

**Presentation to the  
3<sup>rd</sup> Dublin Platform for Human Rights Defenders, 13<sup>th</sup> –15<sup>th</sup> October 2005  
by  
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**Even bureaucrats may have faith.....**

There is a large gap between what governments say at international meetings about their aspirations and ideals with respect to human rights, and what actually materialises on the ground. In the end, the credibility of international commitments is tested through the human rights situation of every human individual.

Being here among such dedicated people makes a civil servant like myself feel very humble. Many of you risk your own safety to defend human rights by championing individual cases, speaking out against human rights violations and demanding the realisation of human rights. Sitting safely at a desk in the Ministry of Foreign Affairs in Oslo may appear to be far removed from your reality and out of touch with many of the challenges you are facing. However, by participating in this meeting, the Foreign Ministry is taking the opportunity to share with you how we believe we too can make a difference. Let me try to show you that even the foreign service can have the will and ability to go beyond general bureaucratic terms and show concern for the individual human being. It takes all kinds to make a world, and even a bureaucrat may have faith.

**UN reform**

Frontline has invited me to comment on the absence of any mention of human rights defenders in the discussions on UN reform and at the high-level meeting.

To many, including some of the participating governments, the outcome document was a great disappointment. It was certainly not what one might have hoped for following the Secretary General's repeated calls for increased attention on human rights in the UN reform. To some, the outcome merely confirmed the disappointing image of the world's governments' lack of will and perhaps understanding of the importance of human rights to secure peace and

development. Others, who were not that disillusioned, believed this was an opportunity to reaffirm the centrality of human rights and the UN member states' commitment to securing these rights.

I think, however, that that the “omission” of human rights defenders in the discussions should not be seen as anything other than a result of the very difficult negotiations that dominated the meeting. It was hard enough to agree on the broad lines. This made it impossible to find room for discussing many important human rights topics, including human rights defenders, despite its centrality as a truly crosscutting issue.

One important point in the outcome document should, however, be highlighted, and that is the agreement on strengthening the Office of the High Commissioner for Human Rights. It refers to the High Commissioner's plan of action, which stresses the importance of the special mechanisms, hereunder the Special Representative on Human Rights Defenders. The dedication of the High Commissioner and the plan to strengthen her office's capacity to support the mandate of the UN Special Representative among others are much welcomed and supported by my government.

There is an ongoing battle that is of great concern to us: The discussion regarding the survival or disappearance of the Human Rights Commission and what might be its replacement. It is a discussion we will follow closely. One main worry we share with many other states is, to preserve the special mechanisms. In my opinion, that is what we should care about, not so much whether or not human rights defenders were mentioned in the outcome document.

### **The UN and the human rights defenders**

The past has given us some significant milestones in the UN when it comes to human rights defenders. Firstly, there was the UN Declaration on Human Rights Defenders, secondly, there was the annual resolution adopted by the Human Rights Commission and the 3<sup>rd</sup> committee of the UN General Assembly, and thirdly, in 2000 the mandate of the Special Representative on Human Rights Defenders was established.

The Special Representative, Ms Hina Jilani, has fulfilled the mandate with great force and conviction. Her mandate is now coming to an end. As a main sponsor of the resolution,

Norway is anxious to reach consensus on renewing the mandate. This may prove to be a battle in itself. In the present General Assembly it is critical to get political support from a sufficient number of states to renew the mandate in spring 2006. It will be hard to fill the shoes of Hina Jilani, but once the mandate is renewed I am confident there will be candidates who are well qualified.

### **Highlights from the Oslo seminar in May 2005**

In May 2005, the Norwegian Ministry of Foreign Affairs together with the Norwegian Centre for Human Rights arranged a seminar on human rights defenders. The focus was to review the mandate and the work of the UN Special Representative on Human Rights Defenders. We aimed at identifying achievements and challenges, and means of strengthening the mandate. This was done from the perspective of participants from various levels and from countries Ms Jilani had visited.

The following are highlights of the outcome:

Firstly, the adoption of the Declaration on Human Rights Defenders reflects the important role of defenders in securing respect for human rights, preventing conflict and ensuring the growth and stability of institutions. Furthermore, the creation of the mandate of the SR was considered a logical step to give effect to the Declaration and to protect the activities of the defenders. The SR has made human rights defenders worldwide aware of the mandate. She has brought confidence to her mandate, illustrated by the notable increase in recent years in the number of communications sent to governments concerning the situation of defenders. Through her annual reports to the UN General Assembly and the UN Commission on Human Rights, she has extensively analysed and highlighted trends in the situation of human rights defenders. Her mandate is crosscutting and of fundamental importance to the functioning of the other special procedures and the rest of the UN human rights system.

