

## 73rd Session of UNGA

### Agenda Item 69 Report of the Human Rights Council

#### INDIA STATEMENT

By

Ambassador Tanmaya Lal  
Deputy Permanent Representative

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Madam President,

We welcome the President of the Human Rights Council Ambassador Vojilsav Suc to this meeting and thank him for his informative briefing.

Madam President,

2. In a month's time, we will celebrate the seventieth anniversary of the adoption of the Universal Declaration of Human Rights, the guiding force in our common collective cause of promoting and protecting human rights for all.

3. The UDHR was brought about by the work done in the Commission on Human Rights that was set up in 1946 as a subsidiary of the ECOSOC. The Commission was later instrumental in developing several other international covenants but faced growing challenges of politicisation in later years.

4. Since its establishment twelve years ago, the Human Rights Council as the inter-governmental subsidiary body of the UN General Assembly, has sought to overcome the problems faced by its predecessor.

5. While a very comprehensive normative framework of human rights Treaties and Covenants has evolved alongwith an elaborate architecture of mechanisms to support this work at an international level, the work of the Human Rights Council and its associated procedures and mandates is, regrettably, getting more contentious and difficult.

6. More broadly, the global situation today is a troubled one, with growing concerns about the multiple challenges posed to the spirit of multilateralism due to ineffectiveness of the global governance mechanisms to find commonly acceptable solutions.

Madam President,

7. The reasons for many of the difficulties surrounding the discussions on the human rights agenda are not hard to find.

8. They flow from the often very divergent priorities and concerns of member states in terms of their levels of development, social and cultural contexts and governance systems.

9. The palette of human rights ranges from individual to collective on one hand; and from civil & political, to economic & social and cultural rights to the right to development on the other.

10. Agreement on not only the prioritisation and the interpretation of various rights, but on the best way to promote and protect human rights, including in situations of possible gross and systematic violations, often remains elusive, especially if it clashes with the idea of sovereignty of nation states.

11. Therefore, while the global discourse on human rights continues to evolve, fundamental contradictions remain. The relative prioritisation of the individual vs State; national sovereignty vs international norms; universal vs culture-specific approach, all evoke differing opinions.

12. Constraints on national capacities to implement certain rights; instances of politicization of human rights as a foreign policy tool; and perceived intrusiveness beyond mandated activities remain areas of concern.

Madam President,

13. Terrorism has emerged as one of the worst form of violation of human rights. My country has had to face repeated terrorist attacks on innocent people,

emanating from beyond our borders. Despite terrorism being acknowledged as one of the foremost global challenges, any meaningful collective response to address this menace continues to be thwarted by some.

14. On a different level, we will soon also have to consider the varied and uneven impact of emerging technologies from cyber to genetic engineering and artificial intelligence on peoples' lives and rights.

**Madam President,**

15. The work of the Human Rights Council continues to expand with growing number of resolutions and decisions, greater frequency of meetings and special sessions. The effectiveness of its work is, however, not always clear.

16. There is also a proliferation of special procedures both on thematic and country-specific situations. Their effectiveness is also constrained by lack of, and opacity of funding; lack of a balanced representation in staffing; mistrust on some of them clearly exceeding their mandates and politicizing their approach. Country-specific procedures have largely been counter-productive. The role of the Council in providing technical capacity building has also been limited only to a few situations.

17. Instances of such mechanisms and Offices operating on their own without any mandate and producing clearly biased documents only further harm the credibility of United Nations.

**Madam President,**

18. In contrast, the mechanism of the Universal Periodic Review has seen a significant success over the 12 years of the working of the Human Rights Council. Every member state has presented their UPR at least once. India has presented its UPR in each of the three cycles. A large number of specific recommendations emerging from this very intense and interactive exercise have been implemented by a number of member states, including India, in their domestic context.

19. A similar experience has been witnessed in the Voluntary National Review process being undertaken in New York on the implementation of SDGs.

20. The concrete success of the UPR and the VNR mechanisms is due to their constructive and participatory nature as opposed to the selective 'naming and shaming' approach increasingly been resorted to for short term political ends.

21. Greater focus on capacity building and technical assistance, for those in need, would be useful to address implementation gaps in the recommendations following the UPRs.

**Madam President,**

22. As an ancient civilisation of immense diversity and today the world's largest democracy, India has abiding faith in the spirit of multilateralism. The Constitution of India adopted in 1950 draws extensively from the UDHR.

23. India's approach to human rights continues to evolve as more rights become justiciable and through the process of progressive interpretation of laws by the judiciary.

24. India's active engagement with the global human rights agenda dates back to the early days of the Commission on Human Rights and the drafting of the UDHR.

25. As an elected member of the Human Rights Council for the term beginning next year, we remain committed to bring in a pluralistic, moderate and balanced perspective to help bridge multiple divides in the human rights discourse.

26. The primacy of national responsibility and efforts in the realization of human rights is clear. We firmly believe that all State Parties must make all efforts to fulfill their Treaty obligations.

27. The human rights agenda must be pursued in a fair and equal manner with objectivity, respect for national sovereignty and territorial integrity, non-interference in the internal affairs of States, non-selectivity and transparency.

28. For the success of our collective and common cause or promoting and protecting human rights, our emphasis at the Human Rights Council and Treaty bodies, and Special Procedures and the OHCHR should not be confrontational

but instead focus on achieving the desired results from a more inclusive, participatory and positive approach through dialogue and capacity building.

Thank You