

STATEMENT BY MR. K. YERRANNAIDU, MEMBER OF PARLIAMENT ON HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOM (AGENDA ITEM 109(B)), HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (AGENDA ITEM 109(C)), REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (AGENDA ITEM 109(E)) AT THE THIRD COMMITTEE OF THE 57<sup>TH</sup> UNGA ON NOVEMBER 12, 2002

Mr. Chairman,

I would like to begin by thanking the Secretary General for his reports, and the Special Rapporteurs for their reports and presentations under this agenda item.

As the agenda item encompasses a number of issues, we shall limit our comments to some of the more topical ones before us.

We would like to thank the High Commissioner for Human Rights for his first statement to the Third Committee. We look forward to working with him. We fully agree that global security must be grounded in promoting respect for human rights through upholding the rule of law, fostering social justice, and enhancing democracy. But, we feel that to provide a causal relationship to the effect that human rights violations risk breeding hatred, resentment and ultimately violence, could, in effect, be interpreted as providing a justification for terrorism. And that, Mr. Chairman, would be completely unacceptable. **There can be no justification whatsoever for terrorism.** Terrorist acts constitute not only a criminal activity; they are a violation of human rights. They seek to violate the most fundamental of human rights, namely, the

right to life. Attempts to provide justifications by looking at causal relationships of such acts will only serve as an encouragement to terrorists and detract severely from the global war on terrorism.

As a democratic nation, we appreciate the statement of the High Commissioner upholding the principle of the rule of law as the cornerstone of his activities, and look forward to its further development. However, we feel that care should be taken in developing new concepts. We should guard against providing new interpretations while developing these new concepts, which then could become new 'mantras', liable to be misinterpreted by some for their own narrow ends. We feel a note of caution is necessary, even as we whole-heartedly subscribe ourselves to the need for upholding the rule of law.

We would also like to comment very briefly on the report of the High Commissioner, the last prepared by the previous High Commissioner. We are concerned at some very subjective comments and concepts introduced in the report. These include, *inter alia*, the notions on membership of the Commission on Human Rights, the notion that human rights

treaty bodies can interfere with the judicial processes of member States by urging them to release prisoners, reduce prison terms, etc. The last-mentioned would be the very anti-thesis of the ideas of constitutional order and the rule of law within a given society, ideas which the new High Commissioner promises to uphold and promote.

Human rights treaty bodies have an important role to play as international watchdogs. It is crucial that the integrity and credibility of their work remain unsullied. States Parties should endeavor to strengthen the working of the treaty bodies in every way possible so that problems and difficulties encountered by any individual State Party are addressed in an objective, non-political way.

We wish to comment briefly on the reports of the Special Rapporteurs. We have listened carefully to the extensive debate on this very important aspect. We are concerned that a large number of delegations have reiterated the need for Special Rapporteurs to work within their mandates. Special Rapporteurs have a serious task to perform, one which also needs the cooperation of the member States. Developing a relationship of cooperation requires a high level of confidence-building, which cannot be done if ambiguities on mandate, selectivity and subjectivity, and finger pointing continue to persist. Further, as the Secretary General points out in his report on reform of the Organisation, the multiplication of special procedures over the years - more than 40 currently - has created problems and difficulties which need to be addressed through measures aimed at simplification, rationalization, and streamlining of reporting requirements.

With regard to allegations regarding violations of human rights and the panoply of mechanisms currently mandated to deal with them, we would like to make a few general remarks. First and foremost, these mechanisms should satisfy themselves that domestic remedies have been fully exhausted. Secondly, the special procedures should work strictly within their mandates. Thirdly, the mechanisms should be mindful of the burden being imposed on the reporting States in collecting accurate information. Care should be taken to avoid unnecessary duplication and overlapping, and to ensure that cases which do not fulfil the criteria determined by the special procedures themselves are not admitted.

The report of the Special Rapporteur on the right to food is alarming - the grim situation in regard to the recognition that the goal of halving hunger by 2015 is unlikely to be attained, and that the World Food Summit follow up held in June, 2002 proposed few concrete solutions to speed up action. The report is also thought-provoking - particularly with regard to the ideas expressed by the Special Rapporteur regarding access to land, agrarian reforms and the right to food. These ideas will need to be explored in depth for a view to be taken on their practical applicability.

Mr. Chairman,

India's judicial institutions have an impeccable record of performance and independence that serve as a bulwark of our democratic process. Apart from the judiciary, there is an independent Human Rights Commission, which has been functioning since 1993, and similar human rights commissions in several constituent states of the Indian Union. Though, in our federal system of government, law and order is a state subject under the constitution, all citizens have the right to

seek assistance at all levels from the lowest to the highest. India is an open, transparent, democratic society firmly committed to the rule of law. As a signatory to all the major international human rights instruments, India has always viewed with high regard the Office of the High Commissioner for Human Rights and the Commission for Human Rights as well as its

special procedures. Wherever possible and appropriate, we have maintained a dialogue with them in keeping with our commitment to the importance of the subject matter of their work and to the cause of the promotion and protection of human rights.

I thank you, Mr. Chairman.