



# NORWAY

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## **61<sup>ST</sup> SESSION OF THE COMMISSION ON HUMAN RIGHTS**

**STATEMENT BY**

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**Check against delivery**

Allow me at the outset to join the other speakers in wishing you, Mr Chairman, and the bureau every success with this session. I would also like to pay tribute to the new High Commissioner, Ms Louise Arbour. I wish to assure both of you of Norway's full support.

Mr Chairman,

Making multilateralism more effective is a key theme for the global community this year. In the field of human rights, this is particularly important because our own records as states and our treatment of our own nationals are directly linked to multilateral, legal obligations. Human rights are a measure of a state's willingness to support multilateralism in practice.

At the UN, we need to take a close look on how we best organise our work in order to enhance the impact and relevance of our efforts.

We welcome, therefore, the reform process initiated by the Secretary-General and the report by the High Level Panel. Human rights violations are one of the greatest sources of conflict, and the report is right in pointing to the linkages between human rights, sustainable development, peace and security.

We must ensure that the momentum created by the High Level Panel and the Millenium Project yields tangible results in the field of human rights. With regard to the specific ideas put forward, we support the general recommendation that membership of the Human Rights Commission should be made universal. The active participation of NGOs must not be weakened.

Norway strongly supports the recommendation that more regular budget funding is allocated to human rights efforts. It amounts to nothing but an anomaly that only two per cent of the regular budget is allocated to this core activity of the Organisation, leaving it heavily dependent on extra-budgetary resources. We call on Member States to ensure that sufficient resources are allocated to UNHCHR, so that it is able to carry out the increasing number of mandates we have assigned to it.

We look forward to the response of the Secretary-General to the High Level Panel report and hope that it will bring the role of human rights to the forefront. Promoting and protecting human rights is indeed an end in itself. It is also an adequate response to new and emerging threats.

In recent years, the UN Security Council has directed increasing attention to situations where human rights violations constitute a threat to peace and security. Norway welcomes this development. Closer links between the OHCHR and the Security Council will improve the UN's action on human rights issues.

UN credibility in promoting human rights depends upon the organisation's ability to keep its house in order. We are deeply dismayed to learn about sexual misconduct by United Nations field personnel. It is essential that all UN and associated personnel act in accordance with the fundamental values, rules and regulations of the organisation and that the leadership at all levels act promptly upon reports of abuse.

Mr Chairman,

We are concerned about the recent worsening of the human rights crisis in Nepal, and the brutality civilians are subjected to by both parties to the conflict. We fear that intensified conflict will lead to an even worse human rights situation. We call for respect for human rights and compliance with international obligations. We call for release of political prisoners under the emergency ordinances, and for civil society, political parties and media to enjoy their fundamental rights. The National Human Rights Commission must be able to carry out its mandate independently, efficiently and without fear, and be given unrestricted access to places of detention.

Mr Chairman,

Let me mention some other issues of particular concern :

We have developed an impressive and comprehensive body of legal instruments, norms and commitments in the field of human rights. If all human rights norms were effectively implemented, serious violations would be very rare. We need to make sure that that the framework of legally binding obligations is implemented and respected. This framework is a body of law, not mere aspirations or intentions. Implementation of existing norms should be our main focus.

We must act on the close linkages between human rights and conflict. Gross human rights violations are invariably an advance warning as well as a by-product of armed conflict. To protect human rights under such conditions is a vital task. The inadequacy of our response is seldom more obvious than when we are faced with the outbreak of armed conflict. The efforts by the international community to prevent and alleviate the immense human suffering in Darfur have clearly been too little, too late. I would nevertheless like to commend the High Commissioner for her tireless efforts to respond to the call by the Security Council. In spite of shortcomings in our response to Darfur and other humanitarian crises, the lesson learned is that human rights must be addressed as part of any effective peace effort, to prevent conflict and to lay the foundation for post-conflict stability.

In Afghanistan we have seen progress in the human rights field and in the crucial work of the Afghan Human Rights Commission. However, more remains to be done. The transitional justice process has been in focus lately based on the report from the Afghan Human Rights Commission and the mapping done by OHCHR. The report demonstrates the clear desire of the Afghan people to address the injustices of the past in order to establish the basis for peace and development. It is important to develop an integrated plan of action for transitional justice based on the recommendations in the report. The government's commitment to this is of utmost importance.

