

Norwegian Ministry of Foreign Affairs

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Re: Input to resolution on human rights defenders in conflict and post-conflict situations

Tor Håkon Tordhol,

Thank you for this opportunity to provide input to Norway's work on a resolution in the UN Human Rights Council on human rights defenders operating in conflict and post-conflict situations. We think this is a timely and very important topic for such a resolution.

In our experience, there are strong counter-forces to human rights documentation in conflict and post-conflict situations. The likelihood of being held to account for human rights violations may even have decreased in recent years due to new obstacles hindering documentation work on the ground, weakening of international justice institutions, and a lack of political consensus in supporting documentation and justice processes. This is a development which over time erodes overall respect for human rights.

The Norwegian Helsinki Committee (NHC) appreciated the 2019 report of the UN Special Rapporteur on the situation of human rights defenders, [*Human rights defenders operating in conflict and post-conflict situations*](#). It provides a realistic overview of the most challenging problems for human rights defenders monitoring and protecting human rights in such situations.

The NHC has extensive experience operating in conflict and post-conflict situations. We have cooperated with local partners in several conflict situations in Eastern-Europe, North Caucasus, Central Asia, and South-East Turkey. Our focus is on documenting human rights violations and core international crimes, the creation of IT systems for storage, analysis and use of such documentation in criminal cases, targeted sanctions cases, and reporting.

Clearly, the resolution should point to the legal framework supporting the work of human rights defenders in such situations. Our input here, however, will be mostly of a practical nature. We see that conflicting parties and other actors who may have something to lose

from the ‘truth’ about events and abuses being exposed, often create obstacles to the work of human rights defenders, as well as considerable risks.

The resolution should therefore point to measures that can be initiated or supported by the UN, UN Member States, and civil society organizations themselves to overcome these obstacles and risks as far as it is possible.

These are some points we think it important to include:

- As authorities in several UN Member States make extensive efforts to de-legitimize the work of human rights defenders, it is important that the resolution states that:
 - Local human rights defenders or groups that co-operate with international partners should not be labelled ‘foreign agents’, ‘traitors’, ‘extremists’, ‘underminers of the constitutional order’, etc. Human rights work is international in character. Local human rights operations benefit if they are supported by international partners. International cooperation to uphold rights should in no way be perceived as a way to undermine a state.
 - Human rights defenders who document and criticise human rights and humanitarian law violations in conflict and post-conflict situations should not be labelled as ‘political’ actors or be targeted as biased simply because they criticise one party to a conflict more than the other. This can be justified by *i.a.* on party committing more abuses, there is easier access to document abuses by one party, etc. Objectivity and quality of documentation should be rated on the basis of work methods, and the factual basis for its conclusions.
 - Documenting abuses, promoting respect for human rights, and other human rights related operations should not be confused with stating recognition of statehood. International human rights jurisprudence concludes that anyone with effective control over a territory have a duty to uphold respect for human rights regardless of international recognition. Also, parent and patron states remain responsible to the extent they exercise control, including for protecting the rights of human rights defenders.
 - Efforts of de-legitimizing, placing obstacles in the way of, and even criminalising the work of human rights defenders may target both local and international human rights defenders. However, experience shows that local actors are more vulnerable and more often targeted than international actors. Women, LGBTI, and religious human rights defenders may be particularly vulnerable.

In terms of practical measures to support human rights defenders in conflict and post-conflict situations, we think it is important to include that:

- The UN, Member States, and civil society organizations should support human rights defenders by providing cloud solutions for storage of documentation. Locally stored files risks being destroyed and represent a security risk for local defenders. Several human rights organizations (including the NHC) have developed systems where local actors can easily upload and secure sensitive material. UN and other international organization’s field offices should help developing such systems.
- States that are party to conflicts should not shut down mobile networks and internet access as this increase the security risks of human rights defenders and other actors

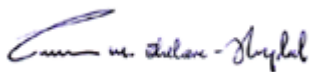
that strive to uphold rights and services in conflict situations. Telecommunication companies should do their outmost to uphold services during conflict situations.

- UN Member States should provide safe havens and effective escape routes for human rights defenders that need to be protected for shorter or longer periods due to their human rights work in conflict or post-conflict situations. Such offers do exist, but there is need for more capacity to provide this kind of support an increasing number of defenders who need rest, treatment, and to rehabilitate due to working in extremely challenging and dangerous situations.
- The UN or Groups of like-minded UN Member States should consider to develop alarm systems for human rights defenders at risk.
- The UN and other international organizations should step up support for security training and training in documentation skills for human rights defenders that operate in conflict or post-conflict situations.
- Attacks on, threats against, and killing of human rights defenders must be effectively investigated. To fight impunity, cases under universal jurisdiction against those responsible for such abuses should be prioritized, as well as UN Member States developing cooperative programs of putting targeted sanctions in place if criminal prosecution is not applicable.

We fully understand that the final resolution will be based on extensive and difficult negotiations with states with different views from Norway. We wish you all the best in these efforts.

We are convinced that in the end, we will have a resolution that can be shared with and used by our partners to increase protection of difficult human rights work in the field.

Best regards,



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S/
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