

Interview: Human Rights Counsellor, Geir Sjøberg, Norwegian Mission to the UN, Geneva

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In 2011, the General Assembly expressed grave concerns about the serious nature of risks faced by human rights defenders due to threats, attacks and acts of intimidation against them. Regrettably, the situation has hardly improved since then. On the contrary, current trends are largely negative, as reported by the Special Rapporteur and others. Against this background, the Council had to respond with a clear message. The resolution 'Protecting Human Rights Defenders' should be seen as such, as the collective voice of the international community in 2013. On balance, we see the resolution as an appropriate response by the Human Rights Council at a very difficult time for human rights defenders in all regions of the world.

The unanimous adoption of this resolution sends an important signal of support to all the courageous people who are fighting against human rights violations all over the world. We must now work to ensure that this resolution is translated into concrete results on the ground and leads to an improvement in the situation of human rights defenders.

2. What do you see as the main advances achieved through the resolution? The resolution places special emphasis on women human rights defenders; why did you choose to highlight their work?

The resolution provides for a collective and clear direction to States, which rallied behind the resolution when adopting it by consensus. A large number of States across all regions have also cosponsored the resolution. This is important.

The strength of the resolution lies in the broad support around a comprehensive and clear message. I believe it addresses the main issues in a principled and fairly straight forward manner. Let me mention a few aspects. A key message of the resolution is that national legislation must be consistent with international human rights law. Measures to combat terrorism and preserve national security must follow transparent and foreseeable criteria and standards. Procedural safeguards must be in place, including in criminal cases against human rights defenders. Legal provisions and their application affecting human rights defenders must be clearly defined, determinable and non-retroactive, and they cannot be used or misused to criminalize, stigmatize, impede, obstruct or otherwise restrict the work of human rights defenders contrary to international human rights law. Rather, human rights defenders must be allowed to play their important and legitimate role in the promotion of human rights, democracy and the rule of law. The independence of their organizations must be

respected.

Moreover, the freedom of expression, association and peaceful assembly - which are essential for the promotion and protection of other rights - must be ensured and provided for on a very practical level, including by avoiding discriminatory restrictions on potential sources of funding. Laws regulating civil society organizations must not hinder, but facilitate their work. New forms of communication, online and offline, and the media of one's choice should be promoted and facilitated at all levels. Clear laws and policies must allow for a general right to request and receive information held by public authorities. Provisions must not prevent public officials from being held accountable. Penalties for defamation must be limited in order to ensure proportionality. Legislation aimed at preserving public morals must be compatible with international human rights law. Legislation must not target the activities of those defending the rights of persons belonging to minorities or espousing minority beliefs. States must ensure that dissenting views are allowed. These are some of the aspects that are laid out in the resolution.

Let me add that the resolution also sends a strong message that States must allow defenders to cooperate effectively with the UN and other international bodies without the fear of reprisals of any kind.

The emphasis on women human rights defenders is significant, both because recent events have shown the vulnerability of women in this context, and because effective, just and sustainable development will only happen with women being allowed to assume their rightful place in society. Gender equality is a fundamental and overriding priority of the Government of Norway.

3. Are there any elements that were particularly difficult to negotiate or that you feel should have been covered but were left out?

As with any UN negotiations concerning topical issues, there will be differences in view, but the extensive and transparent process that we had over the four-week Council session permitted for all views to be heard and considered, and in the end we found common ground, as expressed by the resolution.

Over all, we believe that the resolution reflects and gives justice to the important recommendations issued by the Special Rapporteur on the situation of human rights defenders. These recommendations covers the key, pertinent issues, in our view, and they formed a solid basis for the resolution.

4. We've heard one state disassociate itself based on the paragraph on the right to access funding; how do you intend to ensure the resolution in its entirety is applied in policy making in the contexts in which it matters most?

States are under the obligation to protect all human rights and fundamental freedoms of all persons. The resolution states clearly that no law should criminalize or delegitimize activities in defense of human rights on account of the origin of funding thereto. The resolution also urges states to extend support to local human rights defenders.

We will continue our dialogue with all partners, this is a process, and we will continue to play our part with a view to realizing fully the objectives of the resolution, so that human rights defenders can in fact operate free from hindrance and insecurity, a fundamental principle to which all States have agreed.

5. Why did Norway focus on the particular theme of the use of legislation to restrict the work of human rights defenders? What plans do you have for the future development of the defenders resolution?

In light of the increased pressure on human rights defenders, in all regions of the world, and based on the report of the Special Rapporteur to the General Assembly last fall, we believed that this was *the* logical and appropriate theme to address. Consultations with a broad set of actors confirmed this approach.

The work in support of human rights defenders is a top and long-standing priority of the Norwegian government. The creation of a safe and enabling environment for human rights defenders should be a fundamental objective of any society. We will continue to follow developments closely here, and we will continue to provide leadership in this very important area. The UN resolutions constitute an important part of

this commitment. We will continue to work closely with all partners, including the ISHR and other human rights organizations, in defining the proper steps ahead.

6. Finally, the HRC is sometimes criticised for developing its work in a vacuum, and for delivering limited impact for rights holders on the ground. Have you faced or do you anticipate such criticism in relation to this particular resolution? What does Norway intend to do to ensure the resolution represents a tangible value add for human rights defenders in their day to day work?

The reactions to the resolution adopted on 21 March have – as far as I have seen – been largely welcoming of its message and of its broad support.

We will work with all partners at all levels in order to realize the important objectives of the resolution.

We will listen carefully to civil society and other stakeholders, in accordance with the spirit of paragraph 20 of the resolution, through our ongoing day to day contacts and partnerships with human rights defenders in all regions.

The doors of Norwegian embassies are always open to human rights defenders.

ISHR