**Questionnaire for Members, Observer States and National Human Rights Institutions**

 **by the UN Special Rapporteur on the situation of human rights defenders**

**Mary Lawlor, 9 February 2021**

The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor invites Members and Observer States and National Human Rigths Institutions to respond to the questionnaire below. Submissions received will inform the thematic report of the Special Rapporteur on the issue of long term detention of human rights defenders, which will be presented to the UN General Assembly in September 2021.

The questionnaire on the report is available at OHCHR website in English (original language) as well as in French, Spanish, Russian and Arabic (unofficial translations): (<https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>).

All submissions received will be published in the aforementioned website, unless clearly indicated that you do not wish to have your input be made publicly available when submitting your response.

There is a word limit of 2500 words per questionnaire. Please submit the completed questionnaire to defenders@ohchr.org

Deadline for submissions: **19 March 2021**

**Contact Details**

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional.

|  |  |
| --- | --- |
| Type of Stakeholder (please select one) | [x]  **Member State** [ ]  Observer State[ ]  National Human Rights Institution[ ]  Other (please specify) |
| Name of Stakeholder/Institution (if applicable)Name of Survey Respondent | Norwegian Ministry of Foreign AffairsTor Håkon Tordhol |
| Email | seksjon.for.menneskerettigheter.demokrati.og.likestilling@mfa.no |
| Can we attribute responses to this questionnaire to your State or Institution publicly\*? \*On OHCHR website, under the section of SR on the situation of human rights defenders. |  **Yes** Comments (if any):Answers to questions 1-4 provided by the Norwegian Ministry of Justice and Public Security.  |

**Questions**

Human rights defenders are persons, who individually, or in association with others, work peacefully to promote and protect universally recognized human rights and fundamental
freedoms, in accordance with the UN Declaration on Human Rights Defenders.

Defenders around the world peacefully promoting and defending human rights operate under national legal frameworks not always fully consistent with the United Nations Charter and international human rights law. In some instances, as echoed in multiple Human Rights Council and General Assembly resolutions,[[1]](#footnote-1)[1] national legislation, in particular national security and counter-terrorism laws, or regulations on civil society and public freedoms have been misused to target defenders in a manner contrary to international law that might result in long-term arbitrary deprivation of liberty.

1) Do you know of any human rights defender(s), currently detained by your State, who have been imprisoned on charges that carry a prison sentence of at least 10 years or more? Please provide a list of cases.

None.

2) Do you know of any human rights defender(s), currently detained by your State, who have been imprisoned on continuous sentences amounting to 10 years or more?  For example, a defender who completes a sentence of four years in detention but instead of being released is given another six year sentence? Please provide a list of cases or examples if possible.

None.

3) Do you know of any human rights defender(s), whose time in pre-trial detention and/or
administrative detention by your State combines with a sentence that amounts, or would amount to 10 years or more? Please provide a list of cases.

None.

4) Do you know of any human rights defenders falling under any of the previous categories above, who were released before ending their long-term prison sentences for any reasons (e.g. granted a pardon, as a result of an appeal, or released on humanitarian or other grounds)? Please provide a list of cases.

None (cf. replies to 1-3 above).

5) What actions do you suggest the Special Rapporteur can take to:

1. Prevent defenders from being detained for long terms in connection to their human rights work? and
2. Have those human rights defenders arbitrarily detained under long sentences released?

Norway appreciates that the Special Rapporteur continues to raise this important issue. We regret that human rights defenders remain detained for exercising their human rights and fundamental freedoms despite the agreed normative framework protecting from such arbitrary detention, expressed for example in the UN General Assembly resolution 74/146 paragraph 12.

We encourage the Special Rapporteur to continue to be in close contact with human rights defenders, including human rights defenders subject to long detentions for peacefully exercising their human rights and fundamental freedoms, and to continue to remind states of their human rights obligations. We would also encourage the Special Rapporteur, together with civil society organisations, to continue to collect and disseminate information on defenders who are subject to long-term arbitrary detention. As a state having human rights as an integral part of our foreign and development policies, reliable information is important to inform our bilateral dialogues.

**NOTE**: When providing the list of cases/examples under each question, please include: the name of the human rights defender(s), a summary of their human rights work, history of
detention (date of arrest(s), charges and conviction including articles of the relevant law(s)), a brief explanation of facts relevant to their case).

1. [1] See [A/HRC/RES 22/6](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/22/6) (2013) and [A/RES/68/181(2014)](https://undocs.org/A/RES/68/181). See also: [A/HRC/RES/25/18 (2014),](https://undocs.org/A/HRC/RES/25/18) [A/HRC/RES/27/31 (2014),](https://undocs.org/A/HRC/RES/27/31) [A/HRC/RES/32/31](https://undocs.org/en/A/HRC/RES/32/31) (2016) and [A/HRC/RES/34/5 (2017)](https://undocs.org/en/A/HRC/RES/32/31)  [↑](#footnote-ref-1)