NORWEGIAN MINISTRY
OF FOREIGN AFFAIRS

Meld. St. 10 (2014–2015) Report to the Storting (white paper)

Opportunities for All: Human Rights in Norway's Foreign Policy and Development Cooperation

Many of the illustrations in this white paper are from the design project “Poster for Tomorrow”. The project is run by 4 Tomorrow, an independent organisation that works to inspire designers and others to debate human rights through poster art.

Cover illustration: Bjørn Sæthren, 07 Media AS.
The illustration is based on the universal human rights logo, which was chosen as a symbol through a competition announced on the World Press Freedom Day in 2011. The symbol was among 15 300 proposals from 190 countries that were chosen through a poll on the internet and by an international jury. The logo is available for anyone who wants to use it to promote international human rights (http://www.humanrightslogo.net/).

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Translation from Norwegian. For information only.

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Recommendation from the Ministry of Foreign Affairs of 12 December 2014, approved in the Council of State the same date. (White paper from the Solberg Government)

1 Summary

Why do we need a white paper on human rights?

The Government is concerned by the fact that human rights are coming under increasing pressure worldwide. Human rights are the foundation of freedom, justice and peace in the world. They are fundamental rights that all people are entitled to, irrespective of personal characteristics such as gender, religion or belief, age, sexual orientation, disability or ethnicity. Human rights are the rights of the individual in relation to the authorities of a country, and it is the authorities' responsibility to ensure that these rights are protected. The realisation of human rights thus provides protection against the abuse of power and is a fundamental tenet of a democratic society. Democracy based on respect for human rights and the rule of law promotes stability, security and sustainable development. Failure to respect human rights is an infringement of the rights of the individual and can weaken and impede social development, with grave consequences over time at the local, national and international level.

Since the adoption of the Universal Declaration of Human Rights in 1948, the international community has agreed on a number of conventions and declarations relating to the protection of human rights. There is now a well-developed set of international norms in place that is supported by states in all regions. More than 160 countries are parties to the UN's two main human rights treaties, adopted in 1966, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Various international mechanisms have been established in the UN, the Council of Europe and other international organisations, with the aim of ensuring that human rights obligations are complied with at the national level.

In practice, however, the degree to which human rights are respected varies considerably. The trend has been particularly negative with regard to fundamental civil and political rights. Freedom of expression is being limited. National legislation is being misused to restrict the activities of civil society and democratic opposition groups. In many countries, the rule of law is weak. Traditional values and religious dogmas are being used increasingly to justify restricting the freedom of the individual. Peaceful protests are being suppressed, and censorship and political control of the media are widespread in many parts of the

world. Extremist and terrorist groups are responsible for tremendous humanitarian suffering and widespread human rights abuses, and demonstrate a blatant disregard for the right to life and the prohibition of torture. Many countries are using spurious arguments to justify strict state control and mass surveillance. Journalists and human rights defenders have become the target of threats, intimidation and arbitrary arrest, and in some cases there have been forced disappearances and even killings. Women and girls tend to have less legal protection and less access to health services and education than men, and their physical safety is more often threatened. There is also widespread discrimination of various minority groups. In international forums, the growing pressure on human rights is reflected by increasingly intense debates surrounding the definition and content of these rights. A growing number of countries are working actively to gain acceptance for restrictive interpretations of human rights, and are forming strategic alliances to this end – often across regions and religious or political divides.

It is 15 years since a white paper on human rights was last submitted to the Storting. Over the course of these years, global power relations have changed significantly. During the same period, knowledge and awareness of human rights and of their political importance has increased, among authorities and civil society actors alike. This has led to positive developments in some areas of human rights, while other areas are coming under increasing threat. The Government will intensify its efforts to promote respect for human rights, not least in the light of the ever more complex challenges the world is facing.

The need for greater compliance with human rights obligations

The main challenge today is to strengthen compliance with human rights obligations at the national level. There are various aspects to this. Not only are states failing to comply with their obligations under international human rights conventions, but there is also a growing gap between decisions made in the UN political bodies and implementation at the national level. Moreover, global and regional systems for the protection of human rights are not sufficiently effective or are poorly developed. Most countries, including authoritarian states where grave and systematic violations of human rights still take place, are party to international human rights conventions and have fundamental human rights enshrined in their constitutions. The problem is that these principles and provisions are not complied with in practice. Formal adherence to human rights instruments cannot necessarily be equated with genuine protection of human rights.

Failure to comply with human rights obligations may be due to a lack of political will. In many countries, the authorities see human rights as a potential threat to their power, and may therefore deliberately seek to concentrate power and undermine respect for human rights. In other cases, the authorities may want to initiate reforms to safeguard human rights, but lack the political support needed to get these reforms approved. Violations of human rights can also often be attributed to poor institutional capacity and expertise. A well-functioning legal system at the national level is vital for ensuring that human rights are respected. For this reason, the Government is giving priority to supporting efforts to build well-functioning states governed by the rule of law. The UN has a key role to play in ensuring that states comply with their human rights obligations. The Government will therefore support efforts to modernise the UN and make it stronger and more effective, and thus enhance the organisation's capacity to assist countries in fulfilling their human rights obligations. The Government is working actively to ensure that human rights are given priority across the organisation and that a larger share of the UN's total resources is allocated to this area. The third pillar of the UN must be strengthened, and Norway will give its full support to the Secretary-General's Human Rights Up Front initiative. This initiative aims to make sure that the UN's voice is clearly heard when violations of human rights occur, and to promote the integration of human rights into the activities of the UN system as a whole. The Government will also work to promote UN system-wide coherence, and to strengthen cooperation between the UN system and the regional organisations, and between the UN system and the multilateral financial institutions. The Norwegian authorities will also support the regional human rights protection systems, with a view to improving the overall effectiveness of human rights monitoring mechanisms at the multilateral level.

Three priority areas

A distinction is often made between two main categories of human rights: civil and political rights on the one hand, and economic, social and cultural rights on the other. This distinction is

reflected in the two main UN human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The Vienna Declaration and Programme of Action adopted at the UN World Conference on Human Rights in 1993 states that human rights are 'universal, indivisible and interdependent' and that they must be treated globally 'in a fair and equal manner, on the same footing, and with the same emphasis'. The two main categories of human rights are mutually reinforcing, and it is only when all human rights are respected that the protection of human rights can be said to be genuine and complete. The close links between the two categories of human rights are clearly evident when, for example, people are threatened or imprisoned for protesting against girls being denied access to education or vital health services.

Despite the equal status of the two categories of rights in principle, the obligations placed on states are different for the two categories. To a large extent, civil and political rights are formulated as immediate obligations on states. With regard to economic, social and cultural rights, however, states have an obligation to achieve the full realisation of the rights progressively, using all appropriate means. The realisation of these rights depends to a large extent on the resources available and on value creation in the country concerned, and an effective policy to promote social and economic equality is essential. However, the prohibition of discrimination set out in the International Covenant on Economic, Social and Cultural Rights is an immediate and absolute obligation.

The Government takes an integrated approach in its efforts to promote compliance with human rights obligations, and will focus its work on the following three main areas:

1. Individual freedom and public participation
2. The rule of law and legal protection
3. Equality and equal opportunities

The first area – *individual freedom and public participation* – concerns fundamental rights in an open and democratic society. Work in the second priority area – *the rule of law and legal protection* – will place emphasis on principles of the rule of law and related mechanisms for achieving well-functioning and stable states. Work in the third area – *equality and equal opportunities* – will focus on gender equality and vulnerable groups in society, taking as its starting point the principle that all citizens are entitled to the same rights. These three priority areas reflect the links between democracy, the rule of law and human rights. When all three priority areas are secured, they lay the basis for peaceful societies characterised by sustainable development and genuine opportunities for all.

Tools, arenas and partners

The Government's work in these three priority areas will be carried out using a wide range of tools, in multilateral organisations, in individual countries, and in cooperation with civil society. The Government will use multilateral forums, the UN Human Rights Council's Universal Periodic Review mechanism, and bilateral political dialogues as arenas for advocating greater respect for human rights. The Government will actively seek out opportunities to promote compliance with human rights obligations in its dialogue and cooperation with other countries, and will build broad-based partnerships and alliances in multilateral forums and at country level. In these efforts, human rights defenders, the independent media and civil society organisations will be key partners.

Policy coherence for human rights

The Government will seek to ensure policy coherence for human rights, so that Norway's efforts to promote and protect human rights are integrated into all aspects of its foreign and development policy. Ensuring respect for human rights is a foreign policy goal in itself, but it is also a means of achieving lasting development and security. The work on the Government's three priority areas in the field of human rights will be incorporated into policy development in other areas, and will support democratic development based on respect for human rights. It is essential that all Norway's efforts pull in the same direction and are mutually reinforcing. The measures proposed and set out in this white paper are closely linked to other priority areas for the Government, such as education, health, climate and energy. For example, the Government's focus on education in development policy will be vital to our efforts to promote equal opportunities and participation in decision-making.

When assessing which countries should receive financial support from Norway, importance will be attached to the recipient country's willingness to govern in accordance with the principles of human rights, democracy and the rule of

law. Developments in these areas will be significant in determining whether or not Norway can provide financial support to individual countries, as well as the nature and amount of financial support given. The Government will work to enhance the ability of recipient countries to generate lasting and sustainable economic growth, and will seek to strengthen democratic development. In its development policy, the Government will support the implementation of sound policies that promote democracy, human rights and the rule of law.

Norwegian companies are increasing their investments and creating more jobs in growth markets, for example in Africa. In some countries, the Norwegian business sector provides a significant source of income, and has a considerable effect on overall economic development. Moreover, active and responsible engagement on the part of the business sector can have a direct and positive impact on the human rights situation in the countries concerned. The presence of Norwegian companies in a country can also help to facilitate constructive dialogue between Norway and the country's authorities. The Government considers it important that Norwegian companies make a contribution to economic growth and development, and it values the fact that for many Norwegian companies respect for human rights is an integral component of their global business strategies. The Government will give greater priority to promoting Norwegian business interests abroad, while at the same time working to promote respect for human rights in the business sector, by making its expectations of companies in the field of corporate social responsibility clear, and by actively providing information and guidance.

The Government's approach recognises the fact that human rights work involves dilemmas and difficult considerations. The Government will seek to handle these dilemmas through openness and dialogue, without compromising on Norway's human rights obligations.

This white paper describes Norway's efforts to promote human rights in its foreign and development policy and sets out the following main priorities:

- Ensuring a coherent approach to Norway's international human rights efforts, with a particular focus on three priority areas that highlight the links between democracy, the rule of law and human rights:
  1) *Individual freedom and public participation* – with an emphasis on rights that are under particular threat, such as freedom of expression, freedom of assembly and association and freedom of religion or belief, as well as intensified efforts to support human rights defenders and to promote the independent media and the right to education;
  2) *The rule of law and legal protection* – with an emphasis on the right to life, the development of fair and effective legal systems, the protection of private property rights, the fight against corruption and the protection of personal privacy;
  3) *Equality and equal opportunities* – with an emphasis on the rights of women and children, the right to health and food, as well as efforts to combat all forms of discrimination, including discrimination of religious minorities, indigenous peoples, people with disabilities, and sexual minorities.

- Promoting human rights in international cooperation at the global, regional and bilateral levels, by ensuring policy coherence and through the systematic use of foreign and development policy instruments. This includes:
  4) Integrating efforts to promote and protect human rights into all aspects of foreign and development policy, to ensure that our efforts in different areas pull in the same direction and are mutually reinforcing;
  5) Playing an active part in international efforts to further developing the normative human rights framework, and further developing Norway's role in this field as a key international player with a clearly recognisable profile;
  6) Working to make the UN more effective and to ensure that human rights are given priority across the organisation and that a larger share of its total resources is allocated to this area;
  7) Working to further strengthen the work of the Council of Europe and the Organization for Security and Co-operation in Europe (OSCE) to promote democracy, human rights and the rule of law;
  8) Developing long-term, targeted cooperation with regional organisations outside Europe, as part of efforts to strengthen international human rights protection mechanisms;

9) Further developing a systematic approach to bilateral efforts, based on the human rights obligations of the countries concerned and in line with our multilateral efforts;
10 Setting clear requirements for recipients of Norwegian aid as regards their willingness to take steps to promote human rights, democracy and the rule of law;
11) Engaging the private sector in efforts to safeguard and ensure respect for human rights, with reference in particular to the UN Guiding Principles on Business and Human Rights;
12) Further developing human rights expertise in the Foreign Service, through training, capacity building and the development of relevant tools, and by facilitating cooperation with relevant actors, including civil society, the academic community, the private sector, and religious and cultural groups.

2 Introduction

To deny people their human rights is to challenge their very humanity.

Nelson Mandela

Although Norway's legal responsibility is limited to people within its jurisdiction, Norway has a long tradition of involvement in efforts to protect the human rights of individuals in other countries, with the overall aim of strengthening international human rights protection. Norway's own experience of democracy and the rule of law, and of a welfare state that respects and protects personal freedom, provides a solid basis for the Government's efforts in this area.

The Government's international human rights work reflects a policy based on interests and engagement, in which human rights protection is both a fundamental aim in itself and a means of achieving other objectives. Respect for human rights is a cornerstone of democracy, just as real democracy is a prerequisite for the realisation of human rights. Countries that respect human rights are more stable and predictable than those that do not. The protection and promotion of human rights thus plays a part in creating a safer and more open world, which is also in Norway's interests.

A commitment to human rights, democracy and the principles of the rule of law must lie at the heart of Norway's foreign and development policy. Respect for human rights and international law, together with binding international cooperation, are key to pursuing a responsible foreign policy, and Norway's record in these areas enhances its credibility when it seeks to promote Norwegian interests. For this reason, the Government announced early on that it would present a white paper to the Storting highlighting the increased emphasis on human rights in our foreign and development policy.

During the course of the 15 years since a white paper on human rights was last presented to the Storting, the world has changed, and the international community is facing increasingly complex challenges with far-reaching implications for human rights. In autumn 2014, there are more refugees in the world than at any time since the Second World War. At the same time, the international community is having to respond to several humanitarian crises in parallel, categorised by the UN as level three emergencies, the UN's highest level of humanitarian emergency. Poverty, conflict, terrorism, epidemics, climate change and environmental problems continue to have major consequences for human rights. The tension between secular and religious centres of power and between different religions poses further challenges. Digital advances have also created new, serious threats from both state and non-state actors. Instruments that are used to combat terrorism and to safeguard the security of citizens can at the same time pose challenges in terms of protection of privacy and freedom of expression. This applies for example to mass surveillance and data collection. Furthermore, there is a clear correlation between the human rights situation in a country and the desire of its citizens to move or flee, and possibly seek asylum in another country. This illustrates the close links between different policy areas.

At the same time, awareness of human rights has grown all over the world. The internet and social media have dramatically changed the way people communicate and have made it more difficult to conceal human rights violations from the rest of the world. Technology has created new and better opportunities for the free exchange of information and views, and has enabled broader political participation and the development of better organised opposition movements. Today, the actions of states are scrutinised more thoroughly than ever before, and civil society is playing an ever more important role in pushing for legal and political reforms by protesting against marginalisation and oppression. Popular uprisings and calls for democracy and public participation have recently brought about the fall of a number of authoritarian regimes.

At the national level, the work of an increasing number of civil society organisations and human rights defenders has significantly improved the human rights situation in many countries, as has

Box 2.1 Militant jihadist groups

The international human rights conventions place obligations on states and grant rights and freedoms to individuals. However, in situations where states no longer have real control over parts of their territory, for example in cases of internal armed conflict or in areas where terrorism is widespread, the implementation of human rights obligations is undermined. States may find that they are no longer able to safeguard the rights of their citizens.

Militant jihadist groups such as ISIL, Al-Qaeda and Boko Haram are responsible for massive and grotesque attacks on the civilian population, massacres of whole villages, widespread kidnapping, torture, and sexual assault, particularly against women and young girls. In some cases, people are being forced to give up their own religion and convert to the faith of the terrorist groups. ISIL is a particularly frightening example of a group that, by means of extreme violence, is acquiring economic resources, taking control over large areas of land, terrorising entire population groups and threatening the existence of states. ISIL is operating across national borders, is well organised and has ambitions to make further territorial gains. The group thus represents a threat to life and security beyond the region in which it is operating. ISIL's actions can only be regarded as serious criminal acts and may qualify as crimes against humanity.

The Government's efforts to strengthen Iraq's ability to combat these groups, where these are operating on Iraqi territory, will help indirectly to enhance Iraq's ability to safeguard the human rights of its citizens, and will also help to ensure that members of terrorist groups such as ISIL are held accountable for their crimes. In this way, these efforts are part of our work to safeguard and strengthen the protection of human rights at the international level.

the establishment of independent national human rights institutions. The adoption of legislation that places restrictions on the flow of information, on freedom of expression, on freedom of assembly and association and that leads to a shrinking of democratic space is therefore very worrying. Peaceful protests are being suppressed and censorship and political control of the media are widespread. In some instances, there is clear disregard for the right to life and the prohibition against torture. Many countries refer to security and counter-terrorism considerations to justify strict state control and mass surveillance. Human rights defenders and journalists have become the target of threats, harassment and arbitrary arrest, and in some cases forced disappearances and even killings are being carried out in order to silence their voices. In many countries, minorities and members of the political opposition are persecuted and attempts are made to control groups that challenge the central authorities, often through the adoption of legislation.

A changing world

The world has entered a period of geopolitical change. Economic growth in certain regions is causing a significant shift in global power. Economic and political influence is moving towards the south and the east. The financial crisis has reinforced this trend. This shift in global power shows that there is a connection between economic growth and political influence. The Government needs to strengthen contacts with new partners while maintaining old ties if it is to be able to pursue a viable foreign policy that promotes a world order based on the rule of law. We cannot simply assume that all the emerging economies have developed a tradition for safeguarding human rights. Nor can we assume that other countries base their policies on the same fundamental values and aims as those that underpin the international human rights conventions. Many states do not respect the universality of human rights, or rely on a restrictive interpretation of human rights. Many states seek to undermine rights that they have undertaken to respect under international law. This can be clearly seen in the UN and other multilateral forums, where alliances of states cite traditional values and use religious dogma to restrict the rights of individuals, and refer to principles of national sovereignty and non-interference in the internal affairs of states. In such cases the Government will make it clear that human rights are universal and indivisible, and that individual states cannot opt out of their human rights obligations by referring to what they claim are national traditions or values.

Box 2.2 The UN core international human rights instruments

There are ten core international human rights instruments, some of which are supplemented by optional protocols that deal with specific topics. The ten core instruments are:

- International Convention on the Elimination of All Forms of Racial Discrimination (1965) – ICERD
- International Covenant on Civil and Political Rights (1966) – ICCPR
- International Covenant on Economic, Social and Cultural Rights (1966) – ICESCR
- Convention on the Elimination of All Forms of Discrimination against Women (1979) – CEDAW
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) – CAT
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002) – OPCAT
- Convention on the Rights of the Child (1989) – CRC
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) – ICMW
- Convention on the Rights of Persons with Disabilities (2006) – CRPD
- International Convention for the Protection of All Persons from Enforced Disappearance (2006) – CPED

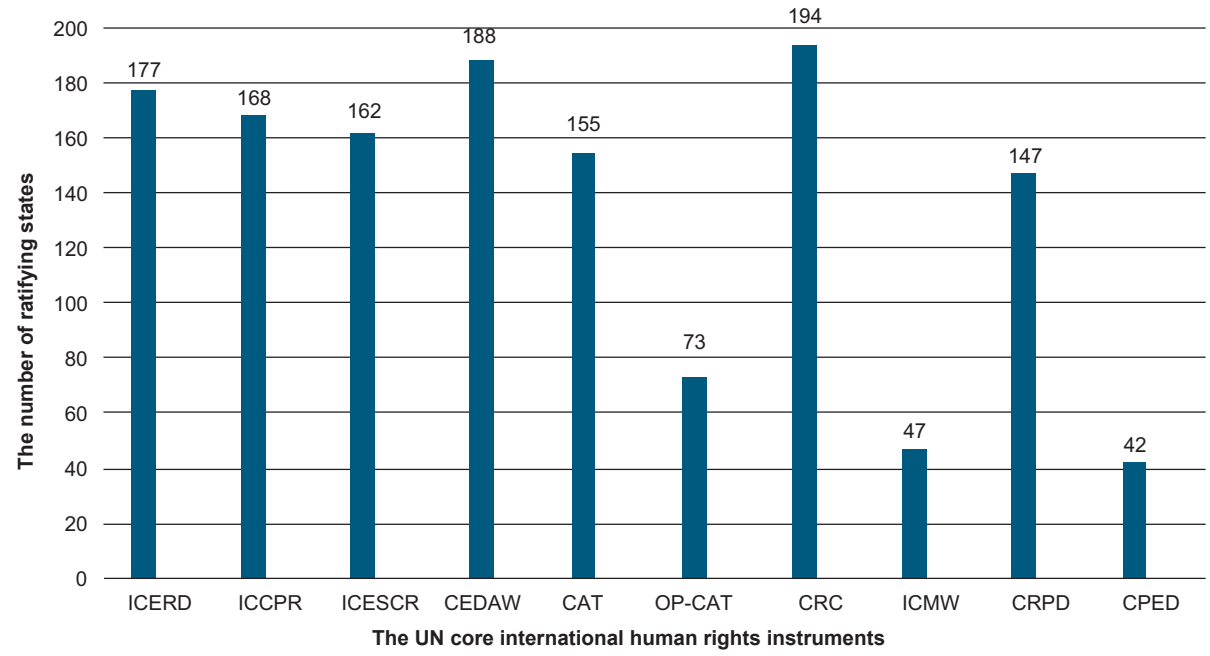

Figure 2.1 The diagram shows the number of states that have ratified the UN core international human rights instruments.

Systematic use of instruments and the importance of broad alliances

This white paper sets out what the Government will do to strengthen the human rights dimension in Norway's foreign and development policy. It focuses in particular on enhancing coordination, increasing effectiveness and ensuring a more systematic use of the various instruments that are available. Where the Government sees negative developments or human rights being violated, it will express its concerns. The Government will convey its criticisms and concerns directly, at senior official level and at political level. When appropriate, Norway will express its concerns openly, for example in the form of public statements. Sup-

port for civil society's human rights activities, combined with a focus on the inadequacies of the efforts of national authorities, can often lead to positive change over time.

Norway's efforts to promote human rights will be most effective if we further develop cross-regional alliances, both with other states and with civil society. In this work, the Government can benefit from Norway's clear international profile in the field of human rights. The Norwegian authorities take a broad approach and are involved in most of the human rights issues on the international agenda. The Government will support the independent media and strengthen partnerships with civil society, the academic community, the business sector, and religious groups and cultural networks, which can all help to disseminate knowledge about human rights beyond tradi-

Box 2.3 International human rights protection

The Universal Declaration of Human Rights states that 'all human beings are born free and equal in dignity and rights'. Since its adoption in 1948, the UN has introduced a number of conventions and declarations relating to the protection of human rights, and today the world has a well-developed set of international norms that states in all regions have endorsed. A treaty body (a committee of independent experts) has been established for each of the UN's ten core instruments to monitor implementation of the treaty provisions by its states parties.

Promoting human rights is a key task of both the UN General Assembly and the UN Security Council. The Human Rights Council, the UN's main human rights body, is mandated to address both thematic issues and situations in individual countries. The Office of the High Commissioner for Human Rights (OHCHR) plays an important role as an independent voice in the area of human rights protection and promotion, and acts as secretariat for the Human Rights Council and the treaty bodies. OHCHR provides guidance and technical support to individual countries to assist them in implementing their human rights obligations.

The International Labour Organization (ILO) is a specialised agency of the UN and is responsible for developing, monitoring and enforcing international labour standards. The ILO has developed a comprehensive set of legal instruments, and it is common to refer to the ILO's eight core conventions as human rights conventions. These core conventions relate to issues such as freedom of association and the right to collective bargaining, the abolition of child labour, the elimination of forced or compulsory labour and discrimination.

Regional organisations can also play an important role in promoting the international protection of human rights, by developing norms and effective monitoring mechanisms. In Europe, the European Court of Human Rights issues legally binding judgments and decisions on states' compliance with the European Convention on Human Rights (ECHR). The Council of Europe has also developed a number of special conventions with separate monitoring mechanisms, such as those relating to minorities, human trafficking, torture, domestic violence, and economic and social rights. The Council of Europe has a separate Commissioner for Human Rights. The Organization for Security and Co-operation in Europe (OSCE) complements the work of the Council of Europe in the field of human rights. The OSCE's three independent institutions — the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities and the Representative on Freedom of the Media – work, together with the OSCE's various missions, to build institutions, strengthen democratic structures and promote the participation of civil society in conflict-affected countries and regions.

In other parts of the world, the Organization of American States (OAS), the African Union (AU) and the Association of Southeast Asian Nations (ASEAN) in particular have adopted instruments and begun developing mechanisms to protect human rights in their respective regions.

The development of international courts to ensure that perpetrators of genocide, crimes against humanity and war crimes are brought to justice is also an important contribution to the work of increasing compliance with human rights obligations. The International Criminal Court (ICC) plays a key role in these efforts.

tional arenas. The Government's approach is based on recognition of the fact that a long-term perspective is needed in this area, and that all countries face different challenges that vary in nature and scope. This is reflected in international cooperation on human rights, including in the UN and Council of Europe monitoring bodies and in the UN Human Rights Council's Universal Periodic Review process, which allows all countries to raise human rights issues in other countries and to put forward recommendations. Following Norway's Universal Periodic Review in April 2014, the Government approved a number of recommendations, which it is now following up.

Development of the white paper

In developing this white paper, the Ministry of Foreign Affairs has considered it important to ensure a broad and inclusive process. Meetings have been held with other parts of the public administration, the business sector, civil society organisations and other relevant actors, all of whom have provided written input. The intention behind this approach was to make the white paper relevant and feasible, and to encourage involvement and inspire ownership as regards the implementation of its recommendations.

Limitations of the white paper

The white paper does not cover the work being done to promote human rights in Norway. Nor does it discuss Norway's role as a financial investor, through the two parts of the Government Pension Fund, the Government Pension Fund Norway and the Government Pension Fund Global, which are managed by Folketrygdfondet and Norges Bank, respectively. The Ministry of Finance presents a white paper to the Storting annually on the management of the Government Pension Fund, the most recent being Meld. St. 19 (2013–2014). These white papers describe the Fund's work to ensure sound and responsible management, and it is therefore natural for all matters relating to the management of the Fund to be considered by the Storting when the annual white papers are presented.

Financial and administrative consequences

No administrative changes to the Ministry's or subordinate agencies' areas of responsibility are envisaged as a result of this white paper. All measures discussed in the white paper will be funded within the existing budgetary frameworks of the ministries concerned.

3 Thematic priorities in Norway's international human rights policy

3.1 Three priority areas

The Government takes an integrated approach in its efforts to promote compliance with human rights commitments and obligations, and will focus its work on the following three main areas:

1. Individual freedom and public participation
2. The rule of law and legal protection
3. Equality and equal opportunities

The first area – *individual freedom and public participation* – concerns fundamental rights in an open and democratic society. Work in the second priority area – *the rule of law and legal protection* – will place emphasis on principles of the rule of law and related mechanisms for achieving well-functioning and stable states. Work in the third area – *equality and equal opportunities* – will focus on gender equality and vulnerable groups in society, taking as its starting point the principle that all citizens have the same rights. These three priority areas reflect the links between democracy, the rule of law and human rights, which lay the basis for peaceful societies that enjoy sustainable development and genuine opportunities for all.

The aim of Norway's efforts in this field is to enable states to ensure that every individual's human rights are safeguarded. This means that national legislation must be brought in line with international law, effective policies must be developed and systems for providing necessary services must be established. Norway's efforts are not to compensate for any failure on the part of the authorities in other countries to shoulder their

Box 3.1 Digital diplomacy

The Foreign Service will make greater use of strategic communication to publicise Norway's views and priorities in the field of human rights. Digital communication channels, including social media and the missions' websites, will be used to increase awareness of human rights issues and promote realisation of these rights, for example by reporting on discussions, decisions and universal periodic reviews in the UN. This is also an effective way of reaching out to human rights defenders, civil society and groups that experience oppression or discrimination, so that they in turn can influence the country's authorities to comply with their human rights obligations.

The Foreign Service's communications in this field will be intensified in the three priority areas: individual freedom and public participation; the rule of law and legal protection; and equality and equal opportunities.

Box 3.2 An independent cultural sector

An independent cultural sector is a clear sign of a vibrant civil society. Free artistic expression is a right in itself. The arts can also put human rights on the agenda, encourage public participation, debate and criticism, and foster greater respect for human rights. A strong cultural sector can be an effective agent of change, and can contribute to state-building and democratic processes.

However, an independent cultural sector is not possible unless cultural rights are respected. There are significant differences both within countries and between countries in terms of respect for cultural rights, and thus the conditions for cultural workers. The protection of copyright and other intellectual property rights is crucial for artists to be able to make a living from their work, but many countries do not have adequate legislation in this area. As a result, artists are unable to support themselves, and hence the business potential that the creative industries can offer is not made full use of.

responsibilities, but to promote positive developments that are underpinned by national responsibility.

3.2 Individual freedom and public participation

Dictators are not in the business of allowing elections that could remove them from their thrones.
Gene Sharp

As individual freedom and public participation are key components of an open, democratic society, efforts to protect and expand democratic space will be given priority. Freedom of expression, freedom of assembly and association, freedom of religion or belief, the right to education, and access to independent media and information are all crucial to genuine participation in, and the opportunity to influence, political decision-making processes. Having the opportunity to influence decisions that affect you is a fundamental condition for a living democracy, and is essential for safeguarding shared values in a sustainable way. Technological developments contribute to better information flow and more openness, but they also mean increased potential for surveillance, control and sanctions.

Box 3.3 The importance of a strong civil society

A strong and pluralistic civil society is a driving force in efforts to promote democratic development, the rule of law and human rights. Civil society is by nature diverse, being made up of groups with different – and sometimes conflicting – interests, not least in countries where there are major disparities or conflicts. The term 'civil society' is used to refer to non-governmental and non-commercial actors, including special interest organisations, support groups, religious and belief groups, social movements, cultural actors and environmental organisations.

Cooperation with civil society is often crucial for improving compliance with human rights obligations. The knowledge, networks and capabilities of civil society organisations are often vital for dealing with acute situations as well as for long-term human rights efforts. Moreover, civil society, both in Norway and in other countries, plays an important part in evaluating and challenging the work carried out by the Norwegian authorities. Civil society organisations can act as a catalyst and a watchdog for the authorities in their country, and are a key source of information for Norwegian missions abroad. In many countries, civil society organisations are involved in running hospitals and schools and providing other social services. By doing so, they are making important contributions to the implementation of the country's plans for the health, education and social welfare sectors, and thus helping to build up the country's own capacity to fulfil its human rights obligations. Civil society actors also perform valuable work in humanitarian crises.

The Government will therefore give priority to strengthening its cooperation with civil society in its partner countries, and in its general human rights work. In particular, the Government will support civil society in countries where there are considerable human rights challenges and where democracy is under pressure. In order to ensure that our efforts contribute to a real improvement in human rights, particularly for vulnerable groups, it is essential to understand the connections between the various civil society actors and, for example, political parties and extremist groups. The part each organisation can play must be considered in light of the political and socioeconomic context, and the extent to which it can advance human rights in the local setting. Norway may provide support directly to local civil society organisations or via Norwegian partners or international organisations and networks. Our support is intended to reinforce the country's own efforts, and should not be seen as a mere replacement.

The Government also attaches great importance to cooperating with civil society in international forums, and believes that the voice of civil society must be heard in these settings. Norway will actively seek to ensure that civil society has the opportunity to participate in a meaningful way in multilateral human rights efforts. It is important to prevent threats, attacks and reprisals against human rights defenders and other actors that cooperate with multilateral organisations.

Obstructing and silencing civil society and independent media is a threat to democracy. In many countries, human rights defenders, trade union representatives, editors, journalists and bloggers are harassed or subjected to arbitrary imprisonment, summary trial, threats or torture. They may even disappear or be killed. There have also been instances of authorities obstructing artistic freedom and shutting down forums for presenting arts and culture, and failing to protect artists and cultural workers from pressure and abuse from other groups in society. A number of countries have passed restrictive laws making it difficult to register NGOs and limiting their scope of action, often under the pretext of anti-terror legislation or other security legislation. In some countries, civil society organisations are subjected to restraints and unwarranted reporting requirements, as well as to conditions and restrictions for foreign financial support. Although there has been an increase in the number of civil society organisations globally in recent decades, the number of independent organisations has declined in many countries as a result of requirements and restrictions of this type.

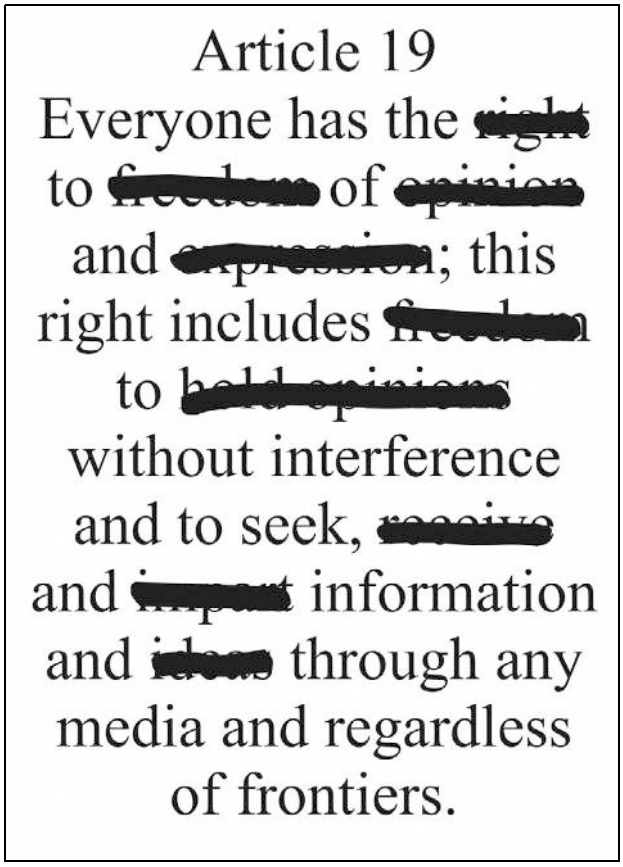

Figure 3.1 Tomaso Marcolla, Italy

3.2.1 Freedom of expression

I do not agree with what you have to say, but I'll defend to the death your right to say it.
Evelyn Beatrice Hall in 'The Friends of Voltaire'

Freedom of expression is enshrined in global and regional human rights conventions, and is protected in the constitution and other legislation of most countries. Freedom of expression is the very foundation of democracy. The right of the people to seek and receive information and to express their opinions freely is a prerequisite for participating in society and political life. Freedom of

Box 3.4 Freedom of expression and freedom of the press under pressure

Freedom of expression and freedom of the press are under pressure in a number of countries. Killings of journalists, denying journalists access to conflict zones, and censorship and blocking of social media are just some examples of measures used by states to restrict criticism and stifle dissent. Sustained efforts must be made to stop attacks on and killings of journalists, and when such incidents occur, they must be investigated and the perpetrators brought to justice. For every journalist that is killed, many other people are pressured to silence.

According to Freedom House, the share of the world's population that live in a country with free media is declining, and was just 14 % in 2013.[1] During the past decade there has also been an increase in violence against journalists – not least women journalists – because of their work. In many countries, journalists are harassed, attacked, arrested or killed. According to the International Federation of Journalists, 123 journalists and media workers were killed in 2013. Photographers and photojournalists are often particularly at risk. The UN has adopted several resolutions and a plan of action on the safety of journalists and the issue of impunity, which are supported by Norway. Norway also supports UNESCO and media organisations that are working to improve the safety of journalists.

[1] Freedom House, Freedom of the Press 2014.

expression is not limited to what is said or published in traditional mass media such as newspapers, radio and television. It also applies to expressions and views that are shared on the internet, including on social media. Nor does freedom of expression apply only to information and ideas that are popular or uncontroversial – but also to those that may be perceived as controversial, shocking or offensive. Those who express criticism of power may have a particular need for protection. A free and open internet is vital for the freedom of expression.

Freedom of expression is restricted and obstructed by many regimes, in part through the misuse of national legislation on blasphemy and defamation. The obstruction of freedom of expression is a reliable indicator that a regime is becoming increasingly undemocratic. Only in exceptional cases can restrictions to the freedom of expression be justified. Any restriction must have a legal basis in national legislation, serve a legitimate aim, and be necessary in a democratic society.

Challenges arise when manifestations of freedom of expression violate the rights of other people, including hate speech that incites violence. Although states are obliged to implement measures against expressions that encourage hatred and intolerance of individuals or groups, finding the right balance can be difficult. The Government's message is twofold: hate speech must be addressed, while freedom of expression must be respected. The Government places a strong emphasis on knowledge, openness, freedom of information and dialogue in its efforts.

The Government considers freedom of expression crucial to the realisation of other human rights, and will give higher priority to promoting freedom of expression in its foreign and development policy.

Priorities:

- engage actively in promoting the right to seek and receive information and to freely express opinions in multilateral forums and in bilateral cooperation;
- contribute to improved protection of journalists and other media workers, bloggers, writers and others who practise free artistic expression;
- develop a strategy for promoting freedom of expression and independent media in foreign and development policy.

3.2.2 Freedom of the press and independent media

A free press is the unsleeping guardian of every other right that free men prize.

Sir Winston Churchill

Free and independent media underpin any vibrant democracy. They disseminate knowledge, views and ideas that are necessary for the development of society and for individuals' ability to exercise their rights. A strong, diversified and independent media sector can be a critical corrective to the abuse of power, corruption and lack of transparency. If the media are to carry out their role as a fourth power in society, the necessary framework must be in place, including legislation that protects the confidentiality of sources and bans censorship. Independence of the media, freedom of the press, freedom of expression and the right of access to information are vital if the media are to be able to perform their intended function in a democratic society governed by rule of law.