The efficiency of the mandate depends heavily on the support functions and working environment. We will therefore work hard in the 5<sup>th</sup> committee of the General Assembly, where UN budget negotiations take place, to ensure that the OHCHR gets increased allocations in order to strengthen the secretariat for the special procedures.

Secondly, the challenges ahead include the non-compliance of national legislation with the Declaration on Human Rights Defenders and international human rights instruments. Many countries have for example extensive restrictions on the freedom of assembly and the freedom of association, which limit the possibilities of establishing NGOs and holding meetings. In line with the testimonies we have heard from participants at this meeting, a recent trend also includes more serious violations committed against defenders, including death threats and killings, and at the same time perpetrators of violations continue to enjoy impunity to a large degree. States often restrict the important function of defenders in monitoring human rights violations and advocating human rights, and laws and practices frequently label defenders as rebels or terrorists. Non-state actors also hamper human rights defenders' activities. It has been noted that increased targeting of human rights defenders in a country is an early warning of the deterioration of the domestic human rights situation.

Thirdly, the seminar recommended that members of the Commission on Human Rights or its replacement should demonstrate compulsory commitment to special procedures by issuing standing invitations. The commission should initiate monitoring of countries that do not adequately respond to communications sent by special procedures. In addition the seminar discussed the ongoing reform launched by the SG as Action 2 and urged the UN member states to make use of the conclusions of the UN human rights mechanisms as a basis for analysing and planning activities at country level.

There have been many disappointments, but we choose to continue to believe in the importance of international co-operation and development of a universal normative framework, and we intend to continue playing a constructive role in the UN.

Just before I left for this conference I was informed that the International Service for Human Rights (ISHR) is planning a mini-seminar during the ongoing General Assembly. Norway has happily accepted to chair the meeting, which will be held in connection with the interactive dialogue between the GA and the UN special representatives and rapporteurs, including Hina Jilani on HR defenders. We plan to follow up this initiative and arrange a side event on human rights defenders and the UN during next years HR Commission or whatever it will be.

At the international level, credit should also be given to the many good regional initiatives. Norway is not a part of the EU, but I take this opportunity to mention the recent proposal

made by the EU to the Organisation for Security and Co-operation in Europe (OSCE) at the Warsaw-meeting a few weeks ago. It was recommended that the OSCE Ministerial Conference in Ljubljana adopt a declaration recognising the contribution of human rights defenders as vital components of any democratic society. Furthermore, that a more in-depth focus on human rights defenders could be a topic for one of the OSCE Human Dimension meetings next year.

### **Action outside the UN**

We wish to support human rights defenders and networks outside the UN as well. And as participants at the Oslo seminar recommended, states should develop comprehensive policies with regard to human rights defenders. Inspired by other states and regional mechanisms such as the EU, we are currently working on a booklet to guide our embassies in their efforts to protect human rights defenders and their work.

There is a large range of actions available to embassies in countries where the safety of human rights defenders is at risk and their working conditions are difficult. These include dialogue with governments through official protests, or demarches, and through informal talks, or silent diplomacy. The embassies can also maintain direct contact with human rights defenders, to better understand their working situations. The contact may in itself offer some kind of protection, in addition to providing moral support. For the human rights defenders the contact can include visits to the embassy, participation in seminars, visits in prisons or formal correspondence. Embassies can follow trials to ensure respect for the rule of law, possibly in co-ordination with other embassies. In some cases it may also be relevant to offer economic support to projects, etc. Dialogue with and support for national and regional human rights institutions and other monitoring bodies are another option. These institutions are regarded as potentially important actors in improving the human rights situation. Reports from our embassies on the human rights situation in a country can form part of the basis for my government's policies regarding the UN and bilateral collaboration.

Of course, no government likes being criticised, but governments must tolerate criticism. This is a particular challenge when criticism is, rightly or wrongly, perceived as incorrect. Openness and dialogue with human rights groups are not signs of weakness in a government.

On the contrary, they are signs of strength and vitality that can create favourable conditions for the promotion and protection of human rights.

It is our hope that even small countries that have little experience of violations of human rights or human rights defenders in recent times can play a role. This can be by participating in the UN's visionary work and norm-setting. However, in countries that experience repression, small, concrete steps can be taken by our embassies at the national level.

Many of the thoughts that have been expressed over the past two days are very interesting, and I look forward to sharing them with my ministry, as I am confident they will inspire us in our future work.

Thank you.