



# General Assembly

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## Sixty-fifth 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 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.

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**General Assembly**

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**Sixty-first session**

Agenda item 105 (e)

**Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council****Note verbale dated 1 December 2006 from the Permanent Mission of India to the United Nations addressed to the Secretariat**

The Permanent Mission of India to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to state that on the expiry of its one-year term, India has decided to present its candidature for re-election to the Human Rights Council for a three-year term, at elections to be held in New York in 2007. This information was conveyed to the Secretariat on 6 October 2006. In this connection, the Permanent Mission of India further has the honour to enclose a copy of the voluntary pledges and commitments by India for the information of the Secretariat (see annex).



## **Annex to the note verbale dated 1 December 2006 from the Permanent Mission of India to the United Nations addressed to the Secretariat**

### **Voluntary pledges and commitments by India**

India is seeking re-election to the Human Rights Council at the elections to be held at the UN General Assembly in New York in May 2007.

India has a long tradition of promoting and protecting human rights. It was privileged to be in the forefront of the struggle against apartheid since 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 only be guaranteed through a culture of protection and promotion of human rights.

The Indian Constitution enshrines India's commitment to human rights by guaranteeing to its citizens fundamental political and civil rights. Special provisions for the progressive realization and enforcement of economic, social and cultural rights have also been provided for constitutionally. India has taken an important initiative for the empowerment of women by reserving one-third of all seats for women in urban and local self-government, thus bringing over one million women at the grassroots level into political decision making. With the launch of the National Rural Employment Guarantee programme on February 1, 2006, the right to work has been operationalized in India. The Protection of Women from Domestic Violence Act enacted by the Indian Parliament in 2005 provides immediate and emergency relief to women in situations of domestic violence. Reflective 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 India with effect from 10 October 2006.

The independent and impartial Indian judiciary has delivered far-reaching pronouncements on the protection and promotion of human rights. Far-reaching measures taken by the Supreme Court of India include Public Interest Litigation, by which the Supreme Court can be moved by any individual or group of persons highlighting the question of public importance for invoking this jurisdiction. The Supreme Court of India has recognized the justiciability of some economic and social rights as an extension of the Right to Life. The National Human Rights Commission, a powerful and independent body, monitors human rights developments in India and shares its experience and expertise with its counterparts in other countries. The free and independent media in India plays a crucial role in promoting respect for and monitoring of human rights. Civil society in India is among the most vibrant anywhere the world.

India is a committed supporter of the UN human rights system and the promotion and protection of human rights is ingrained in its domestic and foreign policy. It has been active in deliberations on human rights in international fora and in the development of widely accepted international norms. India is a large, democratic, multi-ethnic, multi-religious, multi-lingual, and multi-cultural society, whose continued presence on the Human Rights Council would bring a perspective of straddling all divides of pluralism, moderation and balance from a country that has consistently demonstrated in practice its commitment to human rights and

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

- India will abide by its national mechanisms and procedures to promote and protect the human rights and fundamental freedoms of all its citizens.
- India will maintain the independence, autonomy as well as genuine powers of investigation of national human rights bodies, including the National Human Rights Commission, National Commission for Women, National Commission for Minorities, National Commission for Scheduled Castes and Scheduled Tribes, and National Commission for Backward Classes, as mandated by Indian constitution and laws.
- India will foster a culture of transparency, openness and accountability in the functioning of the Government, as enacted in the Right to Information Act.
- India will continue to encourage efforts by civil society seeking to protect and promote human rights.
- India will continue to work towards the progressive realization of the right to work.
- India will expand the implementation of its Rural Employment Guarantee Programme, which provides for 100 days of assured employment annually to every rural household in the country.
- India will 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 will work towards elimination of discrimination and violence against women through legislative measures as well as effective implementation of existing policies.
- A National Commission for the Protection of Child's Rights would be set up for the speedy trial of offences against children or of violation of child's rights.
- India will work to make the Human Rights Council a strong, effective and efficient body capable of promoting and protecting human rights and fundamental freedoms for all.
- India will engage constructively in the evolution of modalities and mandates of the Human Rights Council, and in the reform of the UN human rights machinery.
- India will participate actively in the work of the Human Rights Council in norm-setting in the field of human rights.
- India will participate constructively in developing modalities for universal periodic review by the Human Rights Council and in reviewing and strengthening the system of Special Procedures and other expert mechanisms of the Council.
- India will continue to support the Office of the UN High Commissioner of Human Rights, including through regular voluntary contributions.



