

**Permanent Mission of India
Geneva**

Human Rights Council

22nd Session (25 Feb - 22 March 2013)

**Agenda Item 3: Interactive dialogue with the Special Rapporteur
on Torture and Special Rapporteur on Human Rights Defenders**

Mr. President,

We thank the Special Rapporteur on Torture Mr. Juan Mendez and the Special Rapporteur on Human Rights Defenders Ms. Margaret Sekaggya for their respective reports. But we would like to address our statement to the subject of report of the Special Rapporteur on Human Rights Defenders.

Mr. President,

2. The SR on Human Rights Defenders has underscored the important role played by National Institutions in promoting and protecting human rights in her report and that National Institutions can cooperate with defenders to assess the human rights situation on the ground and ensure accountability for human rights violations. Indeed, effective domestic protection of human rights requires a network of complementary norms and mechanisms and a healthy relationship between National institutions and individuals and associations acting in defence of human rights. Just as Human rights defenders need support of the NHRI's, the National Institutions need the former's support in discharging their functions and offer Human rights defenders protection against onslaught of their rights. In this

context, Human rights defenders must consciously evaluate their role and act responsibly. Often, many of the NGOs and Human Right Defenders emphasize and focus their energies on Civil and political rights ignoring economic, social and cultural rights of the people. In order to effectively assist National institutions, they must pay equal emphasis on all rights, as in order to enjoy civil and political rights, economic, social and cultural rights must be rightly promoted.

3. The SR has quoted many examples from India in her report. Let me add that no other institution in India has functions of the order of magnitude or diversity of the National Human Rights Commission (NHRC). In fact, it can review the safeguards provided by the constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation. Indeed, Section 12 of the Protection of Human Rights Act 1993, catalogues encouragement of efforts of non-governmental organizations and institutions working in the field of human rights. The Commission can also intervene in any proceedings involving any allegation of violation of human rights pending before a court with the approval of such courts.

4. The Indian Supreme Court is one of the most active courts when it comes to protection of Human Rights. There is great complementarity between the highest Court of the land and the NHRC. The NHRC has successfully approached the Supreme Court and High Courts in a number of cases resulting in important orders on the basis of pleas by NHRC. The Courts have also reposed great confidence in the NHRC and the Supreme court has in a number of cases under its consideration, in particular those involving group rights, remitted

matters to the NHRC. Indeed such remits from the Courts enhance the prestige and credibility of the commissions.

5. Lastly Mr President, We echo the SR's statement that NHRI should be strong, independent and effective partners in the promotion and protection of human rights and should be given the highest profile possible. We believe that an NHRI that is autonomous, independent with an established reputation of impartiality and credibility is in a unique position to usher in a culture of human rights in a country and become the conscience of the nation. Indeed NHRIs are the primary mechanisms for translating international concepts into a local culture of human rights.

Thank you, Mr. President.
