

**25th Meeting of the Working Group to the Aarhus Convention
(7-8 June 2021)
Agenda item 9(e): Future Work programme;
Rapid Response Mechanism**

Norway

Thank you Chair,

Norway would like to thank the Bureau and the Secretariat for the draft note on a rapid response mechanism.

The protection of human rights defenders is an important priority for Norway. For 20 years, Norway has led the work on the resolutions on human rights defenders, including the resolution on environmental human rights defenders that was adopted by consensus in the UN Human Rights Council last year.

Many of those who defend both their own rights and the rights of others do so at great risk to themselves. This applies particularly to environmental human rights defenders. The situation of environmental defenders may be challenging also within Parties to the Convention, and breaches of the obligations under Article 3(8) may occur.

Norway therefore supports the establishment of a new Rapid Response Mechanism to protect environmental human rights defenders who exercise their rights in conformity with the Aarhus Convention.

A Rapid Response mechanism could contribute to increased protection and understanding of the important role that environmental human rights defenders play in the implementation of the Convention, human rights in general and the realisation of sustainable development in accordance with Agenda 2030. It could also contribute to setting a high standard for how the rights of environmental human rights defenders can be protected internationally.

We support the draft note as originally proposed with the exception of paragraph 12 in part G and paragraph 16 litra b) in part I of the Annex, where we support the alternative texts prepared by the Secretariat in consultation with the Bureau as explained in the Explanatory Note (AC/WGP-25/Inf.4), in light of the proposals made by the EU and its Member States and ECO Forum.

We have the following comments to the other amendments proposed by EU and its Member States and ECO Forum:

With regard to the proposal from ECO Forum to use "Commissioner" instead of "Rapporteur" throughout the draft note, Norway considers "Rapporteur" to be the most appropriate. The mandate does not exactly mirror those of either Commissioners or Rapporteurs within the field of human rights. For similar reasons as expressed by the EU and its Member States, we believe it is closer to the functions of Rapporteurs than those of Commissioners. With regard to the wish of ECO Forum to signal the importance and role of the mechanism by adding "*Special*" or "*Independent*", the flexibility of Switzerland in choosing between the two and the EU and its Member States' preference for "*Special*", Norway supports adding "*Special*" although we would have had a slight preference for "*Independent*" to avoid confusion between the mechanism under the Aarhus Convention and the mandates as Special Rapporteurs established by the Council of Human Rights.

Annex, Part D, paragraph 4: ECO Forum has proposed to include "*used or*" in addition to "*exhausted domestic remedies*". Although we agree that the matters covered are urgent and that domestic measures may not be sufficient or appropriate, we believe that the mechanism should not be a general alternative if domestic measures could provide a swift, secure and sufficient solution. We also believe that the paragraph as originally proposed does not exclude the consideration by the Rapporteur of a complaint where the complainant has not used domestic remedies at all. It would be up to the Rapporteur to decide – on the basis of the information gathering as described in para 6 in part F – how to proceed with such a complaint.

Annex, Part F, paragraph 6 litra d)-g): ECO Forum has proposed that consent from the complainant should only be required where circumstances makes it possible. In our opinion requiring such a consent would in most cases protect the interests of the complainant, and could be provided in the complaint. However, if nevertheless considered necessary by parties and stakeholders, we could support the proposal to limit the requirement for consent with the editorial suggestions made by the Secretariat.

Annex, Part H, paragraph 15 litra d): ECO Forum proposes to add a paragraph d) on the possibility for the Rapporteur to seek the advice of the Compliance Committee. In Norway's opinion this would not be appropriate, taking into account the different roles and responsibilities of the Rapporteur and the Compliance Committee. The division between their roles and responsibilities is a conscious choice. If the Rapporteur could ask the Compliance Committee for advice, the Compliance Committee would have to consider the complaint thoroughly. Providing advice may also have implications should the Committee later have to consider a communication, submission, request or referral related to the complaint.

Thank you Chair