We have to make the promotion of human rights a core objective for the entire UN system. The High Commissioner for Human Rights simply cannot go it alone; we need the UN family to work together in a concerted manner, not least at country level, as suggested in the Action 2 reform.

While we maintain and reinforce the responsibility of States for human rights obligations, we need to engage with civil society and actors other than governments in our efforts to promote human rights. By way of example, the considerable influence exerted by private economic actors has increased the focus on their responsibilities. We welcome the trend towards a clear notion of corporate social responsibility and appreciate that many companies have come to realise their legal, moral and commercial needs to address human rights issues within their sphere of influence. Norway will continue to engage in this important debate.

Mr Chairman,

We all agree that preventing acts of terror is a fundamental responsibility of all States. States are obliged to protect their citizens, including from terrorist acts. But state security and the fight against terrorism must not become a pretext for deviating from the fundamental principles of the rule of law and fair trial guarantees. We must respect human rights and fundamental freedoms and build on the rule of law. To fail to do so would undermine the very values on which our societies are founded, and ultimately defeat our efforts to counter terrorism.

An issue of particular concern is the erosion of standards with regard to the absolute prohibition of torture. The prohibition of torture and cruel, inhuman and degrading treatment or punishment is a peremptory and non-derogable norm under international law. There is little room for interpretation – acts of torture are illegal under any pretext.

The practice of indefinite confinement without access to legal counsel and courts of law gives rise to very serious concern. Only a court of law may try and convict a person of a criminal offence. The presumption of innocence must be respected. The right to take proceedings before a court to decide without delay on the lawfulness of detention must not be weakened by the decision of a State Party to derogate from the International Covenant on Civil and Political Rights.

Mr Chairman,

The principle of non-discrimination is at the core of our understanding of what human rights are all about. No discrimination on the basis of a person's race, colour, sex, language, religion, descent, national or ethnic origin must take place. This fundamental principle must also apply to people regardless of their sexual orientation or identity. We note with great concern that discrimination on the grounds of sexual orientation or identity is giving rise in certain cases to grave human rights abuses.

Mr Chairman,

This Commission must speak out against human rights violations wherever they take place. We are aware that the criticism of grave human rights violations is perceived

by many in this room as selective, subjective and unfair. I am sure that we can improve the way we tackle specific situations. Grave violations of human rights are not just a national issue, they are also a legitimate international concern. I am deeply concerned, therefore, by the attempts, through no-action motions and otherwise, to silence this Commission's voice on severe country situations.

Mr Chairman,

Much of the daunting task of interpreting and monitoring human rights is left with the Treaty Bodies and the Special Procedures. Given the complexity of their tasks it is impossible not to be struck by the limited resources available to these core functions in the UN human rights efforts. These efforts deserve much stronger support from us, both politically and in terms of resources. The same is true for human rights treaty bodies. The expertise, objectivity and consistency they represent make them irreplaceable in protecting human rights.

The Special Procedures perform an indispensable function as actors at the front lines, providing information on and warning of human rights violations. We consider their expertise and independence to be very important, and therefore welcome the efforts to strengthen the Special Procedures, while safeguarding their autonomy and integrity.

The situation of the people at the frontline of the battle for human rights has become increasingly difficult. This is clearly demonstrated in the reports of the Special Representative on Human Rights Defenders. Norway will again this year present a draft resolution on human rights defenders. We do this out of a conviction that human rights defenders are indispensable. When they are silenced, much of our capacity to respond to crises is compromised. We have a collective responsibility for protecting them so as to preserve their unique role in the defence of human rights.

Mr Chairman,

Dialogue and co-operation is required for states to be able to meet their human rights obligations. This Commission is the international community's key forum for such dialogue. The political energy arising from this dialogue could yield substantial results. However, the Commission will only be relevant if we bring genuine understanding and political will to bear on our discussions. We have much to learn from each other. Despite our differences, we must all strive to create a rational dialogue with a minimum of polarisation and discord. Our task is too important for time to be lost.

I wish you and the Commission every success for the coming weeks.

Thank you.

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