

Progress Report of the Working Group on the Implementation of OP  
6 of the GA Resolution 60/251  
(October 3, 2006)

Statement by India

Mr. President,

We thank the facilitators, Ambassadors of the Czech Republic, Switzerland and Jordan, for their reports and presentations.

The Working Group on the review and rationalization of the mandates and mechanisms has been given an onerous task. At the same time, this is a unique opportunity provided to us to comprehensively review and reform the mandates, mechanisms, functions and responsibilities of the former Commission with a view to enhancing the effectiveness of the Human Rights Council. It is imperative for us to make the best use of this opportunity and comprehensively address the shortcomings associated with these mandates and mechanisms that have been identified during the work of the Commission.

The review and rationalization of mandates of the special procedures has two distinct aspects which need to be taken up in parallel.

The first aspect relates to improving the functioning and working methods of the special procedures inter alia by reforming the procedure for appointment of mandate holders and developing a code of conduct and guidelines for their work. Significant amount of work has already been done in this area and we look forward to building upon this earlier work.

Simultaneously, we should also commence the process of rationalization of these mandates. There has been a proliferation of special procedures in recent years due to their indiscriminate creation which has necessitated rationalization. The Working Group should comprehensively review them, individually as well as collectively, based on their merit, with a view to either retaining them, merging with another mandate or terminating them. In the process, we should also identify gaps which should be addressed by creating new mandates. *[While doing so, the Working Group should keep in mind the basic principles of maintaining balance between the Civil & Political Rights and Economic, Social and Cultural Rights as well as avoiding politicization and selectivity.]*

As regards the future system of expert advice of the Human Rights Council, its role and functions will have to be defined in the context of the

overall requirements of the Council including the UPR mechanism and the complaints procedure. The new mechanism should be responsive to the needs of the Council and should carry out such tasks as assigned to it by the Council.

Finally, with regard to the complaint procedure, it is our view that the focus of the Human Rights Council while dealing with complaints should be on addressing situations of gross and reliably attested violations. *The Commission on Human Rights had several mechanisms which functioned as complaints procedures. Through these mechanisms the Commission sought to address both gross and consistent pattern of violations as well as individual cases of violations. In our view, the Council should have a single streamlined complaint mechanism which would have several advantages in terms of better efficiency, avoiding duplication of work, uniform applicability of the admissibility criteria and higher visibility. Complaints received from other mechanisms should be directed to this mechanism.* While processing the complaints, the existing criteria for admissibility must be strictly applied. In particular, domestic remedies, including judiciary and National Institutions, must have been exhausted before a communication is considered.

As regards the outcome, the effort should be towards identifying practical steps to address the situation inter alia in terms of capacity building and technical assistance. The objective should be to make a real difference on the ground rather than resorting to fault-finding and finger-pointing. In this context, we feel that there may be merit in enhanced involvement of the national institutions of the countries concerned in the process. Their inputs may be taken into consideration while examining the case. They may also be associated with the implementation of the recommendations made.

Mr. President,

These are our broad views on the subject. We look forward to continuing our discussion in the framework of the Working Group.

Thank you.