



General Assembly

Distr.: General
20 October 2014

Original: English

Sixty-ninth session

Agenda item 112 (c)

Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council**Note verbale dated 16 October 2014 from the Permanent Mission of India to the United Nations addressed to the President of the General Assembly**

The Permanent Mission of India to the United Nations presents its compliments to the President of the General Assembly and, with reference to the candidature of India to the Human Rights Council for the term 2015-2017, has the honour to forward herewith the voluntary pledges and commitments of the Government of India (see annex).



Annex to the note verbale dated 16 October 2014 from the Permanent Mission of India to the United Nations addressed to the President of the General Assembly

Candidature of India to the Human Rights Council, 2015-2017

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

1. India is seeking election to the Human Rights Council for the term 2015-2017 at the elections to be held at the General Assembly in New York in November 2014. The interest of India in serving on the Council is a reflection of its deep commitment to the cause of human rights and fundamental freedoms.
2. India has a long tradition of promoting and protecting human rights. It was privileged to be in the forefront of the struggle against apartheid even before India's independence. India's commitment to promoting and protecting human rights flows from the realization that, in a truly pluralistic society, the growth and well-being of citizens can be guaranteed only through a culture of promotion and protection of human rights.
3. The Indian Constitution enshrines India's commitment to human rights by guaranteeing to its citizens fundamental civil and political rights, as well as the State's obligations to economic, social and cultural rights through special provisions for their progressive realization and enforcement. It incorporates extensively elements from the Universal Declaration of Human Rights. In keeping with this commitment, India has taken several important initiatives in recent times that are particularly aimed at socioeconomic development and empowerment.
4. The Government has taken a number of steps to ensure a participatory approach to governance and for it to be transparent, accountable and responsive to the needs and aspirations of all the people. In 1992 the Government devolved greater power to locally elected bodies, including 33 per cent of elected posts for women. This was coupled with financing decisions on education, health and local infrastructure, among others. This led to the largest political mobilization of people worldwide, with more than 3 million elected representatives. India remains strongly committed to holding free and fair elections, both for the Parliament at the national level and in the state-level legislature, and the recent elections to the lower house of the Indian Parliament involving 815 million voters are a testimony to it. The Government is cognizant that the inclusiveness and empowerment of people are dependent on the accessibility of information about rights and entitlements. Information and communications technology tools and social media are therefore being used to disseminate such information. The landmark Right to Information Act (2005) has also been most useful in empowering citizens.
5. The Government's priority is to ensure sustained and inclusive socioeconomic development, with special attention to gender equity issues and the inclusion of vulnerable and marginalized sections of society in our development efforts. Some important initiatives taken by the Government in recent years are mentioned here. In a paradigm shift from welfare to a rights-based approach and providing food security to ensure the right to live with dignity, Parliament enacted the National Food Security Act, 2013. The historic Act confers a legal right to cheaper foodgrains

to 63.5 per cent of the country's population. In 2010, in a unique development and to ensure citizens their right to live with dignity in a healthy environment, the National Green Tribunal Act was enacted, providing for the effective legal protection of the environment, forests and other natural resources. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, seeks to provide fair compensation to those whose land is taken away and the rehabilitation of those affected by land takeover. The Act came into force as from 1 January 2014. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, rests forest rights and occupation of forest dwellings on Scheduled Tribes and other forest dwellers to address insecurity of tenure and access rights. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, to check cases of sexual harassment at the workplace, which prescribes strict punishment, including termination of service, for the guilty and similar penalties in case of a frivolous complaint, came into force with effect from 9 December 2013. The Act covers both the organized and unorganized sectors. The amendments to the Criminal Procedure Code in 2013 significantly broadened the definition of sexual assault and harassment; included new types of violent behaviour, such as voyeurism and stalking; and aimed for greater accountability of public officials. Earlier, in 2005, the Protection of Women from Domestic Violence Act, which provides immediate and emergency relief to women in situations of domestic violence, was enacted by the Indian Parliament. As part of India's commitment to a life of dignity for its citizens, the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act came into force in December 2013. The objective of the Act is to eliminate manual scavenging and unsanitary latrines and to provide for the rehabilitation of manual scavengers. A multi-pronged strategy which consists of legislative and programmatic interventions to tackle this issue has been worked out.