- India will strive for the full realisation of civil, political, economic, social and cultural rights, including the right to development.
- India will continue to support UN bodies such as UNICEF, UNIFEM, UNFPA, UN Democracy Fund, etc., that have a role in contributing to the protection and promotion of human rights.
- India will work with UN Member States and relevant UN bodies for reform of the UN treaty-body system.
- India will work for the world-wide promotion and protection of human rights, based on the principles of cooperation and genuine dialogue.
- India will cooperate with 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.
- India will continue to actively support domestic and international processes that seek to advance empowerment of women and women's rights and gender equality.
- India will continue to actively support domestic and international processes that advance the rights of the child.
- India will work for the implementation of the Beijing Declaration and Platform of Action, the Copenhagen Declaration and Plan of Action, and the outcomes of other major UN international conferences.
- India will continue to support efforts directed at the adoption of a Declaration on the Rights of Indigenous Peoples.
- India will support the adoption of the Convention on the Rights of Persons with Disabilities during the 61st Session of the UN General Assembly.

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# Comparative analysis of India's pledges at the UN



2006 Pledges (arranged thematically)	2011 Pledges	2008 UPR Recommendations on similar topic
<b>Promotion and Protection of Human Rights</b>		N° 8: Share best practices in the promotion and protection of human rights taking into account the multi-religious, multi-ethnic and multi-cultural nature of the Indian society. (Mauritius)
India will abide by its national mechanisms for promotion and protection of human rights and fundamental freedoms for all its citizens.	Reiterated	
To continue promotion of 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 will also work towards elimination of discrimination and violence against women through legislative measures and effective implementation of existing policies.	Reiterated	
To work for world-wide promotion and protection of human rights, based on the principles of cooperation and genuine dialogue.	Reiterated	
	<b>NEW: India shall continue to foster genuine participation and effective involvement of the civil society in the promotion and protection of human rights.</b>	N° 2: Continue to fully involve the national civil society in the follow-up to the UPR of India, as was done for its preparation. (UK)
<b>Strengthening of National Human Rights Institutions and Processes</b>		N° 3: Continue energizing existing mechanisms to enhance the addressing of human rights challenges. (Ghana)
To maintain the independence, autonomy as well as genuine powers of investigation of national human rights bodies, including the National Human Rights Commission (NHRC), National Commission for Women, National Commission for minorities, National Commission for Scheduled Castes and Scheduled Tribes, National Commission for Backward Classes, as mandated by Indian Constitution and laws.	Reiterated	
To foster a culture of transparency, openness and accountability in the functioning of the Government as enacted in The Right to Information Act.	Reiterated	
<b>Realization of Economic, Social and Cultural Rights</b>		N° 10: Consider new ways of addressing the growing economic and social inequities arising out of the rapid economic growth and share experiences/ results of the best practices in addressing poverty. (Algeria)
Progressive realisation of the right to work.	Reiterated	
Expand the implementation of its Rural Employment Guarantee Programme, which provides 100 days for assured employment annually to every rural household in the country.	Reiterated	
India will strive for the full realisation of civil, political, economical, social and cultural rights, including the Right to Development.	Reiterated	N° 18: Continue efforts to allow for a harmonious life in a multi-religious, multicultural, multi-ethnic and multi-lingual society and to guarantee a society constituting one-fifth of the world's population to be well-fed, well-housed, well cared for and well educated. (Tunisia)
<b>Strengthening of and Cooperation with UN HR Mechanisms</b>		N° 4: Encourage enhanced cooperation with human rights bodies and all relevant stakeholders in the pursuit of a society oriented towards the attainment of internationally recognized human rights goals. (Ghana)
To work towards making the Human Rights Council a strong, effective and efficient body capable of promoting and protecting human rights and fundamental freedoms to all.	Reiterated	
To constructively engage in the evolution of modalities and mandates of the Human Rights Council and the reform of the UN Human Rights Machinery.	Reiterated	
To actively participate in the work of the Human Rights Council in norm-setting in the field of human rights.		
India will participate constructively in developing modalities for the UPR by the Human Rights Council and in reviewing and strengthening the system of Special Procedures and other expert mechanisms of the Council.	Reiterated	

