



INDIA भारत

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STATEMENT

BY

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MEMBER OF PARLIAMENT
AND
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on

AGENDA ITEM 71: HUMAN RIGHTS QUESTIONS:
(B) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE
APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,

(C): HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND
REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES,
AND

(E): REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR
HUMAN RIGHTS

THIRD COMMITTEE
60th SESSION OF THE
UN GENERAL ASSEMBLY

NEW YORK

NOVEMBER 2, 2005

Mr. Chairman,

At the outset, I would like to thank the Secretary-General for his reports, and the Special Rapporteurs for their presentations under the agenda items. I would also like to compliment the UN High Commissioner for Human Rights for her thoughtful statement before the Third Committee.

Mr. Chairman,

The direct relationship between development and enjoyment of human rights is undeniable, just as is the linkage between freedom and human rights. As a signatory of both the principal Covenants on Human Rights, and of practically all other major human rights instruments, India has consistently promoted civil and political rights on the one hand, and economic, social and cultural rights on the other. We welcome the efforts of the UN High Commissioner for Human Rights to include in her activities work on a rights-based approach to development, and on justiciability of economic, social and cultural rights.

Without a favourable and conducive international economic and financial environment and the fulfillment of international obligations to promote the rights of people everywhere, universal adherence to human rights standards will remain an elusive goal. The strengthening of national capacity building should be at the centre of international efforts directed at the promotion of human rights. Where national human and institutional capacities do not exist, these should be built.

India believes that an approach based on dialogue, consultation and cooperation, is desirable for securing a genuine improvement in the enjoyment of human rights by members of a society. It has not favoured intrusive monitoring and finger pointing while dealing with specific human rights situations in various countries. Moreover, it believes that a distinction must always be made between a country that is responsive and has functioning democratic institutions, and one that is inherently repressive and is unable, or unwilling, to improve human rights standards.

Mr. Chairman,

Rule of law and democracy are essential ingredients for promoting and protecting human rights in any society. Democracy, development and

respect for human rights and fundamental freedoms are interdependent and mutually reinforcing values, which provide the foundation for a genuinely holistic conception of human rights.

The democratic way of life is today a deeply-rooted article of faith for over a billion Indians. In India, people freely elect governments, ranging from right-wing to centrist to communist, in political orientation. Our experience demonstrates that a democratic, pluralistic society with a secular polity, an autonomous and impartial judiciary, a vibrant civil society, a free media, and independent human rights institutions, help secure effective guarantees for the protection and promotion of human rights in a country. The enactment by the Indian Parliament in August 2005 of a Rural Employment Guarantee programme providing for 100 days of assured employment annually to every rural household, is a step in the direction of giving justiciability to economic and social rights, including the right to work. The Right to Information Act [2005], which came into force on 12 October 2005, opens the Indian government to public scrutiny. It aims to promote openness, transparency and accountability in governance and empowers every Indian citizen by giving them the fundamental right to seek information from a government department.

The role of national human rights institutions in promoting and protecting human rights is also of great significance. Their independence and autonomy, with genuine powers of investigation, is essential. We support the efforts of the Office of the High Commissioner in the development and strengthening of national human rights institutions around the world.

The proposals for greater country engagement by the Office of the UN High Commissioner for Human Rights should focus on national capacity building via provision of technical assistance and advisory services. It should not give an impression of intrusiveness to the country concerned. There should also not be an unchecked proliferation, overlapping, and duplication of mandates of a range of special procedures. This deserves our collective attention on a priority basis. In this connection, we welcome early action on treaty-body reform initiated by the UN High Commissioner.

Mr. Chairman,

Terrorism has emerged as one of the main threats to the full enjoyment of human rights. Terrorists violate the most fundamental human

right of their victims - the right to life. By instilling fear and using tactics of intimidation, terrorists also infringe several other rights of innocent citizens. The Prime Minister of India, Dr. Manmohan Singh, has stated, "One of the gravest challenges to democracy and human rights is the scourge of terrorism. It reminds us that there are challenges which all of us face, and which all of us must face together. Terrorism is an attack on democracy and human dignity and human rights. Those who use terrorism as a political instrument challenge the most fundamental and precious values of democracy".

The notion that human rights can be violated only by States is not only erroneous, but misleading and dangerous. Ensuring the security of its people is the first responsibility of a Government. Yet, States must also be very mindful of their responsibility to protect human rights. The challenge lies in striking the right balance between the imperatives of effectively tackling terrorism on the one hand, and fully observing international law and human rights standards, on the other.

Mr. Chairman,

We welcome the ongoing discussions for setting up a Human Rights Council to replace the Commission on Human Rights. In this endeavour we should not lose sight of the principle of universality. As the new Council would become the fulcrum of the UN human rights machinery, we need to pay close attention to its evolution. The new Council should be non-selective and non-discriminatory, to avoid the shortcomings of the CHR. As envisioned in the 2005 World Summit Outcome Document, the task of setting it up should be completed during the current UNGA session.

Mr. Chairman,

While concluding, I would like to reiterate India's firm commitment to the promotion and protection of human rights. As the world's largest democracy, we consider it an honour to uphold and cherish the human rights and fundamental freedoms of every citizen.

Thank you, Mr. Chairman.