6. The understanding and application of human rights standards in the country have undergone a revolutionary interpretative evolution in the judicial pronouncements of the Supreme Court of India, as a result of which new vistas have emerged around the dynamic content of human rights. To illustrate, India has broadened the traditional narrow approach towards equality and proceeded on the basis of a positive mandate to eradicate backwardness in any form, whether social, economic or educational. Similarly, the freedoms under article 19 have been given a wide connotation, for instance in the expansion of the freedom of speech and expression to include the right to obtain information. The right to life and personal liberty in article 21 has now come to encompass the right to a clean environment, the right to legal aid, the elimination of bonded labour, the right to livelihood, the right to a speedy and fair trial and the right to education, among various other rights. Landmark judicial pronouncements have also augmented the process of this progressive evolution of fundamental rights. A most recent example is the judgement of the Supreme Court of India safeguarding and enforcing the rights of transgender persons.

7. Separately, the National Human Rights Commission — a powerful, independent body that is accredited as an A-status institution by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights — monitors human rights developments in India and shares its experience and expertise with its counterparts in other countries. Furthermore, the free and independent media in India play a crucial role in promoting respect for, and the

monitoring of, human rights. The civil society in India is among the most vibrant anywhere in the world.

8. India is a committed supporter of the United Nations human rights system, and the promotion and protection of human rights is ingrained in its domestic and foreign policies. India actively participated in the drafting and adoption of the Universal Declaration of Human Rights in 1948, during which Hansa Mehta, a Gandhian social worker who had led the Indian delegation, made an important contribution. Ever since, India has been a keen participant in deliberations on human rights in international forums and in the development of widely accepted international norms. India is party to most of the core international human rights instruments. In May 2011, India ratified the United Nations Convention against Transnational Organized Crime and the Protocols thereto, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

9. India is an active and constructive member of the Human Rights Council. India was one of the first countries to be reviewed under the universal periodic review mechanism of the Council in April 2008. The second cycle of India's review in May 2012 was a culmination of the broad, extensive and inclusive consultative process involving various ministries and experts, as well as civil society. In keeping with its full commitment to human rights and values, India actively participated in all Council sessions in a constructive and inclusive manner, with a view to enhancing the effectiveness of the Council in promoting and protecting human rights the world over. Our approach continues to be guided by our firm belief that the objectives of the Council can be best pursued through dialogue and cooperation. India is a democratic, multi-ethnic, multi-faith, multilingual and multicultural country that has consistently demonstrated in practice its commitment to human rights and fundamental freedoms, and whose presence on the Council would continue to bring a perspective of pluralism, moderation and balance to straddle any divide or difference therein.

10. Against this backdrop, India voluntarily makes the following pledges and commitments:

(a) India will continue to uphold the highest standards in the promotion and protection of human rights;

(b) India will continue to strive for the full realization of civil, political, economic, social and cultural rights, including the right to development;

(c) India will continue to abide by its national mechanisms and procedures to promote and protect the human rights and fundamental freedoms of all its citizens;

(d) India will continue to cooperate with States, upon request, in their implementation of human rights through capacity-building by means of technical cooperation, human rights dialogues and exchange of experts;

(e) India will continue to strive to promote the work of the Human Rights Council in accordance with the principles of sovereign equality, mutual respect, cooperation and dialogue;

(f) India will continue to strive to make the Human Rights Council a strong, effective and efficient body capable of promoting and protecting human rights and fundamental freedoms for all;

(g) India will continue to support international efforts to combat racism, racial discrimination, xenophobia and related intolerance;

(h) India will continue to engage constructively in the deliberations of the Human Rights Council, its subsidiary bodies and mechanisms;

(i) India will continue to support the Office of the United Nations High Commissioner for Human Rights, including through regular voluntary contributions;

(j) India will continue to cooperate with special procedures, accept requests for visits and respond to communications;

(k) India remains committed to implementing the recommendations that enjoyed its support during the second cycle of the universal periodic review, as well as continuing its collaboration with civil society and other stakeholders in an open and constructive manner in its universal periodic review process;

(l) India remains committed to ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which it is a signatory;

(m) India remains committed to ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is a signatory;

(n) India will continue to cooperate with treaty monitoring bodies and engage constructively with them in the context of fulfilling its human rights obligations;

(o) India will continue to strengthen the implementation of the human rights treaties that it has ratified;

(p) India will maintain the independence, autonomy and genuine powers of investigation of national human rights bodies, including its National Human Rights Commission, National Commission for Women, National Commission for Protection of Child Rights, National Commission for Minorities, National Commission for Scheduled Castes and Scheduled Tribes and National Commission for Backward Classes, as mandated by the Indian Constitution and national legislation;

(q) India will continue to foster a culture of transparency, openness and accountability in the functioning of the Government, as enacted in the Right to Information Act;

(r) India will continue to foster the genuine participation and effective involvement of civil society in the promotion and protection of human rights.