2006 Pledges (arranged thematically)	2011 Pledges	2008 UPR Recommendations on similar topic
India will continue to support the Office of the UN High Commissioner of Human Rights including through regular voluntary contributions.	Reiterated	
To continue support for UN bodies such as UNICEF, UNIFEM, UNFPA, UN Democracy Fund etc. that have a role for promotion and protection of human rights.	Not reiterated expressly but implied in the reiteration of India's pledge to support UN human rights treaty bodies.	
Work with UN Member States and relevant UN bodies for reform of the UN treaty-body system.	Not reiterated expressly but implied in the reiteration of India's pledge to support UN human rights treaty bodies.	
	<b>NEW: India shall consider extending a Standing Invitation to Special Procedures of the Human Rights Council.</b>	N° 14: Extend standing invitation to special procedures. (Latvia, Switzerland)
		N° 15: Receive as soon as possible the Special Rapporteur on the question of torture. (Switzerland)
<b>Cooperation with States in Implementation of HR Obligations</b>		
To cooperate with states, upon request, in their implementation of human rights obligations by way of technical cooperation, human rights dialogues and exchange of experts.	Reiterated	
<b>Advancement of Women's Rights</b>		
To continue actively supporting domestic and international processes that seek to advance empowerment of women and women's rights and gender equality.	Reiterated	
	<b>NEW: 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.</b>	N° 13: Strengthen human rights education specifically in order to address effectively the phenomenon of gender-based and caste-based discrimination. (Italy) N° 16: Fully integrate a gender perspective in the follow-up process to the UPR. (Slovenia) N° 17: Follow up on CEDAW recommendations to amend the Special Marriage Act in the light of article 16 and committee's general recommendation 21 on giving equal rights to property accumulated during marriage. (Slovenia)
To work for the implementation of the Beijing Declaration and Platform of Action, the Copenhagen Declaration and Plan of Action and the outcomes of other major UN International conferences.	Absent from the 2011 pledges	
<b>Advancement of Child Rights</b>		N° 9: Review the reservation to article 32 of the Convention on the Rights of the Child. (The Netherlands)
To continue actively supporting domestic and international processes that advance the rights of the child.		
National Commission for Protection of Child Rights would be set up for the speedy trial of offences against children or violation of child rights.	Didn't require reiteration as the National Commission on Child Rights was established in 2007.	
<b>Acceptance/ Ratification of HR Instruments</b>		N° 6: Consider signature and ratification of the Optional Protocol to the Convention Against Elimination of All Forms of Discrimination Against Women. (Brazil) N° 7: Consider signature and ratification of ILO Conventions No. 138 and 182. (Brazil, Netherlands, Sweden)
To continue supporting efforts directed at the adoption of a Declaration on the Rights of Indigenous Peoples.	Didn't require reiteration as the UN Declaration on the Rights of Indigenous Peoples was adopted in 2007.	
Adoption of Convention on the Rights of Persons with Disabilities during the 61st Session of the UN General Assembly.	India has ratified the Convention on 1st October 2007, hence the absence from the 2011 pledges.	
	<b>NEW: India remains committed to ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which it is a signatory.</b>	N° 1: Expedite ratification of the Convention against Torture (United Kingdom, France, Mexico, Nigeria, Italy, Switzerland, Sweden) and its Optional Protocol (United Kingdom)
	<b>NEW: India remains committed to ratifying the International Convention for the Protection of All Persons from Enforced Disappearances, to which it is a signatory.</b>	N° 12: Ratify the Convention on Enforced Disappearances. (Nigeria)