STATEMENT BY
AMBASSADOR ASOKE K. MUKERJI,
PERMANENT REPRESENTATIVE
ON AGENDA ITEM 63
"REPORT OF THE HUMAN RIGHTS COUNCIL’
AT THE
69TH SESSION OF THE
UNITED NATIONS GENERAL ASSEMBLY

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At the outset, on behalf of my delegation I would like to thank the President of the Human Rights Council for his statement under the Agenda item 63: “Report of the Human Rights Council”.

Mr. President,

2. It is significant that we are considering the Report of the Human Rights Council at this meeting today, as the 69th session of the General Assembly takes in hand preparations to mark the 70th anniversary of the United Nations in 2015. The Human Rights Council was created with a mandate given by our leaders in the 60th anniversary summit of the United Nations in 2005, and came into existence in 2006. As we draw closer to a decade in the life of the Human Rights Council, we must remain mindful of the reasons for its creation. There is need for conscious effort on all members of the Council not to repeat the shortcomings of its predecessor in ensuring that the objectives and nature of the Council are well in sync with the purposes and principles of the UN Charter that reaffirmed “faith in fundamental human rights”, and “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”. These ideals and objectives are only attainable, as provided by the UN Charter itself and reiterated in UNGA Resolutions 60/251 and 65/281, through constructive international dialogue and cooperation in solving international problems within a framework of friendly relations amongst states.

3. Among the various mechanisms of the Council, the Universal Periodic Review (UPR), which is in its second cycle, has had remarkable success in encouraging States to recognize and resolve gaps in human rights protection. Indeed, it has emerged as the most positive and constructive process that is accepted and valued by all Member States. We believe that the strength of the Human Rights Council lies in its adherence to the principles of universality, transparency, impartiality, objectivity, non-selectivity and constructive international dialogue and the success of the UPR process stands testimony to this.

Mr. President,

4. The indivisibility, interrelatedness and interdependence of all human rights including the right to development has been reiterated time and again by this assembly. We value the role of the Council in advancing the promotion and protection of fundamental rights and freedoms and appreciate the work accomplished by it in addressing a wide range of thematic issues despite funding shortfalls. However, given the lingering effects of the global and financial crisis and its adverse impact on human rights, it is imperative that the Council should give equal emphasis to all human rights including economic, social and cultural rights. At the same time, the increase in the workload of the Council must not cause
problems for the participation of member states, particularly smaller member states from developing countries.

5. The Special Procedures are an important mechanism of this Council for a “genuine dialogue for strengthening the capacity of member states”. It is therefore of fundamental importance that mandate holders remain truly independent, impartial and carry out their tasks with responsibility and sensitivity in accordance with their mandates. Their recommendations should be specific, constructive and be relevant to the country and not ideologically driven in order to enable governments to take cognizance of their reports and take any follow-up actions. Sweeping generalizations by Special Procedure mandate holders does not in any way contribute towards this mutually desired objective. Any reinterpretation of the HRC’s Code of Conduct or departure from their mandates would weaken the important functions entrusted to them and erode their credibility. The effectiveness of Special Procedure mandate holders would, in our view, be seriously compromised if the process of selecting these individuals is mired in controversy.

6. In the context of prevention, serious attention needs to be paid on how information related to human rights situations is analysed and reported. Modern technology, especially the Internet, has transformed the speed and reach of information and ones needs to be mindful of the damaging power of misinformation. The focus should be on advocacy and consensus building through promotion of better understanding of human rights issues amongst member states and all stake holders. This is obviously an arduous task that requires investment both in terms of time and resources. However, such an approach, rather than ‘naming and shaming’ will avoid confrontation and lead to long-term sustainable results.

Mr. President,

7. We congratulate the new High Commissioner for Human Rights Zeid Ra’ad Al Hussein and would like to extend our full cooperation to the High Commissioner in the successful discharge of his mandate. We value efforts and expertise of OHCHR in assisting States in capacity building. In this regard, one cannot over emphasize the need for balanced representation in its staffing pattern not only in terms of gender but also geography and culture. This will only enhance OHCHR’s understanding of the complexities of the world we live in. We reiterate our support for increase in OHCHR’s financial resources from the regular budget and emphasize the importance of greater transparency in the management of the extra-budgetary resources. Greater synergy, dialogue and cooperation between the HRC and OHCHR particularly in the Secretary General’s Strategic Framework (program 20), OHCHR strategic management plan and thematic strategies will enhance the trust of member states in the OHCHR and advance our common endeavor. It would be more effective if such linkages are developed within the framework of the General Assembly, which is the only organ mandated to oversee the work of the HRC and the High
Commissioner.

Mr. President,

8. Human rights is recognized as one of the three pillars of the UN system, the other two being development and peace and security. Without a secure and peaceful environment, universal adherence to human rights standards will remain an elusive goal. Similarly, right to development is an inalienable human right central to the purpose and mission of the UN. While we strive to identify more cooperative methods for strengthening the normative framework for human rights within the UN system, it is imperative that we ensure full respect for the sovereign equality, territorial integrity, and political independence of all UN member-states, which are the core principles of Article 2 of the UN Charter. The specific situation and context of each State must be kept in mind. The commitment to capacity-building of States should be matched by adequate resources and that support be provided based on the request of national governments and on mutual agreements, based on their national priorities.

Mr. President,

9. India remains firmly committed to the idea of a just and equitable society through upholding the principles enshrined in the Universal Declaration of Human Rights. It is in this spirit that we reiterate our commitment, and express our happiness, at being overwhelmingly elected by this Assembly in October to serve on the Human Rights Council for the next three years from 2015.

I thank you, Mr. President.