

Minister of Foreign Affairs Børge Brende  
Utenriksdepartementet  
7. juni Plass/ Victoria Terrasse  
Pb 8114 Dep. N-0032 Oslo



HUMAN RIGHTS HOUSE  
FOUNDATION

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**Position paper by the Human Rights House Network (HRHN) inputting to the human rights work and priorities by the Norwegian Ministry of Foreign Affairs**

**The Human Rights House Network wants the voices of the local human rights defenders amplified so their recommendations and advices on human rights are heard internationally and nationally. We are concerned about the gap between international human rights standards and recommendations and the lack of implementation at the national level. Hence, we call for a strong campaign on Bring International Standards Home where we ask Norway to take a leading role. The Human Rights House Network wants a stronger protection and support of the role and work of human rights defenders in general, and of the targeted human rights defender with its family members in particular. We think Norway should continue to take a leading role globally in increasing the protection of human rights defenders and include it to the agenda of the UN Millennium Goals.**

It is therefore important that Norway continues to be an active contributor to the UN human rights system and is a critical friend of the UN, underlining the need for reform to ensure effective monitoring and assistance, openness and cooperation with civil society. Norway also needs to ensure that the offices of the UN, Council of Europe and OSCE are following the international human rights standards they stand for and support independent NGOs and the role of a strong civil society in the countries. We encourage Norway to:

- Continue to be a **strong ally of civil society in setting new standards** in the UN Human Rights Council, adopt strong resolutions and recommendations on protection of human rights defenders within the Universal Periodic Review at the UN Human Rights Council and follow up the implementation nationally;
- Aim at **standardising the substance of the UN resolutions on protection of human rights defenders from March 2013 and November 2013** in other regional human rights protection mechanisms and play a proactive role to make sure that the strong wording in the resolutions is implemented on the national level and that the independent critical voices are heard and supported by the field offices;
- Continue to give high **attention to country mandates within the UN special procedures**, and ensure that special procedures mandate-holders can work freely and independently, and highlight their role as independent voices within the UN system;
- 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 member states, but also for all UN bodies, especially in the field.**

## **1. UN Human Rights Council**

The last years, the Human Rights Council has been able to adopt substantially important resolutions, including the ones on the protection of human rights defenders and 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.

We regret however that member States do not address enough situations in like-minded countries or in countries presenting a strategic interest. We call upon Norway to:

- Increase the attention given to European countries in the Human Rights Council, especially the Russian Federation, Ukraine, Belarus, 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;
- Lobby for a strong **UN country resolution** on the systemic and systematic violations on fundamental rights in **Belarus**, as well as a joint **UN HRC statement** condemning the systematic use of police violence and ill-treatment in **Ukraine** referred to by the Commissioner of Human Rights of Council of Europe's last visit to Ukraine in February 2014.
- Continue to **be a strong ally of civil society in setting new standards on issues** such as protection of human rights defenders, freedom of association and assembly, protection of journalists and media freedoms, prevention and combating torture and summary execution, the death penalty and reprisals against human rights defenders.

The **concept of traditional values undermines the principle of universality of human rights** and brings the international community back to the long-standing debate over universal human rights and cultural relativism. As a matter of fact, States advocating traditional values in reality aim at raising their own cultural norms and particularities above international law and standards. As part of an effort to promote traditional Russian values, in January 2013 the Russian Federal Parliament passed the law against "Propaganda of homosexuality" on the official pretext that "homosexuality creates distorted perceptions about social equality of traditional and non-traditional family relationships". As in many countries, Russia justifies violating rights of LGBT people because of traditional values. Giving legal force to the concept of traditional values opens the door to a dangerous framework, where States and non-State actors can invoke this concept to justify human rights violations.

We **call upon Norway** to lobby the Human Rights Council to hold strongly its mandate on the protection and promotion of human rights and to **reject any initiative that "undercut the principle of universality of human rights**, namely that human rights are the same for all individuals, everywhere at all times," as laid down in article 5 in the Vienna Declaration and Programme of Action, in the Universal Declaration of Human Rights and in various human rights instruments.

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

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. Norway's engagement in the review of Switzerland last year is from that perspective a good example.