However, in many countries the media are threatened, their offices are ransacked, and their activities are closed down. Media licensing rules

Figure 3.2 Egil Nyhus, Norway

and tax legislation are misused to obstruct the work of the media. In countries where the authorities own or control the media, the opposition may well not be given a voice when elections are held, which can be decisive for the election result. New communication channels and platforms are also increasingly being regulated, controlled and sanctioned by the authorities. The concentration of media power in the hands of a few private owners can also impede the media's ability to act as a watchdog in relation to the exercise of power in both the public and the private sector. In countries where journalists and editors are subjected to pressure and threats, self-censorship increases and democracy suffers.

Norway plays a leading role in international efforts to promote free and independent media, particularly in conflict areas and countries where democracy is under pressure. As part of this work, the Ministry will support the development of institutions and codes of press ethics inspired by the Norwegian Press Complaints Commission, the Editors' Code of Practice and the Code of Ethics of the Norwegian press.

Priorities:

- support the development of legislation and institutions that safeguard the independence of the media, combat censorship and promote public access to information;
- support training for journalists in the fields of human rights, ethical journalism, quality journalism and safety;
- combat impunity for attacks on and killings of journalists and media workers.

3.2.3 Freedom of assembly and association

Freedom of assembly and association make it possible for people to express their political opinions, exercise their religion, form and join political parties and trade unions, engage in the arts and choose leaders to represent their interests. These freedoms are essential to strong and stable democracies and to the realisation of other human rights. The importance and the vulnerability of freedom of assembly and association become particularly evident when countries are preparing for and conducting elections and referendums.

Many countries have adopted legislation that restricts freedom of assembly and association, the activities of human rights defenders, and the opportunities for civil society to participate in decision-making processes on all levels. This include bans on peaceful demonstrations and rules that make it difficult to register NGOs and labour organisations, or that impose restrictions on foreign financial support.

Norway places great emphasis on promoting freedom of assembly and association internationally, and draws on the experience gained through the large number of clubs and organisations in

Box 3.5 A free and open internet

In a short space of time, the digitisation of society has brought about profound changes in the ways in which people interact and communicate, and has contributed to the evolution of new democratic channels and to global economic development. Regulation of the internet has largely come about through private agreements within the framework of domestic legislation and jurisdiction. A number of countries have advocated increased state control over cyberspace in general and the internet in particular, with reference to the principles of national sovereignty and non-interference. For the most part, this reflects a desire to regulate and control the dissemination of information – which may well be critical of the authorities – within their own borders. The Norwegian authorities have long held that human rights apply online just as much as offline, and the Government places great emphasis on the importance of an unfragmented, free and open internet. Norway is opposed to any development that gives states greater control over the internet, and has therefore not supported processes that could lead to the development of new international regulations for digital space. The preservation and development of digital space as a catalyst for innovation and for social and economic development is a Government objective. In order to achieve this objective, close cooperation is needed both among states and between the private and public sector, nationally and internationally. The Government will work for a free and open internet that respects privacy, freedom of expression and other human rights.

Norway and our strong tradition of cooperation. One example is the cooperation between the authorities and the social partners in promoting employers' and employees' organisations and social dialogue in other countries.

Priorities:

- work to ensure that national authorities promote and respect freedom of assembly and association, both in legislation and in practice;
- promote respect for freedom of assembly and association through the UN and other international organisations, civil society and various organisations at national level that we cooperate with.

3.2.4 Protection of human rights defenders

When the rights of human rights defenders are violated, all our rights are put in jeopardy and all of us are made less safe.

Kofi Annan

The work of human rights defenders is invaluable for the realisation of human rights and crucial for the development of democracy and the rule of law. Human rights defenders promote civil and political rights as well as economic, social and cultural rights. They are individuals or groups that act to improve the protection and implementation of human rights without the use of violence or force. They defend the rights of other people, and are often advocates for vulnerable and marginalised groups who are not able to defend themselves.

The authorities in many countries view the work of human rights defenders as a threat to established power structures. On several occasions, the UN has expressed grave concern about the increasing extent to which human rights defenders are threatened, stigmatised, intimidated, subject to reprisals and violence, or even killed, and about the failure to prosecute those responsible. The UN Special Rapporteur on the situation for human rights defenders has particularly drawn attention to threats against women human rights defenders and those who address

Box 3.6 Support for democratic development

Respect for human rights is a cornerstone of democracy, just as true democracy is a prerequisite for the realisation of human rights. Norway's continual, long-term efforts to strengthen and advance human rights, for instance through the normative work carried out in the UN and the Council of Europe, make a substantial contribution to strengthening democracy. The Norwegian authorities are broadly engaged in the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe, the two most important intergovernmental organisations for monitoring and promoting the development of democracy in Europe and Eurasia.

The Government will emphasise support for democratic governance at country level, and is a major contributor to the United Nations Development Programme (UNDP). One of the main objectives of UNDP is to assist countries in developing systems that promote democratic governance, in part by helping countries organise elections. Through its membership on the Executive Board, Norway is actively engaged in strengthening the organisation's follow up of human rights compliance. The International Institute for Democracy and Electoral Assistance (IDEA) is another key partner for democratic development. IDEA supports, inter alia, electoral reform, constitutional reforms, and increased political participation. IDEA is an intergovernmental organisation, with 29 member states from all regions of the world.

Another important partner in this context is the Norwegian Resource Bank for Democracy and Human Rights (NORDEM). NORDEM recruits, trains and deploys experts on the rule of law, human rights, democracy building, good governance, and election assistance and observation to the UN, the EU, the OSCE and IDEA. Other standby rosters that are drawn on for international democracy efforts include the Norwegian Crisis Response Pool, which deploys legal experts to assist with crisis management and justice sector reform, and the Norwegian Refugee Council emergency roster (NORCAP), which deploys experts to the UN, regional organisations and national authorities to alleviate humanitarian crises. The Government will seek to ensure that these schemes function as efficiently as possible.

Box 3.7 UN resolution on women human rights defenders

Norway is the main sponsor of the UN resolutions on human rights defenders, and presents international initiatives to reinforce their protection. This is challenging terrain, both in the UN Human Rights Council and in the UN General Assembly, where there are divergent views on the role of human rights defenders in society.

In the autumn of 2013, Norway – in close consultation with civil society organisations – initiated a new resolution in the UN General Assembly emphasising the role of women human rights defenders.[1] The resolution reflects the content of the guide for our Foreign Service, Norway's efforts to support human rights defenders, which calls upon states to:

- publically acknowledge the role and work of human rights defenders;
- ensure that national legislation is in line with international obligations and does not restrict human rights defenders in their work;
- develop mechanisms for consultation with human rights defenders in order to identify their need for protection and to outline effective protection measures;
- involve civil society and human rights defenders in decision-making processes and the development of new legislation;
- establish a focal point for human rights defenders in the central administration, and consider the possibility of developing an 'early warning' system;
- ensure that relevant human rights training is given to the appropriate officials, including the police, the prison services and the courts;
- support the role of national human rights institutions in protecting human rights defenders, and strengthen their capacity;
- ensure that those responsible for attacks on human rights defenders – including non-governmental actors – are prosecuted, and call on the authorities to condemn such attacks;
- ensure that due consideration is given to women human rights defenders and the particular challenges they face.

The General Assembly resolution has given an international voice to these important aims. The resolution is a step in the right direction. However, there is a vast gap between what the member states have agreed to and the reality experienced by human rights defenders in many parts of the world. The Norwegian authorities will continue to seek to translate this UN resolution into practice, through our foreign missions and partners at country level, and by maintaining our active international engagement.

[1] UN General Assembly Resolution 68/181 of 18 December 2013.

human rights questions related to land rights and the exploitation of natural resources.

Protection of human rights defenders has long been a key priority for Norway. Our overall objective is for human rights defenders to be able to carry out their work of promoting and defending human rights in all parts of the world without restrictions or threats to themselves or their families. The Norwegian authorities support human rights defenders and their work through direct contact, economic support, and dialogue with the relevant national authorities, as well as through the work of organisations such as the UN, the Council of Europe and the OSCE. Norway aims to play a leading role and to cooperate with partners in various regions to combat the increased pressure on human rights defenders and to support their work.

Norway's Foreign Service guide to this work will be revised in light of the increased pressure on human rights defenders throughout the world.

Priorities:

- play a leading role in UN negotiations on protection of human rights defenders, and seek to intensify efforts to implement the resolutions adopted by the UN General Assembly and the Human Rights Council;
- increase support for regional initiatives and other schemes for protecting human rights defenders, not least women human rights defenders;
- engage in close dialogue with organisations working to protect human rights defenders on how best to deal with the increased pressure they are experiencing.

Figure 3.3 United Nations Human Rights Council resolution 22/6, sponsored by Norway and adopted by the Council in March 2013.

Source: Human Rights House Foundation

3.2.5 Freedom of religion or belief

Freedom of religion or belief means that all people have the freedom to practise their religion or belief, either alone or in community with others, in public or private. It also covers the freedom to convert to another religion, to question another's religion or belief, or to adopt atheist views. Freedom of religion or belief is closely linked to freedom of expression, the right to privacy and freedom of association and assembly.

Violence, intolerance and discrimination based on religious affiliation or faith is a problem, even in established democracies. Religious minorities are most often affected, and may find their freedom of religion or belief restricted in relation to the religion of the majority of the population. This can also apply to minority groups within the majority religions. In some countries, however, the majority of the population is subjected to discrimination by a ruling minority. Sometimes, freedom of religion or belief is misused to limit the rights of individuals or to deprive them of their rights, as in the case of practices that discriminate against women, or when states use freedom of religion or belief as a pretext to justify measures that are illegal. The pressure on freedom of religion or belief is greatest in times of major political and economic upheaval, when differences of religion or belief can be used by those seeking power to split the population and to consolidate their power base. Developments in the Middle East show that extreme situations can arise, involving the persecution and even mass killing of religious minorities.

The right to freedom of religion or belief should protect individuals, not ideologies or religions. Banning religious criticism may lead to censorship on religious issues, to the detriment of religious minorities, human rights defenders and journalists. The Norwegian authorities therefore take a stand against groups of countries and organisations that seek to limit freedom of expression with a view to preventing criticism of religions or religious figures.

In order to raise the issue of the situation for religious minorities in other countries with credibility, the Norwegian authorities must also be willing to examine the situation of religious minorities in Europe, both today and in the past. Norway therefore participates actively in international efforts to promote Holocaust remembrance, for example through membership of the International Holocaust Remembrance Alliance, an intergovernmental organisation whose mandate includes education, research and the preservation of war monuments. The Norwegian authorities also work to promote freedom of religion or belief at the multilateral level and bilaterally, with particular emphasis on the situation of religious minorities. Long-term awareness-raising activities and the involvement of religious and faith-based organisations are necessary in order to improve the situation of religious minorities. Norway cooperates closely with civil society organisations and like-minded countries in this work.

Priorities:

- seek to ensure that national authorities promote and respect freedom of religion or belief, both in legislation and in practice, and especially work to improve the situation of religious minorities;
- work to ensure that religious and belief groups respect human rights, both within their own groups and in relation to society as a whole;
- seek to ensure that respect for religion does not limit freedom of expression or other human rights.

Box 3.8 The Ministry's guidelines on human rights work

In the Ministry's efforts to achieve an integrated approach to human rights work, several sets of guidelines have been developed. The objective of these guidelines is to strengthen the knowledge base in the Foreign Service on key human rights issues, and to provide practical and technical advice on how the Foreign Service can maintain, intensify and systematise its efforts to promote human rights at country level. These guidelines are also designed to strengthen the work of the Foreign Service in multilateral forums and in consultations on human rights at the political level.

Guidelines have been developed on the following topics: sexual and reproductive health and rights, the rights of religious minorities, the rights of indigenous peoples, the rights of sexual minorities, the rights of persons with disabilities, work to protect human rights defenders, and efforts to abolish the death penalty. Further development of the Foreign Service's work to promote and protect human rights will build on these guidelines.

3.2.6 The right to education

When the whole world is silent, even one voice becomes powerful.

Malala Yousafzai

Education is vital to an individual's personal development, and is an important factor for realising and strengthening other human rights. Education promotes equality and equal opportunities, particularly for vulnerable groups, and facilitates empowerment and participation. When teenage girls receive an education, there is a decline in child marriage and teenage pregnancies, and a reduction in maternal and infant mortality. Education enhances girls' social status, increases their awareness of their rights, empowers them to make their own choices and, not least, equips them to support themselves (and their families when the time comes), as well as improving their reproductive health.

Although all children have the right to education, both access to and quality of education are very unevenly distributed. As many as 57 million primary school-aged children and 70 million young people are not in school. Approximately half of all out-of-school children live in conflict-affected countries. Girls, children with disabilities, and children living in extreme poverty and in rural areas are overrepresented among those not attending school.[1] The Government has therefore made education a priority area for its development policy, and presented a white paper on education for development in June 2014.[2] The three main objectives for Norway's global education effort are to help ensure that all children have the same opportunities to start and complete school, that all children and young people learn basic skills and are equipped to tackle adult life, and that as many as possible develop skills that enable them to find gainful employment.

There is a growing tendency for schools in countries experiencing conflict to be directly affected. In some situations, military groups take over school premises, while in other situations schools are directly attacked for ideological reasons, as we have seen with girls' schools in Pakistan. Schools are often used as an arena for spreading hatred and reinforcing existing tensions. It is vital that schools seek to provide neutral ground before, during and after a conflict. An important aspect of the Government's focus on safeguarding children's right to education is its efforts to protect schools in countries affected by war and conflict, and it has taken on the responsibility of leading the process to finalise and promote the Safe Schools Initiative put forward by the Global Coalition to Protect Education from Attack.

In order to strengthen the capacity of individuals to claim their rights and to demand that these rights be respected, the Government will also focus on the promotion of human rights education. Knowledge about human rights promotes increased respect for our fellow human beings and helps to combat prejudice and stereotypes. This is also essential if human rights are to be respected and observed in practice. The Norwegian authorities will seek to make learning about human rights a compulsory part of education for all children, in line with the Convention on the Rights of the Child. The Norwegian authorities will also seek to increase awareness of human rights among key occupational groups, such as teachers, health and social service personnel, politicians, judges, lawyers, police officers, military personnel, business leaders, journalists and the media sector in general.

Norwegian students and academics have long-standing traditions of international cooperation with students and academics in developing countries. Universities are often at the centre of demands for democratic change and respect for human rights, and those who play an active role in such processes of change, may be subjected to different types of sanctions, such as not being allowed to complete their studies. The Ministry supports a scheme that makes it possible for persecuted students to continue their studies in Norway.

Priorities:

- take a leading role in global efforts to ensure relevant education of good quality for all, with a particular focus on girls, children with disabilities, the poorest children, and children affected by crisis and conflict;
- be at the forefront of efforts to ensure that international humanitarian law is respected and that the militarisation of and attacks on schools and universities stop, including by playing a leading role in promoting the Safe Schools Initiative internationally;

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1 UNESCO's Global Monitoring Report (GMR) 2013/4. Based on data from 2011, these are the most recent figures available.

2 Meld. St. 25 (2013–2014), Education for Development.

- work to disseminate knowledge about human rights, with a particular focus on teachers and key personnel in the justice sector, civil society and the media.

3.3 The rule of law and legal safeguards

True freedom requires the rule of law and justice, and a judicial system in which the rights of some are not secured by the denial of rights to others.
Jonathan Sacks

Human rights, democracy and the rule of law are closely related and mutually dependent. Respect for human rights is crucial to democracy; but at the same time, human rights are merely empty words without institutions to ensure that they are upheld and properly protected. These institutions include courts, the police, national assemblies, national human rights institutions and monitoring bodies to oversee the implementation of human rights.

Legal protection is a key element of the rule of law. It means that individuals are protected against abusive or arbitrary treatment by the authorities. Legal protection should also ensure that individuals are safeguarded against violent acts committed by other citizens, for example through organised crime or terrorist acts. Individuals should enjoy predictability with regard to their legal status and be able to defend their legal interests.

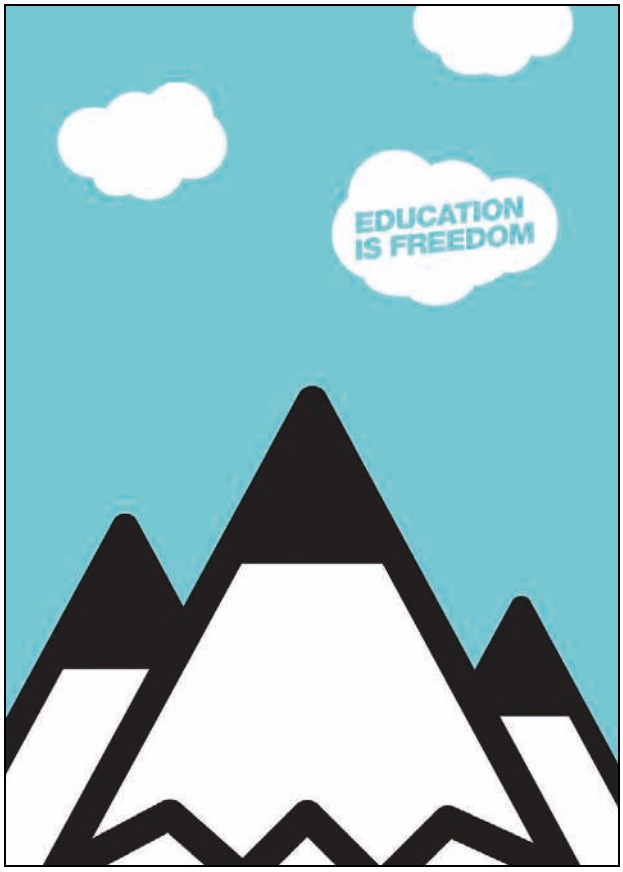

Figure 3.4 Massimo Dezzani, Italy

3.3.1 Reinforcing the rule of law

A well-functioning legal system is vital for ensuring that human rights are respected, and for maintaining a true democracy. The right to a fair trial includes the right to be tried before impartial and independent judges and access to a defence counsel in criminal cases, adherence to the principle of hearing both sides of a case, and the right to a decision within a reasonable period of time. The right to a fair trial is a cornerstone of several of the global and regional conventions on human rights.

However, a number of countries do not have an independent judiciary. This is particularly the case in countries where respect for human rights is weak. The reasons for this are many, and include insufficient capacity, expertise and economic resources, as well as corruption, inadequate legislation, ineffective administration and political pressure. In some cases, the political pressure is so strong that the courts are seen as controlled by the authorities, and even used to suppress the opposition and human rights defenders. Another important factor is the economic, socio-cultural and psychological barriers that many people experience, especially in poor countries, where the only real opportunity to have their rights upheld is through other mechanisms, such as conflict resolution boards and ombudsmen. Local and national courts face particular challenges in cases where foreign interests are involved, such as cases involving international companies or criminal cases against foreigners.

The Norwegian authorities have built up experience in supporting institution building and strengthening the justice sector in partner countries. Norwegian efforts can help to build capacity and enhance the degree of independence of the court system, to strengthen independent national human rights institutions and monitoring bodies, and to fight corruption and the abuse of power. The Norwegian Ministry of Justice and Public Security and the Norwegian justice sector have extensive experience in helping to develop the rule of law in a number of regions, particularly in the Middle East and the Balkans, but also in the Caucasus and Afghanistan and in connection with

operations in Africa. The Crisis Response Pool is made up of personnel from the Norwegian justice sector who can be deployed to international organisations or in accordance with bilateral agreements. They provide advice and assistance in the development of independent courts, the rule of law and democracy.

Priorities:

- promote fair and effective legal systems based on respect for human rights, particularly through training activities and cooperation at expert level within the justice sector;
- help to enhance legal protection and transparency in the court system in individual countries, particularly through court observation and support for the courts administration;
- help to develop national conflict resolution boards and monitoring bodies.

3.3.2 Combating torture and abolishing the death penalty

An eye for an eye makes the whole world blind.
Mahatma Gandhi

The right to life is enshrined in both global and regional human rights conventions. The right to life and respect for human dignity and inviolability are underlying premises on which all other human rights and fundamental principles of the rule of law are based. The authorities must not only respect the right to life themselves, but also ensure that others do so, for example through the criminalisation and investigation of murder and the protection of citizens against terrorism. Use of the death penalty, torture and other cruel, inhuman or degrading treatment or punishment is a violation of these principles, and is in itself inhumane.

Despite an absolute prohibition on torture, it is still widely used. According to Amnesty International, the use of torture was documented in 112 countries in 2012.[3] In many of these, torture is used systematically, i.e. it is accepted or even actively used by the country's authorities themselves. Torture may be used to obtain a confession or information, as a punishment, as an act of discrimination, or to break down individuals by inflicting serious physical or psychological pain.

[3] Amnesty International: Human Rights, Facts and Figures, 2013.

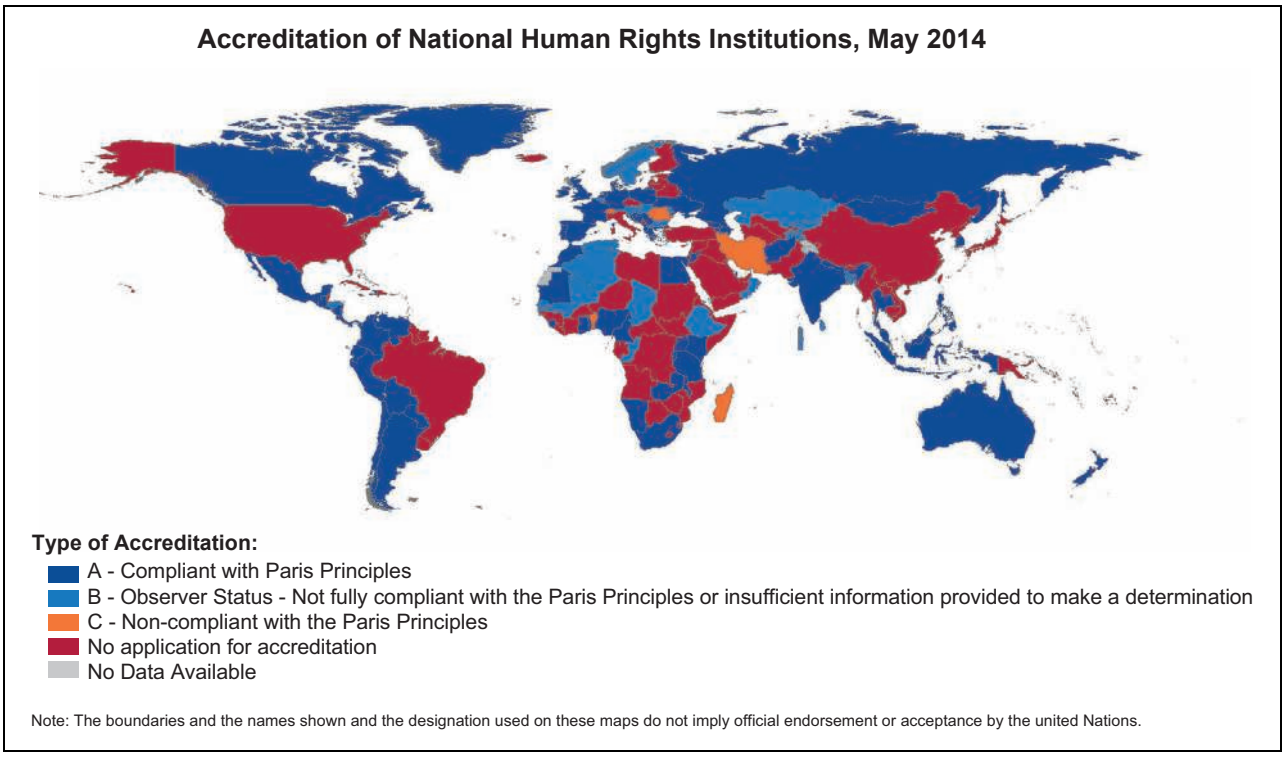

Figure 3.5 Accreditation of national human rights institutions as of May 2014. The Storting decided on 19 June 2014 that Norway should establish a new national institution for human rights, organised under the Storting, that is to be in operation from 1 January 2015.

Source: Office of the High Commissioner for Human Rights

Box 3.9 National human rights institutions

Since 1993, the UN General Assembly has recommended that states establish a national human rights institution (NHRI) in accordance with the Paris Principles.[1] These principles are flexible standards, but they place particular emphasis on independence from national authorities. The main objective of a national human rights institution is to assist the public, NGOs and individuals by providing advice, reports and information on specific issues or individual cases relating to human rights. NHRIs can apply to the International Coordinating Committee for National Human Rights Institutions (ICC) for accreditation on the basis of compliance with the Paris Principles. NHRIs that are considered to fully comply with the Paris Principles are given 'A' status by the ICC. This is internationally recognised as a stamp of quality.

[1] Principles relating to the Status of National Institutions, adopted by the UN General Assembly on 20 December 1993, by resolution 48/134.

In the fight against terrorism, the prohibition against torture has been violated in various parts of the world. For many years, the Norwegian authorities have supported the international effort to end torture, seeking both its prevention and the rehabilitation and treatment of torture victims.

International death penalty trends lean towards abolition. In 1945, when the UN was established, only eight states had abolished the death penalty for all crimes. By 1977, the figure had risen to 16, and today approximately 160 of the 193 UN member states have abolished the death penalty either by law or in practice, according to the Office of the High Commissioner for Human Rights. However, in 2012 and 2013, there was an increase both in the number of countries that use the death penalty and in the total number of executions. Norway is playing a leading role in the international fight against the death penalty. When the death penalty is carried out in a particularly inhumane way or used against minors, pregnant women or persons who cannot be deemed criminally responsible, this is a clear violation of international law. So too is the use of the death penalty in cases where proper legal safeguards have not been ensured during the legal process, or in cases where it is used for actions that cannot be considered as the most serious crimes.[4] The UN Special Rapporteur on extrajudicial, summary or arbitrary executions defines the 'most serious crimes' as those involving intentional killing.[5] The obligation of all states to combat extrajudicial executions and to ensure a fair trial in cases where the death penalty could be imposed is a key part of the obligation to protect the right to life.

The setbacks in the fight against torture and the death penalty in recent years highlight the need to sustain the efforts in this field.

Priorities:

- work to ensure that all countries abolish the death penalty by law or introduce a moratorium on executions, and join an international ban of the use of the death penalty;
- host the sixth World Congress against the Death Penalty in 2016;
- promote full respect for the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment, including effective prevention in accordance with international rules.

3.3.3 Combating corruption

Power tends to corrupt, and absolute power corrupts absolutely.

Lord Acton

Corruption is one of the greatest obstacles to development and the realisation of democracy, the rule of law and human rights. Corruption makes it difficult to develop democratic institutions and undermines existing ones. It slows economic growth and destabilises societies. The purchase and sale of votes is incompatible with fair elections. When the police and courts accept bribes, legal protection is undermined, and the principle of equality before the law is violated when people have to make unofficial payments for public services they are entitled to. Economic development is slowed, as corruption discourages foreign investment and can result in impossible 'start-up costs' for small enterprises in the country concerned. Oversight and transparency in the public administration and government budgets are cru-

[4] Article 6 of the International Covenant on Civil and Political Rights.

[5] See report of the Special Rapporteur on extrajudicial, summary or arbitrary executions A/67/275.

Box 3.10 Norwegian support for the rule of law in the Western Balkans

Support for the development of good governance, including the rule of law and justice sector reform, will continue to be a priority for Norway's efforts in the Western Balkans. Justice sector reform will be crucial for ensuring the independence of the courts and the ability of these countries to effectively protect human rights. Without credible reforms in this area, these countries will not be able to meet the rule of law requirements for EU membership or comply with the European Convention on Human Rights. A sound justice sector in the region is also in Norway's interest, as this will increase the effectiveness of cooperation on transnational crime, for example the fight against human trafficking. This is why the Norwegian authorities are providing experts to the EU Rule of Law mission in Kosovo (EULEX) through the Norwegian Resource Bank for Democracy and Human Rights (NORDEM), among others.

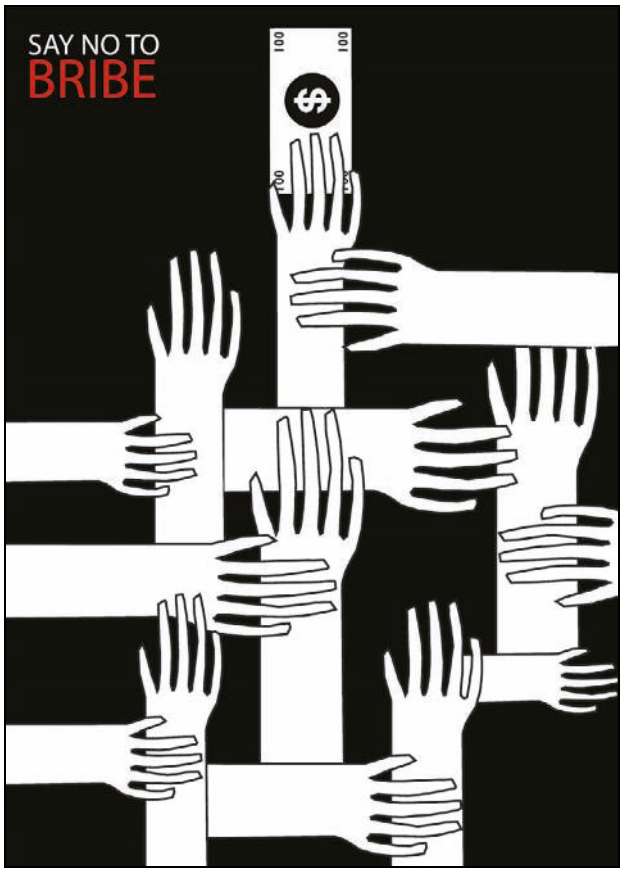

Figure 3.6 Aditya Mehta, India

cial in order to hold the authorities accountable and to ensure that political decisions and budget allocations are followed up. Respect for the right to insight and information is therefore important. Independent media can also play a key role in exposing corruption.

Corruption is prohibited by Norwegian law, whether it takes place at home or abroad. The same applies, inter alia, to UK and US law. Corruption may directly cause violation of human rights such as protection against discrimination, equality before the law, freedom of expression and the right to a fair trial. Corruption can also threaten freedom of the press when media that help to expose unacceptable practices are subject to abuse of power. Individual journalists are often targeted, and newspapers, radio stations or other media may be partially or completely closed down.

Although freedom from corruption is not set out as a separate human right, its status can be inferred from several international and national instruments, including the UN Convention against Corruption. Several Council of Europe conventions are also important in the fight against corruption, including the Criminal Law Convention on Corruption and the Civil Law Convention on Corruption and their additional protocols. The Group of States against Corruption was established by the Council of Europe to monitor states' compliance with its anti-corruption standards.

The Government considers the fight against corruption as an important and integral part of its efforts to help other countries to establish systems to ensure good governance and to prevent, expose and prosecute cases of corruption. The Norwegian authorities are also at the forefront of efforts to strengthen the multilateral and regional organisations' work in this field. Our main focus is on bilateral cooperation, work with the international business sector and efforts to promote financial transparency.

Priorities:

- practise zero tolerance for corruption and other economic irregularities, including by requiring that payments from Norway are paid back and those responsible prosecuted in cases of corruption, and by considering a freeze on further aid in serious cases;
- continue support for mechanisms and initiatives to fight corruption and increase transpar-

ency in public administrations, in particular financial transactions, including the mechanisms and initiatives established by the UN, the OECD, the Council of Europe and other relevant bodies, as well as the international financial institutions and various regional mechanisms;
- help recipient countries boost their capacity to prevent and fight corruption, with a particular focus on support for institution-building, national quality assurance systems, training, transparency and control mechanisms.

3.3.4 Protection of privacy

The protection of privacy is part of the right to privacy, and is recognised in a number of human rights conventions at both global and regional level. Respect for and protection of privacy is a fundamental part of democracy and the rule of law. It includes individuals' right to decide over their private life and personal data. Protection of privacy not only entails protecting individuals' integrity and private life; it also makes it possible for everyone to take part in a free exchange of views and in political activities, and to be confident that neither the authorities nor others will register or store information about their communication with others, their movements, their interests or the opinions they have expressed. Protection of privacy is particularly weak in countries with inadequate legislation and capacity to ensure proper protection of the private sphere. Political will is

Box 3.11 Initiatives to increase transparency and cooperation with civil society

In 2011, Brazil, Indonesia, Mexico, Norway, South Africa, the Philippines, the UK and the US founded the Open Government Partnership (OGP). OPG is an international platform for countries wishing to modernise their societies, with particular focus on close cooperation between the authorities and civil society to improve the welfare of the population. This involves increasing the transparency of the public administration, including financial transactions and allocations, improving the quality of services provided by the public sector, and enhancing corporate social responsibility. A key element is transparency of revenue flows between the government administration and the various sectors, such as oil, gas and other natural resources. Another important element is transparency of development aid and the results achieved.

Each country participating in OGP is to draw up a two-year action plan to address its particular challenges. These action plans are to reflect the principles of open government – transparency, public participation and accountability – with emphasis on technology and innovation. The action plans, which are to be drawn up in consultation with civil society, are to be evaluated by an independent reporting mechanism. Civil society is also represented on the steering committee. The action plans can include both measures for the country concerned and measures involving other countries, for example using aid to enhance these countries' ability to provide good services for their populations.

From 2011 to 2014, the number of countries participating in OGP increased from 8 to 65. Norway was on the steering committee from 2011 to September 2014. The Ministry of Local Government and Modernisation has been Norway's contact point for OGP.

Norway is also a key supporter of the Extractive Industries Transparency Initiative (EITI). The EITI Standard is a global transparency standard which requires that companies in the extractive industries publish what they pay in tax to the countries they are operating in, and that the authorities in those countries publish the amount of revenue they receive. Compliance with the EITI Standard is monitored by civil society. Transparency of payments means that people know more about what funds are available for public spending, and can more easily form an opinion as to how these funds should be spent. In resource-rich countries, the amounts may be huge. EITI is thus important both for the fight against corruption and for efforts to promote democracy.

The EITI secretariat is situated in, and receives economic support from, Norway. In September 2014, 46 countries were taking part in the EITI; 29 of these, including Norway, are compliant countries, and 17 are candidate countries. The Norwegian authorities will seek to encourage more countries to implement the EITI and comply with its standard.

also a key factor. Human rights defenders, journalists and others who may be perceived to be a threat to the established power structures are particularly, and increasingly, subject to surveillance and other violations of privacy.

Individuals' right to privacy and to decide over their personal data is not absolute. Surveillance and information gathering may be necessary for security reasons, but must only be carried out in accordance with stringent legal safeguards, in order to avoid violating human rights. Interference with an individual's privacy is only permissible when carried out in accordance with legislation, when there is a legitimate objective, and when this is necessary in a democratic society.

The protection of privacy is being threatened by the digitisation of society. We are all leaving extensive digital footprints, which singly or in combination can be sensitive. An increasing proportion of electronic communication is crossing borders, either directly between individuals in different countries, or indirectly when information for a recipient within the same country as the sender is transmitted via satellites or other technology that is situated in another country's territory. Even though international human rights monitoring bodies have decided in several cases that the right to privacy also applies to cyberspace, international rules are generally not formulated to take this into account. The Government has set up a committee to map cyber security vulnerability and propose concrete measures to enhance preparedness and reduce vulnerability in Norway. The committee has also been mandated to describe the key restrictions under international law on gathering information from other countries and the relationship between the right to privacy and the gathering of information. The committee is to submit its report in September 2015.

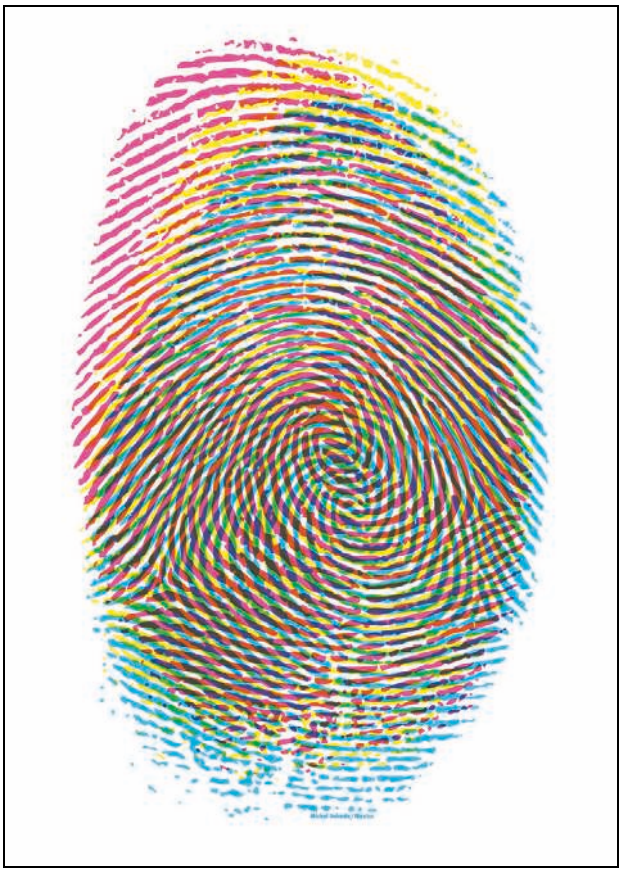

Figure 3.7 Michael Salceda, Mexico

Norway is actively engaged in the international efforts to protect privacy in cyberspace. Norway is also taking part in the negotiations on the EU's General Data Protection Regulation, the aim of which is to protect citizens' privacy and to create economic growth by facilitating cross-border trade. Cooperation with the private sector is also important in the work to ensure a free and open internet where the protection of privacy and other human rights are respected.

