

Statement by Hon'ble Mr. P.M. Tripathi, Member of Parliament and Member of the Indian Delegation on Agenda Item 117(b): Human rights questions, including alternative approaches for improving the effective enjoyment of human right and fundamental freedoms; (c) Human rights situations and reports of special rapporteurs and representatives; and (e) Report of the United Nations High Commissioner for Human Rights at Third Committee of the 58th Session of the United Nations General Assembly on November 14, 2003

Mr. Chairman,

We thank the Secretary General for his reports, and the Special Rapporteurs for their reports and presentations under the agenda items.

My delegation condemns unequivocally the terrorist attack that killed Mr. Sergio Vieira de Mello, UN High Commissioner for Human Rights, in Baghdad on August 19 this year. We had heard Mr. de Mello in the Third Committee during the 57th General Assembly and had been encouraged by his vision of promoting respect for human rights through upholding the rule of law, fostering social justice and enhancing democracy, values that my delegation shares and will continue to promote. The greatest tribute we could pay to his memory is to live up to his vision.

We thank the Acting High Commissioner for Human Rights for his statement to the Third Committee and his report.

Mr Chairman,

India won its independence at a time when the Universal Declaration of Human Rights was taking shape. The framers of our Constitution were enlightened visionaries with a deep concern for human values. They were inspired by the post-war global reawakening, the realisation that the human being must at all times be at the centre of our concern. Our founding fathers were determined to establish a political framework in which the most basic aspiration of the people – the aspiration to live with freedom and dignity – would be secure, guaranteed to withstand any attempt at infringement. That guarantee has stood firm over fifty-five years. As a signatory to both the principal

Covenants on Human Rights, and all other major human rights instruments, India has consistently sought to promote both sets of rights as a composite whole.

A democratic way of life is today an article of faith for over a billion Indians. The Constitution of India guarantees all its citizens the full enjoyment of fundamental rights and freedoms. Our democratic institutions have stood the test of time. An independent judiciary, a free press, and a pluralistic and vibrant civil society lie at the core of these institutions.

Mr. Chairman,

The direct relationship between development and enjoyment of human rights is undeniable, just as is the relationship between freedom and human rights. Dignity and human well-being cannot be protected in the face of grinding poverty. One of the reasons for the scepticism in developing countries about many international institutions and mechanism today is the absence of matching obligations on the part of the richer countries in areas where they have a responsibility. Without a favourable and conducive international economic and financial environment, and more importantly, the fulfilment of international obligations to promote the rights of people everywhere, the goal of achieving universal adherence to human rights standards will remain elusive.

It is for this reason that we have consistently argued that national capacity building should be at the centre of the international community's efforts in the promotion of human rights. Where national capacities do not exist, these should be built. Where they require reinforcement, that should be our endeavour. At all times distinction must be made between a country that is responsive and has durable and functioning democratic institutions, and one which is inherently repressive and which is unable, or unwilling, to improve human rights standards.

We welcome the signing of the agreement between the Government of Cambodia and the United Nations with regard to the Khmer Rouge trials and look forward to its implementation with the necessary financial and other support by the international community to the Extraordinary Chambers. This will be a major contribution in capacity-building to the efforts being made by the Government of Cambodia in the area of human rights.

My delegation believes that the role that national human rights institutions can play in promoting and protecting human rights is of seminal significance. Their independence and autonomous nature with genuine powers of investigation is essential. My delegation thanks the Office of the High Commissioner for its efforts in the development and strengthening of national human rights institutions around the world. India will present its biennial resolution on 'National institutions for the promotion and protection of human rights' this year and we look forward to the support of all delegations to this initiative.

The growing intrusiveness in the functioning of the UN mechanisms in areas that fall within the purview of States is a matter of increasing concern to us. Such a trend cannot be justified on the logic of national capacity building. The threat to the edifice of

the human rights structure comes as much from such intrusiveness, as it comes from unchecked proliferation, overlapping, and duplication of mandates. This is a matter which deserves our collective attention on a priority basis, and we therefore welcome the Secretary General's reform agenda. My delegation will remain fully engaged in this process.

Mr. Chairman,

Terrorism has emerged as a truly global threat – one that no country should consider itself isolated from. No cause, no religion, no ideology, no so-called struggle justifies terrorism. Terrorists do not live by any universal norms prescribed in international human rights instruments. Terrorism not only “devastates the human rights of those it targets” as the report of the Secretary General states; it also violates the most fundamental of all human rights, namely the right to life, of the victims. Terrorists, by instilling fear and the tactics of intimidation, infringe several other basic rights of innocent citizens.

The notion that human rights can be violated only by States is not only erroneous and misleading, but could be dangerous. Article 30 of the Universal Declaration of Human Rights states clearly that “Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein”.

Ensuring the security of its people is the first responsibility of a Government. This is not to claim that either States or terrorists can be exonerated for violating human rights. The challenge lies in striking the right balance between the imperative of dealing with, and putting an end to, terrorism on the one hand, and adhering to international law and human rights standards, on the other. Terrorism must be crushed if the concept of human rights is to retain any meaning for the common man.

It should be our collective endeavour to ensure that the human rights debate is not misused for the pursuit of narrow political agendas, or to fulfil territorial ambitions as part of States with destructive foreign policy objectives. It is tempting and easy to travel down this path, but this is a path which is without an end.

Mr. Chairman,

In conclusion, I wish to reiterate India's firm and unwavering commitment to the promotion and protection of human rights. As the largest democracy, we are committed to honour, uphold and cherish human rights, human dignity and fundamental freedoms. We appreciate the work and the commitment of the Office of the High Commissioner for Human Rights in promoting and protecting human rights worldwide. We look forward to engaging constructively with other delegations in working for the promotion and protection of human rights.

I thank you, Mr. Chairman.

[BACK TO TABLE OF CONTENTS](#)