We further call upon Norway to **create a credible follow-up plan to each UPR by asking its embassies to follow-up nationally on Norway's UPR recommendations accepted by the State** under review by hosting consultations between independent NGOs and the government of the State under review, and by supporting financially NGOs working on the implementation of Norwegian UPR recommendations in the relevant countries.

### **1.2 Strong UN Resolutions on protection of human rights defenders**

The Resolution "Campaigning for strong human rights defenders" adopted by the Human Rights Council on 21 March 2013 and "Protecting Women Human Rights Defenders" adopted in November 2013 by the General Assembly are strong instruments to further strengthen the mandate of the UN Special Rapporteur on the situation of human rights defenders.

As the initiator of the process, Norway has played a crucial role to get two strong resolutions, without striving for consensus as a rule, but by setting strong standards even if consensus is not achieved. With this approach, Norway succeeded in stating clearly that in order to protect human rights defenders

efficiently, the whole legislation affecting human rights defenders needs to be in line with international human rights law and that practices have to be adapted accordingly. The Human Rights House Foundation participated in shaping the standards of the UN resolutions on protection of HRDs in 2013 and supported the draft resolutions in our UN advocacy work.

The resolutions come very timely as the repression of human rights defenders and their families in several countries has become more sophisticated. The **impact of the resolution depends on the outreach nationally; ownership by the member states is important to ensure implementation nationally.** The Human Rights House Network uses its efforts to “Bring International Standards Home” by disseminating the resolution and translating it into various languages and further using our network platform to discuss how human rights defenders can raise awareness and use it as a tool in their daily work. In December 2013 members from the South Caucasus Regional Network for HRD (part of Human Rights House Network) **discussed the various principles in the resolution** during the meeting of 30 human rights defenders from Georgia, Azerbaijan, Armenia, Poland, Switzerland and Norway. The discussion clearly illustrated that there are different needs, which require specific approaches and strategies on how to protect the human rights defenders most efficiently in each country.

It is the obligation of the states to make sure that the protection is given to the human rights defenders. Knowing the hostile climate many human rights defenders live under and the fact that the space they work within have been shrinking over the last years, the implementation of the resolution will be challenging. Therefore the UN bodies, states and civil society actors need to work together in this process. We call upon Norway to:

- Be as clear as you are in UN HR Council also in bilateral meetings, use the March resolution to stress the universality of the rights, especially with the countries, which have joined the resolution by co-sponsoring it;
- Ensure that **Norwegian Embassies host dialogues with independent human rights NGOs** about the implementation of the resolutions in the countries and organise seminars and conferences inviting local government, **national authorities** and other stakeholders as well as civil society and international experts to discuss the standards in the resolutions and **how to implement them.** (HRHF has for several years worked with MFA Human Rights Department to brief Embassy staffs on the protection of human rights defenders and look forward to do so again in light of the new resolution and to make sure that the Embassies follow up the guidelines in practise in the field.)
- Aim **at standardising the substance of the UN resolutions** in other human rights protection mechanisms. Along with Switzerland, Norway should work on strengthening the protection of human rights defenders **in the OSCE system.** Switzerland’s 2014 presidency of the OSCE and Norway as chair of the Human Dimension Committee in 2014 is indeed an opportunity to strengthen the standards in the region on this matter. Norway needs to take strong action to reinforce protection of human rights defenders **in the Council of Europe,** including by supporting the mandate of the Parliamentary Assembly of the Council of Europe on human rights defenders, both with its Delegation in Strasbourg and its parliamentary group at the Assembly, as well as to allocate support via the Human Rights Fund to projects which will increase the protection of human rights defenders. Norway needs to demand that OSCE and the Council of Europe local offices are cooperating and inviting the independent critical local voices for cooperation and provide them speaking opportunities at their events.

