRs of the Russian Federation, South Caucasus countries, and Western Balkans countries, as well as Member States of the European Union. Norway's engagement in the recent review of Switzerland is from that perspective a good example.

We further call upon Norway to create a credible follow-up plan to each UPR, as suggested in the government's document. Norway needs to ask its embassies to follow-up nationally on Norway's UPR recommendations accepted by the State under review. Norwegian embassies can use various methods to do so:

- Host consultations between NGOs and the government of the State under review, specifically in relation to the Norwegian UPR recommendations accepted by the State under review;
- Host meetings in the embassies when Norwegian Members of Parliament visit the country to consider the implementation of Norwegian UPR recommendations;
- Highlight progress or lack of progress in UPR general debates at the Human Rights Council;
- Support financially NGOs working on the implementation of Norwegian UPR recommendations in the relevant countries.

### **Human Rights Council special procedures**

#### ***Comment to 3.3.2 I hvilken grad utgjør MR-rådet en forbedring***

We consider special procedures to be the most agile mechanism to address individual cases of all regional and international mechanisms, given their specific mandate to take up individual cases. HRHN works primarily with the mandates on human rights defenders, freedom of association and assembly, freedom of expression, arbitrary detentions, independence of lawyers and judges, prevention of torture, and summary executions, as well as the newly established special rapporteur on Belarus.

The use that NGOs can make of special procedures is not strong enough without States following-up the cases highlighted by the special procedures.

Special procedures mandate-holders are also confronted with continuous funding problems.

We therefore call upon Norway to:

- Host consultations with States and NGOs on the funding of special procedures mandate-holders, including on finding dynamic and modern ways to translate all communications quickly in all United Nations languages, within the actual framework and without opening discussions on new rules in regard to their mandate;
- Ensure with OHCHR that special procedures mandate-holders can work freely and independently, and highlight their role as independent voices within the UN system;
- Continue to give high attention to country mandates within the special procedures, including by analysing the possibility of creating new mandates on some States with permanent human rights problems, such as Azerbaijan or Eritrea;
- Lobby in favour of the nomination of more mandate-holders from Eastern European countries, when those candidates are strong independent voices and able to fulfil a mandate.
- Push the Office of the United Nations High Commissioner for Human Rights to ensure information and communication of OHCHR in all United Nations languages (comment to 1.5 Informasjon-mengde og spredning)

Special procedures need to aim at functioning daily in all official United Nations languages. Today, they only function in English, French and Spanish, which explains the low rate of communications and answers to communications from the Eastern European region, Arabic countries, and China.

## **Treaty bodies**

### ***Comment to 1.1.2 En bred verktøykasse: Fns mange roller og funksjoner***

The treaty body system is the strongest United Nations monitoring mechanism. The reviews of countries at treaty bodies, especially the Human Rights Committee and the Committee Against Torture, are important to push for developments and reforms in the actual countries.

HRHF is part of the group of NGOs which has began to webcast all sessions of all treaty bodies. Making the reviews of countries, as well as the general comments made by the treaty bodies as interpretation of international human rights law, need to be made more visible and used more back home.

Furthermore, we believe Norway should engage more in the election process of treaty body members. The independence of each candidate has to be ensured. The fact that the former Minister of Foreign Affairs of Belarus Sergei Martynov is a member of the Committee on Economic, Social and Cultural Rights is one of the illustrations of this problem.

We therefore call upon Norway to:

- Support independent human rights NGOs in following-up to treaty body concluding observations. The Human Rights Committee and the Committee against Torture have specific follow-up mechanisms which need to be used more by human rights NGOs, including by inviting treaty body members to visit the country. This specific follow-up can create concrete implementation at home;
- Address lack of implementation of treaty body concluding observations by States at the UPR;
- Ensure that treaty bodies have the visibility they need, including by perfecting their Internet presence.

## **United Nations Development Programme (UNDP) and other UN field offices (including OHCHR)**

### ***Comment to Box 1.4 Samarbeid FN og lokale myndigheter***

It is important that the United Nations field offices cooperate not only with local and national authorities, but also with civil society. In the cooperation with civil society, the United Nations field offices are not to choose the partners which would make them “look good” towards the national authorities, but those which raise issues relevant for the country and which have international recognition and credibility and which cooperate with other NGOs in the country.

The offices of the OHCHR need to give priority to protection of human rights defenders and be present and visible in the field and follow up the recommendations of the special rapporteurs after country visits. In general the States, including Norway, needs to demand from the field offices that they follow their mandates more actively. Norway should work to promote the UN Declaration on Protection of Human Rights Defenders and to ensure that it will be seen as the leading guidelines not only for UN states, but also for all UN bodies.

We are also worried of the presence of UNDP in various countries. Our experience shows us that UNDP country representations often have the feeling that they do not have the mandate to work on human rights, thereby forgetting that their mandate is the three pillars of the United Nations, including the promotion and protection of human rights.

In general, Norway should refuse to fund activities of the United Nations which do not abide by the three pillars of the organization, including by refusing to fund UNDP activities if those activities do not include to follow-up on Human Rights Council resolutions, special procedures recommendations or treaty body concluding observations.

### **ECOSOC Committee on NGOs**

Within the United Nations system, the participation of NGOs to the work of the organisation, nationally and internationally, is ruled by the accreditation of organisations by the Committee on NGOs of the United Nations Economic and Social Council (ECOSOC).

HRHF applied for special consultative status in 2005<sup>1</sup> and gained the status in 2011.

Many organisations – among which HRHF – face a lengthy and arduous review process and risk of being denied their status based on political considerations of the Committee members rather than its eligibility. In the Committee on NGOs, each State has the right to question an application of an NGO and thereby block the consideration of the NGO for consultative status. It is a filibuster strategy. In addition, each State in the Committee has a *de facto* veto right, since the Committee mainly works by consensus. Finally, the rules of procedure do not matter since the whole process is politicised and depending on which State will support which NGO. It is the laws of the jungle.

We believe Norway should play an important role in the NGO Committee, including by being present in each session, organising meetings with like-minded States and other States ahead and following each meeting, and by consulting civil society to develop a strategy to change the rules by which the United Nations gives accreditation to NGOs.

*HRHF published a position paper on this matter in March 2011.*

---

<sup>1</sup> HRHF actually applied in 2005 within the deadline for the 2006 session but its application had to be sent again in 2006 to be considered at the May 2007 session.