Priorities:

- work to ensure the protection of privacy in cyberspace;
- work to ensure that the protection of privacy is protected in national legislation and that interference with an individual's privacy is subject to stringent legal safeguards.

3.3.5 The right to own property

The right to own property is enshrined in the 1948 Universal Declaration of Human Rights, but it is not regulated in the International Covenant on Civil and Political Rights or the International Covenant on Social, Economic and Cultural Rights. The right to own property is, however, regulated by several regional instruments, including the First Protocol to the European Convention on Human Rights. The right to own property can also be inferred to some extent from other human rights, such as the right to protection against discrimination and the right to a fair trial. Other property rights, including collective land rights and traditional land use rights (in particular grazing rights and the right to use uncultivated land, which are essential for nomadic peoples), are included in various regional conventions and conventions on specific matters.

The right to own private property is crucial to a genuine, effective market economy, and is also

Box 3.12 Clarification of property rights in the wake of conflicts and crises

Problems often arise in connection with the documentation and legal clarification of property rights following armed conflicts or humanitarian crises. Registration of ownership is important for the opportunity to take up a loan and for attracting investment, and thus creating new economic growth.

This can be seen, for example, in the Western Balkans in the wake of the 1990s wars. A great deal of documentation was lost or was taken when people were forced to flee their homes, and in connection with the legal situation after the dissolution of Yugoslavia. The Norwegian Mapping Authority has helped to secure property rights through registration of ownership and surveys of private property, business property and agricultural areas. Norwegian experts who have been deployed through the Norwegian Resource Bank for Democracy and Human Rights (NORDEM) to the EU Rule of Law Mission in Kosovo (EULEX) and Kosovo Property Agency have also helped to resolve property disputes that have arisen after the hostilities in Kosovo. The Norwegian authorities will also continue to support the efforts to strengthen economic rights in the Western Balkans.

Another example is the Philippines. When the typhoon Haiyan struck in November 2013, millions of people lost their homes. Many of those who were internally displaced have also been at risk of being evicted as a result of government measures in response to the disaster. NORCAP (the Norwegian Refugee Council's emergency standby roster) has provided experts to support the UN Refugee Agency (UNHCR) in its efforts to resolve these issues. Through negotiations with the local authorities, UNHCR has helped to prevent evictions and ensure that people have been able to return to their rightful homes.

essential for realising economic, social and cultural rights, such as the right to adequate housing. The fact that many countries do not have a property register is a problem. Lack of clarity regarding ownership and user rights and inadequate legislation or follow-up and enforcement of legislation are among the factors preventing people in rural areas from working their way out of poverty. This is particularly the case for women. The Norwegian authorities have been at the forefront of efforts to reach agreement on the UN Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests. These guidelines are particularly important for upholding the land rights of poor farmers.

Another important human rights issue in this context relates to discrimination. In many countries, property rights, especially of women and vulnerable groups, are restricted. Discrimination may occur in connection with inheritance, buying a house, tax on real property, the award of licences, the sale of property, development projects or transfer of ownership of production facilities. The Government gives high priority to fighting all forms of discrimination, and will also focus on efforts to protect the right to own private property.

Priorities:

- seek to ensure that national authorities promote and respect the right to own private property, particularly for women and vulnerable groups, both through legislation and in practice;
- promote cooperation and exchange of experience in this field between Norwegian institutions and institutions in relevant countries.

3.4 Equality and equal opportunities

Democracy is not the law of the majority but the protection of the minority.

Albert Camus

Human rights apply to all people without distinction of any kind, such as gender, ethnicity, race, religion or belief, indigenous identity, sexual orientation or level of functioning. The preamble to the Universal Declaration of Human Rights of 1948 reaffirms the 'dignity and worth of the human person' and the 'equal rights of men and women'. These are key principles for the norms

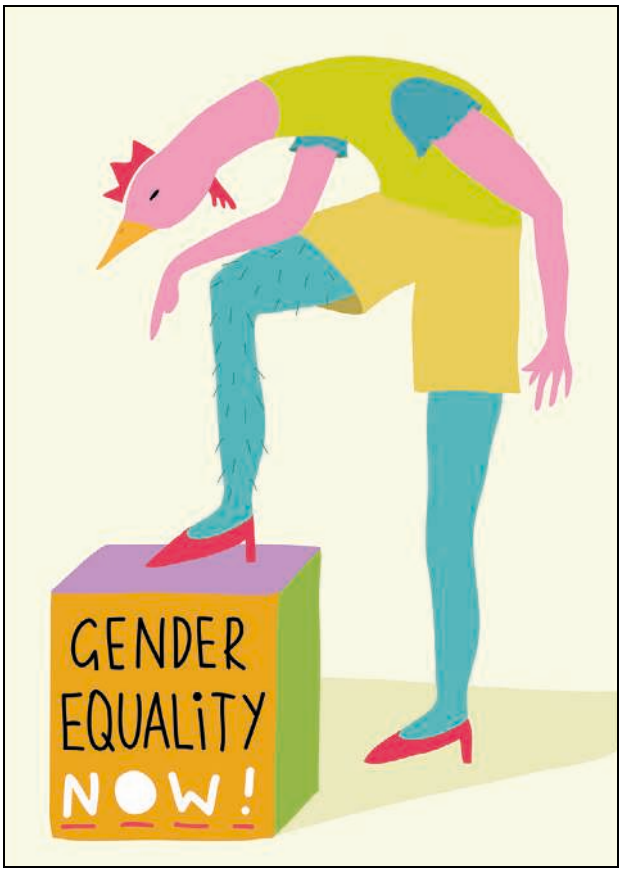

Figure 3.8 Sze Hang Wai, Hong Kong/Kina

Figure 3.9 Eric Le, Australia

that are set out in the Declaration. However, there is active resistance to these principles even today – nearly 70 years after the Declaration was adopted by the UN General Assembly. Again and again, majority groups misuse the opportunities provided by democracy to set aside the rights of minorities, racism continues to raise its head in all parts of the world, and groups that have suffered injustice for generations are still denied their rights. Some groups are in need of and entitled to special protection. Conventions have therefore been drawn up to protect the rights of specific groups, including women, children, refugees, people with disabilities and indigenous peoples, which elaborate on the more general provisions in the UN's core human rights instruments.

The Government intends to intensify its efforts to fight discrimination and improve the situation of vulnerable groups. This includes addressing multiple discrimination, i.e. discrimination on the basis of several factors. A key aim is that Norwegian efforts will enable the countries concerned to guarantee that all individuals can enjoy the same rights in practice.

Box 3.13 Discrimination based on caste

Caste-based discrimination is a major problem in countries with a caste system. An estimated 260 million people are affected, mainly in Asia and Africa. For example, sexual violence is used against low-caste women to maintain control over their caste, and to ensure ownership of all kinds of resources, from land to information. In areas where legal systems are ineffective, there are often no consequences for the perpetrators. Police officers from a low caste may be powerless to take action against perpetrators from a higher caste, incidents reported to the police are often not registered due to widespread corruption, and there are frequent reports of girls who go to the police to report rape, being raped again by police officers. Norway is seeking to draw more attention to the issue of caste in international forums.

3.4.1 Gender equality and women's empowerment

The most important international instrument for promoting and protecting women's rights is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). CEDAW has been ratified by nearly all UN member states. The prohibition against gender discrimination is also enshrined in other key global and regional conventions. However, a number of states have entered reservations against important provisions, with reference to national legislation or religion. The Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women in 1995, is another key reference document for efforts to promote gender equality and women's rights.

A huge number of women and girls are regularly subjected to threats and violence, including sexual violence and killings, and in many cases the authorities are unable or unwilling to take effective action. According to UNICEF, 125 million girls and women have undergone female genital mutilation, and between two and three million girls are at risk each year of being subjected to this harmful practice.[6] Sex-selective abortion is on the rise. On average, women have less opportunity to participate in political life than men, and they are overrepresented in the informal economy. Worldwide, women receive just 10 % of the total income from employment and own just 1 % of all property.[7] Women and girls often have less legal protection and poorer access to health services and education than men, and their physical safety is more often threatened. Women and girls from minority groups or with disabilities are particularly vulnerable.

The gender perspective is integrated into all areas of Norwegian foreign and development policy. Norway is at the forefront of efforts to reach global consensus on strong measures to promote gender equality and women's rights, and is seeking to ensure that one of the Sustainable Development Goals focuses on this issue. One of Norway's key messages is that greater implementa-

6 Female Genital Mutilation/Cutting: a statistical overview and exploration of the dynamics of change, 2013.

7 Figures from the World Bank's World Development Indicators, 2009.

Box 3.14 Female genital mutilation

According to UNICEF, most of the girls and women who have undergone female genital mutilation live in countries in Africa and the Middle East, and one in five lives in Egypt.[1] This practice continues despite the fact that most girls and women in the affected countries want it to be abolished. Fear of severe social sanctions and stigma are among the most common reasons why it is continued.

Female genital mutilation is a serious violation of the right to protection against discrimination and the right to protection against inhuman or degrading treatment, the right to development, and the right to the highest attainable standard of health. In the worst cases, the lives of these girls is at risk. Child marriage and early pregnancy are more frequent in areas where female genital mutilation is practised.

Effective methods for preventing female genital mutilation have been developed in recent years. These have all taken a rights-based approach that provides training in human rights, followed by an open dialogue and a collective decision to abolish the practice. Local ownership is crucial, but pressure also needs to be exerted through policy decisions made at a higher level, legislation, education and the media. The 2012 UN General Assembly resolution on intensifying global efforts for the elimination of female genital mutilations was a breakthrough, and has become an important global framework for efforts to abolish the practice. In 2014, the UN Human Rights Council adopted a resolution requesting the UN High Commissioner for Human Rights to compile good practices and major challenges in preventing and eliminating female genital mutilation.

The Government aims to strengthen international efforts to combat female genital mutilation. It will seek to establish this work as a separate field, and ensure that it is integrated into efforts in other relevant areas, such as women's rights and gender equality, education, health and human rights in general.

1 Female Genital Mutilation/Cutting: a statistical overview and exploration of the dynamics of change, 2013.

tion of women's rights, including better access to resources and improved opportunities for women to exert an influence, is not only a goal in its own right, but also a driving force for sustainable development, eradication of poverty, the development of democracy, and lasting peace.

Norway's gender equality efforts take a broad approach that includes both women and men, regardless of ethnic background, age, sexual orientation or level of functioning. Everyone affected – and that means women and men, boys and girls – must be involved in the efforts to achieve gender equality.

Priorities:

- further develop the leading role played by Norway in efforts to promote gender equality and women's rights, including combating discrimination against women in legislation and practice;
- seek to ensure that women are given equal rights to political and economic participation, including equal rights to enter into agreements and to own land and equal inheritance rights;
- combat violence against women, in part by developing a strategy to fight female genital mutilation;
- strengthen women's right to health, including sexual and reproductive health and reproductive rights, and promote international acceptance for sexual rights and for right to abortion.

3.4.2 Children

The Convention on the Rights of the Child sets out that all children have fundamental rights relating to survival, participation, development, and protection against discrimination. The Convention has been ratified by almost every country in the world, but a number of countries have made extensive reservations. There has been a positive development in recent years in key areas such as education and survival. However, the fact remains that 25 years after the Convention was adopted, a huge number of children are still living in conditions that are far below the standards set.

The authorities in each country must be held accountable for realising children's rights through legislation and the establishment of the necessary institutions. They must ensure that children and young people are protected against violence, abuse, exploitation, and recruitment to armed forces, and they must give priority to safeguarding children's right to survival, development, health and education when allocating resources. It is important that measures target the poorest and most marginalised children, and that children and young people have the opportunity to participate,

Box 3.15 Child marriage and forced marriage

According to UNICEF, an estimated 14.2 million girls under the age of 18 are forced into marriage every year. Today there are more than 700 million women who were married before the age of 18. A third of these women were under the age of 15 at the time of marriage. Some boys are also forced to marry young, but girls are disproportionately affected. In Niger, which has the highest incidence of child marriage in the world, 77 % of women aged 20–49 were married before the age of 18, in contrast to 5 % of men in the same age group. The same gender disparities are seen in countries where child marriage is less common. Child marriage among girls is most widespread in South Asia and sub-Saharan Africa. Nearly half of the girl brides worldwide are from South Asia, and India alone accounts for a third. Bangladesh has the highest proportion of brides under the age of 15.[1]

Girls from poor families, girls living in rural areas and girls with the lowest levels of education are the most vulnerable. For many of them, marriage marks the start of sexual abuse, discontinued education, and high-risk pregnancies and childbirth. Child marriage is a violation of the rights enshrined in both the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

Norway is among the largest donors to the United Nations Population Fund, which is one of the most important global actors in the fight against child marriage. The Norwegian authorities also support other organisations that seek to prevent child marriage and forced marriage through education as well as health and human rights programmes.

[1] UNICEF, Ending Child Marriage: Progress and prospects, 2014.

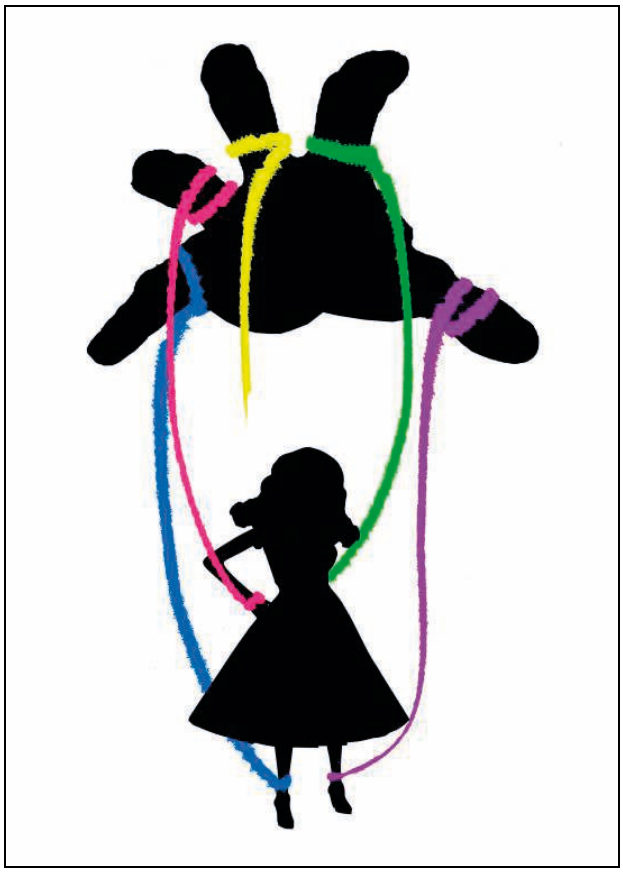

Figure 3.10 Maryla Rarus, Poland

to express their opinions and to organise themselves in order to promote their interests and define their needs.

Empowering children and young people is a good investment, as it fosters the development of active citizens who can assert their social, economic and political rights. The Government's intensified efforts to promote education will improve the realisation of children's rights, such as their opportunity to participate, and will increase children's awareness of human rights.

Priorities:

- help to ensure that all children have the opportunity to start and complete school, and that all children and young people learn basic skills and are equipped to tackle adult life;
- help to strengthen the implementation of the Convention on the Rights of the Child, for example by supporting organisations that promote children's rights;
- combat female genital mutilation, and help to improve children's health and reduce child mortality;
- seek to ensure that children are protected in armed conflict, and combat violence against children.

3.4.3 Persons with disabilities

The UN Convention on the Rights of Persons with Disabilities was adopted in 2006. The states parties to the Convention have committed themselves to combat discrimination and to promote inclusion in society at both national and international level. The Convention emphasises the principles of non-discrimination, accessibility and participation, and underlines the inclusion of persons with disabilities as an important element in promoting sustainable development. Norway became party to the Convention in June 2013.

The World Health Organization (WHO) estimates that around one billion people have some form of disability, and has pointed out on a number of occasions that it will not be possible to achieve the Millennium Development Goals unless persons with disabilities are fully included in society.[8] Persons with disabilities are often discriminated against and excluded from social, economic and political processes. They have lower than average scores on most standard-of-living indicators, and are more likely to live in poverty, tend to have less education, are less likely to be employed, and have poorer access to health and rehabilitation services than other population groups. These disparities are more marked in developing countries. Women and girls with disabilities often experience multiple discrimination, and are particularly vulnerable to abuse and violence. Children with disabilities are more likely than other children to be excluded, for example from education. The Government will therefore implement urgent measures to reach out-of-school children with a view to achieving the education targets in the Millennium Development Goals, and is advocating the inclusion of a target on rights-based education, with particular focus on marginalised groups, in the new Sustainable Development Goals.

The Norwegian authorities have given priority to improving the situation for people with disabilities. Norway is also seeking to ensure that this issue is moved further up the agenda in the UN and other multilateral forums, and supports the UN effort to make sure that all states implement the Convention on the Rights of Persons with Disabilities. Great importance is attached to support-

[8] WHO and World Bank, World Report on Disability, 2011.

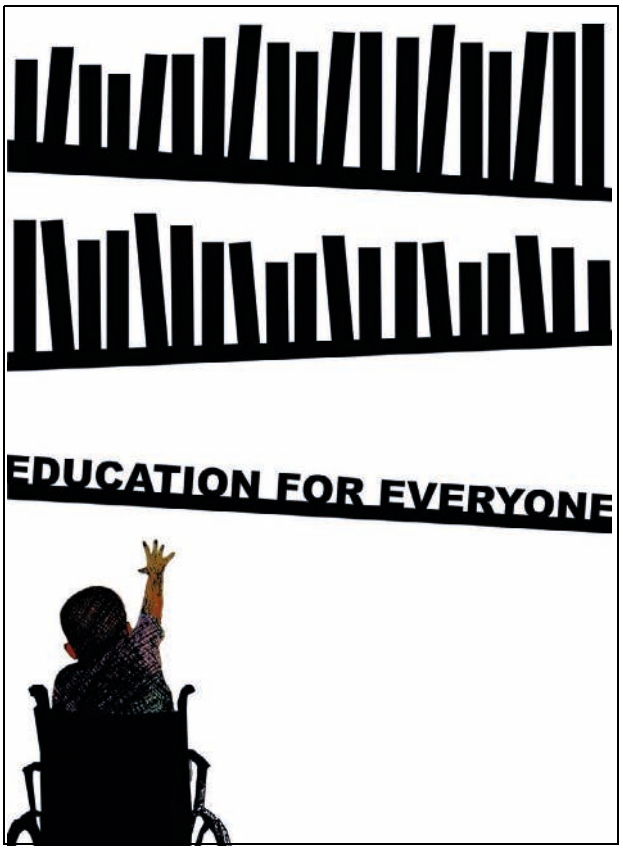

Figure 3.11 Anna Wcislo, Poland

ing and involving people with disabilities, their organisations and voices of advocacy in the international community in this work.

Priorities:

- contribute to strengthening the implementation of the UN Convention on the Rights of Persons with Disabilities, for example through aid for education, humanitarian aid, efforts to promote global health, and efforts to promote women's rights and gender equality;
- give priority to improved access to education for people with disabilities and be at the forefront of efforts to include the special needs of children with disabilities in bilateral and multilateral cooperation on education and in humanitarian education efforts;
- increase support for victims of small arms, mines, cluster munitions and other explosives, and advocate that the prevention of injuries from such causes and the rehabilitation of victims are more widely recognised as human rights issues;
- contribute to the development of concrete indicators that highlight the situation of people with disabilities, and thus help to ensure that their needs and rights are respected, protected and fulfilled.

3.4.4 Indigenous peoples

Indigenous issues are high up on the UN's agenda. The establishment of the UN Permanent Forum on Indigenous Issues and the appointment of the UN's first Special Rapporteur on the rights of indigenous peoples in 2001, the adoption of the UN Declaration on the Rights of Indigenous Peoples in 2007, and the establishment of the Expert Mechanism on the Rights of Indigenous Peoples by the UN Human Rights Council in 2008 are important milestones in the international efforts to promote indigenous issues. In addition, the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (C169), which Norway was the first country to ratify in 1990, sets out important provisions on the right of indigenous peoples to maintain and further develop their cultures, and to be consulted on matters that affect them. The Convention also includes provisions on land rights, recruitment and conditions of employment, education and training, social security and health. Today, representatives of indigenous peoples take part in international processes where issues of relevance to them are dealt with. In September 2014, the World Conference on Indigenous Peoples unanimously adopted an ambitious outcome document that commits states to respect, promote and advance indigenous peoples' rights. The outcome document was the result of an open and inclusive process, in which indigenous peoples had been actively involved.

Despite these positive developments in international forums, many indigenous people still live in very difficult conditions. In many countries, indigenous peoples are largely excluded from political, economic and cultural life, and indigenous groups have a lower score than other population groups on many standard-of-living indicators, for example health and education. Indigenous peoples are also particularly vulnerable to the impacts of global climate change and the increasing pressure on the world's natural resources.

The indigenous peoples' perspective is particularly relevant in Norway's High North policy, in the Government's International Climate and Forest Initiative, and in the work on business and human rights.

Priorities:

- be at the forefront of the international effort to promote indigenous rights, by encouraging more countries to become party to the UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169, and promoting the implementation of these instruments;
- seek to ensure that indigenous peoples are able to take part, at both national and international level, in decision-making processes that affect them.

3.4.5 Sexual orientation and gender identity

> *All human beings are born free and equal in dignity and rights. All human beings – not some, not most, but all.*
>
> *Ban Ki-moon*

Lesbian, gay, bisexual, transgender and intersex (LGBTI) people are entitled to the same protection against discrimination and violence as everyone else. The work to combat discrimination against LGBTI people is therefore not about establishing new rights or privileges for LGBTI people; but rather to ensure that existing rights are respected.

LGBTI people experience serious violations of human rights throughout the world. They are excluded from educational institutions, the labour market and health services, and they are subjected to harassment, violence, sexual assault and killings. Homosexuality is criminalised in 78 countries and is punishable by the death penalty in Iran, Saudi Arabia, Yemen, Mauritania, Sudan and parts of Nigeria and Somalia.[9] There are also examples of unwillingness to protect gay people in countries that do not have anti-gay laws. In recent years, some countries have criminalised the 'promotion' of homosexuality. The overview in Figure 3.13 shows that homosexuality has been criminalised in all parts of the world, and that there is a gradual trend towards decriminalisation in all regions. However, decriminalisation is not necessarily enough to prevent discrimination on the basis on sexual orientation or gender identity.

The issue of sexual orientation and gender identity in the context of human rights has gained growing attention in international forums in recent years. The Council of Europe's recommendation to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, adopted in 2010, was a breakthrough. The following year, the UN Human Rights Council also adopted a historic resolution. This was the first time that a majority of the Council expressed serious concern about discrimination and violence on the basis of sexual orientation and gender identity. Norway has since worked for a follow-up resolution, and a new resolution was adopted by the Human Rights Council in September 2014, requesting the High Commissioner for Human Rights to gather more information about the situation at country level with a view to sharing good practices. Local activists are now increasingly becoming organised and asking for support for their human rights work.

Efforts to promote the rights of LGBTI people have triggered reactions. Latent homophobia and negative attitudes have surfaced and are exploited by the authorities in some countries to increase their popularity.

The Government is seeking to ensure that the universal human rights that are already established, and the human rights commitments that states have already made, are respected and implemented with regard to LGBTI people. Norway has been at the forefront of efforts to put this issue on the international agenda, in cooperation with countries from all regions of the world. The argument that this is a Western agenda has thus been shown to be inaccurate. At the same time, it is important to bear in mind that this work requires a long-term perspective. This is a sensitive issue in many parts of the world. Changing the social norms that feed discrimination against LGBTI people requires close cooperation with local partners. In some countries, health measures such as HIV prevention can open doors for further cooperation with the authorities on LGBTI issues.

Priorities:

- work consistently and with a long-term perspective to promote the protection of LGBTI people, and ensure that they can enjoy the same rights as everyone else;
- promote universal decriminalisation of homosexuality and combat the discrimination of LGBTI people in legislation and practice;
- contribute to awareness-raising efforts, particularly in the education and media sectors.

[9] ILGA, State-sponsored homophobia – A world survey of laws: Criminalisation, protection and recognition of same-sex love, 2014.

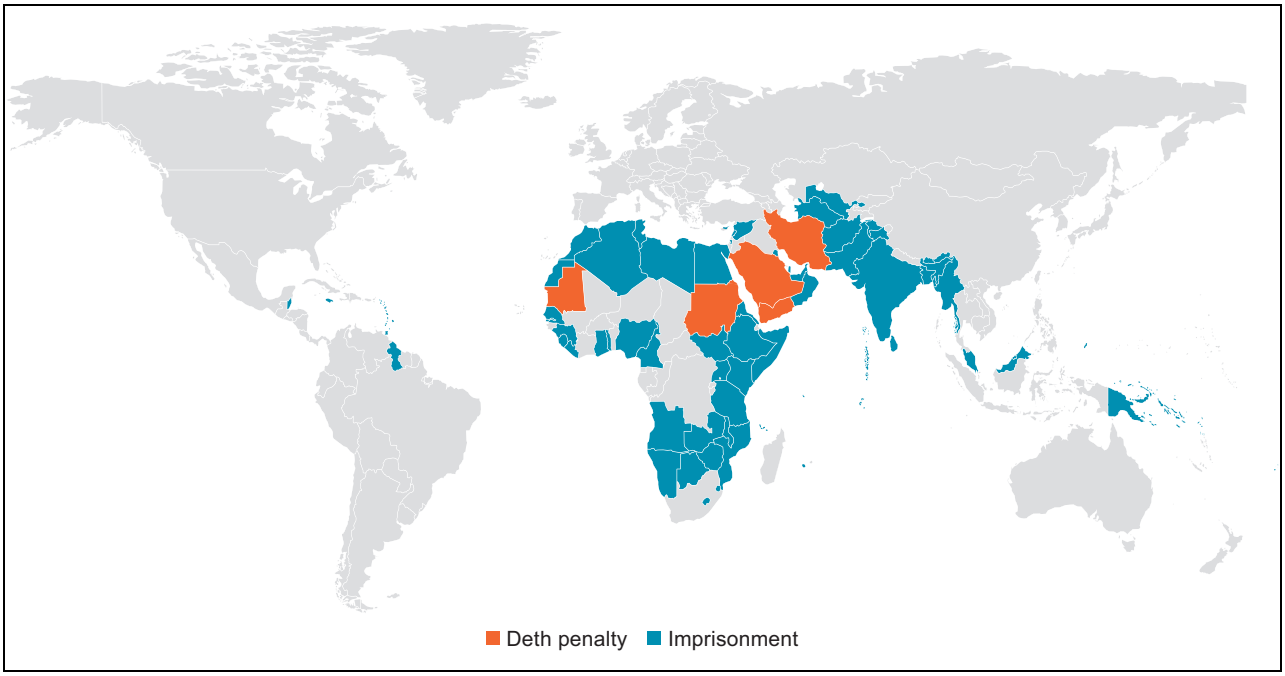

Figure 3.12 Overview of countries that criminalize same-sex relations.

Source: Office of the High Commissioner for Human Rights

3.4.6 The right to health and the right to food

The right to health and the right to food are enshrined in the International Covenant on Economic, Social and Cultural Rights, as well as in other instruments, and are to be realised without discrimination. The Norwegian authorities' efforts in this area are guided by the Millennium Development Goals.

Respecting, protecting and fulfilling the right to health is a goal in its own right. This is also crucial for realising and strengthening other human rights. Good health depends on factors such as access to sufficient food that is safe and nutritious, clean drinking water, adequate sanitation and a clean environment. Good health is important for the individual, but it is also crucial for beneficial social development. Better health means that more people can work and there is less demand for costly health services. The Millennium Development Goals Report 2011 showed that good progress is being made towards the three health related MDGs.[10] However, it is clear that progress is too slow in some areas for all the MDGs to be achieved by 2015, and there are also major geographical variations. According to WHO, 800 women die every day in connection with pregnancy and childbirth.[11] There is a significant shortage of health workers. The lives of more newborns could be saved with simple measures. Information about family planning, sexuality education and more accessible and cheaper contraception are key factors for reducing the number of unwanted pregnancies. The Government will continue its work in the field of maternal and child health.

The fight against HIV/AIDS has reduced the number of new HIV infections and AIDS-related deaths by almost a third, and more than 10 million people infected with HIV are receiving treatment. Nevertheless, more than 35 million people are living with HIV, and many more are at risk of infection.[12] Young women in poor countries, sexual minorities and other vulnerable groups are particularly at risk. The Government will intensify its efforts to combat HIV.

According to the World Food Programme (WFP), hunger and malnutrition constitute the greatest health risk worldwide – greater than HIV/AIDS, malaria and tuberculosis combined. Worldwide, a quarter of all children under five are stunted, i.e. their height/weight and brain development are impaired as a result of malnutrition,

[10] MDGs 4, 5 and 6 on reducing child mortality, improving maternal health and combating HIV/AIDS, malaria and other diseases, respectively.

[11] World Health Organization Fact Sheet No 348, 2014.

[12] UNAIDS, Aids by the Numbers, 2013.

Box 3.16 Developments for LGBTI people in Nepal

Nepal's transition from monarchy to the establishment of a democratic republic in 2008 has been positive for LGBTI people. The inclusion of marginalised groups has been high on the political agenda. Norway's support for the Nepalese LGBTI organisation the Blue Diamond Society has contributed to important human rights work and greater visibility for sexual minorities in the media.

The supreme court in Nepal has overturned discriminatory legislation, and the category 'other', also often called the 'third gender', may now be used on citizenship and identity papers. LGBTI issues are regularly debated on TV, radio and in the press, often accompanied by personal accounts of fighting against prejudice. The leadership shown at local level has been important for countering arguments that LGBTI issues are foreign or Western, and activists have referred to religious and cultural traditions in promoting their agenda. The LGBTI movement is engaged in political life and has become more visible by joining forces with other minorities to promote their rights. Traditional attitudes are being challenged through awareness-raising campaigns targeting politicians, the police, health workers and teachers. In 2013, dozens of LGBTI people came forward in the media, making it known that they wanted to stand for election for various political parties.

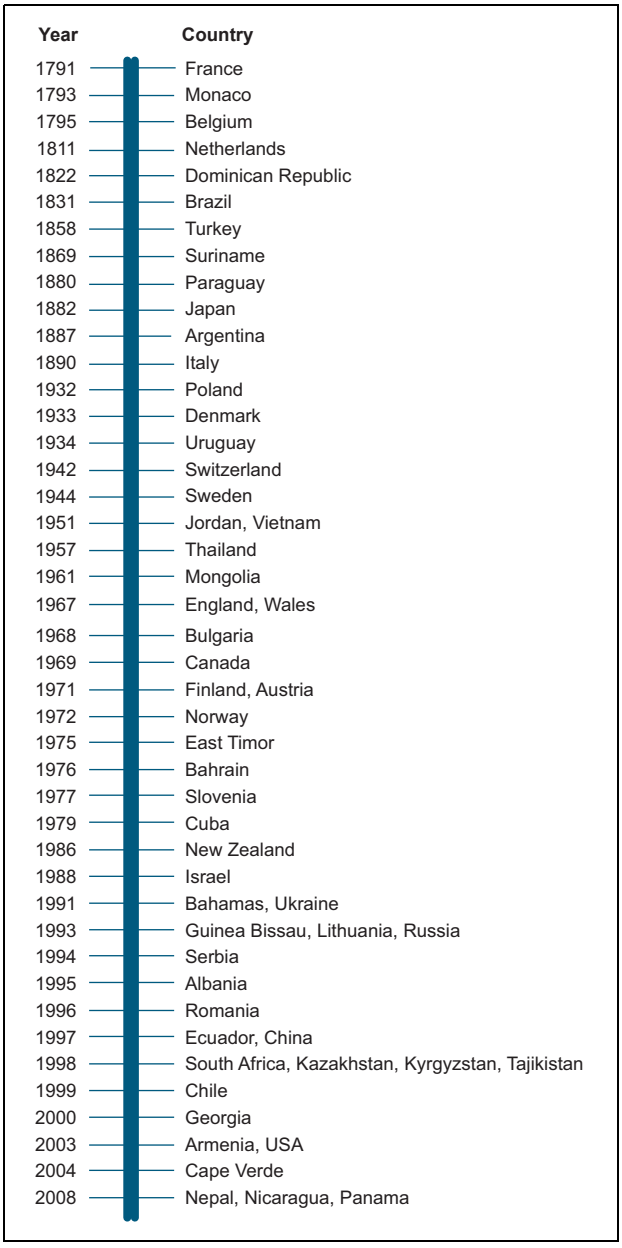

Figure 3.13 Timeline for decriminalisation of homosexual acts in selected countries.

Source: ILGA, State sponsored homophobia 2013

and 80 % of these children live in just 14 countries.[13] Although the target of halving the proportion of people who suffer from hunger worldwide by 2015 is within reach, the number of people suffering from chronic hunger remains very high. Among the main reasons for this are marginalisation, poverty and discrimination. Other reasons are lack of access to resources such as land, forests and fish, and insecure land rights. If food security is to be improved and the right of all people to food is to be met, vulnerable groups must be secured greater access to food and the opportunities to produce food themselves. Norway played a leading role in negotiating the UN Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, which is an important tool for combating hunger and promoting sustainable development. These guidelines have great significance for the land rights of poor food producers, particularly women. Norway's food security strategy, Food Security in a Climate Perspective 2013–2015, which builds on the UN Food and Agriculture Organization's voluntary Right to Food Guidelines of 2004, clearly states that a more rights-based approach will be underlie all Norwegian efforts to enhance food security. This means

[13] UNICEF, Improving child nutrition - The achievable imperative for global progress, 2013.

that greater emphasis will be given to political dialogue that aims to improve the framework conditions for smallholder farmers, particularly women smallholders, and to promote equal rights and predictability in terms of access to input factors and markets. Civil society organisations and farmers' associations have an important role to play in promoting a rights-based approach.

Priorities:

- further develop Norway's efforts to promote global health, with particular emphasis on child health and reducing child mortality, improving maternal health, and combating infectious diseases, including support for immunisation programmes;
- work to improve global access to medicines, contraception, family planning services and sexuality education;
- combat discrimination and stigmatisation of people affected by HIV/AIDS, in cooperation with organisations such as the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the Global Fund to Fight AIDS, Tuberculosis and Malaria;
- continue to follow up Norway's strategy for food security and seek to ensure that a human rights approach is taken to food security and nutrition in the new Sustainable Development Goals.

3.4.7 Workers' rights and the right to decent work

The International Labour Organization (ILO) is the UN specialised agency for labour issues, and is responsible for developing, monitoring and enforcing international labour standards. This includes a strong focus on employment and job creation. Globally, there is a huge need for more and better jobs, especially in light of increasing youth unemployment. The ILO estimates that 600 million new jobs will be needed worldwide in the period up to 2020 in order to address global unemployment and keep up with demographic developments.[14] Norway is on the Governing Body of the ILO for the period 2014–17. The ILO's eight core conventions set out a minimum of rights that are to be respected in the world of work, in four main categories: freedom of association and the right to collective bargaining; the abolition of child labour; the elimination of forced or compulsory labour; and the elimination of discrimination. All member states are obliged to respect and protect these rights, regardless of whether they have ratified the conventions. Although the main responsibility for safeguarding the right to decent work lies with the authorities in the country concerned, all employers, including the business sector, have an independent responsibility for respecting workers' rights. Corporate responsibility in the area of human rights is discussed in more detail in chapter 4.5.

The Norwegian decent work strategy has led to strengthened and coordinated efforts to promote workers' rights globally, and is an important contribution to Norway's enhanced focus on human rights in its foreign and development policy. Priority is also given to decent work in Europe through the EEA cooperation. The Norwegian social partners receive support allowing them to develop cooperation with sister organisations in developing countries. The Norwegian authorities are also providing support for civil society organisations in other countries that promote workers' rights and decent work.

The Norwegian authorities are actively promoting efforts to ensure a more coherent approach to decent work at the international level through cooperation with the ILO, other parts of

Box 3.17 The ILO standards supervisory system

The tripartite structure of the ILO, where government, employer and worker representatives participate on an equal footing, sets this organisation apart from all other intergovernmental organisations. The ILO standards supervisory system, which monitors implementation of the ILO conventions and makes recommendations to its 183 member states, is a particular strength. Each member country is required to report on a regular basis on its implementation of, and compliance with, all eight core conventions, as well as the conventions that the country in question has ratified. The ILO Governing Body or a party (either an employer or a worker) can present a claim against a government if that government is not meeting its obligations. Governments that are accused of violating ILO conventions risk having their reputation suffer and losing trade preferences, for example in relation to the EU.

[14] Global Employment Trends 2012: Preventing a deeper jobs crisis.

the UN system, the multilateral financial institutions and the World Trade Organization (WTO).

Priorities:

- continue to pursue a coherent Norwegian policy with a view to protecting and promoting workers' rights internationally, and contribute to greater coherence at international level in the approach to decent work, including in the context of the new Sustainable Development Goals for the post-2015 period;
- seek to ensure that the ILO gives priority to its core areas and works to safeguard fundamental rights, particularly through our participation in the Governing Body in the period 2014–17;
- seek to ensure that the ILO and other international organisations intensify their efforts to create jobs and increase employment.

4 Policy coherence for human rights

There is virtually no aspect of our work that does not have a human rights dimension. Whether we are talking about peace and security, development, humanitarian action, the struggle against terrorism, climate change, none of these challenges can be addressed in isolation from human rights.

Ban Ki-moon

The different human rights are inextricably linked and are relevant to almost all areas of society. The efforts to promote and defend human rights will be mainstreamed into all aspects of the Government's foreign and development policy. Ensuring respect for human rights is both a foreign policy goal and a means of achieving lasting security and sustainable development. The work on the Government's three human rights priorities – individual freedom and public participation, the rule of law and legal protection, and equality and equal opportunities – will be incorporated into policy development in other areas. The Government will pursue a coherent foreign and development policy with a consistent profile. The question of which human rights priorities are the most important will be considered according to the case. Norway's efforts in the different areas will pull in the same direction and be mutually reinforcing.