### 1.3 UN Human Rights Council special procedures

The Human Rights House Network considers **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, and prevention of torture, 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:

- Ensure with OHCHR that **special procedures mandate-holders can work freely and independently, and highlight their role as independent voices within the UN system**;
- Invite UN Office of the High Commissioner to take part in panel discussions on the resolutions;
- Lobby for a set of **protection guidelines** for local UN Offices to make sure that they give priority to promotion and protection of human rights defenders;
- 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;
- 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 systematic and systemic human rights violations and disrespecting communications with the UN.
- 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.
- 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. Push the Office of the United Nations High Commissioner for Human Rights to ensure information and communication of OHCHR in all United Nations languages

## **2. Office of the United Nations High Commissioner for Human Rights (OHCHR) and UN field offices – increase the support and set criteria to work under all three pillars of UN**

Since its establishment 20 years ago, OHCHR has faced increasing requests, including the duty to mainstream human rights throughout the UN system. As we will soon celebrate the 10 years of the Human Rights Council all States and group of States aiming at promoting human rights should ambition to raise the share of the UN budget for the promotion of human rights to at least 10%, which will be made impossible if the European Union and other states continue to pressure for more and more “across the board” cuts in the UN’s human rights budget. Keeping in mind that within the overall UN budget, the share allocated to the promotion and protection of human rights represents approximately 3%, the intent to reduce OHCHR’s budget is a signal in the wrong direction. Reduced support to OHCHR will further increase the implementation gap – hence, **we call upon Norway to not reduce its financial support to OHCHR and rather lobby for an increased support to the human rights work of UN.**

In a joint letter to Kathryn Ashton 26 November 2013<sup>1</sup>, 64 member organizations of the Human Rights House Network expressed their concern to learn that the European Union is aiming at further reducing the ordinary budget of the Office of the United Nations High Commissioner for Human Rights. The NGOs called upon the European Union to support the work of the Office, by increasing its ordinary budget as a way to strengthen the impact of its work and cooperation by all States. The same call goes to Norway.

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<sup>1</sup> For the letter to the EU : <http://humanrightshouse.org/Articles/19795.html>

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, need to demand from the UN 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.

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.

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.

**We are in particular worried about the presence of UNDP in various countries.** Our experience shows us that UNDP country representations often act as 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.

### **3. Treaty bodies - hidden, but strong monitoring mechanism**

The treaty body system is a very strong United Nations monitoring mechanism. 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.

### **4. ECOSOC Committee on NGOs**

Norway should ensure freedom of association and hinder discrimination of civil society actors within the UN system. 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>2</sup> and gained the status in 2011.

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<sup>2</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.

Many independent organisations –including 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.

- Norway can 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.

## 5. Strong critical pro-active role at the Council of Europe and OSCE

The MFA has underlined that they want to give more support to regional mechanisms in the countries in the CIS region to strengthen rule of law, respect for human rights and democracy. Norway has an obligation as the chair of the Human Dimension Committee of OSCE to ensure that the guidelines for protection of human rights defenders, which are currently developed, will be promoted and respected within the OSCE member states.

The respect for the human rights principles are under heavy pressure within institutions like Council of Europe (CoE). Norway needs to play a pro-active role to make sure that the Committee of Ministers of the Council of Europe is following its obligation and monitor the member states violating the main principles of rule of law and human rights, and to follow up the implementation of the judgements from the European Court of Human Rights.

Increased support to regional mechanisms from the Norwegian MFA must not lead to a decrease in the support to independent human rights organizations and regional networks.

- Norway needs to demand and monitor that OSCE and CoE local offices are cooperating and inviting the independent critical voices, not only supporting the other ones.
- Norway should ensure that support is given through its Human Rights Fund of CoE to Russian and Azerbaijani NGOs, and its defenders, where foreign funding now are restricted, to enable the NGOs to continue their work within their countries given the political and legal context.
- **Work to establish regulations against reprisals of human rights defenders** working with OSCE and Council of Europe.

## The work of the Human Rights House Network

*The Human Rights House Network (HRHN) unites 87 human rights NGOs joining forces in 18 independent Human Rights Houses in 13 countries in Western Balkans, Eastern Europe and South Caucasus, East and Horn of Africa, and Western Europe. HRHN's aim is to protect, empower and support human rights organisations locally and unite them in an international network of Human Rights Houses.*

*The Human Rights House Foundation (HRHF), based in Oslo (Norway) with an office in Geneva (Switzerland), is HRHN's secretariat. HRHF is international partner of the South Caucasus Regional Network of Human Rights Defenders and the emerging Balkan Regional Network of Human Rights Defenders.*

*HRHF has consultative status with the United Nations and HRHN has participatory status with the Council of Europe.*