



STATEMENT BY MRS. SUSHMA SWARAJ, MEMBER OF PARLIAMENT AND MEMBER OF THE INDIAN DELEGATION, ON AGENDA ITEM 70: HUMAN RIGHTS QUESTIONS: [A] IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS, [B] CELEBRATION OF THE 60TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AT THE THIRD COMMITTEE OF THE 60<sup>TH</sup> SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY ON OCTOBER 23, 2007

Mr. Chairman,

We thank the UN Secretary-General for his report titled "Effective Implementation of international instruments on human rights, including reporting obligations under international instruments on human rights", and other reports under the agenda item 70 (a) on "Promotion and protection of human rights: Implementation of human rights instruments". We would also like to thank the delegation of Benin for timely inclusion of a sub-agenda item titled "Celebration of the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights".

Mr. Chairman,

The 2005 World Summit, in its elaboration of the role of human rights, acknowledged that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being. Beginning with the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, a body of covenants and conventions have been evolved to promote universal respect for and observance of human rights and fundamental freedoms all over the world. As human rights are indivisible and inter-related, it is appropriate to place economic, social and cultural rights, including the right to development, at the same level as civil and political rights. The purpose of development, in the words of the UN Charter, is to "promote social progress and better standards of life in larger freedom". The treaty bodies created to assess the implementation of obligations of States should regard development, democracy and human rights as a single compact while doing so.

Mr. Chairman,

Effective and coordinated implementation of international human rights instruments is of vital importance and we welcome, therefore, the efforts of the Chairpersons of the human rights treaty bodies to attain an integrated and balanced administration of rights. Attempts to radically restructure the treaty bodies as

proposed by the UN High Commissioner for Human Rights in the form of a Unified Standing Treaty Body to replace the existing seven treaty bodies, is not a panacea for existing problems. Not only is such a proposal fraught with serious legal challenges but it also ignores the distinct and unique scope and nature of different Conventions. The ongoing innovative efforts to change working methods and to streamline reporting requirements of Member States through revised harmonized guidelines, including guidelines on a common core document and treaty-specific documents, are steps in the right direction. The treaty body system should strive to ensure human rights protection at the national level through the implementation of the human rights obligations undertaken by the States Parties with optimum fulfillment of reporting requirements.

The creation of the treaty bodies was pushed forward by the developing countries about six decades ago. There was hope and faith placed in the work of the United Nations in achieving freedom, equality and dignity for all. What we see today is a gradual erosion of that faith. Tendency of politicisation of the treaty bodies is also a cause for disquiet. Unless this trend is reversed and the balance on the promotional aspect of human rights restored, universalization of the treaty instruments will continue to remain a dream.

Mr. Chairman,

India has been actively participating and supporting the efforts of the international community to evolve a normative framework for promotion and protection of human rights. Representing India at the historic debate of the first session of the Commission of Human Rights in 1947 which propounded the Universal Declaration of the Human Rights (UDHR), Dr. Hansa Mehta, a parliamentarian and social activist, hoped that the UDHR would be of an imperative nature and an "instrument" binding on all member states. Dr. Mehta also made sure that the UDHR spoke with power about equal rights for women well before they were recognized in most legal systems. Subsequent Indian delegations have continued to participate actively in finalisation of international conventions.

Three significant developments during the 61<sup>st</sup> session of the UNGA are the adoption of two international conventions viz. UN Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearances, and the adoption of a Declaration viz. UN Declaration on the Rights of Indigenous Peoples. I am happy to inform that India became the seventh country to ratify the UN Convention on the Rights of Persons with Disabilities. India also signed the International Convention for the Protection of All Persons from Enforced Disappearances on the first day it was opened for signature in Paris in February 2007. It also supported the adoption of the UN Declaration on the Rights of Indigenous Peoples by the UNGA in September this year.

India has also been paying considerable attention to meet its reporting obligations. The second and third combined report of India was considered by the Committee on Elimination of Discrimination against Women (CEDAW) in January this year, and the report to the Committee on the Elimination Racial Discrimination (CERD) in February this year. India also submitted its latest report to the Committee on Economic, Social and Cultural Rights (ICESC) in October 2006.

Mr. Chairman,

As we move towards the 60<sup>th</sup> anniversary of the Universal Declaration of the Human Rights in 2008, the Member States should undertake a close introspection of the progress made so far in evolution of a normative framework of human rights as well as the methods adopted for its effective realisation. The treaty body system has an immense role to constructively aid and guide States Parties to implement their international legal obligations and also in ensuring that the human rights of all people are protected.

I thank you, Mr. Chairman.

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