4.1 Key human rights issues in security policy

The main goal of security policy is to safeguard a country's sovereignty and political independence as a member of the international community. This is achieved by means of a broad range of political, military, diplomatic and economic tools, together with instruments of international law. Safeguarding and further developing the international legal order is an overriding foreign and security policy concern for Norway, together with strengthening all peaceful cooperation, more particularly cooperation on reducing poverty, ignorance and disease, and protecting the environment and addressing climate change. Such factors are often a direct cause of instability and conflict, and thus in turn have consequences for Norway.

Norwegian security policy is based on a broad threat assessment. It comprises enforcement of sovereignty and authority on land and in our sea areas combined with support for the fight against international terrorism and for peace and reconciliation processes in other countries of the world. Our membership of the UN, the Organization for Security and Co-operation in Europe (OSCE) and NATO, and our participation in operations abroad, form a comprehensive and coherent whole, the aim of which is to prevent, contain and resolve conflict.

The crisis in Ukraine shows that conventional threats to a state's integrity, and the resulting unrest and human rights violations, can take place even in today's Europe. Sanctions and other foreign policy tools can help to counteract destabilising political forces, but at the end of the day our security depends on a robust defence force and our NATO membership. The binding cooperation in NATO, the Council of Europe and the EU are the cornerstones of the system that protects human rights and democracy in our part of the world.

There is growing international awareness of the link between stability and security on the one hand and respect for human rights on the other. Unstable societies with little respect for human rights can be breeding grounds for criminal networks and boost recruitment to terrorist organisations. Modern security policy is thus closely linked to the promotion of democracy and human rights. Democratic societies governed by the rule of law have open, predictable decision-making processes that rarely put neighbouring states in unexpected or difficult situations. Democratic social processes and respect for human rights directly enhance confidence between countries. This means that promoting democracy and human rights is an important element of all security policy cooperation in which Norway participates, not least our cooperation in NATO, the OSCE and the UN. An example of this is the UN Security Council's emphasis on the importance of

ensuring that women take part on an equal footing with men at all levels and in all functions for promoting lasting peace and security. Women's participation is crucial to securing lasting peace.

The commitment to the peaceful resolution of conflicts, such as set out in the UN Charter, should enhance security policy contact and cooperation across dividing lines. The principle that security is indivisible, in the sense that a country's security is inextricably linked to the security of other countries, is also a good foundation for cooperation across national borders. Certain states misuse the declaration of a state of emergency as an excuse to depart unlawfully from human rights. The international human rights conventions have very strict requirements for situations where a state of emergency can justify the renunciation of human rights. For example, the European Convention on Human Rights specifies that only in time of war or other public emergency that threatens the life of the nation may a state deviate from such an obligation.

Norway's security is fundamental to its ability to defend human rights internationally. At the same time, a broad engagement for peace and human rights provides credibility and influence when security interests have to be safeguarded, and when contributing to other countries' security, for example through international operations. Correspondingly, the strong focus on strengthening the international legal order also increases the credibility of our security policy. Human rights, democracy and the principles of the rule of law thus feature prominently in Norwegian policies.

Challenges to security policy may also involve human rights dilemmas. Terrorism, transnational organised crime and cyber threats are examples of new security policy challenges where countermeasures must be based on a coherent and effective human rights policy.

4.1.1 Terrorism, organised crime and cyber threats

Globalisation leads to closer cooperation and stronger mutual dependence between states. This has a number of favourable consequences, but it also creates new security policy challenges that can seriously threaten human rights. Security policy threats are more unpredictable and difficult to define than they used to be. Norway's security can be affected by actors and events that go beyond the use of military force against Norwegian territory, and these cannot therefore be met by military countermeasures alone. Global security policy threats such as drug trafficking, terrorism, growing radicalisation and polarisation, human trafficking, the illegal exploitation of natural resources, the spread of weapons of mass destruction, cyber threats and piracy raise new sets of problems and require a broad-based approach. These types of crime threaten stability and development, and create special security policy and human rights dilemmas for states.

Combating organised crime requires a well-developed international legal order, effective cross-border and cross-regional cooperation, strong justice and security institutions, and intensive anti-corruption efforts. Norway also believes that it is important to increase knowledge about international criminal networks, for example through the Global Initiative Against Transnational Organised Crime.

In a number of areas, technology is advancing more rapidly than our ability to address potential vulnerabilities in our societies. Certain states, citing the principles of sovereignty and non-intervention, claim that control of digital information is a national security policy affair, where the state is free to take whatever action it considers necessary from a security perspective. Norway is among those states that claim that the free flow of digital information is primarily a question of freedom of expression, and that security policy action in the digital sphere should be mainly confined to prevention and defence against cyber threats and crime.

Terrorism, extremism, organised crime and cyber threats jeopardise security and weaken the ability of states to safeguard their citizens' human rights, and action must be taken to prevent and combat these threats. However, the efforts to combat terrorism and organised crime must always comply with obligations under international law, including human rights, international humanitarian law, and the principles of the rule of law. Respect for human rights and the rule of law is in itself a key element in the efforts to address and prevent terrorism, since lack of compliance with these international obligations increases the risk of support and recruitment to terror organisations. Norway's work for human rights, democracy, peace and sustainable development therefore makes an important contribution to the long-term fight against terrorism. The aim of our efforts is to strengthen the abilities of states to safeguard their citizens' rights and put them in a better position to prevent and combat terrorism.

The UN has a special responsibility for coordinating the global efforts against terrorism.

Regional organisations such as the EU, NATO, the OSCE and the African Union are also important actors. A further strengthening of the UN's role would make it possible to unite and coordinate the international efforts initiated and implemented by states. The Government supports the implementation of the UN Global Counter-Terrorism Strategy, in which upholding human rights and the principles of the rule of law is one of the main pillars.

New weapons and tactics are being used in the fight against terrorism. The use of combat drones in armed conflicts is in itself considered lawful. However, as with other weapons, drones must be used in accordance with humanitarian law and other international law. In particular, the use of combat drones across borders raises questions related to fundamental rules for the use of force, human rights and humanitarian law. Some of these questions will be even more pertinent if fully autonomous weapon systems are developed and used in armed conflicts or other types of violence such as terrorism. A fully autonomous weapon system is a weapon system that, once activated, operates on its own and can select targets and initiate a lethal attack without further human intervention and control. The use of such weapons will raise a number of legal and ethical questions, regardless of whether such weapons are used within or outside the context of an armed conflict. Norway considers it important that the use of all types of weapons should be subject to international law, and in international forums where automatic weapons are discussed, we have argued that international law should also apply to fully autonomous weapon systems.

Priorities:

- help put states in a better position to prevent and combat terrorism, organised crime and cyber threats, and thereby strengthen their ability to safeguard their citizens' human rights;
- seek to ensure that international measures against terrorism, organised crime and cyber threats are consistent with human rights, for example by supporting the implementation of the UN Global Counter-Terrorism Strategy.

Box 4.1 Preventing radicalisation and violent extremism

The strong radicalisation and polarisation taking place in Europe, North Africa and the Middle East, including the recruitment of increasing numbers of young Islamists to the wars in Syria and Iraq, represent a significant security threat for many countries, including Norway. The Government believes that prevention is the most important strategy for combating radicalisation and violent extremism, and Norway is an active participant in international forums that give us access to knowledge about the situation at the international level and enable us to join expert networks. Together with a number of other countries, Norway is considering the need for further measures to prevent individuals who have participated in armed conflicts, such as the one in Syria, from becoming a security threat on their return home. It is essential to ensure that such measures are not in conflict with international human rights law.

Box 4.2 Combating human trafficking

The UN has estimated that annually several million people worldwide become trafficking victims, and human trafficking is believed to be the world's second largest illegal economy. Human trafficking is a serious and profit-motivated crime that violates human rights. It is particularly prevalent in vulnerable states with a weak police and judicial system, where organised criminal groups can buy protection or exemption from prosecution. For example, human-, drugs- and weapons trafficking are helping to finance insurgency and terrorism in the Sahel region. Although human trafficking primarily affects individuals, the fight against this form of crime also contributes substantially to the efforts to counter global security threats such as terrorism. At the international level, Norway has helped to ensure that the Council of Europe Convention on Action against Trafficking in Human Beings includes an effective monitoring mechanism, and is working for a similar mechanism to be introduced in the UN.

4.1.2 Human rights, security sector reform and peace operations

The mandates of international peacekeeping operations, including the special political operations under the UN, increasingly include measures to promote human rights. Such operations are often mandated to oversee that human rights are respected and to assist the country concerned with improving its human rights efforts. This requires a coherent approach to peacebuilding, which Norway is promoting in a number of countries through its work with security sector reform. The Secretary-General's Human Rights Up Front initiative plays a key role in mainstreaming human rights into the activities of the UN system as a whole.

The purpose of security sector reform is to rebuild and reform the armed forces, the intelligence service and the justice sector in countries emerging from conflict or authoritarian rule. The reforms are intended to ensure that the security structures are under democratic control and are transparent and accountable, in line with good governance norms. A state's security structure has a monopoly on the legitimate use of force, and it is therefore essential that these state institutions operate in accordance with human rights principles. Norway considers it important that women's rights, needs and participation in decision-making are included in security sector reform.

In addition to contributing military troops to peacekeeping operations, Norway provides civilian police officers and other civilian actors who can promote security sector reform consistent with human rights. We also provide other forms of capacity-building support that strengthen the peacekeeping capacity of the UN, the African Union and their member countries, and their ability to implement security sector reform. A condition for Norwegian support is that the gender perspective is integrated into all activities. Our security sector reform efforts are intended to make an important contribution to improving the status of human rights in these countries.

Norwegian personnel in peacekeeping operations regularly come up against situations where fundamental human rights, such as the right to life, protection from arbitrary deprivation of liberty and the prohibition against torture and other cruel, inhuman or degrading treatment or punishment, are threatened. Peacekeeping personnel need training and competence to deal with such situations. Education in the laws of war is essential, and Norway gives this high priority. The Norwegian armed forces and justice sector also provide training and advisory services to other countries' public institutions and personnel.

NATO's fundamental aim is to safeguard the freedom and security of all its member countries by political and military means. Respect for human rights is a central element of NATO's activities, including its operations and cooperation with partner countries. This is reflected in planning, training, support for partner countries and the requirements the Alliance imposes on future members. Progress on the Membership Action Plans and the Individual Partnership Action Plans of candidate and partner countries respectively is evaluated annually in a number of areas, including human rights, democratic control of the armed forces, compliance with the rule of law, and treatment of minorities. For several years, Norway has contributed to increasing NATO's focus on the implementation of the UN resolutions on women, peace and security. The Alliance has now developed sound procedures for limiting civilian losses during operations, and is working systematically on strengthening the protection of the civilian population in armed conflicts.

Priorities:

- take steps to ensure that respect for human rights and protection of civilians are an integral part of all international operations;
- take steps to ensure that all international operations are mandated to report on the human rights situation in the areas where they are operating;
- be a driving force for the inclusion of security sector reform measures that promote human rights, and for the inclusion of women's rights, needs and participation in security sector reform.

4.1.3 Human rights and the export of strategic goods, services and technology

The export of strategic goods, services and technology (defence-related products and dual-use goods) from Norway is subject to control and thorough evaluation, among other reasons to prevent Norwegian equipment subject to licensing from being used to commit violations of human rights or humanitarian law. The Ministry of Foreign Affairs submits an annual report to the Storting on the scale of exports, export control regulations and the practical implementation of the *Guidelines for the Ministry of Foreign Affairs when*

Figure 4.1 Beetroot Design Group, Greece

dealing with applications concerning the export of defence-related products, as well as technology and services for military purposes. The guidelines set out detailed criteria for assessing the risk that the product or technology concerned can be used to commit serious human rights violations, including internal oppression. The guidelines were tightened in 2013, which means that applications for export licences for both defence-related products and dual-use goods destined for military end users can be refused if they do not meet one or more of the criteria.

The Arms Trade Treaty (ATT), signed in April 2013, provides guidelines for the regulation of export control by states. Norway has stricter export control rules and guidelines for assessing the export of defence-related products and dual-use goods than those laid down in the ATT, but the Treaty is an important initiative in the international efforts to combat irresponsible and illicit spread of small arms and light weapons and other conventional weapons, and the Norwegian authorities played a central role in the treaty negotiations. The Government seeks to ensure that as many states as possible comply with the ATT provisions and do not interpret them too narrowly.

Priorities:

- continue to practise the national export control regulations in a strict, predictable and transparent way in order to prevent Norwegian defence-related products and dual-use goods from being used to commit violations of human rights and humanitarian law, including internal repression;
- seek to ensure that the ATT provisions are complied with and not interpreted so narrowly as to limit the possibility of refusing export licences in cases where there is a risk of human rights violations or breaches of humanitarian law.

4.2 Peace, humanitarian efforts and combating serious international crimes

> *Injustice anywhere is a threat to justice everywhere.*
>
> *Martin Luther King Jr*

Norway plays an active role in the efforts to promote international stability and security. Our contribution to preventing, reducing and resolving conflicts can be seen as part of our efforts to promote human rights, relieve humanitarian need, and in assisting in transition from war to peace and towards long-term development. Our bilateral efforts in individual countries and through international organisations help to establish national and international human rights frameworks for peace and conflict resolution.

4.2.1 Human rights in the context of peace efforts

Conflicts are often triggered by violations of human rights. Promoting human rights is therefore an integral part of Norway's work for a more peaceful world.

The Norwegian authorities play an active role in the efforts to include human rights on the negotiation agenda in peace processes. We also seek to ensure that human rights considerations are duly reflected in the final agreements, for example through the incorporation of human rights in national legislation, justice sector reform, or the establishment of ombudsmen. Sometimes a specific human rights agreement is negotiated or monitoring mechanisms are put in place to ensure

that human rights are respected in practice. The universal status of human rights can be a good starting point for depoliticising a debate or resolving a deadlock.

Norway works in a long-term perspective based on maintaining a direct dialogue with the parties. Our efforts include support for civil society actors that promote human rights, and contact with UN funds and programmes. One of our main aims is to promote civil society participation in peace processes, since experience has shown that this makes an important difference to the sustainability of an agreement. In line with the UN resolutions on women, peace and security, we also seek to ensure that women participate on equal terms with men in decision-making processes related to conflict resolution, peace and security. We encourage the parties to include women in their delegations and to integrate the gender perspective into peace processes.

It is difficult to include measures for effective prosecution in a negotiated peace agreement in cases where the parties at the table are themselves responsible for the abuses. In such cases, fundamental values may come in conflict with an urgent political and humanitarian need to find peaceful resolution. The parties at the negotiating table cannot ignore the victims' right to justice and accountability, but on the other hand the victims and human rights defenders cannot ignore the need to reach a peaceful, negotiated resolution of the conflict. In these cases, it is important not to make a choice between peace *or* justice, but to achieve a result that takes account of *both*.

We need to employ mechanisms of transitional justice that take into account different interests and considerations in a balanced way, and at the same time protect the victims' rights, including the rights of victims of sexual violence. Transitional justice is more than a judicial process; it also includes truth and reconciliation processes, redress and institutional reform. The final goal is to prevent the conflict from flaring up again and to provide a foundation for reconciliation. These processes are crucial for building trust after a crisis and creating a basis for peaceful, democratic development over time.

Transitional justice is a key priority in peace and reconciliation processes, and the final result must be consistent with international law. Norway's role as third party and facilitator is based on the principle of impartiality, but we will never take a neutral stand on human rights.

Priorities:

- be a driving force in the efforts to include human rights in peace negotiations, for example by highlighting the need to safeguard the rights of victims and marginalised groups in peace agreements;
- develop tools for dealing with the dilemmas that can arise when balancing the demand for transitional justice against the need to bring the conflict to a rapid end;
- support organisations and other actors, including UN funds, programmes and peace operations, that promote human rights in conflict and post-conflict situations;
- pursue a leading role in advancing the women, peace and security agenda, and in particular promote women's participation and influence on an equal footing with men in peace processes.

4.2.2 Combating impunity for war crimes, crimes against humanity and genocide

Combating impunity for war crimes, crimes against humanity and genocide has become an integral part of the broad international effort to promote human rights. The International Criminal Court (ICC), the first permanent international criminal court established to try such crimes, is a cornerstone of these efforts. Norway has strongly supported the ICC and the temporary international criminal tribunals established for specific country situations since their inception. We see the ICC as an important contributor to building democracy, strengthening of the rule of law, and post-conflict peace building.

The adoption of the Rome Statute and the establishment of the ICC have resulted in significant developments in global norms and standards. An increasing number of states parties have introduced penal provisions for war crimes, crimes against humanity and genocide in their penal codes.

The authority of the ICC is limited to cases where states parties have not themselves had the will or the capacity to prosecute the perpetrators of war crimes, crimes against humanity or genocide. By ensuring that justice is done in practice, states can retain ownership of this part of the reconciliation process.

The ICC prosecuting authority has so far initiated formal investigations into eight situations, all of them on the African continent. In two of these,

Kenya and Darfur in Sudan, the head of state currently in power has been indicted.

The large number of investigations in Africa has led to criticism that the ICC has focused too strongly on this continent at the expense of conflicts in other parts of the world. However, several reasons may explain why all the situations so far referred to the ICC have been concerned with abuses in Africa. One reason is that Africa has more states parties (34) to the ICC than any other continent. There are a fair number of states in other regions that are still not parties to the Rome Statute, and the ICC can only initiate an investigation of abuses committed on the territory of these states if the state concerned declares that it accepts the ICC's jurisdiction or in response to a decision by the UN Security Council. So far, the Security Council has referred two situations to the ICC (Darfur and Libya). A second reason for the predominance of African situations is that four African states have themselves referred situations to the ICC for investigation, and that they have lacked either the ability or the will to try the cases at the national level. As of October 2014, the ICC has initiated 10 preliminary investigations with a view to possible formal investigations. Most of these situations are in states outside Africa.

Norway plays an important role in the efforts to promote cooperation between the ICC and its member states, and has been involved in several regional seminars in Africa on capacity-building in areas such as witness protection. Norway will continue to promote universal support for the ICC and to support Security Council referrals to the Court in order to prevent individuals from enjoying impunity for serious international crimes. Together with the governments of several other countries, the Norwegian Government is advocating the referral of the situation in Syria to the ICC.

Priorities:

- promote universal support for the International Criminal Court and for cooperation between the Court and its states parties;
- safeguard the most important functions of the ICC, such as witness protection and enforcement of sentences, and support capacity-building projects that enable states to institute their own criminal proceedings for war crimes, crimes against humanity and genocide;
- advocate for UN Security Council referrals of particularly serious situations to the ICC in cases where the state itself is unable or unwilling to prosecute.

4.2.3 Human rights in the context of humanitarian efforts

Humanitarian aid is essentially a matter of saving lives, alleviating suffering, promoting and protecting human rights and safeguarding human dignity, regardless of gender, ethnicity, religion or political affiliation. Humanitarian crises tend to be a result of various mutually reinforcing factors, such as conflict, weak governance, human rights violations, poor infrastructure, low food security and unfavourable natural conditions. Climate change may also constitute an important factor. The complex causes of these crises make it necessary to view humanitarian aid in the context of other foreign and development policy efforts, including conflict and disaster prevention, efforts for peace, the protection of human rights and development aid. The conditions for humanitarian work and human rights protection have become more difficult in recent years, and in many countries humanitarian actors are being directly attacked or are otherwise prevented from providing life-saving help and protection to the civilian population.

Together with international humanitarian law, the core human rights instruments constitute the fundamental normative framework for all humanitarian efforts. These efforts must be rights-based. This approach centres on the victim and emphasises the key human rights principles of participation, non-discrimination and accountability. A rights-based approach is crucial for humanitarian disarmament, protection of civilians and assistance to the displaced and other vulnerable groups, including children and persons with disabilities. A rights-based approach also draws more attention to the transition between humanitarian and long-term assistance, especially in protracted crises.

Norway has for many years played a leading role in the efforts to improve legal protection for people who have had to flee their homes, regardless of whether they are refugees, internally displaced or environmental migrants. As a facilitator of the UN resolution on protection of and assistance to IDPs, and supporter of the UN Special Rapporteur on the Human Rights of Internally Displaced Persons, Norway helps to ensure that the situation of IDPs remains high on the international agenda. Norway also plays an active role in the Nansen Initiative, a state-led, consultative process intended to build consensus on the development of a protection agenda addressing the needs of people displaced across international borders

Figure 4.2 Moises Romer, Mexico

in the context of disasters and the impacts of climate change.

The Ministry of Foreign Affairs also supports practical measures enabling humanitarian organisations better to meet the needs of the recipients of assistance. For example, in response to the destruction wreaked by the typhoon Haiyan in the Philippines in autumn 2013, the World Food Programme (WFP) deployed personnel to solicit the victims' views on their needs and priorities in order to ensure appropriate assistance with active involvement of the victims.

One of Norway's main objectives is to strengthen the position of women in society and address their needs in humanitarian crises by working for better protection, for example through mainstreaming the gender perspective, and by promoting women's involvement in all assistance efforts. Our efforts in humanitarian disarmament also aim to strengthen the rights of persons with disabilities, including the victims of landmines and cluster munitions.

Priorities:

- increase the focus on humanitarian aid for especially vulnerable groups such as children and persons with disabilities, and develop and implement clear, quantifiable methods for ensuring a rights-based approach to humanitarian aid;
- strengthen the efforts to mainstream the gender perspective into all humanitarian assistance, including needs assessments, implementation and reporting on all humanitarian efforts;
- seek to ensure that states take more responsibility for respecting the rights of IDPs and that the international community is better equipped to respond to internal displacement resulting from humanitarian crises;
- raise environmental migration on the international agenda through the Nansen Initiative.

4.3 Poverty reduction and sustainable development

4.3.1 Human rights and climate and environmental policy

Human rights are also a central element in climate and environmental policy. Respect for human rights is necessary for sustainable development conducive to economic growth, social development, good health, a stable climate and a healthy environment. A climate and environmental policy based on responsible management and the precautionary principle will contribute to stabilize the climate conditions and to a healthy environment, and these in turn help to safeguard human rights such as the right to health and food. Likewise, safeguarding freedom of expression and freedom of assembly and association fosters support for a sound climate and environmental policy.

Limiting the average rise in the global mean temperature to no more than 2°C is an essential step for future development and welfare. Drought, flooding and other extreme weather events – intensified by climate change – combined with population growth, use of hazardous substances, pollution, non-sustainable use of resources and changes in land use, result in biodiversity loss and put pressure on ecosystems. Biodiversity loss adversely affects ecosystem functioning and thus access to water, food, and raw materials for pharmaceutical production and medical research. This in turn leads to poverty, reduces growth and affects human health and well-being.

Climate change and environmental damage affect social development in every country. Particularly at risk are the least developed countries, which are less able to adapt to climate change and

where people are less equipped to seek alternative livelihoods. The poor and other vulnerable groups such as the sick, the elderly and children often suffer the most. Climate change and environmental damage directly affect families in these groups and thus the position of women, since women often bear the practical responsibility for the family's well-being. It is vital to take the gender perspective into account in climate and environmental policy, and to work for sustainable development, climate change adaptation and transition to a low-emission economy. The poorest and most vulnerable groups, especially women and children, must be given priority in these efforts, which must take account of human rights, including workers' rights.

International bodies have become increasingly attentive to the mutual interaction between climate and environmental policy on the one hand and human rights protection on the other. Both charter-based and treaty-based monitoring bodies have made it clear that environmental damage can contravene a number of human rights, among them the rights to life, health, property and protection of privacy. The UN Environment Programme (UNEP) and the UN High Commissioner for Human Rights (OHCHR) have pointed out the need for better cooperation and coordination across sectors and agencies in order to strengthen compliance with human rights obligations and to take climate and environmental considerations into account. The UN also recommends adopting a rights-based approach to environmental protection.[1] Around 130 countries, including Norway, have adopted constitutional provisions on the right to a certain degree of environmental quality or on the state's obligation to protect the environment.

The importance of access to information and public participation in connection with environmental matters is specified in a number of multilateral environmental agreements. These include the Århus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, which emphasises the importance of making environmental information readily accessible to the public. Accessible information on the internet and on social media sites enables individuals and organisations to take a qualified stand on environmental issues at both national and international levels.

[1] Human Rights and the Environment, Rio+20: Joint report OHCHR and UNEP.

The poorest and most vulnerable groups are often in a particularly weak position when decisions on national or regional resource management are being made. For example, many of the 1.6 billion people who according to the UN are highly dependent on forest resources for their livelihoods lack ownership and property rights to the forests. Norway has advocated respect for human rights in the implementation of UN efforts to prevent deforestation and forest degradation (UN-REDD). It is especially important to respect the rights of indigenous peoples and local communities and their right of participation in the planning and implementation of processes that affect their livelihoods and the land areas they inhabit or otherwise use, in accordance with ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries.

According to the 2012 agreement across political parties on Norwegian climate policy, the Norwegian International Climate and Forest Initiative has integrated goals related to the conservation of natural forests, sustainable development and respect for indigenous rights, in addition to the main goal of emissions reduction. Long-term forest conservation requires results in other areas in addition to cutting greenhouse gas emissions. This approach, combined with payments for verified emissions reductions and improved governance, can contribute to good, lasting results, and will help to avoid conflicts over land and resources.

Priorities:

- promote coordination between the efforts to address climate and environmental problems and the work for human rights in environmental and human rights forums;
- work for the right of the civil society to information and participation in national and international decision-making and negotiation processes on climate, environment and natural resources issues, as well as their right of appeal and judicial review of decisions with a bearing on these issues;
- continue the efforts to reach the integrated goals for the conservation of natural forests, sustainable development and respect for the rights of indigenous peoples and local communities of the International Climate and Forest Initiative, in addition to the main objective of reduced emissions, in line with the 2012 cross-party agreement and as set out in the 2014 budget proposal (Prop. 1 S (2014–2015)).

4.3.2 Human rights in the post-2015 development agenda

Respect for human rights is crucial to realising poverty reduction through sustainable development. This is the primary objective of the Government's participation in the development of the post-2015 agenda.

The Millennium Development Goals, which expire in 2015, have mobilised international political awareness and resources to address poverty reduction, and have led to progress in key development areas such as health, education and gender equality. Efforts to achieve the Millennium Development Goals have resulted in the protection of important economic and social rights, but all the goals have not been achieved, and the work will be continued in the post-2015 agenda.

The fact that a large proportion of the world's poor live in middle-income countries indicates that the fundamental causes of poverty are as much political as economic. This means that aid to these countries should focus more directly on political reform, with an emphasis on human rights, democracy and the rule of law. In order to be sustainable, economic growth and social development need the context of a stable climate and a healthy environment.

For these reasons, there is broad agreement that the post-2015 development agenda needs to be more comprehensive than the Millennium Development Goals. The Government considers that in addition to the environmental, social and economic dimensions of sustainable development, the agenda should include human rights, good governance, democracy and the rule of law. Human rights should be clearly reflected in the post-2015 goals, both in the form of stand-alone targets and as tools for ensuring progress in areas such as education, health, gender equality and the Sustainable Energy for All initiative. Not all countries agree on this, and the work ahead will be challenging.

The realisation of women's and children's rights and the rights to education, health, water and food are crucial to foster sustainable, inclusive economic growth and development. The principles of public participation, non-discrimination and accountability are particularly important in this context.

Priority:

- seek to ensure that the rights perspective is integrated into the UN's post-2015 development agenda, in the form of targets and as tools for ensuring progress in areas such as good governance, education, health, gender equality and sustainable energy for all.

4.4 Development cooperation

The stated overall objective of the Government's policy for development cooperation is to promote democracy and the realisation of human rights, and to enable people to work their way out of poverty. The Government will make more active use of its development policy to promote human rights, and will ensure that human rights are integrated into all aspects of development work. The rights-based approach is centred on the individual's rights and freedoms. It seeks to strengthen the authorities' ability to safeguard citizens' rights, as well as to increase citizens' knowledge of their rights and enable them to demand that these rights be implemented. The principles of individual freedom and public participation, the rule of law and legal protection, and equality and equal opportunities will have an even more crucial role to play in our multilateral and bilateral devel-

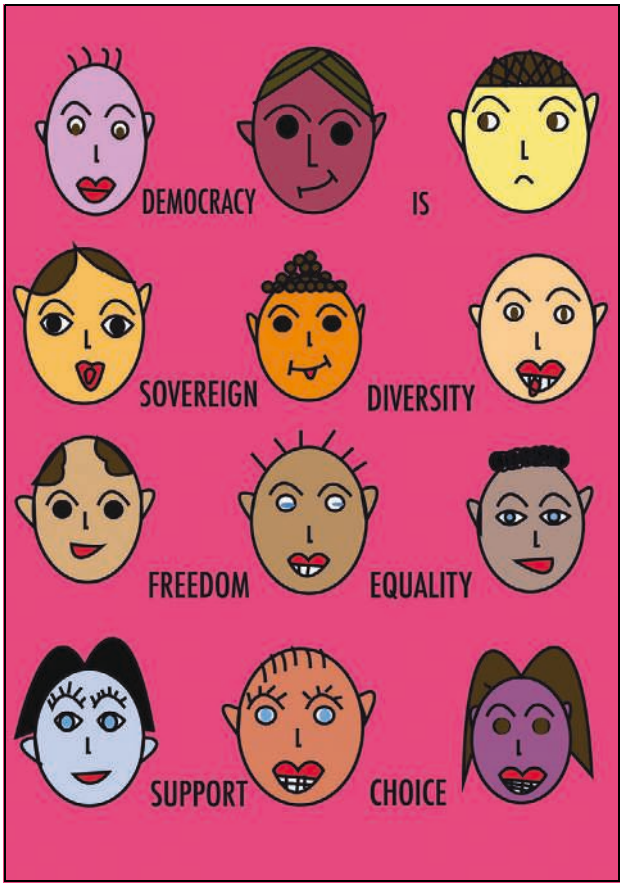

Figure 4.3 Ria Shah, India

opment cooperation. The aim is to promote the implementation of human rights also in areas of development cooperation that do not specifically deal with human rights.

Around one quarter of Norway's overall aid budget is channelled through the UN system. The objective of integrating human rights in the UN development system is discussed in chapter 5.8.

4.4.1 Human rights-based development cooperation

A human rights-based approach to development cooperation builds on individual rights set by the human rights commitments and obligations of the countries concerned. This approach serves to quality assure development cooperation and contributes to sustainable results regardless of sector and theme. Just as important as which goals are chosen is how they are pursued. This means giving a country's citizens opportunities for meaningful participation in decision-making, ensuring that planning and other processes are transparent, and making it clear which agents are responsible for services. It is also important to identify and take into account the causes of any inequalities. The commitment to human rights means that all projects and services must be based on the principles of non-discrimination and participation, which helps to strengthen the influence of vulnerable groups. If a development project or programme is linked to a particular human right, such as the right to health or the right to education, aid should be organised in a way that strengthens the state's ability to fulfil its commitments and obligations. The recommendations of UN special procedures and treaty bodies in particular areas of rights are of great value in the process of developing and implementing development cooperation.

A rights-based approach to development cooperation promotes social development and reduces poverty. The World Bank has estimated that eliminating discrimination of women in the labour market would increase productivity by as much as 25 %,[2] and according to ILO, excluding persons with disabilities from the labour market could cost up to 7 % of GDP.[3] According to the World Health Organization (WHO), the Joint United Nations Programme on HIV/AIDS (UNAIDS) and OHCHR, a rights-based approach ensure that the necessary health services reach marginalised groups, which means that more people will

[2] World Bank, World Development Report 2012: Gender Equality and Development.

[3] S. Buckup: 'The price of exclusion: The economic consequences of excluding people with disabilities from the world of work', Employment Sector Working Paper No. 43 (Geneva, ILO, 2009).

Box 4.3 How should the results of development cooperation be measured?

In order to measure results, it is first necessary to define and describe the starting point (the actual situation or benchmark) and the problem itself, for example women's lack of political participation. A goal must then be formulated that sets out the desired result of the project or programme. The goal should be specific enough for the change in relation to the starting point to be measurable, for example: 'Women participate in politics on an equal footing with men.' Relevant indicators, for example the number of women members of parliament, must be chosen that will show how much progress has been made towards the desired result.

Real change takes time and often involves temporary setbacks. This applies not least to democracy building and efforts to strengthen human rights. The results can be measured at many levels and at different stages of the project or programme cycle. Some projects and programmes are designed to deliver products or services, for example to put in place structures such an institution or a monitoring system. However, the fact that a product or service has been delivered is usually not enough to yield the desired result. The true results can only be seen when the product or service is being used and is having a tangible effect on the target group. The social impact of a project or programme can seldom be measured precisely. Usually the results have to be viewed in a larger context where other factors are also present, and the degree to which the measure concerned has contributed to development is then evaluated. In the work of advancing democracy building and human rights, it should be possible to establish with a sufficient degree of probability that an activity supported by Norway has contributed to change. This can only be established by having a clearly defined starting point, a specific goal, relevant indicators and effective risk management.

receive the information and services necessary to help prevent child and maternal mortality, unwanted pregnancy and HIV infection, as well as improving health services in general.

Priorities:

- pursue a human rights-based development policy and humanitarian assistance;
- develop and employ relevant tools for the Foreign Service's human rights efforts in development cooperation, including other thematic initiatives, that address ways of advancing human rights through dialogue and written agreements or partnerships;
- review the overall system of grant management of the Ministry of Foreign Affairs, Norad and FK Norway with a view to upgrading and harmonising the human rights provisions.

4.4.2 The impact of negative developments in individual countries on development cooperation

Progress, or lack of it, in a country's human rights situation will have a substantial effect on how the Government organises development cooperation with the country and how much economic support the country is to be given. In a country where human rights, democracy and the rule of law have worsened over time, Norway may, on the basis of an overall political assessment, reduce support or direct it through other channels, such as the UN system or civil society organisations. Many factors play a role in this assessment, including the consequences of the different forms of response. Reducing development assistance may make the situation of the most vulnerable groups even worse. Consultations with local partners are therefore essential in any assessment of whether to freeze or reduce development assistance. If a reduction is considered to be the most appropriate measure, Norway will encourage other donors to do likewise so as to give a stronger signal to the government of the recipient country.

Priority:

- set clear conditions for recipients of Norwegian aid as regards their willingness to make progress on human rights, democracy and the rule of law by specifying the basic conditions for Norway's support, and making it clear that serious breaches of these conditions will have tangible consequences for the cooperation.

4.4.3 Priority partner countries

The Government intends to introduce a new category designated priority partner countries or 'focus countries', where it will intensify and concentrate development efforts. Concentrating country expertise, control and follow-up capacity in the Ministry of Foreign Affairs, Norad and the embassies will be more efficient and make it easier to measure and communicate results.

The Government's aim is to engage with the designated countries in broad, long-term, poverty-oriented cooperation. These will be countries where we have good country expertise and can make a difference, and where we have a presence that allows close follow-up and ongoing dialogue with the authorities. In the process of selecting focus countries, two categories stand out. One is vulnerable states. Such states have weak government institutions, inadequate legal protection and ongoing armed conflicts or a high risk of such conflicts breaking out. These are the countries with the poorest populations and a serious humanitarian situation, where the Millennium Development Goals are the furthest from being achieved, and where support from the international community is crucial, even when political and social change is progressing slowly or not at all. Stabilisation and peacebuilding are crucial in these countries. It takes a long time to achieve results in vulnerable states, and the risk of setbacks is typically high. At the same time, these are the states where the costs and risks of refraining from engagement will be highest.

The second category of priority partner countries consists of the more stable developing countries with better functioning institutions. Here the authorities must demonstrate a willingness to implement reforms. The transformation from a poor, low-income country to a middle-income country requires the establishment of the rule of law, anti-corruption measures and a more effective taxation system. The development cooperation will place greater emphasis on private sector development and sound resource and revenue management. In all of the priority partner countries greater priority will be given to coordination and division of labour with other donors. Norwegian development assistance sets out to put both categories of countries in a better position to safeguard the interests of their citizens and fulfil their human rights obligations.

The Norwegian authorities will maintain a dialogue and close cooperation with the authorities in the priority partner countries, with importance

attached to predictability and engagement in a number of different sectors. Better market access in Norway and a stronger focus on private sector development are relevant elements in this efforts. Political and economic analyses and evaluations of the human rights situation and degree of democracy will be conducted for each focus country, to be used as reference values for the cooperation and serve as a basis for setting clear priorities for the organisation and goals of Norwegian assistance. Once this has been done, negotiations will be entered into with the recipient countries on joint priorities and goals, which will then be followed up, including in annual meetings.

Priority:

- seek to ensure that the agreements with priority partner countries include human rights obligations as a foundation for bilateral dialogue and cooperation, and that the human rights perspective is reflected in the cooperation goals and results reporting.

4.4.4 Human rights in the multilateral financial institutions

The multilateral development banks are key sources of financing and guidance for borrowing countries, and key actors in the development debate. They have a strong normative influence, due especially to their financial importance and broad thematic engagement. None of these banks have an explicit human rights mandate, since human rights have always been perceived as sensitive issues in the context of their work. The broad range of the banks' activities, however, is highly relevant to the human rights agenda. There is a growing tendency for both the World Bank and the regional development banks to approach this agenda more openly and actively.

Human rights now have a higher profile in the policy documents of the multilateral financial institutions and in the safeguard mechanisms for assessing the social and environmental impacts of loan-funded programmes. Together with like-minded countries, Norway actively seeks to ensure that the programmes make positive contributions to stakeholders' rights. The member countries in the region have a majority on the boards of the regional development banks, and the composition of the board therefore influences which views on strengthening the human rights perspective are likely to prove acceptable in policy formation. Earmarked voluntary funding is another way of exerting influence, in addition to the ongoing work of the board. In the light of the banks' financial mandate, the most persuasive arguments are likely to be those that demonstrate a link between human rights and economic development.

