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Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Note verbale dated 16 February 2011 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 Office of the President of General Assembly and has the honour to recall that India has presented its candidature to the Human Rights Council for the term 2011-2014, for which the elections will be held in New York in May 2011.

The Permanent Mission of India would like to inform that India's candidature to the Human Rights Council has already been endorsed by the Asian Group and has the honour to transmit an aide-memoire containing the voluntary pledges and commitments of India (see annex), in accordance with resolution 60/251 of the General Assembly.



Annex to the note verbale dated 16 February 2011 from the Permanent Mission of India to the United Nations addressed to the President of the General Assembly

Voluntary pledges and commitments by India

1. India is seeking election to the Human Rights Council for the term 2011-2014 at elections to be held by the United Nations General Assembly in New York in May 2011.
2. India has a long and consistent tradition of promoting and protecting human rights. It was privileged to be in the forefront of the struggle against apartheid even before its 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 only be guaranteed 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 also the State's obligations to economic, social and cultural rights through special provisions for their progressive realization and enforcement. In keeping with this commitment, India has taken several important initiatives in recent years that are particularly aimed at human development and empowerment. India has, for instance, recently decided to become party to International Labour Organization (ILO) Convention 182 on the worst forms of child labour. In 2010, the Government introduced in Parliament the Protection of Women Against Sexual Harassment at Workplace Bill covering both organized and unorganized sectors. In 2009, the Right to Education Act was enacted, which introduced, for the first time since the country's independence, a new fundamental right in the Constitution. This Act, which has already come into effect, secures the right of children to free and compulsory education in a neighbourhood school. In 2008, a Constitution amendment bill was introduced in Parliament to reserve for women nearly one third of seats in the Lower House of Parliament and the state legislative assemblies for a period of 15 years. The Upper House of Parliament passed this bill in 2010. This followed an earlier important initiative for the empowerment of women, which reserved one third of all seats for women in urban and local self-government, and brought over one million women at the grassroots level into political decision-making. During 2008, a historic forest rights legislation came into force that recognizes and confers rights on traditional forest-dwelling communities. In 2007, the National Commission for the Protection of Child Rights was established, in keeping with the commitment that had been made by India. The mandate of the Commission is to ensure that all legislative and administrative measures are in consonance with the child rights perspective as enshrined in the Constitution of India and the Convention on the Rights of the Child. In 2006, the landmark National Rural Employment Guarantee programme was launched to enhance the livelihood security for the poor. The programme legally guarantees 100 days of wage employment every year to adult members of rural households who volunteer to do unskilled manual work. During the same year, as a mark of India's commitment to eliminate child labour, a ban on employment of children under 14 years as domestic help or at eateries came into force in the country. In 2005, the Protection of Women from Domestic Violence Act was enacted by the Indian Parliament. The Act provides immediate and emergency

relief to women in situations of domestic violence. During the same year, the historic Right to Information Act was enacted and came into force.

4. In addition, the independent and impartial Indian judiciary has, over the years, delivered far-reaching pronouncements on the protection and promotion of human rights. One of the significant measures taken by the Supreme Court of India is the concept of public interest litigation, by which the Supreme Court can be moved by any individual or group of persons invoking the question of public importance. Another example is the Supreme Court's far-reaching judgment in the *Vishakha v. State of Rajasthan (1997)* case, in which the Court ruled that the provisions of international human rights instruments to which India is a Party may be read into the fundamental rights guaranteed in the Indian Constitution, even in the absence of relevant enabling domestic legislation. The Supreme Court has also recognized the justiciability of some economic and social rights as an extension of the right to life. 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 Human Rights Institutions — monitors human rights developments in India and shares its experience and expertise with its counterparts in other countries. Further, the free and independent media in India plays a crucial role in promoting respect for, and monitoring of, human rights. The civil society in India is among the most vibrant anywhere in the world.

5. India has been a consistent supporter of the United Nations human rights system, and commitment to 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 Dr. Hansa Mehta, a Gandhian social worker who had led the Indian delegation, made important contributions. 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 core international human rights instruments and served two consecutive terms, during 2006-2007 and 2007-2010, as 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 (UPR) mechanism of the Human Rights Council in April 2008. In keeping with its traditional commitment to human rights and values, India actively participated in all 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 was guided by our firm belief that the objectives of the Council can be best pursued only through dialogue and cooperation. India is a democratic, multi-ethnic, multireligious, multilingual and multicultural country that has consistently demonstrated in practice its commitment to human rights and fundamental freedoms, and whose presence on the Human Rights Council would continue to bring a perspective of pluralism, moderation and balance to straddle any divide or difference in the Council.

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

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

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

(iii) India shall continue to work for worldwide promotion and protection of human rights based on the principles of cooperation and genuine dialogue;

(iv) India shall continue to cooperate with other United Nations Member States, especially developing countries, least developed countries and small island States, upon request, in their implementation of human rights obligations through capacity-building by way of technical cooperation, human rights dialogues and exchange of experts;

(v) India shall 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;

(vi) India shall continue to engage constructively in the deliberations of the Human Rights Council, its subsidiary bodies and mechanisms, including norm-setting in the field of human rights;

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

(viii) India shall consider extending a Standing Invitation to Special Procedures of the Human Rights Council;

(ix) India shall continue to cooperate with Special Procedures and participate constructively in reviewing and strengthening the system of Special Procedures and other expert mechanisms of the Council;

(x) India remains committed to implementing the recommendations that enjoyed its support during the first cycle of the UPR, as also to participating in the second cycle of the UPR in an open and constructive manner;

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

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

(xiii) India shall continue to cooperate with United Nations human rights treaty bodies and contribute constructively towards the reform of the United Nations human rights treaty bodies system;

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

(xv) India shall maintain the independence, autonomy as well as 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 legislations;

(xvi) India shall continue to promote the social, economic and political empowerment of women in India by affirmative actions, gender-mainstreaming in national planning, gender-budgeting and formation of women self-help groups.

India shall continue to work towards elimination of discrimination and violence against women through legislative measures as well as effective implementation of existing policies;

(xvii) India shall continue to support domestic and international processes that seek to advance women's rights, gender equality and the rights of the child;

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

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