



PERMANENT MISSION OF  
INDIA  
TO THE UNITED NATIONS OFFICE  
GENEVA

STATEMENT BY MR. S.S. AHLUWALIA, MEMBER OF PARLIAMENT  
AND ALTERNATE LEADER OF THE INDIAN DELEGATION TO THE  
45TH SESSION OF THE HUMAN RIGHTS COMMISSION UNDER  
AGENDA ITEM 11.

GENEVA, FEBRUARY 16, 1989.

Mr. Chairman,

My delegation, while taking the floor on Agenda Item 11, would like to point out the extraordinary importance of the goal of further promoting and encouraging human rights and fundamental freedoms. This agenda item is one that relates to methodology, and no one can deny the inherent linkage between methodology and the goals which have to be achieved in any context. It was over 40 years ago that the international community adopted the Universal Declaration of Human Rights marking the beginning of a new era in human history. The 40th anniversary of the proclamation of the Universal Declaration of Human Rights came at a time when the evolving world situation was underlining the centrality of the right to human dignity and freedom expressed in the Charter. As is evident from the discussions during this session of the Commission, while much has been achieved since the adoption of the Universal Declaration, much more remains to be done for the situation of human rights and fundamental freedoms around the world and we have a very long way to go.

The international community has not been able to come to grips with the most important items on the agenda of human rights, be it apartheid, gross violations of fundamental freedoms in Palestine and the scourge of world poverty, hunger and under-development. This reality underlines the importance which we should attach to the issue of the further promotion and encouragement of human rights and fundamental freedoms.

Mr. Chairman, the particular context of the consideration of this item is provided by the General Assembly resolution 32/130 which was adopted in 1977. The item has been discussed in earlier sessions of the Commission and at its 44th session the Commission recommended that the mandates of the Special Rapporteurs on thematic issues should be for a period of two years and that they should continue to report annually. We are happy that the Commission's recommendation was subsequently endorsed by the ECOSOC.

Discussions on this item during the previous years have necessarily focussed attention on the issue of increasing the effectiveness of the United Nations system in the human rights field. At the same time, given the resource constraints which confront the United Nations, it has been underlined in earlier years that such effectiveness can be achieved by consolidation and making our endeavours more practical and effective rather than through academic discussion on new institutions and arrangements which could be set up within the UN system. Mr. Chairman, we should be realistic and realise that the financial difficulties of the United Nations cannot be wished away in the coming years. For this reason my delegation wishes to underline that careful planning is absolutely essential so that the extremely important work relating to the human rights field within the United Nations system remains unaffected.

Having stated the above, my delegation would like to add that in any overall evaluation of the functioning of the human rights fora, certain important considerations should be stressed:

Firstly, ways and means should be explored for increasing the effectiveness of the consideration of important human rights issues within the UN system such as the General Assembly, the ECOSOC, the Commission, the Sub-Commission and the various working groups.

Secondly, the standard setting role of the UN should be encouraged. After the two international Covenants, more milestones have been reached. The Convention against Torture has been followed by the declaration on the Right to Development and we are very close to a Convention on the Rights of the Child as well as a Convention on Migrant Workers. This role should be consolidated.

Thirdly, international and regional cooperation is an essential pre-requisite for creating the atmosphere for the universal enjoyment of rights and freedoms. We welcome the Secretariat's commitment to increase their public information and education activity. The expanded publication programme is not only welcome because of the attractive brochures and pamphlets that are being brought out but also because these provide the fundamental linkage between the work being accomplished within the human rights bodies of the UN and the international human rights constituency. The evolution of standards can have no meaning unless these are disseminated and incorporated into national laws. We

wish to underline the importance which we attach to the fact that it is the people constituting the large international family who are the beneficiaries of international conventions, and for this reason efforts to make such conventions known to and understood by them can hardly be over-stressed.

Above all, Mr. Chairman, we would like to emphasise that, as far as possible, we should take care and handle issues relating to human rights with sympathy and consideration. For this reason, we have a common stake in trying to ensure that debates in the human rights fora are free of political colouring. The atmosphere of mutual confidence, which is the basis of multilateral action, should be promoted to achieve the noble aims of the conventions. While we strive towards achieving the largest possible measure of consensus on the most blatant and persistent of such violations, we should at the same time eschew the temptation of selective action.

In conclusion, Mr. Chairman, my delegation would like to underline the fact that India's commitment to ensuring the further promotion and encouragement of human rights and fundamental freedoms is second to none. Our Constitution has enshrined certain inalienable rights, called 'fundamental rights' which are wide ranging and comprehensive. India has demonstrated its sincerity of purpose in implementing the principles and provisions of the Universal Declaration. The three organs of Government namely the legislature, the executive and the judiciary

.....5/-

are working independently and along with a free and vocal press, educational institutions and non-governmental organisations to raise the level of consciousness among the people about their rights. I must emphasise the fact that India is a secular democracy where the human rights and fundamental freedoms of individuals are considered sacrosanct. One of the primary tasks which has been assigned by the Government to the official media is to create a greater awareness among people about their fundamental rights. Programmes on television, radio and all other forms of official media are being increasingly focussed upon those factors which act as impediments for the full enjoyment of human rights by any individual. The great efforts being made by the United Nations in this field also receive extensive publicity in India. We have come a long way from the dark period in my country's history when human rights and fundamental freedoms were trampled under the feet of the monster of colonialism. India will not spare any effort to ensure the furthering of human rights and fundamental freedoms.

I thank you, Mr. Chairman.