For the first time, the new overall strategy of the World Bank Group contains an explicit reference to human rights. The Bank's support for state-building processes in the reconstruction phase after a crisis often has some influence on civil and political rights, and substantial funding is provided for development activities organised by local communities. The World Bank's safeguards policies cover, among other things, indigenous rights, how to deal with displacement in connection with Bank-financed infrastructure projects, and grievance mechanisms. The World Bank Group's private-sector organisation, the International Finance Corporation (IFC), has published Performance Standards that contain guidelines on how to conduct the necessary risk and impact analyses for a project to become a sustainable business.

Norway is seeking to ensure that both the World Bank and the International Monetary Fund (IMF) follow the UNCTAD Draft Principles on Promoting Responsible Sovereign Lending and Borrowing, which have a human rights perspective.

Over the last 15 years, the Inter-American Development Bank (IDB) has shown increasing awareness of human rights issues in areas such as minority rights, gender equality, pollution and financial irregularities. This can be clearly seen in internal policy development and in risk management related to its safeguards policies. The IDB private-sector organisation, the Inter-American Investment Corporation (ICC), adopted new safeguards policies in 2013 that are fully in line with the IFC Performance Standards. The IDB is foremost among the multilateral banks in policy development and standards for the inclusion of women's rights and gender equality considerations. It is also at the forefront internationally in the development of a unique, legal identity for all citizens and residents.

As the result of a compromise, the new safeguards policies of the African Development Bank (AfDB) contain a general reference to human rights as a guiding principle. This enables the board members to ensure that human rights considerations are taken into account in all projects and programmes that are subject to the board's approval.

Compared with the other development banks, the Asian Development Bank (ADB) has more articulated guidelines for human rights. The social safeguards policy includes the rights to shelter, livelihood and services. The guidelines emphasise the right of the poor and vulnerable to be heard and to have access to information and freedom to choose their own development. The ADB's safeguard policy for indigenous peoples includes the rights to self-determination and non-discrimination, cultural rights, and the rights of the elderly and persons with disabilities. The ADB also has grievance mechanisms whereby communities can protest if they believe that the Bank is not following its own guidelines.

Priorities:

- seek to ensure that human rights are given weight by the boards of the World Bank Group and the regional development banks in all types of loans and through earmarked voluntary funding;
- seek to ensure that human rights considerations are clearly taken into account in the safeguards policies for the social and environmental impacts of the regional development banks' lending practices;
- seek to ensure that the multilateral financial institutions follow the UN Guiding Principles on Business and Human Rights or use relevant international standards that promote progress towards the Guiding Principles.

4.5 An active and responsible business sector

Increased trade, investment and private sector development are necessary for economic growth, employment and development. Many developing countries have experienced substantial economic growth in the last decade, which means that donors' relations with them have become less aid-oriented and have taken on a more reciprocal political and economic orientation. An active and responsible international business engagement can have a positive influence also in the area of human rights.

Some of the world's fastest growing economies have weak governance and poorly developed legislation for protecting human rights. Norwegian companies are increasingly focusing on and establishing themselves in these new markets. They invest and have large financial outputs, and employ an increasing number of people. Through their investments and job creation, Norwegian companies have considerable influence, and by showing responsible business conduct they can promote social development in the countries where they operate. The Government appreciates that an increasing number of Norwegian companies are integrating social responsibility into their business strategies.

The Government expects that Norwegian companies consider how best to follow up the recommendations in recognised international standards for responsible conduct. The Norwegian authorities will take steps to provide businesses with necessary information regarding international guidelines and the local human rights situation, and will advise companies operating in challenging markets. The increasing global recognition of international guidelines is important as these contribute to a more equal and predictable operating conditions, including for Norwegian businesses.

4.5.1 The UN Guiding Principles on Business and Human Rights

In 2011, the UN Human Rights Council adopted the UN Guiding Principles on Business and Human Rights following negotiations facilitated by Norway. The principles have rapidly become the prevailing international standard for business and human rights, and have been integrated into the UN Global Compact, the OECD Guidelines for Multinational Enterprises and a number of industrial standards. A number of companies have also implemented the principles in their operations. In summer 2014, the Human Rights Council decided, without a consensus, to establish a Working Group to develop an internationally binding instrument on business and human rights. The process could undermine the agreement on the Guiding Principles, which are the result of a unique global compromise between states, civil society and the business sector. Like other Western countries, Norway will therefore give priority to the efforts to strengthen national and international implementation of the Guiding Principles.

The UN Guiding Principles are non-legal recommendations that apply to all states and enterprises regardless of size, sector, location, ownership or structure. They consist of three main principles, based on existing obligations under international law:

– states' obligation to protect against human rights abuses within their territory and/or

jurisdiction by third parties, including business enterprises, and to safeguard human rights through national legislation;
- expectation that all business enterprises respect human rights, beyond following the rules and regulations in the country of operation, and that they conduct human rights due diligence;
- states' obligation to ensure, through judicial, administrative, legislative or other appropriate means, access to effective remedy when human rights abuses occur within their territory and/or jurisdiction, and encourage businesses to participate in or themselves have non-judicial grievance mechanisms for those affected by their operations.

States' obligation to protect against human rights abuse

A state's responsibility to ensure that human rights are respected within its jurisdiction includes an obligation to provide protection against abuse by third parties, including businesses, by legislation and other means. The UN Guiding Principles are derived from the states' obligations under human rights conventions and the ILO core conventions, which are discussed in more detail in chapter 3.4.7.

According to the Guiding Principles, states should:
- set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights in all their activities;
- enforce laws and regulations that is aimed at, or has the effect of, requiring business enterprises to respect human rights;
- ensure that laws and policies do not constrain business enterprises' respect for human rights;
- provide effective guidance to business enterprises on how to respect human rights throughout their operations;
- encourage, and where appropriate require, business enterprises to communicate how they address their human rights impacts.

The Guiding Principles recommend that states should clearly express their expectations that business enterprises respect human rights, also when operating abroad. This applies particularly when the state itself is involved in the business activities. In such cases due diligence is considered a necessary and appropriate tool for ensuring respect for human rights. The Guiding Principles put special emphasis on states' responsibility to assist business enterprises in conflict-affected areas, where there is a particularly high risk of human rights abuses.

The Ministry of Foreign Affairs will issue a national action plan for implementing the UN Guiding Principles. The plan will provide the framework for a coherent, coordinated approach, specify which authorities are responsible for the various areas covered by the Guiding Principles and set out measures for further follow-up. The plan is intended to ensure that the principles are understood and made relevant for state-owned enterprises, as well as to clarify that all Norwegian enterprises are met with the same expectations, regardless of which authorities they are in contact with. The national action plan will clarify the expectations concerning companies' practice of corporate social responsibility, including respect for human rights, and ways in which the authorities can assist in these efforts.

States' responsibility to ensure access to grievance mechanisms and effective remedy

The UN Guiding Principles describe states' responsibility to ensure that there are judicial, administrative, legislative or other appropriate means for addressing human rights abuses, for example through compensation. The principles refer to the OECD National Contact Points, ombudsmen and other complaints mechanisms.

The OECD Guidelines for Multinational Enterprises set out non-binding, non-judicial principles and standards for responsible business conduct. At the same time, the governments adhering to the guidelines expect enterprises to assess how best to implement the guidelines. All OECD countries have committed themselves to establishing National Contact Points (NCPs). The Norwegian NCP is a partial advisory body that assists the Norwegian authorities in promoting the OECD Guidelines and provides advice and guidance on complaints in individual cases. The NCP is not a monitoring or control body. The national contact point should give emphasis to developing and maintaining good relations with the Norwegian business sector, especially companies that operate in vulnerable states where there is a higher risk of complicity in inappropriate conduct. The NCP shall also develop and maintain contact with the social partners and other stakeholders that can promote the broadest possible application of the OECD Guidelines. On the basis of individual enquiries, the NCP reviews specific instances

related to a particular company's activities in the context of the Guidelines. If an enquiry is considered to be relevant, the NCP shall facilitate dialogue and mediate between the parties with a view to resolving the issue.

Corporate responsibility

Corporate responsibility for respecting human rights covers a broader field than merely following the legislation of the country where the company operates. The UN Guiding Principles on Business and Human Rights recommend that the company concerned should

- declare that it respects human rights;
- conduct human rights due diligence, so that it avoids violating the rights of groups or individuals;
- have a system for dealing with instances where it has been complicit in activities leading to a violation of human rights.

The Guiding Principles define 'due diligence' as the measures a company takes to identify, prevent, limit and provide an account of how it deals with the impacts of its activities on human rights. The scope of the assessment depends to some extent on the company's areas of activity, ties and particular characteristics. The company itself should decide how best to implement the recommendations on due diligence assessments, but all companies should regularly conduct such assessments as part of their activities.

The Government expects Norwegian companies to base their corporate social responsibility work on the UN Guiding Principles, and to consider how they should conduct due diligence assessments in order to ensure that their activities do not in any way violate human rights.

Priorities:

- develop a national action plan for coherent follow-up by Norwegian authorities of the UN Guiding Principles on Business and Human Rights;
- continue to play an active role in the efforts relating to human rights and business in the UN Human Rights Council and international organisations, for example by seeking to ensure that international organisations and development banks are implementing the Guiding Principles;
- intensify the efforts to inform and advise businesses on the Guiding Principles and other internationally recognised corporate social responsibility guidelines and standards, including the OECD Guidelines for Multinational Enterprises.

Box 4.4 Industry dialogue on freedom of expression and privacy

In 2011, leading actors in the telecommunications field initiated a dialogue on the interaction and boundaries between freedom of expression and the right to privacy. The companies wished to develop tools, measures and an open dialogue with stakeholders based on the UN Guiding Principles and their own experience of public authorities' use of telecommunications data, telecommunications monitoring and website blocking. In March 2013, the Telecom Industry Dialogue on Freedom of Expression and Privacy published its 10 guiding principles. The principles are: policy commitment, raising awareness and training, impact assessment and due diligence, sharing knowledge, processing (handling and anticipating government requests), external reporting, mitigating risks of governmental demands, informing policy and regulations on freedom of expression and privacy, employee safety and liberty, and grievance mechanisms. Participating companies report annually on their implementation of the principles, which have been translated into a number of different languages. As of September 2014, the participating companies are Alcatel-Lucent, AT&T, Millicom, Nokia Solutions and Networks, Orange, Telefonica, TeliaSonera, the Vodafone Group and the Telenor Group. A two-year collaboration has been established with the Global Network Initiative.

4.5.2 Know-how and dialogue

The Government will take active steps to promote international standards for business and human rights and clarify how they can be followed in the various sectors. In these efforts it is essential to establish a dialogue with the business community and civil society, and the Norwegian authorities attach importance to input from KOMpakt, the Government's consultative body on matters relating to CSR. KOMpakt consists of representatives

of the social partners, civil society, companies and other centres of expertise and is a key arena for dialogue with civil society in Norway.

There is a need for further knowledge about the most effective strategies for identifying and preventing the risk of companies becoming complicit in human rights violations.

Priorities:

- strengthen local institution-building and civil society in partner countries where there is a special need to increase protection against the risk of business-related abuses;
- provide support for building capacity and expertise on corporate social responsibility in Norway among Norwegian companies;
- strengthen the efforts of the foreign missions to advise Norwegian companies on human rights in the host country as an integral part of business promotion.

4.5.3 Enterprises that are partly or fully state-owned

The Government's expectations of partly or fully state-owned enterprises are set out in its white paper on the importance of ownership for diversity and value creation.[4] The Government has both general and more specific expectations of these enterprises in terms of corporate social responsibility. The specific expectations fall under four thematic headings: climate and the environment, human rights, workers' rights, and anti-corruption. The Government's expectations are based on national and international standards, conventions and reporting norms. The Government expects Norwegian enterprises in which the state has an ownership interest to be well informed regarding the UN Guiding Principles on Business and Human Rights and their incorporation into the OECD and EU guidelines.

Large companies with international operations make growing use of due diligence in risk assessment and reduction, as recommended in the UN Guiding Principles. This also applies to a number of companies in the state's portfolio of enterprises where the state has direct ownership. In addition to the consequences for those affected, complicity in human rights abuses can seriously damage its reputation and result in substantial costs for the enterprise. Enterprises should make systematic efforts to avoid human rights abuses in order to reduce the risk of complicity.

According to the white paper, the Government also expects that:

- enterprises in which the state has an ownership interest respect fundamental human rights, as set out in international agreements, in all their activities, and that the same applies to their suppliers and business partners;
- all enterprises in which the state has an ownership interest integrate all factors relevant to human rights into their activities;
- enterprises conduct relevant due diligence assessments in line with the recommendations in the UN Guiding Principles in order to avoid complicity in human rights abuses, and report on how they deal with issues that have a bearing on human rights.

Box 4.5 Due diligence in state enterprises

The Norwegian Guarantee Institute for Export Credits (GIEK) and Export Credit Norway help to finance Norwegian export contracts. Companies that apply for financing are required to submit environmental and social impact analyses for their projects. These indicate whether there are any special risks attached to the project and which considerations the applicant or project developer has taken into account. Further contact with the applicant is based on this information, which also indicates what additional information is necessary in order to process the application. Applications are evaluated and followed up in accordance with the social and environmental impact assessment. The goal is to ensure responsible conduct in view of the social and/or environmental risks of the projects.

Innovation Norway administers a substantial share of the state funds for business development. This state-owned enterprise offers financing, expertise, promotion, networking and advisory services, and assists Norwegian companies in Norway and companies with international ambitions. Corporate social responsibility is an integral part of Innovation Norway's activities, as well as a priority area in its own activities and in communication with clients.

[4] Meld. St. 27 (2013–2014) Et mangfoldig og verdiskapende eierskap

Enterprises in which the state has an ownership interest are expected to respect and promote decent work, where core labour standards and rights at work are upheld and employees are paid a living wage. These enterprises are also expected to be familiar with national legislation and international agreements relating to working conditions. The ILO's eight core conventions cover the fundamental principles and rights at work: the right to freedom of association and collective bargaining, the elimination of all forms of forced or compulsory labour, the elimination of discrimination in respect of employment and occupation, and the effective abolition of child labour. ILO member states are obliged under international law to comply with the core conventions. The conventions also apply in the field of human rights, and the principles and rights they set out are included in the UN Guiding Principles.

Norwegian central government agencies and wholly state-owned companies that promote activity and competitiveness in the business sector should show sufficient due diligence to reduce corruption and adverse impacts on human rights and the environment.

Priority:

- seek to improve ownership dialogue with enterprises where the state has direct ownership, as set out in the white paper on the importance of ownership for diversity and value creation.

5 Efforts to promote human rights through the UN

Norway's human rights efforts in the UN, both at the normative and at the operational level, will be based on the Government's three main human rights priorities – individual freedom and public participation, the rule of law and legal protection, and equality and equal opportunities. Norway's efforts will also be based on the Government's coherent human rights policy, as described in chapter 4. This applies to all areas of foreign and development policy, including humanitarian aid, climate and environmental policy, and security policy. Protecting and further developing international conventions and norms, and strengthening the ability of the multilateral system to help countries meet their obligations, are essential. The Government will therefore invest in, and mobilise support for, the human rights efforts of the whole UN system. The Government will seek to protect established human rights and support decisions to improve fulfilment of existing human rights obligations. The Government will pursue a coherent and consistent human rights policy across the various global and regional forums, including in the relations with the various UN bodies. It is also essential to view the multilateral engagement in relation to the bilateral efforts. Knowledge and experience gained through bilateral efforts will be used in multilateral efforts and vice versa. This will provide synergies and mutual reinforcement in all priority areas.

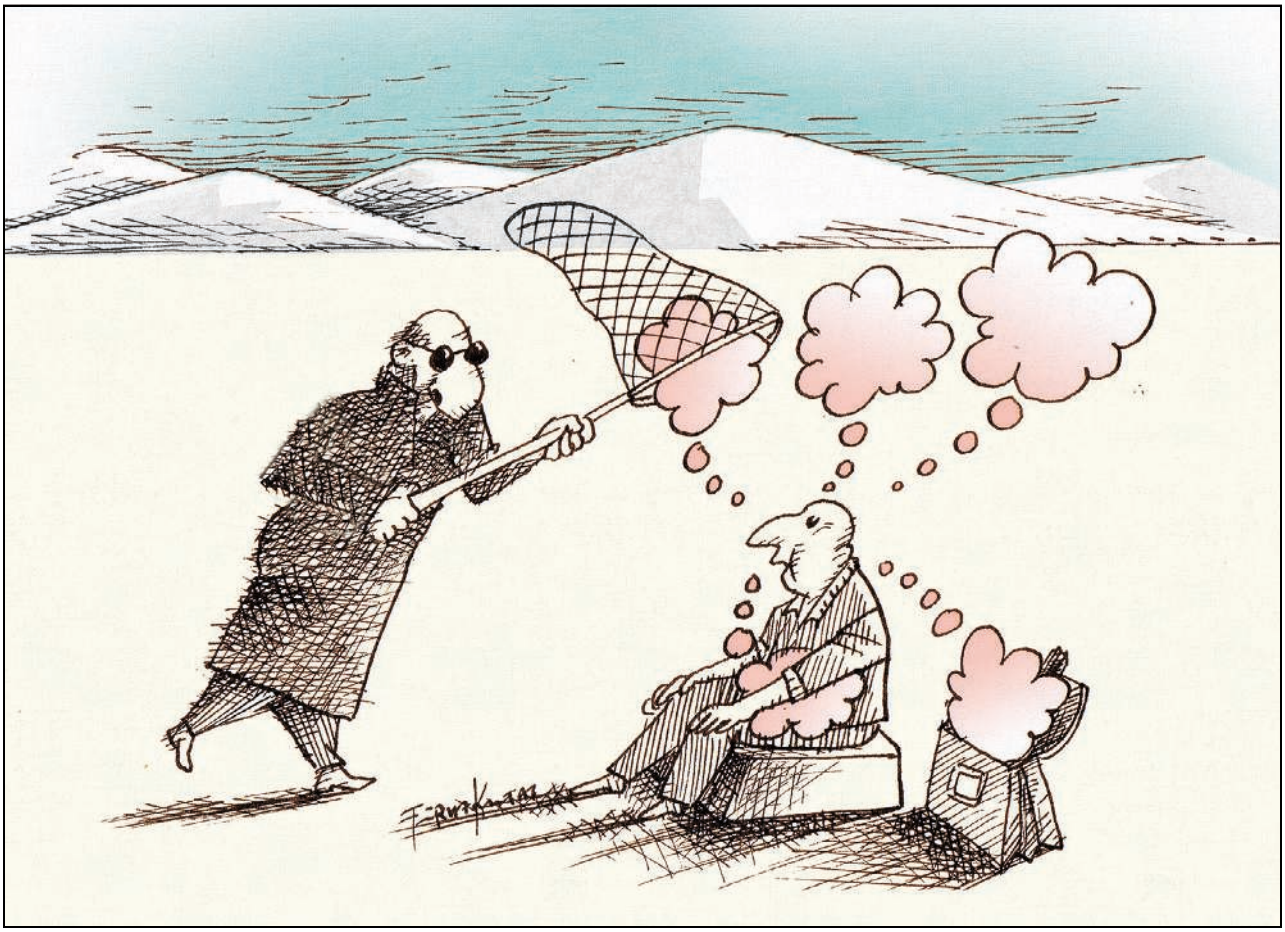

Figure 5.1 Firuz Kutal, Norway

5.1 The UN's normative role

The idea of cultural relativism is nothing but an excuse to violate human rights.

Shirin Ebadi

Human rights are one of the three pillars of the UN system, on a par with development and peace and security. The three pillars are interlinked and mutually reinforcing, and the principles of the rule of law are recognised as being fundamental to progress on all three areas.

Today there is a comprehensive, international body of human rights instruments that enjoys broad support and exerts considerable influence. The UN has played a decisive role in the development of these norms. They are upheld and further developed on an ongoing basis in the UN General Assembly in New York and the UN Human Rights Council in Geneva. In addition, human rights considerations are important for the work of a range of UN agencies, such as ILO and the World Health Organization (WHO).

Normative work in the UN touches on sensitive political issues. There are sharp dividing lines between states that work for strong international human rights protection and those that dismiss criticism or other forms of engagement by claiming that this constitutes interference in a state's internal affairs. The task of ensuring continued support for established political and legal obligations is a challenging one. The fundamental human rights principles are sometimes met with the claim that they must be interpreted in the context of national and regional historical, cultural, economic and religious differences. For example, some states assert that so-called traditional values should set limits on the rights of the individual, and a number of states are mobilising forces to preserve entrenched family and gender role patterns. This is nothing new, but the opponents of human rights tend to be increasingly better organised.

Normative work also risks being undermined by states that are continually raising new topics for the UN agenda that may have limited or little reference to human rights. This diverts discussions away from serious human rights challenges, and can be seen as a strategy for distracting attention from issues that particular states or groups of states do not wish to have discussed in the light of their own domestic human rights situation.

The Government will work for the protection of established human rights and support decisions to improve the fulfilment of existing obligations. Governments should not be able to evade human rights obligations by citing traditional values, national sovereignty or the principle of non-intervention. We will engage in cross-regional cooperation with countries that share our views on the importance of human rights and with civil society to stand up against countries that are trying to undermine such efforts. We will seek to identify areas of common interest and enter into strategic alliances on a case-by-case basis or in the form of more long-term, extensive partnerships. These efforts will benefit from a clear international human rights profile and a broad approach and involvement in most of the human rights issues on the international agenda.

Priority:

- further enhance a Norwegian role in the normative work of the UN in order to protect and strengthen human rights.

5.2 From norms to reality: Increasing the effectiveness of the UN

Despite considerable progress in the development of a sound international human rights framework, the effectiveness and implementation mechanisms of the international community do not match either the normative framework or the human rights challenges. In practice, respect for human rights varies considerably, and many good and relevant UN decisions are not being implemented. In some countries, this is due to poor institutional capacity and lack of expertise. In others, the authorities have the capacity but may not wish to take the necessary practical measures to protect human rights. A well-functioning legal system at the national level is vital for ensuring that human rights are respected. For this reason, the Government is giving priority to supporting efforts to build well-functioning stated governed by the rule of law.

The UN has a key role to play in ensuring states' compliance with international human rights law. The Government will therefore support efforts to modernise the UN and make it stronger and more effective, thereby enhancing the organisation's capacity to assist states in fulfilling their human rights commitments and obligations.

It is vital that the UN speaks with one voice, and that human rights are in effect mainstreamed

into the whole of the UN system. It is the whole system, and not just the dedicated human rights institutions, that is responsible for promoting respect for human rights through a rights-based approach. Norway is a driving force in this work, including through its contributions to reform of the UN development system and its position as a key supporter of the efforts to mainstream a human rights perspective into all UN activities. Examples of such efforts are the Secretary-General's Human Rights Up Front Action Plan and the Human Rights Mainstreaming Mechanism under the UN Development Group (UNDG-HRM), which provides support and expertise to resident coordinators and UN country teams.

The Human Rights Up Front initiative is an important step towards strengthening the human rights perspective in all UN activities. This will help to prevent armed conflict and serious abuses. The initiative is intended to ensure that the UN's voice is clearly heard when human rights are violated.

The Norwegian authorities will also support regional human rights systems with a view to improving the overall effectiveness of human rights monitoring mechanisms at the multilateral level. The Government will work to promote UN system-wide coherence, and to strengthen cooperation between the UN system and the regional organisations, and between the UN system and the multilateral financial institutions.

Civil society participation in UN activities is vital. It strengthens transparency and promotes constructive debate on the role and work of the UN, and thereby enhances the organisation's credibility and influence.

Everyone, including human rights defenders, has the right to unhindered access to and communication with the UN system.[1] Norway will actively seek to enable civil society to participate in a meaningful way in the UN's work. It is of pivotal importance to prevent threats, attacks and reprisals against human rights defenders and other actors that cooperate with the UN. Reprisals against these actors not only violate their rights, they also undermine the work of the UN as a whole.

Strengthening the effectiveness of the UN requires a willingness to act on the part of UN leaders, but it also requires political will and financial support on the part of the member states. The UN budget is small in relation to the increasing size of its mandate. Less than 3 % of the regular UN budget goes to human rights efforts, under the Office of the High Commissioner for Human Rights (OHCHR), the Human Rights Council and its mechanisms, the treaty bodies, the special rapporteurs and other independent experts. The Government will therefore seek to ensure that the UN is provided with sufficient funds to help individual countries comply with their human rights obligations in its regular budget, through Norway's voluntary contributions to UN human rights work, and by motivating other important donors to increase their contributions to this field.

Priorities:

- full support to the Secretary-General's Human Rights Up Front initiative as part of the efforts for a more effective UN in which human rights are given priority across the organisation;
- seek to strengthen cooperation within the UN system, between the UN and the multilateral financial institutions, and between the UN and regional organisations, with a view to promoting human rights;
- seek to ensure that UN organisations support and involve civil society more closely in the work in individual countries, and enable civil society actors to participate actively in multilateral processes and in shaping the UN agenda;
- seek to ensure that a larger proportion of the regular budget is allocated to UN human rights work in order to strengthen the third pillar of the UN system.

5.3 The UN Security Council

The UN Security Council often deals with conflict situations where human rights violations are a central element. Thus in recent years the importance of including human rights considerations in conflict prevention has begun to receive more attention. Human rights are also involved in many of the thematic issues discussed by the Security Council, such as the protection of civilians and children in armed conflicts, and women's role in conflicts. In addition, OHCHR and the UN Emergency Relief Coordinator report regularly to the Council. The Security Council is an influential norm-setter through its decisions. Peacekeeping operations established by the Council may also play a key role in the protection and promotion of human rights. Cooperation between the Security Council, OHCHR and other human rights actors

[1] Laid down in UN General Assembly resolution 68/181, paragraph 18.

Box 5.1 Syria: An example of international paralysis

The civil war in Syria is an example of a case where the Security Council has been unable to take action. Its members agree that the armed conflict in the country is a threat to international peace and security, but the five permanent members disagree profoundly on who is mainly responsible for the conflict and which measures should be taken by the international community to promote a peaceful resolution. The Security Council, and especially the five permanent members, have a particular responsibility to find solutions in order to put an end to the conflict. The Government has repeatedly pointed out that a political solution will only be reached when the international community manages to join forces to put pressure on the Syrian regime and the parties on the ground. In October 2011, Russia and China vetoed a resolution condemning the Assad regime's violent response to the demonstrations for democratic change. Since then the two countries have vetoed Security Council draft resolutions a further three times. However, the Council members agreed to adopt resolution 2118 on the destruction of Syrian chemical weapons. As a result of UN efforts and considerable support from countries such as Norway and Denmark, these chemical weapons are now no longer in Syria. Security Council resolutions 2139 and 2165 on humanitarian access also constitute potential progress, but so far they are having limited effects on the ground. The large-scale civil war and human rights abuses show no signs of stopping, and have led to huge flows of refugees. The chaos has also provided a breeding ground for terrorist groups such as ISIL. In resolution 2170 of 2014, the Security Council unanimously condemned ISIL's actions. Gross, systematic abuses are being committed on a daily basis by all parties to the conflict. As long as neither global nor regional major powers can agree, and the parties themselves fail to demonstrate genuine willingness to negotiate for peace, the international community's response to the enormous suffering and loss of life in Syria will continue to be inadequate.

is essential for the most effective use of resources and for exerting the greatest possible influence.

Use of the power of veto by permanent members[2] may limit the Security Council's ability to take action in serious crises. There are several examples of this, including situations where genocide, war crimes and crimes against humanity are being committed.

Norway will seek to ensure that human rights considerations are a key item on the Security Council's agenda.

Priorities:

- seek to ensure that human rights considerations are a key element of the Security Council's work;
- Promote action by the Security Council, which effectively defends human rights in serious crises, in line with the Council's mandate.

[2] The five permanent members are France, China, Russia, the UK and the US.

5.4 The UN General Assembly and the Human Rights Council

The UN General Assembly, which consists of all the member states, is an important part of the international human rights system, particularly in its normative capacity. The General Assembly has six Main Committees, each of which deals with a particular field. Human rights come under the mandate of the Third Committee. The Committee examines and discusses a broad range of human rights issues, and is an important arena for mobilising support for global initiatives. Norway has long played an active role in the work of the Third Committee, and will continue its broad engagement in line with the priorities set out in the present white paper. We lead the efforts to enhance protection of human rights defenders and internally displaced persons, and play a prominent role in the work for gender equality and women's rights. We also seek to ensure that the General Assembly does not undermine or weaken the efforts of the Human Rights Council.

The Human Rights Council, located in Geneva, was established in 2006 to replace the Commission on Human Rights (1946–2006). The Council's main responsibility is to strengthen the pro-

Box 5.2 Responsibility to protect

The UN General Assembly adopted the framework of responsibility to protect in 2005. This means that every state is responsible for protecting its population against genocide, ethnic cleansing, crimes against humanity, and war crimes. The responsibility to protect has three pillars: 1) the state carries the primary responsibility for protecting the population; 2) the international community has a responsibility to encourage and assist states in fulfilling this responsibility; 3) if a state is failing to protect its population, the international community must be prepared to act. States' responses may take the form of peaceful multilateral tools such as enhanced diplomatic efforts or humanitarian aid, coercive measures, for instance through sanctions or by referring the situation to the International Criminal Court (ICC), or the use of military force in accordance with the UN Charter. The Government endorses this broad range of tools. However, the responsibility to protect framework does not in itself provide a basis under international law for the use of force by one state against another. Moreover, the responsibility to protect concept also entails promoting sustainable social and economic development and the rule of law, and protecting human rights.

Box 5.3 Special Procedures

Among the Human Rights Council's most important tools are the many special rapporteurs, working groups and independent experts that are mandated to report and advise on human rights from a thematic or country-specific perspective. These lay the foundation for open, informed debate on thematic issues and situations in individual countries. The Special Procedures draw attention to specific human rights issues, provide expertise and give UN human rights efforts legitimacy. However, it is a weakness of the system that the Special Procedures can only undertake country visits at the invitation of the country itself. Many countries are not willing to receive visits from Special Procedures, or attempt to undermine the independence of the Special Procedures through detailed regulation of their work. Norway will speak out with a clear voice to promote the independence of the Special Procedures in order to allow them to carry out their important mandates without interference. Norway encourages all states to extend standing invitations to these experts.

motion and protection of human rights around the globe and address serious human rights violations. It is mandated to discuss both thematic and country-specific issues and situations. The fact that the Council is a subsidiary organ under the General Assembly, and thus not an independent body such as the Security Council or the Economic and Social Council (ECOSOC), is a weakness in the light of its mandate to safeguard one of the three UN pillars. Norway works continuously to strengthen the Council's ability to take decisions and action. The Human Rights Council's 10th anniversary in 2016 provides an occasion to push this forward.

Both the General Assembly and the Human Rights Council are marked by geopolitical differences, and the intergovernmental work often reflects a considerable lack of agreement between member states. Many states are against international intervention in what they perceive to be the internal affairs of the state. The fact that these two forums include countries with different views on human rights makes it difficult to arrive at clear, achievable decisions.

Despite attempts by certain countries and groups of countries to limit the UN's ability to act, the General Assembly and the Human Rights Council continue to be important arenas for debate on key human rights issues of our time. In recent years, perseverance and systematic efforts to achieve compromises and the broadest possible agreement on topical issues – often combined with strong pressure by civil society – have resulted in a more effective and relevant Human Rights Council than many people had expected. The composition of the Council (see Box 5.4) makes it essential to develop cooperation beyond traditional alliances. At the same time, Norway will not refrain from proposing decisions that are likely to be met with strong opposition. Cooperation with moderate countries in all regions will help to maintain and strengthen protection of human rights. An important part of these efforts is to identify common interests and priorities. Such approaches have been used under Norwegian leadership to achieve clear resolutions on

protection of human rights defenders that have received broad support. Agreement has also been reached on various country-specific issues and on the appointment of new special procedures mandate-holders for important themes such as freedom of assembly and association, and transitional justice. Although country-specific decisions by the Human Rights Council are mainly adopted by a majority vote, the resolutions appointing commissions of inquiry for North Korea and Eritrea were adopted unanimously. However, there is still stark disagreement among the Council members on a range of issues, such as the death penalty, sexual minorities, and sexual rights.

Norway was a member of the Human Rights Council in the period 2009–12, and currently participates actively as an observer. Although they do not have the right to vote, observers may make proposals and participate in debates and negotiations. This enables us to play an active part in specific cases. Norway will continue to lead the work in the Human Rights Council and the General Assembly on protecting human rights defenders, and will work actively across regions to promote the business and human rights agenda. Norway will also continue the systematic participation in debates on serious human rights violations in individual countries. Notwithstanding efforts as bridge-builder and facilitator in peace processes or other factors, the Government will be clear in its opposition to serious abuses and human rights violations in individual countries.

Priorities:

- have a clearly recognisable profile in the efforts to further develop the normative human rights framework and help to improve the implementation of UN decisions;
- strengthen the position of the Human Rights Council and its status in the UN system, and seek to ensure that sufficient UN resources are set aside to implement the measures decided by the Council;
- strengthen the participation of civil society actors in the work of the Human Rights Council, and work for civil society to be able to play a more visible role also in the General Assembly;
- be a driving force in the efforts to enable the UN system to respond more effectively to member states responsible for reprisals against civil society actors, human rights defenders and others due to their participation in the UN;
- provide strong backing for the UN Special Procedures in order to protect their independence,

Box 5.4 Membership of the Human Rights Council

The 47 membership seats of the Human Rights Council are allocated according to a fixed geographical distribution for the five UN regions. The members are elected by the General Assembly for a three-year period. It is a cause for concern that countries responsible for systematic human rights violations can seek membership and be elected if the regional group to which they belong does not propose a larger number of candidates than there are seats available. It is also a cause for concern that a number of countries do not seem to share the desire for a strong, effective Council, and may seek membership in order to prevent progress on key issues. On the other hand, Norway recognises that if human rights protection is to improve worldwide, it is important to involve states that are facing major challenges in this area.

When electing members of the Human Rights Council, the contribution of candidate states to the promotion and protection of human rights should be taken into account, together with the voluntary pledges and commitments they have made in connection with their candidature.[1] However, in many cases these criteria are not complied with. Members that commit gross, systematic human rights violations may be suspended by the General Assembly, as Libya was in 2011.

Norway will evaluate candidate states according to their voluntary pledges and commitments and their plans for fulfilling them. In the event of re-election, particular importance is attached to the state's practical implementation of its pledges and commitments. The Government will work for greater transparency concerning candidate states' compliance with their human rights commitments and obligations Norway will refrain from voting if no suitable candidate is up for election.

[1] Laid down in UN General Assembly Resolution A/RES/60/251 of 2006 establishing the Human Rights Council.

mobilise support for their access to visits all countries, and provide economic and political support for more effective implementation of their recommendations.

5.5 The UN Universal Periodic Review

One of the most important innovations introduced when the Human Rights Council was established is the Universal Periodic Review mechanism (UPR).

The UPR mechanism provides an opportunity for all states to report on the actions they have taken to improve the human rights situations in their countries and fulfil their human rights obligations, and to have their human rights record reviewed by members and observer states in the Human Rights Council. The review is based on a national report prepared by the state itself, a compilation of United Nations information on the state under review, and a summary of information submitted by other stakeholders, including civil society actors. It is conducted in the form of a dialogue with the state under review and is followed up by specific recommendations by all UN member states. These inter-governmental recommendations lay the foundation for a constructive debate, and the close participation of and contributions by civil society can result in greater transparency around human rights issues in all states. The equal treatment of all states provided by the UPR process contributes to its legitimacy. So far all states have taken part in the review. Following Norway's second UPR hearing in April 2014, the Government accepted a number of recommendations, which is now being followed up.

Each state is reviewed every fourth year, through a predictable process, which provides a good foundation for comparison and follow-up. The UPR process has enabled the Human Rights Council to raise awareness of the human rights situation in countries that have previously been able to avoid this. The reviews put states and civil society in a better position to target their efforts to

Box 5.5 The Human Rights Council's consideration of serious human rights situations

Every year the Human Rights Council adopts decisions relating to countries where human rights are being systematically and grossly violated. These country-specific decisions often result in a resolution mandating a special rapporteur, commission of inquiry or other Special Procedure to gather witness accounts and other information on systematic human rights violations, and thereby prepare the way for a credible legal process.

The United Nations Independent International Commission of Inquiry for Syria was appointed at a special session in August 2011. The Commission was mandated to investigate all alleged violations of human rights committed during the conflict, and since its appointment has systematically documented a continuing series of gross human rights violations. The Commission has a demanding task, and its findings will be a crucial contribution to any future legal process and in preventing impunity for the perpetrators.

The Commission of Inquiry on Human Rights in North Korea was established by the Human Rights Council in March 2013 to investigate systematic, widespread and grave violations of human rights in the country, with a view to ensuring full accountability, including for crimes against humanity. In March 2014, the Commission presented a disturbing report documenting serious, wide-ranging and systematic abuses. The Human Rights Council followed this up in the same month with a resolution condemning these abuses and calling for the situation to be brought before the Security Council. A similar commission of inquiry was appointed in June 2014 to investigate the serious human rights situation in Eritrea.

In March 2014, the Human Rights Council passed a resolution requesting the High Commissioner for Human Rights to investigate alleged human rights abuses in Sri Lanka during the last phase of the civil war, with a view to preventing impunity and ensuring accountability. The resolution should be viewed in the context of Sri Lanka's lack of ability and willingness to conduct a credible legal process in the wake of the serious human rights abuses committed during this period.

Norway has contributed to the adoption of these mechanisms by being one of the co-sponsors of the resolutions in all these cases.

improve the human rights situation in their countries.

Priorities:

- make systematic use of the UPR process to raise questions about difficult human rights issues in individual countries;
- make use of relevant recommendations in the bilateral dialogue and cooperation with states, and intensify the systematic efforts to encourage and assist states to fulfil their human rights commitments and obligations.

5.6 The UN High Commissioner for Human Rights

The UN High Commissioner for Human Rights (OHCHR), established in 1993, plays an important role as an independent voice and driving force in human rights protection and promotion, both globally and at country level. OHCHR has gradually increased its presence in the field and in UN peacekeeping operations, which has strengthened its ability to monitor and document human rights violations. OHCHR helps governments to implement international human rights standards on the ground by providing expertise, technical training and capacity-building. It also acts as secretariat for the Human Rights Council, the special rapporteurs and the treaty bodies, and is an important resource for UN funds and programmes in their efforts to integrate human rights into their activities.

Only 40 % of OHCHR's total budget comes from the regular UN budget; the remainder is financed by voluntary contributions. The High Commissioner has pointed out that lack of funding is a considerable challenge to the UN system's ability to monitor and assist states in fulfilling their human rights obligations. This is unfortunate in an era where the international focus on human rights violations is steadily growing and has resulted in increasing demands by the Human Rights Council and its members and observers, civil society actors and international organisations for measures and follow-up under the auspices of OHCHR. In addition, OHCHR regularly receives requests from individual states for country offices and other support arrangements that it is unable to follow up. At the same time, certain states actively oppose the expansion of OHCHR's role, due to their different views on human rights.

Box 5.6 The UPR process as a framework for dialogue and coordination

In addition to the fact that the UPR mechanism is a useful tool for raising issues of human rights abuses in particular countries, the preparations for the review can provide a good platform for dialogue and coordination of efforts between the authorities and civil society, nationally and internationally. The Government considers that the participation of civil society actors is a necessity and a strength to the review, due to the information they provide in the supporting documents, and in the subsequent follow-up.

Prior to Bangladesh's second UPR hearing in 2013, the international advocacy network Child Rights Governance Assembly (CRGA) held a series of consultations with local and national actors, including health workers, teachers, children, parents and children's rights organisations. Together they identified priority issues for the review. The issues were raised with relevant national and international actors, such as various countries' embassies in Bangladesh and the country's Ministry of Finance. The CRGA also participated in several meetings in Geneva in connection with the review. The UPR preparations provided a framework for dialogue and coordinated efforts between a wide range of children's rights stakeholders, including children themselves, and national and international authorities. As a result, 75 % of the CRGA's demands were included in the Human Rights Council's final recommendations. In addition, the process strengthened cooperation within civil society, prepared the way for new partnerships, and laid a foundation for further follow-up.

A strong OHCHR is a vital tool for human rights protection, especially in view of the technical and practical assistance it provides to individual countries. Norway is one of the largest contributors to OHCHR. We are a strong political supporter of the independent status of OHCHR's mandate, and are concerned about and oppose all attempts at micromanagement that would undermine its independence. In line with the Government's human rights priorities, the Ministry of Foreign Affairs is supporting OHCHR's new initiative Widening the Democratic Space, which

emphasises key civil and political rights, human rights education, the work of human rights defenders, and the independence of the media.

Priorities:

- protect the independence of the OHCHR in fulfilling of its mandate;
- increase Norway's financial contribution to OHCHR.

5.7 The UN treaty bodies

A treaty body (a committee of independent experts) has been established for each of the UN's ten core instruments (see Box 2.2) to monitor implementation of the treaty provisions by its states parties. The independent experts in the committees are elected by the states parties to the convention concerned. Most conventions require the states parties to report regularly on the measures they have taken to fulfil their obligations. A number of them also have optional protocols on a communications procedure, under which individuals who believe that their rights have been violated can bring a complaint against the state concerned – i.e. countries that have adopted the protocol in question – to the relevant committee. The committees have played an important role in the development of the international human rights protection system. Their decisions on whether or not the convention has been violated are not binding under international law but carry political weight.

The workload of the treaty bodies has increased substantially in the last few years. Four new committees have been established since 2004, and the number of complaints procedures has risen from three in 2000 to eight in 2014. The number of ratifications of the treaties has doubled since 2000, leading to a corresponding growth in the number of state reports submitted to the committees. The strong growth poses challenges for the secretariat and the committees, for example in terms of coordination and the processing time of reports. The Government will seek to ensure that the increase in the committees' workload is matched by adequate resources, for example by earmarking support to the Human Rights Treaties Division of OHCHR.

If the treaty bodies are to fulfil their monitoring function effectively, the quality of their work must be ensured. This depends on the committees' composition, working methods and other conditions. In particular, questions have been

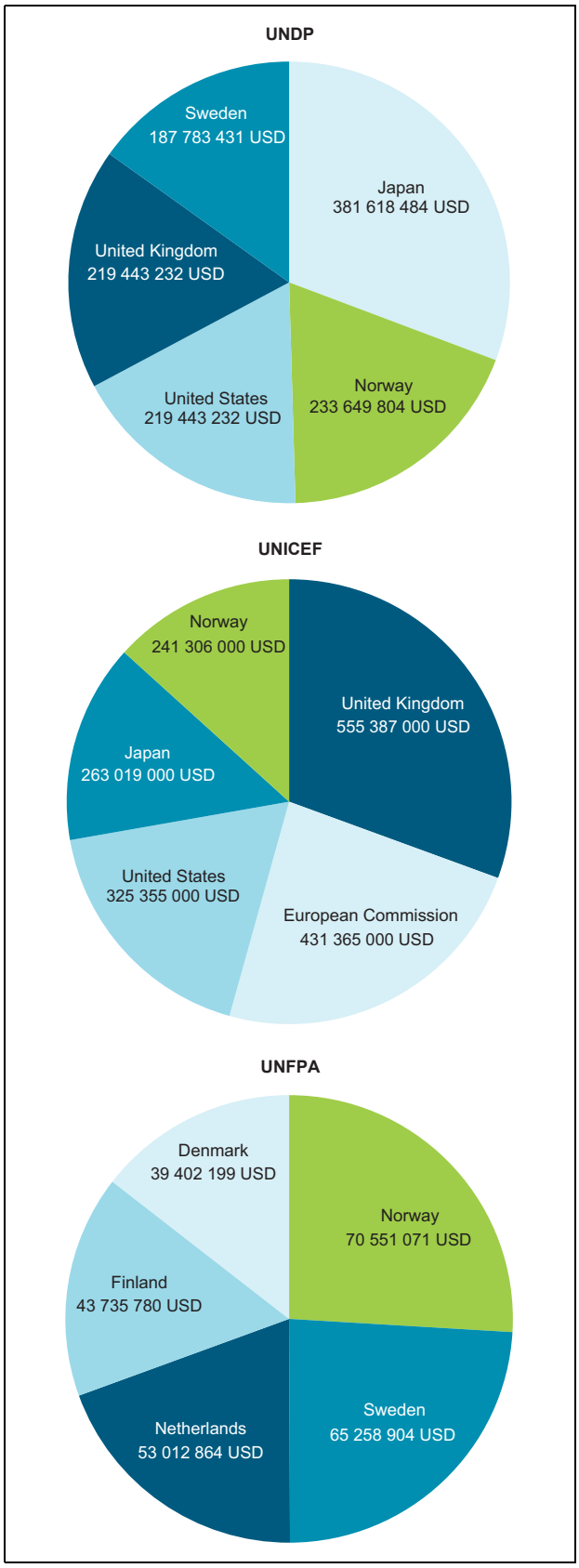

Figure 5.2 The five largest donors to UNDP, UNICEF and UNFPA

Source: UNDP Annual Report 2013–2014, UNICEF Annual Report 2013, UNFPA Annual Report 2013

raised about whether the composition and working methods of all the committees satisfy the legal requirements for bodies that consider individual complaints. For example, if a committee bases its considerations on an interpretation that goes beyond what could be established from the basic rules of treaty interpretation under international law, its legitimacy will be weakened. It is also important that the committees' work satisfies the basic requirement for disclosure and the principle of hearing both sides of the case.

The Government will take the initiative for a discussion on the treaty bodies' composition and working methods with a view to enhancing the quality and effective functioning of the system, and will seek to ensure that committee members have the right qualifications. For example, the Government will take account of the recommendations from OHCHR that were included in the General Assembly resolution of April 2014 on strengthening and enhancing the effective functioning of the human rights treaty body system (A/RES/68/268). Norway will also put forward qualified Norwegian candidates for central human rights positions in the UN.

Priorities:

- take the initiative for a discussion on the composition and working methods of UN treaty bodies with a view to enhancing the quality and effective functioning of the system;
- earmark funding to UN treaty bodies and seek to ensure that the committee members have adequate qualifications.

5.8 Human rights in the UN development system

UN development efforts are undertaken by a large number of funds, programmes and specialised agencies. They have both normative and operational mandates for basic social sectors such as health, education, gender equality and promotion of the rule of law. They provide expert advice, undertake capacity- and institution-building, and deliver services.

In addition to its annual core contributions to the UN development system, Norway provides financial support in thematic and humanitarian areas, and is engaged in programme and project cooperation. Supporting multilateral organisations is also a rational way of financing global commitments. Through our membership of governing bodies of UN organisations and in our direct dialogue with the organisations themselves, we are able to influence the direction of the organisations' overall activities, including the use of funds. The Government will make special efforts to ensure that UN development organisations adopt a rights-based approach in their activities, mainstream human rights into their work at country level, and improve their documentation of results. The level of our financial support will be influenced by the effectiveness of the UN system and its ability to obtain results in the Government's priority areas. Norwegian efforts and financial contributions will be primarily targeted at UN organisations that deliver good results. We will also support and help to design reforms for the UN development system. The Secretary-General's Human Rights Up Front initiative plays a key role in integrating human rights into the activities of the UN system as a whole.

The field of development cooperation is changing; a growing number of middle-income countries are now better equipped to deliver services themselves, and a rapidly rising number of other development actors have emerged that are often more effective than UN organisations. The future UN on the ground may not necessarily be the most important actor in areas where it is substantially engaged today. We need to identify which activities can more effectively be performed by other actors. The Government believes that UN organisations should focus more closely on providing expert advice and capacity- and institution building. Among the UN organisations' most important tasks are supporting agents for change, serving as a voice for human rights, and seeking to ensure that respect for human rights is reflected in member states' national policies and legislation.

Priorities:

- seek to ensure that UN development organisations integrate human rights into their efforts with a view to promoting compliance with, and implementation of, human rights commitments and obligations at country level;
- emphasise human rights in all work in UN governing bodies and in a dialogue with UN funds, programmes and specialised agencies, and seek to ensure that they adopt a rights-based approach to their development and humanitarian activities.

Box 5.7 Human rights in UN funds, programmes and specialised agencies

In the individual partner countries, promotion of human rights is the task of both the UN country team as a whole and of the individual organisations within their respective mandates. As one of the largest contributors to UNDP, UNICEF, UNFPA, UN Women and WFP, Norway is actively promoting the integration of human rights concerns into these organisations' activities. The mandates of UN specialised agencies, such as FAO, WHO, UNESCO and ILO, include the realisation of human rights. The examples below give an idea of the ways in which UN funds, programmes and specialised agencies work to promote the priorities in the human rights field.

One of the main objectives of UNDP is to contribute to public participation, development, the principles of the rule of law and accountability by helping countries to develop systems that promote democratic governance. The organisation also helps countries to bring their national policies and legislation into line with international norms, and works to strengthen integrity in public institutions and in the justice and security sector, and increase the public's access to the legal system. In addition, it supports the establishment of monitoring functions such as national human rights institutions, and the greater involvement of civil society.

UNICEF's activities are targeted at all aspects of children's rights, including education, health, nutrition and protection. The organisation is a global advocate of children's rights, and promotes these rights as a development actor and in its increasingly extensive humanitarian efforts. Children with disabilities often come off worst, especially in crises and conflicts, where their numbers are disproportionately large and their need for protection is greatest.

The issue of women's rights and gender equality is one of the most important priority areas in the Government's UN policy. UN Women is particularly concerned with women's political and economic rights, violence against women, and women's participation in peace and security policy. The organisation is involved in the development of international norms for gender equality; assists member states in implementing these norms, and coordinates the efforts to mainstream the gender perspective in all parts of the UN system.

UNFPA's mandate is to promote the individual's sexual and reproductive health and reproductive rights, with a particular focus on women's rights and gender equality. UNFPA's work also includes young people and their right to sexual and reproductive health and comprehensive sexuality education. One of the main objectives is to ensure universal access to integrated health services for sexual and reproductive health that are gender-sensitive and comply with human rights standards. The right to choose is a key principle.

Specialised agencies are also mandated to promote a rights perspective. The agencies work within their respective mandates – for example WHO in the health field, FAO in food security and nutrition, UNESCO in education and culture, and ILO in the field of labour standards – to draw up agreements and guidelines that establish rules for how states should cooperate with one another and safeguard the rights of their citizens. For example, the Voluntary Guidelines on the Right to Food adopted by FAO in 2004 provide detailed practical guidelines on how countries can and must realise the right to food. Another example is the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, which were endorsed by the Committee on World Food Security in 2012. They promote among other things women's right to own, use and inherit land that they and their families depend on for household food production and income. Although many of the norms and guidelines developed by the specialised agencies are voluntary, they provide civil society in particular with a foundation for lobbying the authorities to realise the rights of their citizens.

6 Efforts to promote human rights at the regional level

Global efforts to promote human rights are supplemented by regional human rights structures and mechanisms. By virtue of greater proximity to regional and national challenges, regional mechanisms can foster stronger ownership of efforts to protect and promote human rights. They can contribute significantly to the development of standards and to the implementation of international human rights law and to the promotion of the rule of law and democracy building at country level.

Regional human rights systems have been established in Europe, the Americas and Africa, and to some extent in Asia and in the Middle East. These systems differ in focus and in scope, and are in various stages of development, with challenges on different levels. Europe has the most effective systems, through the Council of Europe, the EU and the Organization for Security and Co-operation in Europe (OSCE). Norway is an active member of the Council of Europe and the OSCE.

In the Council of Europe and the OSCE, Norway's efforts are based on the Government's human rights priorities: individual freedom and public participation, the rule of law and legal protection, and equality and equal opportunities. The Norwegian authorities will pursue consistent policies across global and regional forums, drawing on the knowledge and experience gained from bilateral efforts.

Several of the regional systems in other parts of the world are still in the formative stage, and several may also face significant resource and capacity challenges. Exchange of experience can contribute to further developing the various human rights systems. The regional systems are also important partners for the UN, and for the work undertaken by the Office of the High Commissioner for Human Rights (OHCHR).

The Government intends to strengthen knowledge about, and contact and cooperation with, relevant regional organisations and mechanisms in other parts of the world, with a view to promoting human rights, democracy and the rule of law. Where possible, the Government will help strengthen and develop these systems.

The references to specific countries in this chapter are intended to illustrate trends and current challenges in the various regions, and do not constitute an exhaustive survey of human rights challenges. The situation in certain countries is dealt with in more detail in Chapter 7, which focuses on bilateral efforts on the ground.

6.1 Europe and Eurasia

The European Convention on Human Rights provides for strong protection of human rights in Europe. The Council of Europe, the European Union (EU) and the Organization for Security and Co-operation in Europe (OSCE) all promote human rights protection in practice. The countries of Western and Central Europe are well-established democracies with a high degree of respect for human rights. Yet while this part of the world continues to lead the way in the fight for human rights, there are also certain negative developments in some countries in this region. To some extent, the European continent is still divided, more than 20 years after the dissolution of the Soviet Union. Parts of Eastern Europe, the South Caucasus and Central Asia are governed by authoritarian regimes that do not promote and protect human rights in accordance with international norms. On the contrary, there have been worrying setbacks against established rights in these areas. Freedom of expression and freedom of assembly and association have been restricted in a number of countries. Minority groups, including religious and belief minorities and sexual minorities, are subject to discrimination. Human rights defenders are often threatened, and the authorities are not providing proper protection.

Several of the countries in this part of Europe are under considerable cross-pressures. They are geographically situated in the neighbourhood of Russia, while at the same time they are participating in the partnership programmes of NATO and the EU. The consequences of conflicting interests between different bonds of loyalty have become particularly clear in the human rights area.

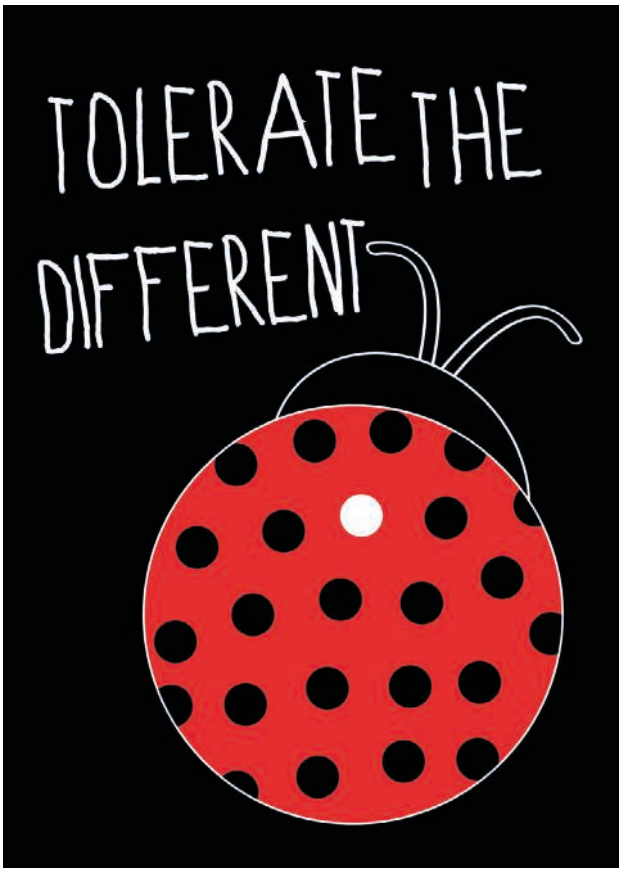

Figure 6.1 Monika Zec Moni, Macedonia

Box 6.1 The Council of Europe 2014 status report

The report *State of democracy, human rights and the rule of law in Europe* shows that many of the 47 member states have considerable human rights challenges in specific areas:

- ethnic discrimination/national minorities (39 member states)
- conditions of detention, including overcrowding in prisons (30 member states)
- corruption (26 member states)
- ill-treatment by law enforcement officers (23 member states)
- social exclusion and discrimination of Roma (23 member states)
- set-up and functioning of the judiciary (20 member states)
- shortcomings in migrants' and asylum seekers' rights (20 member states)
- excessive length of proceedings (11 member states)
- trafficking in human beings (11 member states)
- lack of freedom of expression and media freedom (8 member states).

The 2014 Council of Europe report on the state of democracy, human rights and the rule of law in Europe, issued by the Secretary General, points out that human rights are currently more at risk on the European continent than they have been since the end of the Cold War. The report analyses developments in Europe and how the Council of Europe can help member states in complying with fundamental common standards in the pan-European system. The report also makes it clear that these standards must be maintained in order to ensure European security. Effective follow up of the Secretary General's report is vital.

The conflict in Ukraine and the conflict between Ukraine and Russia, as well as developments in certain other countries in Eastern Europe, represent considerable challenges for Europe today, including for the Council of Europe. The serious deterioration in the human rights situation in Azerbaijan, even while the country was chair of the Council of Europe, is a particular cause for concern. However, the challenges in Europe are not limited to the eastern parts of the region, although that is where the challenges are the most serious. For instance, Italy is the country that at present has most cases against it in the European Court of Human Rights. It is also problematic that while open conflicts dominate the European agenda, parts of Europe are experiencing more hate crime, more discrimination against Roma and other minorities, and more discrimination on the basis of sexual orientation and gender identity, as well as pressure on independent media and restrictions on the freedom of assembly and association.

6.1.1 The Council of Europe

The Council of Europe is the only purely pan-European international organisation, and the European Convention on Human Rights encompasses all 820 million citizens in the 47 member countries. The Council of Europe is thus a key platform for Norwegian involvement and for the active implementation of Norway's European policy. Through active participation and dialogue in the various forums of the Council of Europe, Norway promotes the international rule of law and the development of democracy, human rights and the principles of the rule of law in a broader Europe.

The Council of Europe has various mechanisms for monitoring member states' compliance with their human rights obligations. The European Convention on Human Rights established the most effective and far-reaching monitoring mechanism in the world. All residents of Council of Europe member states can apply to the European Court of Human Rights in their own language to request that their case be considered if they believe that their rights under to the Convention have been violated. The Court's judgments are binding under international law, and the Committee of Ministers of the Council of Europe supervises the national execution of judgments.

In addition to the European Convention on Human Rights, the Council of Europe has conventions with independent monitoring mechanisms in areas such as minority rights, torture, trafficking in human beings and social and economic rights. The European Commission against Racism and Intolerance and the post of Commissioner for Human Rights have also been established under the Council of Europe. Recently, the Council of Europe has assisted countries with particular human rights challenges in drawing up national action plans. National implementation of the European Convention on Human Rights, including the securing of an independent judicial system, is a key component of these action plans.

The Venice Commission is the advisory body of the Council of Europe on constitutional matters. The Commission provides legal assistance to the authorities of member states in connection with the development of constitutions and other key legislation. All Council of Europe member states are members of the Venice Commission, as are a number of countries outside Europe.

Civil society plays an important role in the work of the Council of Europe, for instance in expert committees and at country level. However, many meetings and processes are not open to civil society. The work of NGOs is largely coordinated by a separate body, and a number of international NGOs believe this arrangement undermines their influence. The Norwegian authorities will work to ensure stronger cooperation between the Council of Europe and civil society.

Norway is the member country that currently makes the largest voluntary contributions to the Council of Europe's work for human rights and democracy. In order to ensure predictability, Norway has signed a multi-year framework agreement for its contributions. These funds will primarily be used for financing and implementing national action plans. Norway is also providing funding for the European Court of Human Rights to help it reduce its backlog of cases, as part of the process to make the European human rights system more efficient.

6.1.2 The European Court of Human Rights

Through the case law it has established over the past 55 years, the European Court of Human Rights has given substance to, clarified, and further developed the rights set out in the European Convention on Human Rights. The Court has played an important role in securing wide acceptance for the Convention in the European legal systems. Since it was founded in 1959, the Court has processed nearly 600 000 applications and delivered more than 18 000 judgments. Judgments finding that the Convention has been violated are for the most part followed up by the country in question, which implements the measures needed to remedy the situation and to prevent similar violations in the future.

The Court has implemented key reforms in recent years, resulting in an increase in the number of applications processed and a reduction in the backlog. Even so, the Court and the entire monitoring system for human rights are facing major challenges. The main problem is the massive backlog, which is due to unprecedented growth in the number of applications – from 10 000 in 2000 to 66 000 in 2013 – without a corresponding increase in funding. The member states of the Council of Europe have failed to reach consensus on the need for fundamental changes to the system. At the end of 2013, the Court had 70 000 cases pending that could not be declared inadmissible without further consideration. Of these, 48 000 were what are known as repetitive cases. These are cases concerning structural or systemic violations of human rights in certain member states, which have not been remedied despite previous judgments against them by the Court and examination by the Council of Europe Committee of Ministers. Typical examples of such structural problems are weaknesses in the legal system, such as slow processing of cases and inadequate execution of sentences. It will not be possible to maintain the right of individuals to petition the Court unless member states enforce the Court's judgments and carry out the necessary national reforms to prevent similar cases arising in the future. The Norwegian Government will play a constructive role in helping the Council of Europe to increase the efficiency of the European human rights system. We will take active

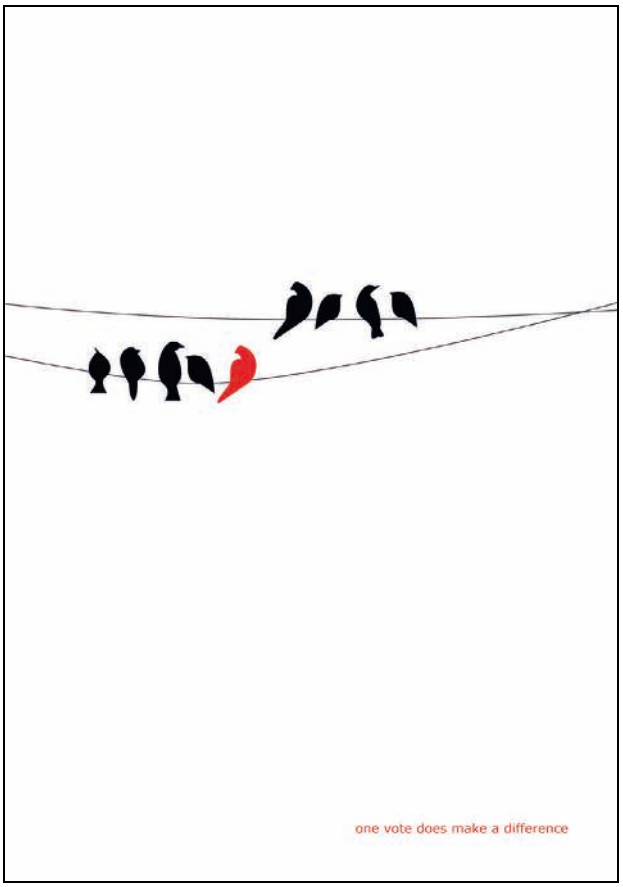

Figure 6.2 Marna Janse van Rensburg, Botswana

part in the reform process, for example by contributing to the special account that was set up to enable the Court to tackle its backlog of cases.

There is an ongoing debate on the role that the Court should play. This is partly due to certain decisions that have generated dissatisfaction in the member states concerned. There is also dissension as to whether the Court goes too far in its interpretation of the Convention and in reconsidering national judgments. The debate on the role of the Court is important and necessary. Here, too, Norway will play a constructive role to help maintain the legitimacy of the European system of human rights.

6.1.3 The European Union

The European Union and its forerunners have contributed to the advancement of peace and reconciliation, democracy and human rights in Europe for over six decades, as reflected in the statement by the Norwegian Nobel Committee announcing the award of the 2012 Nobel Peace Prize to the EU. The eastward enlargement of the EU has highlighted the challenges of implementing the principles of the rule of law in several of the new member states and candidate countries. The enlargement of the EU has also sparked new debate about the instruments the EU has at its disposal to ensure lasting respect for human rights in its member states.

The EU accession criteria, known as the Copenhagen criteria, were established in 1993 in connection with the eastward enlargement of the EU, and apply to all countries seeking membership. These political, economic and legal criteria must be met before a country can become a member. In the years prior to the major enlargement in 2004, the Norwegian authorities assisted the candidate countries in their efforts to meet the accession criteria through the Norwegian action plan for the EU candidate countries. This work is continuing in the countries in the Western Balkans, where the process of integration with the EU remains an important driver of the reform process that will strengthen human rights and the protection of minorities in the region. The Norwegian authorities cooperate closely with the EU and the Council of Europe on providing support for justice sector reform, with a view to strengthening the capacity of these countries to implement human rights in national law and ensure their application in practice by the courts. The Norwegian authorities will continue its efforts to strengthen human rights in countries seeking closer integration with the EU.

In addition to the Copenhagen criteria, the EU has an extensive body of legislation and an institutional apparatus related to implementation. The EU Charter of Fundamental Rights and the European Court of Justice are key elements of this apparatus, but other bodies with specific tasks and responsibilities, such as the European Union Agency for Fundamental Rights and the European Institute for Gender Equality, have also been established. In 2012, the EU appointed its first Special Representative for Human Rights. The same year, the EU adopted a Strategic Framework and an Action Plan on Human Rights and Democracy as an integral part of its external policies.

Where possible and appropriate, the Government will consider aligning itself with the EU's human rights architecture, if this does not duplicate the work of the Council of Europe. For third countries such as Norway, the EU is an important arena for promoting key priorities through consultation processes and cooperation. Norway and the EU often have similar views on human rights issues, and alignment with EU declarations and

joint démarches can strengthen our common position.

Under the Lisbon Treaty, the EU is required to accede to the European Convention on Human Rights. A draft accession agreement has been negotiated, facilitated by Norway, between the European Commission and the Council of Europe. The draft agreement is subject to an internal approval process in the EU, and will also need to be ratified by all the Council of Europe member states. If and when the EU becomes a party to the European Convention on Human Rights, it will be possible to bring not only EU member states but also the EU as an organisation before the European Court of Human Rights for violation of the Convention. It will then also be possible for the EU to be a party in cases brought against EU member states concerning the relationship between EU legislation and the Convention. This will make it easier to place responsibility for a violation of the Convention on the party that is best placed to rectify the situation. EU accession to the European Convention on Human Rights would strengthen the protection of human rights in Europe and further reinforce the key role played by the Council of Europe.

6.1.4 The EEA and Norway Grants

Through the EEA and Norway Grants, the Norwegian authorities help to reduce social and economic disparities in Europe. The scheme is designed to support fundamental European values such as democracy, non-discrimination and gender equality. It also aims to strengthen contact and cooperation between Norway and the 16 beneficiary countries in Central and Southern Europe, not least through the NGO programmes. The total funding for the period 2009–14 is around EUR 1.8 billion. Norway provides some 97.7 % of this funding, and Iceland and Liechtenstein provide the rest.

In all agreements with beneficiary countries, reference is made to the protection of human rights, democracy and the rule of law, and these issues are also given priority in all relevant programmes funded by the scheme. In addition, there are specific programme areas that provide for cooperation on issues where there may be particular human rights challenges. These include the situation of the Roma people and other vulnerable minorities, development of the judicial system, correctional service reform, civil society activities, and the development of democratic institutions with important watchdog functions or key roles in protecting human rights at national level. Norwegian authorities also participate in the cooperation within the EU to identify measures to address problems in the Mediterranean area due to the huge flows of migration from the south.

In close cooperation with the Council of Europe, the Funds for Non-Governmental Organisations under the EEA and Norway Grants have drawn attention to important issues in the EU, such as the fight against hate crime, the need for more knowledge about the history and culture of minorities, and education in the principles of democracy and the rule of law.

Box 6.2 Suspension and withdrawal of funding under the EEA and Norway Grants scheme

In May 2014, the Norwegian authorities stopped all further payments to Hungary under the EEA and Norway Grants scheme. The NGO programme and a programme on adaptation to climate change are exempt from the suspension, as the Hungarian authorities are not responsible for the implementation of these programmes. The reason for the suspension is that, in contravention of the Memorandum of Understanding, implementation and control of the Norwegian funding has been transferred out of the central government administration. In addition, the Hungarian Government has carried out an illegal investigation of the NGO programme and harassed our partners (the fund operator for this programme). This is also a breach of agreement.

In order to ensure sound management of the EEA and Norway Grants, it is important that the principles underlying the scheme are respected. At a conference in Riga in 2013, which was financed by the scheme, the view was put forward that Latvia should be shielded from the equal rights policy of the Nordic countries and the West, as this policy includes tolerance for sexual minorities. Closer examination showed that this attitude was characteristic of the conference organiser and its work. Norway and the other donors considered this to be a clear breach of the values underpinning the Grants scheme and that are set out in the rules and procedures for the scheme. Funding to the organisation concerned was therefore withdrawn.

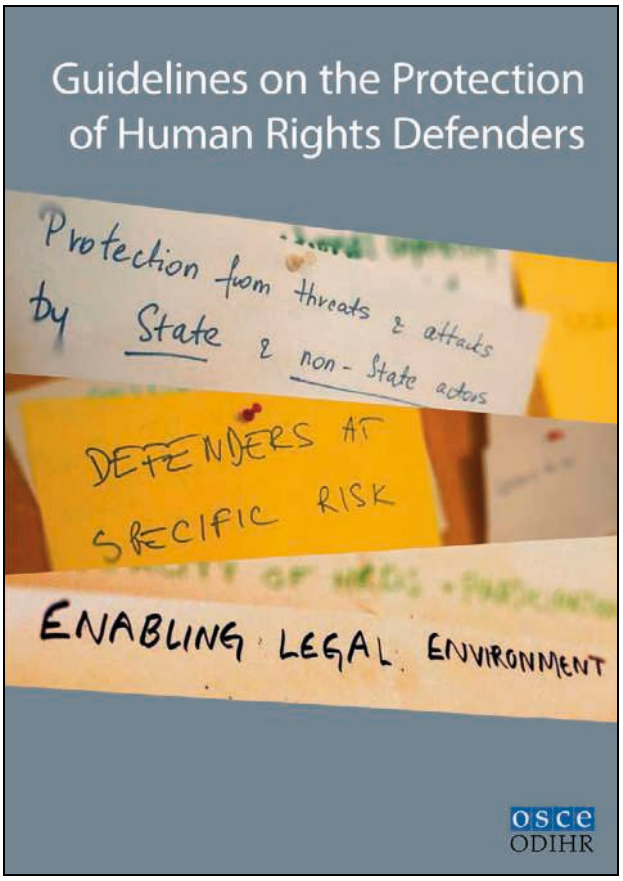

Figure 6.3 OSCE/ODHIR Guidelines on the Protection of Human Rights Defenders

Both the EU and the Council of Europe have drawn up treaties that require their member countries to fight discrimination and racism. Through cooperation agreements with the Council of Europe and the European Union Agency for Fundamental Rights, programme efforts are systematised in cooperation with the beneficiary countries. In addition, there are opportunities for cooperation at programme and project level with other bodies, including the OSCE, UNHCR, UNICEF and WHO. This work is followed up through annual reports and meetings with beneficiary countries and key actors.

6.1.5 The Organization for Security and Co-operation in Europe

The Organization for Security and Co-operation in Europe (OSCE) is the world's largest regional security organisation, and an important forum for dialogue and cooperation on security throughout the Eurasian region. The participating states include the member states of the Council of Europe, the US, Canada, Belarus, Mongolia and five Central Asian countries: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. The OSCE is the only regional organisation of this type where Russia takes part on an equal footing with the EU and the US. It is based on the Helsinki Final Act of 1975, under which a state may not dismiss criticism of serious violations of human rights as interference in its internal affairs. The Helsinki Final Act sets out that the participating states will cooperate on security, economic and human rights issues. Commitments relating to democratic development and respect for human rights have been reconfirmed and expanded in a number of subsequent documents agreed at ministerial level and at summits, most recently at the Astana Summit in 2010.

Respect for human rights and fundamental freedoms is a key part of the OSCE's comprehensive security concept. The principle is that greater respect for human rights and democratisation will increase security for all. The OSCE's three independent institutions – the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities, and the Representative on Freedom of the Media – as

Box 6.3 The Roma people

The Roma are Europe's largest minority group. A vast number of Roma people live under extremely difficult economic and social conditions. Many of them are subjected to intolerance, discrimination and social exclusion. The situation of the Roma is a challenge for the whole of Europe, and needs to be met both through effective measures in the countries where they represent a sizeable minority and through a joint European effort. Norway is helping to improve the situation for the Roma people in several beneficiary countries through the EEA and Norway Grants, providing funding for projects in areas such as education, job training and health services. The Norwegian authorities cooperate closely with – and coordinate their efforts with – the EU, the Council of Europe and other actors with broad experience in this field. The Norwegian authorities also support NGOs that promote Roma rights and offer social and welfare services in areas with significant Roma populations. A broad approach is needed to ensure that the Roma people are better equipped to succeed on an equal footing with the rest of society.

well as the OSCE's various missions in 15 participating states, all work to build institutions, strengthen democratic structures and promote the participation of civil society in areas experiencing or threatened by conflict. The OSCE has unique experience and expertise in observing and mediating international conflicts. This is why the OSCE was asked to deploy the Special Monitoring Mission to Ukraine, to which the Norwegian authorities are providing both funding and personnel. The OSCE is also playing an important role in the practical development of democracy on the ground in a number of countries through the transfer of expertise on democracy and human rights. ODIHR's extensive, long-term and systematic approach to and experience in election observation is a key element in this work, and sets the standard for electoral processes.

A number of states, including Azerbaijan, Belarus, Russia, the Central Asian countries and Hungary, have introduced restrictions on human rights that give cause for concern, despite the commitments and obligations these countries have taken on through their own participation in the OSCE. There is debate within the organisation about so-called traditional values in relation to universal human rights, and this creates challenges for the organisation. The growing gap in values between participating countries is putting the OSCE institutions under pressure. In other words, much remains to be done to implement the commitments and political decisions that have been made. The aim is to further strengthen the OSCE as a platform for dialogue on democracy and conflict resolution.

The budgets of the OSCE institutions have been considerably reduced in recent years, partly as a result of the financial crisis and partly due to an attempt on the part of some countries to limit the OSCE's capacity to effectively monitor human rights developments. In light of the continued and increasing challenges the OSCE is facing, the Norwegian authorities will work to reverse this trend. Norway contributes to project cooperation under the auspices of the OSCE, and was one of the first participating states to enter into a framework agreement with the OSCE on funding for projects that promote human rights and civil society. The Norwegian authorities also provide experts to the OSCE's institutions and missions through the Norwegian Resource Bank for Democracy and Human Rights (NORDEM).

The Norwegian authorities consider it important that the Council of Europe and the OSCE cooperate as closely as possible. Both organisations are engaged in the development of democracy and the rule of law, and their work is complementary. Improvements in terms of democratic rights and standards have been achieved through cooperation at expert level between the two organisations, followed up with coordinated efforts at political level. It is important to continue to look for synergies in this context, in order to further strengthen cooperation and attain the best possible results through the work of both organisations.

6.2 North America and Latin America

The human rights situation on the American continents is complex, with differing challenges from north to south and among the various Latin American countries. Democracy is firmly established in North America. A diverse civil society and independent media contribute to open debate, also on difficult issues. Discussion of human rights matters is an important component of the bilateral dialogue with the US, where Norway also regularly raises the issue of capital punishment.

High murder rates, inadequate or non-existent investigation into homicides, and widespread impunity characterise much of Latin America. The main structural challenge to the work of protecting human rights is the weak rule of law, and the subsequent lack of effective legal protection. The courts do not have sufficient capacity; moreover, they are not fully independent of the executive branch of government. Corruption is also widespread. There have been substantial political changes in many Latin America countries following the transition from more autocratic forms of government, but in some of these countries the electoral process is still subject to criticism.

The situation in Cuba gives rise to particular concern when it comes to rights that are fundamental to an open and democratic society, such as freedom of expression and freedom of assembly and association. Dissidents are not able to freely form organisations or to publicly criticise the authorities without risk of reprisals. The authorities in Venezuela restrict both the freedom of the media and the freedom of those in opposition to promote their cause.

In Colombia, which is criticised for its inability to protect its citizens from violence and threats, there are numerous reports of assaults on human rights defenders and union members. Various degrees of political control over free media and the killing of journalists is also a problem in many

Latin American countries. The number of journalists who are killed is particularly high in Mexico and Honduras. In other countries as well, union members and local leaders are threatened and assaulted. The rights of indigenous peoples are at risk in many Latin American countries, even though nearly all of these countries have ratified the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (C169). Indigenous people and people of African descent rarely participate in the political processes in the countries where they live.

Poverty is still a big problem in Latin American and Caribbean countries, and is one of the causes of substantial migration from Central America and Mexico to the US and Canada. Control over migration routes and the increasing influence of violent drug cartels have created a breeding ground for human trafficking and forced disappearances. Domestic violence and problems related to the criminalisation of abortion are also widespread in this region.

However, despite the challenges, the overall situation is improving in many countries. Democracy is being strengthened, formerly excluded groups are being heard, the middle class is growing, and income disparities are being reduced. In recent years, several countries have also adopted legislation to protect the rights of minorities. For example, Argentina, Brazil, Mexico and Uruguay now allow same-sex marriage. A number of Latin American countries are also playing an increasingly constructive role in multilateral forums.

The Inter-American human rights system

The Inter-American human rights system, which is a regime for the protection of human rights under the Organization of American States (OAS), is, after the European system, the most well-established and highly developed regional human rights system. The two main bodies, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, enforce the American Convention of Human Rights. Both the Commission and the Court are in contact with the African and European systems, in part to exchange experience.

The inter-American system is widely recognised. However, the Court has come under pressure for putting abortion, same-sex marriage and freedom of expression on the agenda, and for controversial decisions in the reparation processes in the wake of military dictatorships, such as setting aside national amnesty laws.

A large and growing caseload is a burden on the finances and capacity of the Commission and the Court. The overall level of support for the Inter-American system from its own member states is inadequate. A number of OAS countries have not ratified the American Convention of Human Rights (the US, Canada, and seven small countries in the Caribbean), and are therefore not subject to the jurisdiction of the Commission or the Court. Even so, the voluntary economic contributions of the US and Canada are among the largest to the system. The fact that Venezuela and the Dominican Republic have withdrawn from the Court gives cause for concern.

Both the Court and the Commission are underfinanced, and improved funding in itself would improve their capacity. In principle, the OAS member states should fully finance their own institutions. If a considerable share of the funding comes from international aid, the system's credibility may suffer. The primary responsibility for financing these institutions must lie with the OAS member states. However, the current situation is critical, and an increase in Norwegian support could be significant for the continued work of these institutions. The amount of funding will be determined on the basis of the support provided by other countries.

6.3 The Middle East and North Africa

There are major human rights challenges in the Middle East and North Africa, including severe limitations on freedom of expression and freedom of assembly and association. The lack of openness and opportunity to participate were among the main reasons for the wave of uprisings that swept through the region in 2011. In several countries, popular demonstrations led to the overthrow of authoritarian leaders, and these states are now facing challenges in building stable, sustainable democracies.

In the countries that have undergone a change of regime, transitional justice is virtually non-existent. Both recent and earlier incidents of abuse by security and police forces, and others, are still generally going unpunished. Even where elections have been held, it will still take time to develop good governance based on democratic principles, such as the right of participation, inclusion and pluralism. In Egypt, the situation for political opponents and civil society has worsened since the military takeover in July 2013. Political opponents have been imprisoned and subjected to

abuse by security forces. There have been a number of trials where fundamental legal safeguards have not been met. Libya is in a situation resembling civil war. The authorities are unable to protect the population, and a number of human rights defenders and journalists have been executed. The human rights situation in Yemen resembles that of Libya in many ways.

Human rights defenders and journalists are also being oppressed and persecuted in countries that have not had a change of regime. Minorities and disadvantaged groups are particularly vulnerable. Freedom of religion and belief tends to apply only to the majority religion. The desire to protect religion, fight terrorism and safeguard the state's interests is put forward as justification for restricting freedom of expression. This is particularly the case in Iran, Saudi Arabia and Bahrain, but also to some extent in countries like Kuwait, Qatar and the United Arab Emirates.

The region still has a long way to go in terms of abolishing the death penalty. The death penalty is allowed in most of these countries, but practice varies. It is extensively used in Iran, even for minors. The situation for LGBTI people is critical. Homosexuality is prohibited in most of the countries in the region, and may be punished by death in Iran, Saudi Arabia and Yemen. Moreover, brutal execution methods based on sharia law are still being used. Legislation that discriminates against women is in force throughout the region, but varies in scope from country to country. Harassment of and violence against women is widespread. Marital rape is not normally prohibited, and there have been rape cases where the victim herself has been convicted and punished. Many women played an active and important role in mobilising opposition to authoritarian regimes in 2011, but met new, serious challenges when Islamist governments were subsequently elected. Increased pressure from conservative religious forces, combined with traditional attitudes, has created a situation in many countries where the immediate concern for women is to reassert already established rights. Women's low level of participation in economic and political life is also preventing gender equality and the realisation of women's rights.

There is little respect for the rights of migrant workers in a number of countries, especially the Gulf states. Many work in very poor conditions, and in practice are virtually without legal rights in the event of abuse. It is generally illegal for workers to form unions, take part in collective bargaining, or strike.

Israel's annexation of East Jerusalem and its continued occupation of the West Bank has brought about restrictions on the Palestinians' freedom of action and movement, and the civilian population is suffering disproportionately. There are also huge humanitarian challenges in Gaza. This was the case even before the conflict in the summer of 2014, as a result of the Israeli blockade and the authoritarian governance of the de facto authorities (Hamas). The hostilities in the summer of 2014 increased civilian suffering; both Israel and Hamas must be held responsible for this. There is reason to be concerned about the status of legal protection, freedom of expression, and freedom of assembly and association in the West Bank as well. Honour-related violence is another serious problem.

The civil war in Syria has resulted in massive losses of life and terrible suffering for the population, and caused large flows of refugees and internally displaced people. The conflict has involved brutal violations and abuses of human rights, and has created one of the largest humanitarian disasters in modern times. This is having a major impact on the neighbouring countries and is destabilising the region.

Discrimination against and abuses of sectarian groups and minorities in Iraq is increasingly being documented. The dramatic developments in 2014 have exacerbated these problems. Sectarian violence is spreading, and the rights of religious and ethnic minorities are constantly being violated. The conditions for the free press have worsened, and freedom of expression is under pressure. The Iraqi authorities have a major task ahead if they are to regain the confidence of the population and safeguard their political, economic, social and cultural rights.

In addition, there has been a new and alarming development. Militant jihadist groups such as ISIL are carrying out massive and grotesque attacks on the populations of Syria and Iraq in clear violation of the values that underpin human rights, democracy and the rule of law. They have committed atrocities that could qualify as crimes against humanity. ISIL is a particularly alarming example of a group that, by means of extreme violence, is taking control over large areas of land and threatening the existence of states. ISIL is a transnational movement, and represents a threat to life and security far beyond the region in which it operates.

The human rights system in the Middle East and North Africa

There are no regional human rights institutions that cover the whole of the Middle East. However, there are instruments and institutions that cover parts of this region. In 2004, the Arab League adopted the Arab Charter on Human Rights, which generally builds on the principles of the Universal Declaration of Human Rights, and in 2009, the Arab Human Rights Committee was established to monitor the states parties' compliance with the Charter. The Charter has been criticised for inadequately addressing the death penalty and women's rights, and for the way it refers to Zionism. Another weakness is the fact that, for certain rights, national legislation may take precedence.

In 1990, the Organisation of Islamic Cooperation (OIC) adopted the Cairo Declaration on Human Rights in Islam, which is based on an Islamic interpretation of human rights and the principles of sharia law. In 2011, a human rights commission was established to monitor and support member countries in their implementation of the Declaration. The commission has been criticised for a lack of independence and for its selective emphasis on religious rights.

OIC's multilateral human rights work has focused on the 'defamation of religion' agenda, with a view to protecting religions, for example by restricting expressions and actions that can be described as blasphemy. The objective of protecting religion can in turn be used to stifle political and civilian rights, such as freedom of expression, freedom of assembly and association, and freedom of religion or belief.

6.4 Sub-Saharan Africa

There are many human rights challenges in sub-Saharan Africa, but there are also positive developments that should be highlighted. Since the 1990s, a number of sub-Saharan states have adopted new constitutions that safeguard fundamental human rights and the principle of separation of powers, held multiparty elections, and seen peaceful transfers of power. More and more African countries are ratifying the international human rights instruments. National human rights institutions and commissions have been established in 27 African countries, and 18 of these were assigned 'A status', the highest ranking for compliance with the Paris Principles. Knowledge and awareness of human rights have increased among African populations. Civil society organisations, including women's organisations, have become important human rights actors. Poverty is still widespread on the African continent, but in many countries, economic growth has improved the framework for fulfilling economic, social and cultural rights.

However, serious and systematic violations of human rights are being committed in a number of countries. Civil and political rights such as freedom of expression and freedom of assembly and association are under pressure. Human rights are also interpreted and adapted in several countries so as to allow the authorities to control and criminalise political opponents, the media and civil society. Antiterrorism legislation and national security interests are used in some countries to arrest and convict journalists, human rights defenders and members of the opposition. In Ethiopia, a country that has been criticised for violating the right to freedom of expression and other civil and political rights, national legislation sets clear restrictions on international financing of human rights work in the country.

Police violence, torture, arbitrary imprisonment, extrajudicial executions and impunity for abuse by the authorities are examples of the serious violations of human rights that occur in this region. Legal protection is weak in many of these countries. Corruption is widespread, even though the fight against corruption is often a high priority on the political agenda and in civil society campaigns. Some African countries still use the death penalty, but most have either abolished it or introduced a moratorium on executions. Rwanda has a number of challenges in implementing democracy and human rights, but it is also among the countries that are at the forefront of international efforts to abolish the death penalty. Eritrea is among the countries that are criticised for the lack of freedom of expression and for extensive abuses by the police and security authorities, and it has also had a system of compulsory, indefinite military service for both men and women. Several hundred thousand Eritreans have fled the country.

It is common for men and women to have different rights and opportunities, on the basis of traditions and sociocultural customs, and to some extent these differences are supported by both Christians and Muslims. However, active gender equality work is being carried out in most countries, and many traditional and religious leaders are taking part in these efforts and promoting

equal opportunities and rights regardless of gender. Homosexuality is punishable by law in a number of the countries in this region. While the policy towards this group is developing in a negative direction in some countries, as illustrated by the anti-gay bill drawn up in Uganda, signs of greater tolerance and acceptance are being seen in others. For example, on the basis of provisions in its constitution, South Africa has played a leading role in efforts in the UN to strengthen human rights for all people regardless of sexual orientation or gender identity.

Several of the countries in the region are fragile states in conflict or post-conflict situations with displaced populations and major humanitarian challenges. South Sudan, Somalia, the Democratic Republic of Congo and the Central African Republic are among these. In addition to being torn apart by armed conflict, these countries have weak institutions and serious governance problems, and impunity is rife. Both government and non-government actors commit abuses. Rape and other forms of sexual abuse are common.

The civilian population in Darfur, South Kordofan and Blue Nile in Sudan have been subjected to extensive abuse as a result of the long-standing armed conflict between the central government forces and various rebel groups. In other parts of the country, there have been reports of restrictions on freedom of the press, violations of the right to freedom of religion or belief, and abuses on the part of the police and security authorities.

The north-eastern parts of Nigeria are also unstable and severely affected by violence and conflict. The Nigerian authorities have been unable to protect their citizens against Boko Haram's campaign of terror and brutality. There have also been reports of killings and other violations of human rights by security forces.

Figure 6.4 Alireza Mostafazadeh, Iran

The African human rights system

African countries adopted the African Charter on Human and Peoples' Rights in 1981 under the auspices of the Organisation for African Unity, the predecessor of the African Union (AU), and mandates for a number of special rapporteurs have since been drawn up. By August 2014, 53 out of 54 African countries had ratified the Charter. The African Commission on Human and Peoples' Rights, based in the Gambian capital, Banjul, monitors its implementation and evaluates the state reports that states parties are required to submit every two years. The AU has also established the African Court on Human and Peoples' Rights in Arusha, Tanzania, which 27 countries have ratified. Both the Commission and the Court have the authority to consider complaints if the member state concerned consents. The system is underfinanced and has considerable capacity problems.

The African Charter differs from the UN instruments in that it includes collective rights, but does not include the right to privacy or a prohibition against forced labour. It also imposes explicit duties on individuals. There is a whole article on the protection of the family, which sets out that the family 'is the custodian of morals and traditional values recognised by the community'. At the same time, the AU has set a strong example at regional level in promoting the right to abortion for women whose lives or health are at risk or in cases of incest or rape, as set out in the Maputo Protocol. The AU is also leading the way by adopting a binding instrument on protection and assistance of internally displaced persons (the Kampala Convention).

The African human rights system is a young regional regime that is in a process of continual development. Despite their weaknesses and challenges, the African monitoring mechanisms have an important role to play in promoting norms and

ensuring implementation of human rights at the national level. A key factor in this respect is the system's legitimacy within the region. Funding from outside the region are needed, but should be contingent on African countries supporting these mechanisms themselves and demonstrating their will to implement human rights in practice.

6.5 South and East Asia

This is a region of considerable ethnic, political and religious diversity. In ideological terms, the whole political scale is represented, as are most of the world's major religions. Serious human rights violations take place in some of the Asian countries. In others, however, issues relating to civil and political rights, such as freedom of expression, religious tolerance, freedom of assembly and association and use of the death penalty, are moving up the political agenda as the global economic centre of gravity moves eastwards.

With some clear exceptions, the general trend has been to foster political legitimacy through the development of democratic and legal institutions. Better education, the rise of the middle class and access to information technology have increased demands for good governance and modern institutions. Although these developments are not equally strong throughout the region, the fact that Asian countries are gradually recognising the importance of the rule of law and human rights is of great significance.

However, there seems to be a lack of political will when it comes to implementing civil and political rights, and regimes in the region are continuing to give priority to economic and social development. Major challenges still need to be overcome in certain countries. One of the prime examples is the serious human rights situation in North Korea, which has attracted renewed international attention following the report of the UN Commission of Inquiry on Human Rights in the Democratic People's Republic of North Korea, which was published in 2014. Reports on the treatment of political prisoners, the use of violence, the methods of punishment, and disappearances are particularly alarming.

Women's rights have improved in Afghanistan since the Taliban's fall in 2001. However, much remains to be done with regard to the rule of law, corruption and gender equality. Legislation designed to improve the situation of women has been passed, but there are major problems with its implementation. Many children, especially girls, are not enrolled in school or drop out of school. Children and women are particularly vulnerable to violence and abuse. Terrorist attacks are still commonplace. Many of these problems also exist in Pakistan, where blasphemy laws are also undermining freedom of religion or belief, freedom of expression and the rule of law. Terrorism and sectarian violence, combined with the authorities' inability to control this violence, is hitting many religious groups hard.

Human rights defenders are working under difficult conditions in a number of countries. Many of them are persecuted; in some countries they are illegally detained and kept in isolation, or even disappear. Arbitrary arrests and detentions in China have been a particular cause for concern. Freedom of expression is under pressure, particularly in the context of electronic communications. Impunity for government officials who are involved in violations of human rights is relatively common. Inadequate civilian control of the military is also a challenge to democracy that affects the human rights situation in several countries.

In Vietnam, freedom of the press, freedom of expression and freedom of assembly and association are severely restricted. This issue is regularly raised at all levels in our bilateral contact, and not least in the context of the bilateral dialogue on human rights with Vietnam.

Strong economic growth in many Asian countries has created better conditions for realising economic, social and cultural rights for large parts of the population, but it has also increased economic and social disparity. Today, most of the world's poor are living in Asian middle-income countries. Gender inequality and other forms of discrimination have deep roots, for example due to caste systems. Religious and ethnic minorities are discriminated against and experience violence in many countries. Violence and socio-cultural discrimination against women is common. Large-scale labour migration is creating a need for protection against human trafficking and exploitation. Corruption is endemic in many Asian countries and is undermining fundamental social values.

Although the situation is not uniform, the overall impression is that civil society has become stronger and more visible in Asia in general, and in certain diaspora groups in particular. Through studies, analyses and awareness-raising campaigns, these groups are influencing the human rights agenda at both national and regional level. However, the general approach in both bilateral and regional relations is characterised by caution and a reluctance to politicise various issues. In

many countries, compliance with human rights obligations is considered to be an internal affair, and criticism from outside is regarded as inappropriate interference.

The South-East Asian human rights system

Setting regional standards that are in line with the global system, and establishing binding obligations and effective regional monitoring mechanisms, requires a sense of community and mutual confidence that countries in the region seem to lack. At present, there is no explicit ambition to develop a regional human rights regime, although there is a regional debate on the need for a development in this direction. In the sub-region of South-East Asia, however, it has been possible to develop common standards. The ASEAN Intergovernmental Commission on Human Rights was established under the auspices of ASEAN (Association of Southeast Asian Nations) in 2009 to promote human rights and compliance with international standards in the region. One of the first steps the Commission took was to draw up the ASEAN Human Rights Declaration, which came into force in November 2012. The Declaration has been criticised for not meeting the standards set by global and other regional human rights instruments. Other criticisms relate to insufficient consultation with civil society in the drafting process, and for being too forgiving towards national interests, for cultural relativism, and for providing extensive opportunities for derogation on the part of the authorities.

Despite these weaknesses, the process of developing the Declaration has created a framework for human rights in South-East Asia that may reduce the current scepticism about supranational monitoring mechanisms. Once this scepticism has been overcome, it will be important for the principles set out in the Declaration to be strengthened and made more meaningful. This would be similar to the developments in the existing and more extensive regional regimes in Europe, Africa and the Americas.

Priorities:

- promote human rights, democracy and the rule of law in Europe and provide funding through the EEA and Norway Grants for implementation of the European Convention on Human Rights;
- seek to strengthen the work of the Council of Europe and the OSCE to promote democracy, human rights and the rule of law, for example by supporting the implementation of these organisations' action plans for certain member states;
- seek to ensure that the Council of Europe strengthens its cooperation with civil society, and take initiatives to this end vis-à-vis member states and civil society organisations;
- help to improve the effectiveness of the European human rights system, including through active participation in the reform process and contributions to the special bank account opened by the European Court of Human Rights to help it deal with the backlog of cases;
- increase knowledge about and contact and cooperation with other regional organisations and institutions, such as the African Union, the Organization of American States, the Association of Southeast Asian Nations, and their respective commissions, and with regional bodies in the Middle East, to promote human rights, the rule of law and democracy;
- expand cooperation with other countries and civil society with a view to strengthening the various regional human rights systems.

7 Efforts to promote human rights in individual countries

The overall goal of the Government's international human rights work is a lasting improvement of the human rights situation in all countries. This will require local ownership and responsibility. Bilateral dialogue on human rights is therefore to be an integral part of our broader bilateral relations at both senior official and political level.

Norwegian authorities will take a consistent approach to cooperation and support for human rights in every country. Norway will have a principled and clearly recognisable profile and will take a long-term approach, ensuring sufficient flexibility. Norwegian authorities will make it clear that the importance of respecting human rights is promoted in all countries. The Government will have a particular engagement in countries that are large aid recipients, in countries where there are serious violations of human rights, in countries with a significant Norwegian business activity, and in fragile states.

International human rights law is the point of departure for work on the bilateral level. This is based on the human rights commitments and obligations states are bound by and that they have undertaken by becoming parties to human rights instruments. Norway will make it clear that it is promoting *universal human rights*, and do not represent the special views of any particular country or small group of countries. Some of the most important guidelines for our long-term efforts are the convention texts, reports and recommendations from the treaty bodies, global and regional special procedures, and the UN Human Rights Council's Universal Periodic Review.

Many different actors are involved in international follow-up of how individual countries are fulfilling their human rights obligations, including states, intergovernmental organisations and civil society organisations. Coordination is therefore important in order to ensure the best possible international approach and division of roles.

The Government intends to make more systematic use of the various foreign and development policy instruments it has at its disposal in its human rights work. This will require a clearly-defined approach based on regular analyses and reference points. Moreover, it is becoming increasingly important to consider bilateral and multilateral efforts in conjunction with each other. Knowledge and experience gained from bilateral work will be utilised in multilateral work, and vice versa. This makes it possible to achieve positive synergies with a view to a mutual strengthening of our efforts to promote human rights.

7.1 Systematic approach

Promoting human rights at the country level is a key part of the international human rights work. The most important step in our bilateral level work is to strengthen the methodology followed by the Foreign Service and make it more systematic.

Norway's systematic approach takes the universal human rights as its starting point, and has five main elements: understanding the human rights situation in the country; overall country

Box 7.1 Different or conflicting views on human rights

There are many challenges that need to be overcome in human rights work. Often, the greatest obstacle is a lack of resources or the political priorities of countries where Norwegian authorities are engaged. In other cases, there may be opposition from other countries or from international interest groups that are involved in bilateral work. This applies particularly to efforts to help religious minorities and in issues relating to sexual orientation and gender identity. The Norwegian authorities intend to focus more attention on activities and actors that undermine respect for the universal nature of human rights, in other words deny that they apply to all people everywhere. An open and critical approach of this kind is essential for achieving more with the funding available for international human rights work.

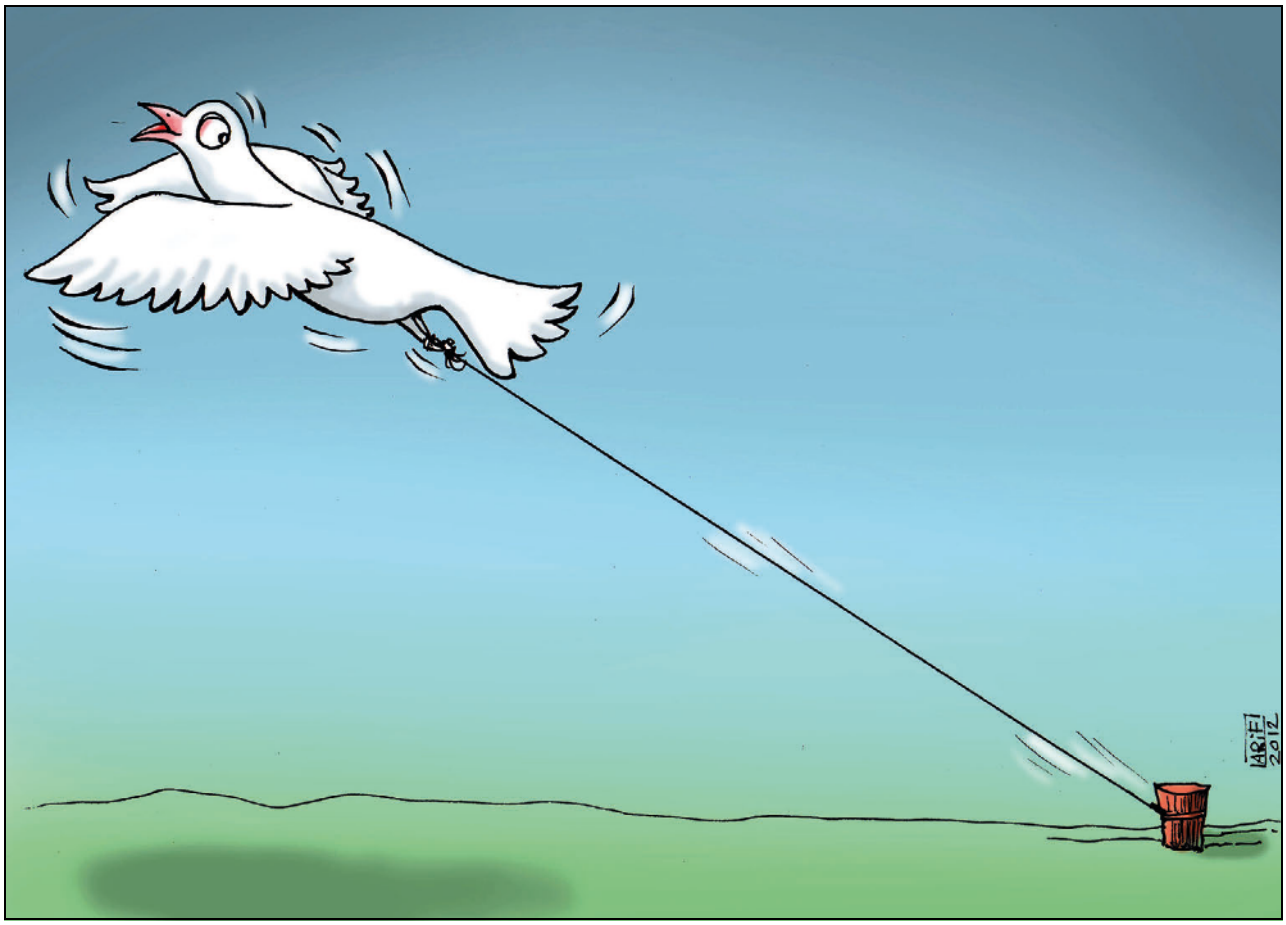

Figure 7.1 Arifur Rahman, Bangladesh
Rahman is a cartoonist who was jailed and persecuted in his own country because of accusations that one of his drawings 'hurt religious sentiments'. He has since moved to Norway with the help of the International Cities of Refuge Network (ICORN). ICORN helps persecuted journalists and writers to find a temporary home and financial support.

specific knowledge; an understanding of Norway's latitude to act; the choice of instruments and tools; and evaluation.

7.1.1 The human rights situation in the country

Effective work at country level begins with a sound, up-to-date understanding of the human rights situation in a particular country. This understanding will be based on information from the Universal Periodic Review process and other relevant UN bodies, decisions by regional monitoring mechanisms, as well as reports from media and freedom of expression- and civil society organisations. In addition, Norway's missions abroad gain insight through dialogue and exchange of assessments with local actors. The involvement of various Norwegian actors in this work also produces valuable information. All these sources combined give a good basis for an overall analysis. In this regard, it is particularly important for Norwegian personnel to have a thorough understanding of the thematic priorities described in Chapter 3.

Greater analytical capacity and more knowledge about the human rights situation globally is needed for Norway's bilateral work. The Ministry of Foreign Affairs will therefore strengthen its in-house tools for producing thorough and regularly updated analyses of the human rights situation in countries where the Norwegian authorities are engaged.

7.1.2 Overall country specific knowledge

Knowledge about the human rights situation must be considered in conjunction with overall country specific knowledge. An understanding of challenges and opportunities in individual countries, such as political and economic trends, demographic factors, the resources available, the role

Box 7.2 Cooperation with other actors

Norwegian authorities cooperate with a wide range of actors in promoting human rights bilaterally, for example:

- national authorities such as ministries of justice and home affairs, prison services, the education sector as well as parliamentarians;
- local civil society actors such as religious and belief groups, cultural institutions and other actors in the cultural sector, media and freedom of expression organisations, lawyers' and doctors' associations, the business sector, trade unions, ombudsmen and human rights organisations;
- universities, colleges, research institutes, think-tanks and other research and analysis groups;
- Norwegian and international civil society and human rights organisations;
- multilateral and regional organisations and mechanisms established under their auspices;
- embassies and delegations of other countries.

of religion, internal conflicts and regional dynamics, will be of crucial importance for our ability to interpret the human rights situation in a country. Country-specific knowledge also includes information on the actors operating in a particular country, including civil society organisations, international donors and bilateral efforts of other countries. The periodic reports on the human rights situation from the missions therefore need to be supplemented with broader country analyses, as provided in their semi-annual reports.

The Foreign Service and other parts of the public administration need to be able to draw on high-quality knowledge relevant to human rights from external sources. The Ministry of Foreign Affairs therefore cooperates closely with a number of Norwegian and international research groups, for example by commissioning analyses of selected issues or the situation in specific countries.

7.1.3 Norway's latitude to act

The extent to which Norway can play a supporting role will depend partly on the human rights challenges in a country and the situation in the country otherwise. However, an equally important factor may be a sound understanding of Norway's relations with the country – the authorities, the opposition and civil society – and of whether there are special circumstances indicating that Norway should adjust how it works, for example when Norway has a long-standing presence or particularly good bilateral or personal relations with the country. Norway's options will also depend on which sectors other actors are working in and on the tools and instruments available for use in the country in question. A good understanding of all these factors will make it possible to use Norwegian resources more effectively. In order to contribute most effectively to human rights work in a country, an overall assessment should always take the following into account:

- the quality and breadth of the bilateral cooperation and political dialogue with the country, since these influence the scope for dialogue on human rights and effective messaging;
- political, socio-cultural, religious, social and cultural factors and traditions that influence the human rights situation in the country and people's attitudes to human rights;
- the approach to be taken in the human rights work, choosing between bilateral or multilateral channels, and the extent of cooperation with other actors in the country;
- the choice of priorities, including finding a balance between long-term efforts and acute situations that require immediate attention;
- which instruments and tools it is possible to use;
- the choice of cooperation partners: for example local authorities, independent monitoring services, civil society organisations, multilateral organisations, other donors.

7.1.4 Relevant instruments and tools

Identifying instruments and tools to be used in bilateral efforts to promote human rights is a three-stage process. The first is to obtain a good general overview of all instruments and tools available and their potential effects. Secondly, these instruments and tools must be assessed in relation to the human rights situation in the country. The third stage is to select certain instruments and tools on the basis of Norway's latitude to act.

It can be a challenging task to identify the most effective instruments and tools. It may be easy to eliminate those that may not be relevant in

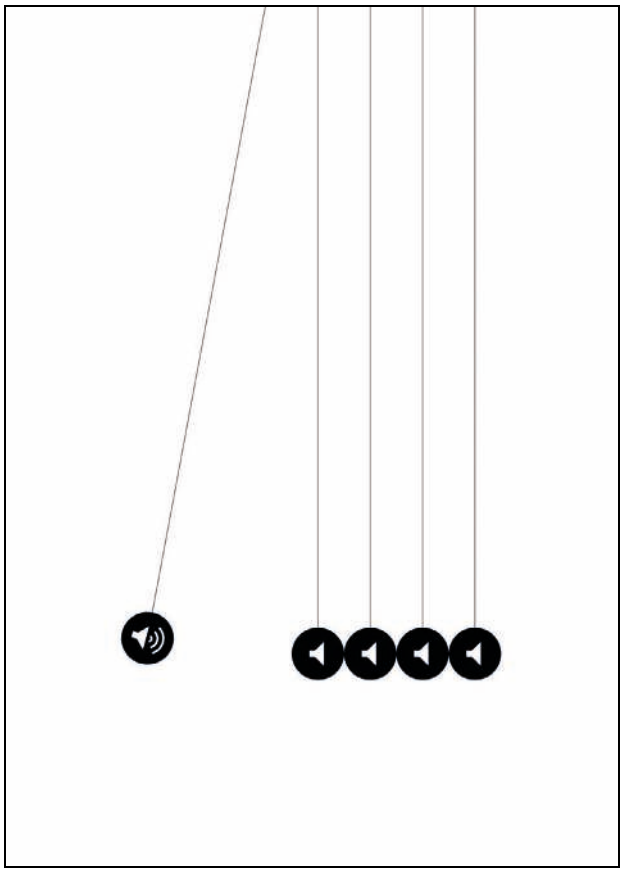

Figure 7.2 Mathieu Daudelin Pilotte, Canada

a particular country, but more difficult to identify those that will be most effective. In most cases, it will be appropriate to choose several instruments and tools that can be used in parallel and have overlapping effects.

Instruments and tools are further discussed in Chapter 7.2.

7.1.5 Evaluation

The framework for human rights work at country level renders continuity and clarity important. The day-to-day tasks tend to be demanding, and taking action is often given higher priority than evaluating activities that have already been initiated. To ensure that Norway's efforts on the country level are as effective as possible, results will be reviewed at two different levels, through the periodic reports from the missions and through an overall annual analysis of Norway's work generally. Measuring the results achieved can however be difficult, for several reasons: the often broad and complex nature of human rights policy goals, the involvement and contributions of other actors, and the many external factors that also affect the results.

Box 7.3 Strengthening Norwegian capacity and expertise

A thorough understanding of human rights is essential if Norway is to play an active role in improving respect for human rights internationally and make its work at country level as effective as possible. Knowledge is also needed to ensure more systematic use of foreign and development policy instruments and to strengthen analytical capacity in the countries where the Foreign Service is active.

To improve knowledge sharing, the flow of information and exchange of opinions both within the public administration and with external actors, on-the-job training in the Foreign Service needs to be strengthened. This will put the service in a better position to follow up multilateral decisions and commitments at country level. Training in human rights issues, including human rights-based development cooperation, will therefore be strengthened.

Relevant tools for implementing the recommendations of this white paper will also be developed. Evaluation and evaluation routines will be strengthened so that the results and effects of different instruments and tools can be documented.

Box 7.4 Acute situations

The systematic approach described in Chapter 7.1 is mainly targeted towards long-term, planned work. However, crisis with large-scale consequences may arise suddenly, for example after a change of regime or in the event of a humanitarian disaster. The same methodical approach will apply in such cases, but time constraints will often introduce new challenges, and situational awareness will be particularly important as new scenarios arise. In crisis cases, it is vital to cooperate with other actors and coordinate efforts.

7.2 Instruments and tools for promoting human rights at the country level

In most cases, Norway's work at country level will focus on cooperation with the authorities and/or civil society on the best ways for Norway to promote human rights in the country in question. This will be the natural starting point in countries that receive financial support from Norway, for example through development cooperation or the EEA and Norway Grants (described in chapter 4.4 and 6.1.4, respectively). One example of this type of approach is Norway's support for Council of Europe action plans for countries that are falling short of their obligations as member states. These action plans are drawn up in close consultation with the country concerned, ensuring national ownership of each plan and a commitment to participate in its implementation.

In cases where the Norwegian government's human rights priorities do not coincide with those of a particular country, cooperation with other local actors may be appropriate in order to counter violations of international human rights. If necessary, for example if a country is persecuting religious minorities, Norway is prepared to make use of negative tools such as public criticism and condemnation of the country's actions.

In many countries and situations, the Norwegian authorities will combine cooperation with tools for a more confrontational approach. This may be done if it is possible to cooperate in certain areas of human rights and on certain measures, but not in a comprehensive manner, or if national authorities implement measures that the Norwegian Government condemns. The tools and instruments used may affect the access to partners with whom it is possible to cooperate. When a positive approach is possible, the Norwegian authorities will generally cooperate with national authorities or other major actors of society. If a more confrontational approach is necessary, Norway will make its views known to the authorities and at the same time seek cooperation with civil society and with countries and actors that share the Norwegian government's objectives.

Situations can easily arise where the Norwegian authorities cannot openly discuss the measures they implement. This may have just as much to do with relations with the country in question as with relations with other actors Norway is supporting, such as human rights defenders. There may be cases where a critical approach is pursued behind closed doors, and where such dialogue would not be possible if the approach and the content of the criticism become publicly known.

There are many examples where the best results have been achieved in individual cases by working behind the scenes rather than by openly condemning the actors that have a key role in finding solutions.

7.2.1 Comprehensive approach

The Government will adopt a comprehensive and integrated approach that combines short- and long-term and positive and negative instruments and tools. Each situation must be assessed separately, and the Government will seek to adapt measures and responses, and make use of those considered to be most appropriate in each case.

The priorities of Norway's human rights work, the tools and instruments used and the actors involved, will vary from one country to another. We are more strongly engaged in some countries than in others, depending on which challenges they are facing, the policies their governments are pursuing, and our bilateral relations with each country. In some cases, the Norwegian authorities have a broad-based engagement including talks at political level combined with financial and technical assistance. In other cases, the scope of our engagement is more limited. However, the Norwegian authorities invite all countries to take part in political dialogue on human rights issues at bilateral and/or multilateral level.

In cases where dialogue on human rights issues is not possible at bilateral level, it is natural to follow up the human rights situation in a country in multilateral forums. One current example is China. The human rights dialogue with the country is suspended, and the main channel for continuing our human rights engagement is currently the Universal Periodic Review process under the UN Human Rights Council. During the review of China in November 2013, Norway made recommendations concerning freedom of expression, the use of the death penalty and ratification of the International Covenant on Civil and Political Rights.

7.2.2 Cooperation and support

Human rights can be promoted through direct financial support for human rights measures in another country, or through technical assistance in the form of expertise and training, for example to improve the legal system. Financial support for the promotion of human rights is also provided

Box 7.5 Financial support entails obligations

Providing countries with financial support will enhance engagement and make it more legitimate to raise human rights issues with national authorities in such countries. Giving substantial financial support also entails special obligations. Norwegian support must not consolidate or strengthen the position of national authorities that are seeking to concentrate power without being willing to respect human rights. This follows from the 'do no harm' principle of development cooperation. The Norwegian authorities aim to base cooperation and dialogue on common goals that are in accordance with international human rights law. Chapters 4.4 and 6.1.4 describe conditions related to Norwegian financial support to different countries.

through multilateral channels, particularly the Office of the UN High Commissioner for Human Rights.

Other types of positive approach include financial support to and cooperation with civil society, media and freedom of expression organisations, support for the establishment of national human rights institutions, organising art exhibitions, taking part in conferences or research projects, and highlighting positive human rights developments. Support can also be provided for international work by individual countries. Cooperation on human rights issues with national authorities, exchange of experience with the public administration, business sector and academia in other countries, and organising joint events are other positive tools that can be used.

Further examples include support for international organisations that assist states to meet their human rights obligations and monitor compliance with them, and participation in the development of human rights instruments through the development of new treaty provisions or by proposing resolutions.

7.2.3 Criticism and sanctions

Negative instruments and tools include a range of responses from criticism and condemnation to the threat of and actual introduction of sanctions. Criticism or concern is often expressed behind closed doors, at senior official or political level. If it is considered more appropriate, Norway expresses its concerns openly, for example in the form of press releases or statements in multilateral forums.

In other cases, alternative approaches may be more effective, for example limiting or suspending political, cultural and economic relations. In certain cases, it may be appropriate to cancel high-level visits. Exceptionally, Norway may consider recalling diplomatic personnel or refusing to issue visas in response to violations of human rights. In certain situations, Norway has reduced the amount of aid a country receives, or the authorities have advised the business sector against investing in or trading with specific countries.

International law puts constraints on the use of certain types of negative instruments. For example, the UN Security Council is only authorised to adopt binding sanctions or decide to use armed force under Chapter VII of the UN Charter if a situation poses a threat to international peace and security. The threshold for the use of force is therefore very high. Norway has a duty under international law to implement sanctions adopted by the UN Security Council.

As a general rule, Norway consistently aligns itself with restrictive measures adopted by the EU Council, except in cases when political considerations indicate that this is not appropriate. The types of sanctions and restrictive measures most frequently applied are bans on supplying a country with military equipment and equipment that can be used for internal repression or providing technical and financial support related to such equipment, freezing assets belonging to listed persons, and travel restrictions for listed persons.

Several of these approaches are most effective when they enjoy broad international support and/or their implementation is coordinated, but in many situations it can be difficult to obtain sufficient support. The Government will advocate a coordinated response when this is considered to be appropriate.

7.2.4 Clear responses to serious violations of human rights

Allegations of serious violations of human rights should be assessed as thoroughly as possible before any negative instruments or tools are applied. This is best done in cooperation with international organisations, other countries, independent media and civil society. If the allegations

can be verified, the Government will raise the matter in its dialogue with the authorities in the country concerned, and then issue a statement deploring the situation and demanding a halt to the abuses. If time permits, the matter may also be raised at multilateral level. Negative instruments generally have a stronger effect when a number of countries agree on a coordinated response, for example coordinated cuts in aid or support for UN resolutions requiring improvement of the situation and a threat of joint sanctions, which may involve a boycott or the use of force.

7.3 Selected country cases

The systematic approach described above governs our bilateral human rights efforts in individual countries. The precise approach taken is always adapted to the particular country and situation. The following describes our efforts vis-à-vis selected countries, and is intended to illustrate the different forms this work takes. It is not an exhaustive list of country cases or our working methods.

Angola

Norway cooperates with Angola in a broad range of areas. In particular, the Norwegian business sector's substantial involvement is important. Our cooperation also includes human rights efforts based on the Angolan authorities' recognition of the need to institutionalise a broader understanding of civil and political rights, as well as economic, social and cultural rights. In this connection, they have requested the Norwegian authorities' support for various measures relating to education and training in human rights.

In response to this request, Angola and Norway established an annual bilateral consultation on human rights at political level in 2011. This has been an important supplement to the strong economic ties between our countries. These consultations have focused on related topics such as decent work and the role of trade unions and employers' organisations in working life, but they also include topics such as domestic violence, where both countries recognise that they have challenges. In the 2014 consultation, the starting point for the discussion was the UN Human Rights Council Universal Periodic Review (UPR) of Angola. Norway emphasised the importance of Angola following up the recommendations from the previous review cycle to allow greater freedom of expression.

In addition to these consultations, Norway is involved in practical project cooperation with the Angolan Ministry of Justice and Human Rights on capacity-building in the ministry, the association of judges, the bar association, the ombudsman, and other ministries and civil society organisations. Norway provides support for competence building at the law faculty of Angola's largest university, with the aim of building up the expertise needed to offer courses in human rights in the future. In cooperation with Norwegian Church Aid and the United Nations Development Programme (UNDP), support is also provided to several NGOs that work with human rights issues.

Guatemala

After many years of civil war, a peace agreement was entered into in Guatemala in 1996, partly as a result of Norwegian support and facilitation. Despite the peace process and a transition to civilian rule, the country still faces considerable human rights challenges. Human rights defenders, journalists and representatives of civil society are particularly at risk. Impunity for violence and other crimes against these groups has demonstrably increased. Violence against women is another serious social problem.

Public security has inevitably become a priority task for the authorities. The existing security problems are intensified by a weak judiciary and police system. More resources are being channelled to penal institutions and the police rather than giving priority to prevention and social measures. Moreover, there is a high level of social conflict in Guatemala, for example in connection with the extraction of natural resources. Peaceful protests often end up in violent confrontations with the police and security forces. Recently, there have been attempts to address the serious human rights violations that were perpetrated in the past. However, critical civil society voices consider the authorities' efforts in this regard to be mostly symbolic.

Support for the Maya Programme is one of Norway's main focus areas in Guatemala. Through cooperation with various indigenous people's organisations, the programme aims to advance the Maya peoples' rights, education and political participation. This is very important work, as more than half the population are indigenous people whose rights are particularly at risk. The Maya Programme has achieved results in a

number of areas. Cases concerning the right of consultation and land rights have been brought to court, law students have taken part in development programmes, bilingual education is now more widely provided in pre-school and primary school, and the political participation of Maya women and young people has increased.

Another way in which Norway is contributing to the rule of law is through its support to the International Commission against Impunity in Guatemala (CICIG) – a UN body that was established in cooperation with the Guatemalan authorities. The Commission is combating criminal organisations and networks by holding their members criminally responsible for their actions. The cooperation between the Commission and the Office of the Director of Public Prosecutions in Norway has resulted in a considerable reduction in impunity in recent years. The Commission also has a stabilising effect on the fragile legal system, which is suffused with corruption and strongly politicised.

The Norwegian Association of Judges, with support from the Norwegian authorities, has entered into cooperation with the International Commission of Jurists (ICJ) and the Association of Maya Lawyers in Guatemala on strengthening the legal system through transfer of expertise and training, especially for judges and representatives of indigenous peoples. Key elements are fighting impunity, and ensuring the independence of the judiciary and access for indigenous people to the legal system. This is the first time that Norwegian and Guatemalan actors cooperate in this important field.

Hungary

The political reforms implemented by the Hungarian authorities since 2010 give cause for concern about developments in the country. A great number of new laws, including a new constitution, have been adopted in a very short time. The trend has been towards centralisation of power in the Government, combined with a weakening of the independence of the judiciary, the freedom of the press, the influence of the opposition and the freedom of action of NGOs.

New media legislation and preferential allocation of state advertising have seriously undermined the freedom of the press. In the annual World Press Freedom Index issued by Reporters without borders, Hungary ranked 23rd in 2010, but dropped to 64th place in 2014. After his re-election in April 2014, Prime Minister Orban declared that his vision is to establish an illiberal state where the interests of the nation, particularly economic growth, have priority over the freedom and rights of the individual. Civil society organisations that receive support from abroad – including those that are awarded grants from the NGO Fund in Hungary under the EEA and Norway Grants – are perceived as obstacles to the establishment of this illiberal state. It is a widely shared perception that the voluntary sector is under pressure in Hungary.

Undercurrents of intolerance of minorities, including anti-Semitism, opposition to the Roma people, and homophobia, are creating tensions in some segments of Hungarian society, even though almost none of the political parties – apart from the extreme right-wing Jobbik – have this as part of their official rhetoric.

Norwegian–Hungarian cooperation is generally good, and takes places through bilateral contact with the authorities, in multinational forums and through networks of NGOs. Norwegian companies help to make Norwegian and Nordic values better known and more visible in Hungary.

The Norwegian authorities have expressed concern about developments in Hungary in official statements, bilateral meetings and multilateral forums, including the OSCE Permanent Council. The concern is shared by many Western countries, including the other Nordic countries, the Netherlands and the US. Relevant international organisations, in particular the Council of Europe and the OSCE election observation mission, have also at times expressed strong criticism of key elements in the Hungarian democratic system, such as the constitution, the legal system and the election system. The Hungarian Government has had to heed some of the criticism, and certain concessions have been made. However, Prime Minister Orban has continued to launch scathing attacks on international organisations that criticise Hungary, including the EU.

The EEA and Norway Grants are an important instrument for bilateral cooperation with Hungary in the field of human rights and democracy. The total amount allocated through this mechanism by Norway, Iceland and Liechtenstein for the period 2009–14 is EUR 153 million, or approximately NOK 1.26 billion. Programmes under the EEA and Norway Grants focus on improving the situation of vulnerable groups (including the Roma people), combating hate speech, corruption, and anti-Semitism and xenophobia, and promoting gender equality, freedom of expression and good governance. A separate NGO fund has been estab-

lished to strengthen civil society. Norwegian partners are involved in the implementation of some of these programmes.

As a result of Hungary's violation of the agreements on the management of the Grants, Norway suspended payments to Hungary under the scheme in May 2014. The reason was that the Hungarian Government, in breach of the agreements they have entered into, unilaterally moved implementation and auditing of the Norwegian funding outside the central government administration. The programme for civil society and a programme for adaptation to climate change have been exempted from the suspension, as the Hungarian authorities are not responsible for the implementation of these programmes.

Indonesia

The Norwegian authorities and other Norwegian actors are engaged in broad cooperation in Indonesia in a range of areas, including climate change and deforestation, environmental and energy issues, human rights, as well as overall development cooperation and a considerable business sector engagement. In order to strengthen this cooperation, an agreement was entered into in July 2013 to establish the Joint Commission between Indonesia and Norway.

Norway's human rights dialogue with Indonesia, which was established in 2002, has become a cornerstone of the bilateral relations. Indonesia is steadily gaining greater regional and international influence. It is of considerable foreign policy significance that the country continues to develop its democracy and strengthen respect for human rights. The human rights dialogue gives the Norwegian authorities a unique opportunity to contribute to these developments. The longstanding cooperation with Indonesia has created mutual trust between our countries and fertile ground for open, candid discussions, even on difficult topics.

The dialogue consists of talks at political and senior official level, as well as discussions on thematic issues at expert level involving representatives from the authorities, academia and civil society. In addition, we are engaged in expert and project cooperation with thematic links to the political dialogue. The Norwegian Centre for Human Rights has considerable expertise on Indonesia, and is engaged in a number of projects stemming from the dialogue, with funding from the Ministry of Foreign Affairs. The current expert and project cooperation has been a key part of Norway's engagement with Indonesia, and includes a broad range of partners in both countries, including students, academics, civil servants, journalists, and members of civil society and the armed forces.

Through the cooperation with Indonesia under Norway's International Climate and Forest Initiative, important results have been achieved in the field of human rights, among them greater recognition of indigenous peoples' rights, increased access to information and more opportunities to influence decision processes of importance for the living conditions of indigenous groups.

Box 7.6 International Expert Consultation on Restorative Justice for Children

In 2013, Norway, Indonesia and the Special Representative of the Secretary-General on Violence against Children hosted the International Expert Consultation on Restorative Justice for Children in Bali. The idea for this initiative emerged under the human rights dialogue between Norway and Indonesia. The Consultation was attended by international experts with experience of this issue from all continents. Indonesia had more than 30 participants with different roles in the implementation of the new Indonesian law on children in conflict with the law. Among the participants from Norway were representatives of the Ombudsman for Children, the Mediation and Reconciliation Services, the police and the Ministry of Justice and Public Security. They shared Norway's experience of helping children and young people who have been in conflict with the law to return to society, including alternatives to prison sentences for young criminals. The Consultation was a success. One of the outcomes was a thematic report by the Special Representative of the Secretary-General on Violence against Children, which was presented to the UN General Assembly in the autumn of 2013 and to the UN Human Rights Council the following year. This report is now used as a reference work in the Special Representative's work to address this issue all over the world.

Myanmar

Reforms and greater openness in Myanmar in recent years have led to improvements in the human rights situation in many areas. Many of the violations of human rights that have taken place have been in the parts of the country affected by armed conflict. The many ceasefire agreements that have been signed have improved the situation for many people. The release of political prisoners and a more democratic legislative process are also positive developments.

On the other hand, challenges remain relating to marginalisation of minorities, ethnic and religious conflicts, inadequate rule of law, corruption and poor governance. Perhaps the most serious is the situation in Rakhine, where there is a high level of tension between the Buddhist Rakhine people and the Muslim Rohingya people. A large number of Rohingya are internally displaced, and the humanitarian situation is serious. At the same time, the distrust of both the international community and the government authorities is so strong that it is difficult to ensure humanitarian access and freedom of movement. The Norwegian authorities are supporting efforts to improve the situation in Rakhine, through both humanitarian aid and support for actors who can exert a moderating influence.

Figure 7.3 Eshel Yuval, Israel

The Norwegian authorities have had a broad engagement in Myanmar for many years, providing support for the democracy movement and other agents of change, as well as humanitarian assistance. Since the reform process started to pick up speed in 2011, under the governance of President Thein Sein, the direct support to Myanmar has increased. A Norwegian embassy was established in Yangon in the autumn of 2013, which has further increased the breadth and depth of Norway's engagement in the country. Key priorities include long-term development cooperation, sound management of natural resources, peace and reconciliation efforts, support for civil society and agents of change, and the establishment of Norwegian business operations within a framework of corporate social responsibility.

The Norwegian authorities have developed a relationship of trust with the Myanmar authorities, not least through the explicit support for the peace process. We also make use of this trust to raise difficult issues, including human rights challenges. Our aim is that Norway's engagement in Myanmar will help to improve the human rights situation in the country both through a focus on human rights in their own right and in connection with the peace process and the democratic reforms. Norway supports the proposed establishment of an office of the UN High Commissioner for Human Rights in Myanmar. If this goes ahead, the office could provide valuable guidance for efforts to improve the human rights situation and assist the authorities in addressing challenges in this field.

Russian Federation

Russia's illegal annexation of Crimea and destabilisation of eastern Ukraine have created a completely new situation in Europe. Russia's relations with its neighbours have changed. Norway's relationship with Russia has been affected both by Russia's violation of international law and by developments in recent years within the country towards more authoritarian rule. These developments have brought human rights increasingly under pressure.

Russia has voluntarily taken on a number of human rights obligations through its membership of international organisations, particularly as a party to the European Convention on Human Rights. Its membership of the Council of Europe,

Box 7.7 Continual restrictions on rights

Since Vladimir Putin's return to the Russian Presidency in 2012, many restrictions have been imposed on civil and political rights. A number of legislative changes have been made, including a more stringent law on espionage and treason, a new blasphemy law and the introduction of criminal liability for defamation. Legislation regulating protests and public gatherings has been tightened several times. NGOs involved in so-called 'political activities' that receive funding from abroad have to register themselves as 'foreign agents'. The ban on 'propaganda of non-traditional sexual relationships' is increasing the marginalisation of sexual minorities in the country. Moreover, these laws have been formulated to allow for arbitrary interpretation and application, and high maximum penalties have been introduced in the form of both heavy fines and long prison sentences. It has been pointed out that several of these legislative changes are contrary to the Russian Constitution and in violation of Russia's obligations under international law.

Freedom of expression has been considerably reduced in recent years, and even more so since the annexation of Crimea. The intelligence and security services have been given broader powers. Websites may be closed down without a court decision. Bloggers are subject to the same requirements as commercial media, but without the same rights to access to information. Russian state media, particularly television channels, give little opportunity for critical voices to speak out. Russia has plummeted on freedom of the press indexes in recent years, and in 2014 was ranked in 148th place on the World Press Freedom Index.

The arena for genuine political competition has been narrowed, despite an easing of the rules for registering political parties in 2012. The number of elections has been reduced and the conditions for taking part have become more difficult. Members of the opposition have had their homes searched and have been put under pressure by the police and the intelligence services. They have been accused of extremism, corruption and economic crime, particularly those who have played a prominent role in protests.

The authorities have used harsh methods to fight the insurgency in the North Caucasus. Violations of human rights continue to take place, including abductions, torture, disappearances and damage to suspects' property. Russia has on several occasions been convicted of such violations by the European Court of Human Rights.

the OSCE and the UN also entails expectations of maintaining high human rights standards.

In their contact with Russia, the Norwegian authorities systematically raise the need to respect human rights in accordance with the obligations Russia has taken on. The importance of the principles of the rule of law and a free and active civil society are also emphasised. The Norwegian Government also actively supports Russian civil society, which is under severe pressure (see Box 7.7). Cooperation between Russian and Norwegian organisations is important for strengthening civil society in Russia and for counteracting the negative developments in human rights in recent years. This applies not least to environmental efforts; Russian environmental organisations report that conditions for their activities have become more difficult in recent years. It is in Norway's interest to prevent forces for good from becoming isolated. Developments in Russia may make it difficult to strengthen cooperation between civil society organisations in Norway and Russia in the field of human rights. At the same time, it is important to support efforts to promote an open and democratic society within the existing framework for project cooperation with Russia. Priority is given to cooperation between Norwegian and Russian NGOs that promote human rights. In particular, support is provided for projects that enhance legal safeguards and support human rights defenders, environmental NGOs and human rights education. The Norwegian authorities will continue to provide this vital support as long as the political situation allows.

South Sudan

Fragile states tend to be weak, to lack legitimacy in the eyes of the population, and to have insufficient control over their territory. Inequitable distribution of wealth and resources and socio-economic polarisation are also common, and elites

tend to take far more than their fair share. There may be divisions along ethnic lines. Systems for holding political leaders accountable are weak or non-existent.

Ever since the Comprehensive Peace Agreement was signed in 2005, South Sudan has shown all the characteristics of a fragile state. Even when the country gained independence in 2011, after six years of massive international aid, the situation had changed very little. Weak government structures, lack of political legitimacy, inequitable distribution and deep-seated internal tensions were some of the challenges the country faced. Since then developments in many areas have gone in a negative direction. The ambitious state- and capacity-building project never really got off the ground. To begin with, this was due to extremely tense relations with Sudan, and subsequently to the internal conflict within the ruling Sudan People's Liberation Movement (SPLM), which has virtually become a civil war. Institutions that are crucial for safeguarding and protecting the citizens' rights were already weak. The ongoing conflict has weakened them further, and in most parts of the country they now hardly function at all. The human rights situation has worsened dramatically. Several reports conclude that crimes against humanity may have been committed by both parties to the conflict. Humanitarian access is often prevented by the warring parties, and an increasing number of aid workers are being been killed.

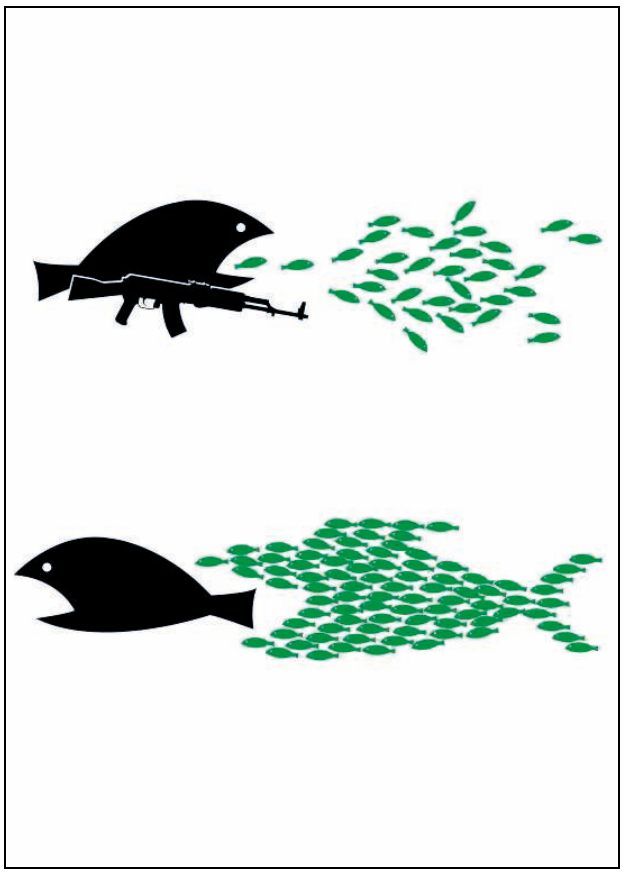

Figure 7.4 Sepideh Riahi, the US

For Norway and other development partners, these developments give rise to major challenges in our dialogue with the authorities on economic, political and social development, including human rights. Before the latest crisis erupted in December 2013, there were established forums and meeting places for contact between the authorities and development partners. The work on a new framework for aid, the New Deal Compact, had almost been completed. This provided a platform for systematic dialogue and discussion on human rights and good governance. Since the start of the current crisis, this has hardly been in use.

Norway has therefore emphasised the use of multilateral mechanisms and institutions to gain the greatest possible weight in the dialogue with the authorities on these issues. The efforts in the UN Human Rights Council are very important in this respect. The critical situation for human rights is addressed in meetings with the South Sudanese authorities at all levels. This work is coordinated closely with other donors in order to ensure a united and unambiguous message with clear demands and expectations of the parties to the conflict. Together with the US and the UK, Norway is part of the troika that provides economic and political support to the Intergovernmental Authority on Development (IGAD) in Eastern Africa and the African Union (AU). It is indispensable to ensure a strong regional involvement in the efforts to find a solution to the crisis. It also provides a platform for close dialogue with IGAD and the AU on the human rights situation in South Sudan.

The developments in South Sudan illustrate how difficult it can be to bring about lasting change that ensures security and stability for the population in fragile states. Supporting fragile states requires perseverance and high tolerance of risk. The Norwegian authorities must systematically monitor the human rights situation and raise concern over abuses carried out by the authorities and any other groups with a clear voice. The rights perspective is integrated into both our development cooperation and our humanitarian aid.

Tunisia

Since the revolution in 2011, Tunisia has made progress in a number of areas in terms of human

rights. The country soon acceded to several international human rights conventions and withdrew reservations from other conventions that had been made by the former regime. In January 2014, Tunisia's national assembly adopted a constitution that ensures gender equality, freedom of religion or belief and freedom of expression, as well as an independent judiciary and a civil state. The constitution also establishes that the international conventions Tunisia has acceded to take precedence over national legislation. Norway has supported the development of the new constitution through cooperation with the Venice Commission of the Council of Europe.

The most important development since the revolution is the strengthening of freedom of expression and freedom of assembly and association. The Tunisian press (both paper and online) has experienced tremendous growth since the revolution. A bill guaranteeing freedom of the press was presented as early as 2011, and in 2012 an independent body was established for the press and the media. Challenges remain in relation to establishing legal safeguards for journalists' rights, preventing arbitrary imprisonment for opinions expressed, and providing conditions that are conducive to a trustworthy, independent press corps.

Whereas civil society was subjected to strict control and surveillance under the former regime, there are now a number of independent organisations that are active within various sectors. Peaceful demonstrations are allowed, and the social dialogue in Tunisia has been strengthened through solid tripartite cooperation.

There is still a long way to go with respect to reducing regional disparities and ensuring equal social and economic rights for the entire population. Likewise, there are challenges related to torture during detention and in prisons, the independence of the judiciary, and the holding of democratic, transparent presidential and parliamentary elections.

Norway does not have an embassy in Tunisia. Nevertheless, the Norwegian authorities began providing support for a democratic transition at an early stage after the revolution in 2011. This support, which is mainly channelled through international organisations and regional programmes, promotes inclusive economic development, transitional justice and legal reform, women's rights and social participation.

Tunisia is still in a critical phase and is facing major political, economic and security challenges. Continued international support is vital. So far, Norway's engagement has been relatively limited. In order to contribute to further favourable developments, Norway hopes to strengthen its cooperation with Tunisia in the years ahead.

United Republic of Tanzania

Tanzania has been one of the most important partner countries for Norway's development cooperation for decades. Today, it is the fifth largest recipient of Norwegian aid. Tanzania is currently at a political crossroads. Significant gas discoveries could give the country large revenues in 15–20 years' time. Its multiparty democracy is gradually maturing, and the constitution is currently subject to an extensive reform process, where the format of the union between Zanzibar and the mainland has been up for discussion. At the same time, there have been tendencies to unrest and violence, such as the acid attacks on foreigners in Stone Town and the bomb attack in Arusha.

Norway's development cooperation with Tanzania is in a period of transition, with a view to supporting Tanzania's own goal of becoming aid independent. The main focus areas are oil for development, clean energy, cooperation under the Norwegian Climate and Forest Initiative, agriculture and food security. There will be a gradual change to Norway's approach, with an increasing focus on private sector development and local spin-off effects of foreign investments. Good governance, the fight against corruption and a rights-based approach to programming are cross-cutting considerations in all aspects of Norway's engagement in the country. In addition, we are providing support for a number of measures aimed at promoting democratisation and the transition to a true multiparty democracy. Our support for democratisation and human rights is primarily channelled through the UN, but we are also providing support to civil society, independent media and inter-religious dialogue.

The main dialogue between donors and the authorities on human rights and good governance has taken place in connection with the budget support governing mechanisms, where these issues are among the 'underlying principles'. Although 2014 was the last year in which Norway provided budget support to Tanzania, the ongoing follow-up of the bilateral development cooperation will provide a number of opportunities for raising and highlighting important human rights related issues in our dialogue with the authorities. Relevant human rights perspectives are integrated into the dialogue on development policy priorities both in

the negotiations on agreements and in the dialogue on implementation. Norway clearly articulates demands and expectations with regard to fighting corruption, increasing tax revenue, greater transparency, inclusive public participation, and sustainable management of natural resources in its dialogue and agreements with the authorities.

In addition, we make use of processes such as the African Peer Review Mechanism and UN Human Rights Council Universal Periodic Reviews as a platform for dialogue. Civil society is an important actor in the national human rights dialogue. Support is provided for NGOs that monitor and report on human rights, take part in election observation and provide free legal aid. Support is also provided for the Media Council of Tanzania, which promotes freedom of expression. Norway also supports civic education and public information efforts under the auspices of the authorities and civil society organisations. This includes support for universities and other institutions that are involved in studies on governance and human rights issues. An example of follow-up in a particular sector is the focus on the inclusion of indigenous peoples in processes related to the Climate and Forest Initiative. Support is provided for efforts to address sensitive issues, such as tensions between religious groups and land rights, through inter-religious dialogue and establishment of a civil society forum on land rights.

7.4 Considerations and dilemmas

In promoting human rights, it is sometimes necessary to strike a balance between different considerations within the framework given by international human rights law. Terror and extremism are serious threats to human rights that must be combated in a manner that respects human rights. Certain human rights are absolute, such as the prohibition of torture. This means that countries must not engage in torture under any circumstances, not even on suspicion of serious crimes. Certain other rights may be restricted in exceptional cases, but only if the following three conditions are all fulfilled: the restriction must have a legal basis in national legislation, it must serve a legitimate aim, and it must be necessary in a democratic society. Examples of legitimate aims are interests of national security or public safety, protection of public health, or protection of the rights and freedoms of others. Surveillance of individuals who are suspected of terrorism is an interference on the right to privacy, but it is not a violation of human rights if the conditions mentioned above are met. However, torture of individuals suspected of terrorism is prohibited in all circumstances.

It is in Norway's interest, both politically and economically, that human rights are respected throughout the world. Short-term costs are sometimes necessary to accept in order to promote long-term goals. Some countries may react to what they consider to be interference in the area of human rights by breaking off political dialogue, introducing barriers to trade and investments, or actively opposing Norway's positions in international organisations. However, in a long-term perspective there should not be any contradiction between human rights on the one hand and political and economic considerations on the other. Respect for human rights is crucial in order to reach durable solutions that provide a sound basis for lasting economic and political cooperation.

Building trust between the parties to a conflict and helping to create platforms for dialogue are vital aspects of Norway's peace and reconciliation work. In this type of situations, the Norwegian authorities are usually required to keep a long-term perspective, and must sometimes show restraint in terms of publicly calling for perpetrators to be brought to justice, or condemning one of the parties to the conflict, on account of Norway's role as facilitator. However, in peace processes Norway is always a driving force for ensuring that human rights are included in the negotiations, and works actively for negotiated agreements that safeguard the rights of the victims and of parties or population groups that are not represented at the negotiating table. This is important for any agreement to be respected in the long term.

Norway's human rights efforts are not limited to selected countries; in principle, they apply to all the countries. Media coverage of human rights tends to focus on the most serious and massive problems, such as gross violations of legal safeguards or persecution of religious minorities. The Foreign Service, however, takes a broader perspective on human rights. Supporting favourable developments may be just as important as criticising a country for negative incidents. If Norway's engagement was limited to measures targeting the most difficult states or the most serious human rights violations, that would be unfortunate for a number of reasons. One of them is the question of legitimacy: if all focus was on the countries with the greatest challenges, the Norwegian authorities would be likely to be criticised for not taking

the problems in Western countries seriously. Another reason is short-term results: if Norwegian authorities only focus on gross violations, there may be fewer opportunities to achieve improvements in more limited areas. Therefore Norway criticises both the US and Iran for their use of the death penalty, and is just as likely to support other countries' authorities in their work to develop the education sector as to criticise them for neglecting the justice sector. Norway's efforts are often greatest in areas where Norway has particular strengths, including knowledge pools in academia, the media and civil society, historic ties from earlier missionary or aid work, strong involvement through business or civil society, or special relations to the country in question.

Another important consideration is how to address human rights violations, and what instruments and response mechanisms are best suited for doing so. In critical situations, protesting loudly against human rights violations can save lives, and may be perceived by civil society and the population groups that are oppressed as vital support for their work. Loud protests may be symbolically important and send an important signal to other regimes and oppressors. At the same time, open public criticism may provoke some states and result in the authorities breaking off the dialogue with Norway, thereby limiting the opportunities for exerting influence. It is important to strike a good balance between clear public messages and quiet diplomacy, while preserving Norway's integrity and credibility.

Choosing partners for cooperation may also involve difficult considerations. Providing funding to non-governmental organizations may be perceived as criticism of the national authorities, or even as undermining the recipient country's legitimate regime. This tends to make political dialogue with the country more difficult. This may be particularly true of support for democratic development, which is often perceived as support for the opposition. Nevertheless, support for civil society is a key component of the Government's foreign and development policy. Thus, the question of how to determine how much support to provide, especially in relation to support for other areas, is important. Support that is over-dimensioned or too obvious can tend to be self-defeating. Providing support to a number of sectors, including support for government institutions, may help reduce the degree of sensitivity, but at the same time fragmentation should be avoided. Vulnerable groups, such as religious minorities, may be in direct danger if they are closely identified with Western countries and/or religions. Thus a further challenge is how much information about this type of support Norway can share with the authorities, and how the Norwegian authorities use this information in national and international dialogues.

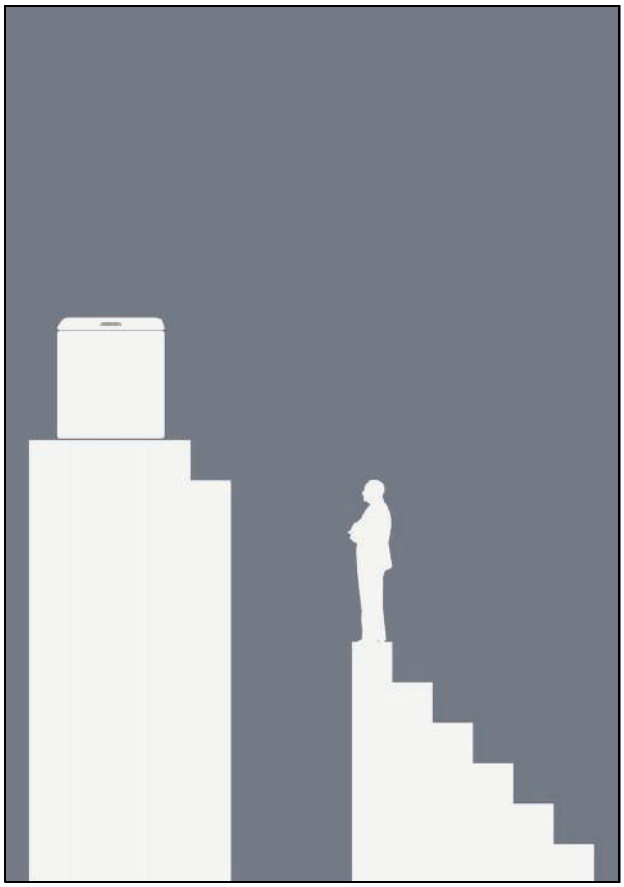

Figure 7.5 Lakhdar Mohamed, Morocco

Active and responsible involvement by the business sector can have a direct and positive impact on the human rights situation in the countries concerned. The presence of Norwegian companies in a country can also help to facilitate constructive dialogue between Norway and the country's authorities. Norwegian authorities seek to establish a political dialogue in which it is possible to communicate clearly and address human rights violations without undermining cooperation on other fronts. Choice of priorities is vital, as is linking some of the human rights efforts to business cooperation. This may include topics such as decent work, worker participation in decision-making, impact assessments (for instance in relation to the rights of indigenous peoples), education, and freedom of expression and information. Other examples involve knowledge transfer, through programmes such as Tax for Development and Oil for Development, which also include

human rights. Norway's message is that democracy, human rights and the rule of law are prerequisites for stable economic growth, and in the interests of both the business community and the country itself. Many of the countries with vast energy resources are governed by politically oppressive and socially unjust regimes, which can make it difficult for Norwegian businesses and the Norwegian authorities to enter into cooperation with these countries. Investing and doing business in other countries entails responsibility. This is discussed in more detail in chapter 4.5.

Although human rights are indivisible, and civil, political, economic, social and cultural rights are intertwined, they are weighted differently in different countries. It is difficult to make people aware of their own rights and those of others, and to generate engagement for these rights, in countries where the economic and social situation requires most people to spend most of their time meeting their primary needs. This is the case in many of the countries where respect for human rights is weak, and it applies particularly to civil and political rights, which authorities may perceive as threatening their own position. Too strong a focus on civil and political rights can provoke resistance. In an international context, the authorities in many countries are most interested in talking about economic and social development. It is important in this context to emphasise that the economic, social and cultural rights are to be implemented without discrimination, and that they are intertwined with civil and political rights. The links between the challenges a country is facing and the human rights situation in that country must be highlighted.

The Government will seek to address the considerations and dilemmas involved in human rights work with openness and dialogue. A guiding principle for the Government is to make it clear that dilemmas may arise, and set out the reasoning behind the decisions that need to be made. There should never be any doubt in the international community as to Norway's position on human rights issues.

Priorities:

- use a systematic approach to bilateral efforts, based on the human rights commitments and obligations of the countries concerned, and in line with our multilateral efforts;
- actively use the human rights obligations these countries have committed themselves to, as well as reports and recommendations from treaty bodies, global and regional special procedures and the Universal Periodic Reviews of the UN Human Rights Council, in bilateral efforts;
- pursue a policy based on openness and dialogue in dealing with dilemmas and difficult considerations, without compromising on Norway's human rights obligations.

The Ministry of Foreign Affairs

r e c o m m e n d s :

that the recommendation from the Ministry of Foreign Affairs concerning Opportunities for All: Human Rights in Norway's Foreign Policy and Development Cooperation dated 12 December 2014 should be submitted to the Storting.

Appendix 1

Abbreviations

ACHR	American Convention on Human Rights
AHRD	ASEAN Human Rights Declaration
AICHR	ASEAN Intergovernmental Commission on Human Rights
ASEAN	Association of Southeast Asian Nations
ATT	Arms Trade Treaty
AU	African Union
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CICIG	International Commission against Impunity in Guatemala
CPED	International Convention for the Protection of All Persons from Enforced Disappearance
CRC	Convention on the Rights of the Child
CRGA	Child Rights Governance Assembly
CRPD	Convention on the Rights of Persons with Disabilities
CSR	Corporate Social Responsibility
ECHR	European Convention on Human Rights
ECOSOC	UN Economic and Social Council
ECtHR	European Court of Human Rights
EEA	European Economic Area
EFTA	European Free Trade Association
EIGE	European Institute for Gender Equality
EITI	Extractive Industries Transparency Initiative
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
FAO	Food and Agriculture Organization of the United Nations
FRA	European Union Fundamental Rights Agency
GIEK	Norwegian Export Credit Guarantee Agency
GMR	UNESCO's Global Monitoring Report
GRECO	Group of States against Corruption
ICC	International Criminal Court
ICC	Inter-American Investment Corporation
ICC	International Coordinating Committee for National Human Rights Institutions
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Commission of Jurists
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
IDB	Inter-American Development Bank
IDEA	International Institute for Democracy and Electoral Assistance
IFC	International Finance Corporation
IGAD	Intergovernmental Authority on Development
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
ILO	International Labour Organization
IMF	International Monetary Fund
KOMpakt	Consultative Body for Human Rights and Norwegian Economic Involvement
LGBTI	Lesbian, gay, bisexual, trans and intersex people
NATO	North Atlantic Treaty Organization
NCHR	Norwegian Centre for Human Rights
NGO	Non-governmental organisation

NORCAP	Norwegian Refugee Council standby roster
NORDEM	Norwegian Resource Bank for Democracy and Human Rights
OAS	Organization of American States
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
OPCAT	Optional Protocol to the Convention against Torture
OSCE	Organization for Security and Co-operation in Europe
REDD	United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries
SPLM	Sudan People's Liberation Movement
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNCTAD	United Nations Conference on Trade and Development
UNDG-HRM	United Nations Development Group's human rights mainstreaming mechanism
UNDP	United Nations Development Programme
UNESCO	United Nations Educational Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNGP	UN Guiding Principles on Business and Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
WFP	World Food Programme
WHO	World Health Organization
WTO	World Trade Organization

Published by:
Norwegian Ministry of Foreign Affairs

Internet address:
www.government.no

Printed by:
07 Aurskog AS 08/2015