

**Permanent Mission of India to the United Nations**

**GENEVA**

**10<sup>TH</sup> REGULAR SESSION OF HUMAN RIGHTS COUNCIL**

**GENERAL SEGMENT**

**04 March 2009**

**Statement by H.E. Mr. A. Gopinathan**

**Ambassador/Permanent Representative of India**

**Mr. President, High Commissioner for Human Rights, Excellencies,**

We would like to commend you, Mr. President, for the exemplary way in which you have been conducting deliberations of the Council. We would like to also express our appreciation for the High Commissioner for Human Rights, Ms. Navaneetham Pillay, who has been extending her valuable support to the Council in pursuit of our common endeavour, viz. the promotion and protection of all human rights for all across the world.

**Mr. President,**

We take positive note of the promise shown by the Human Rights Council over the past three years since its inception, as the premiere organ of the United Nations dealing with human rights. Its strength lies in its emphasis on dialogue, cooperation, transparency and non-selectivity in the promotion and protection of all human rights and fundamental freedoms for all. The enthusiastic participation by Member States in the Universal Periodic Review process last month underscores the success of this innovative mechanism, providing a platform for sharing of national experiences and best practices. The holding of special sessions on thematic issues over the past one year attests to the wide-ranging debate being conducted in the Council. We reiterate our firm commitment to continue to engage constructively with all Member States, and strive to making the Council more effective, responsive and efficient. We believe that we can advance our common cause only through dialogue and interaction.

We must guard against the Council becoming a victim of its own success. The near-permanent nature of the functioning of the Council, besides, stretching the limited human resources of most developing country delegations including mine, imposes ever-increasing obligations with little time, energy and resources for implementation and monitoring. We emphasise the urgent need to rationalise and prioritise our work to make the most efficient use of our limited resources. Serious thought should be given to putting a cap on the maximum number of weeks that we should meet without undermining in any way either our commitment to human rights, or our ability to respond to other areas of our work in Geneva that demand our attention, energy and resources constantly. We need to work collectively to adopt pragmatic and practical decisions designed to enhance the constructive processes and procedures within the Council and its subsidiary mechanisms to carry forward our work in positive and consultative ways.

The Human Rights Council is still in an evolutionary phase. The delicate balance in the Institution-Building package must be preserved, even as we continue to provide collective guidance to the Council and help it mature. The package, based on an inclusive approach, respects diversity in historical national experiences, cultures and development. There are areas requiring serious reflection to fine-tune the processes and modalities agreed for the functioning of the Council and its various subsidiary bodies. For example, issues relating to the compliance of the Advisory Committee with the scope, guidelines and procedures laid down in the Institution-Building package need to be addressed, given that we are at the incipient stage of the functioning of the Advisory Committee. We would be addressing these questions under the relevant agenda item.

Mr. President,

We note with satisfaction the completion of the first consideration of the draft outcome document of the Durban Review Conference. This should facilitate the process of finding common ground for which we should work assiduously and demonstrate a spirit of flexibility and compromise. To achieve a successful outcome, it is essential for the Review Conference to focus, as mandated, on the assessment of the implementation of the historic Durban Declaration and Programme of Action adopted in 2001, and on suggesting further measures to advance its implementation. India remains committed to supporting actively all efforts to achieve an outcome acceptable to all Member States of the United Nations.

In conclusion, Mr. President, the Council must play a central role in denouncing terrorism which poses the biggest threat to our common efforts towards peace, security and development, and undermines the very foundation of freedom and democracy, enjoyment of human rights, including the most fundamental right of them all, viz. the right to life, and the continued existence of open and democratic societies. When technological advances provide terrorists an edge and the global nature of terrorism is amply evident, it is necessary to ensure that the global efforts at combating terrorism are not undermined by those who seek to protect the human rights of only the terrorists, and not of the victims of their heinous acts. Measures by States to deal with terrorism have sometimes brought under strain their efforts to ensure enjoyment of human rights by all. As the States strive to align their measures against the alleged perpetrators of terrorism with full respect for their human rights obligations, new challenges are posed to them constantly. Even the most ardent champions of human rights recognise the enormous challenges involved in this delicate inter-face where the rights of the alleged terrorist intersect with the human rights of the majority and the responsibility of the State to protect its citizens. However, just as human rights are indivisible, so is the State's duty to fight against terrorism. Terrorism does not happen by accident. It is planned, organised, financed and requires arms and safe havens. Notwithstanding odd anachronistic voices, it is now generally accepted among civilised societies that terrorism cannot be condoned, <sup>justified</sup> or supported as legitimate activity on any grounds, whether ideology, dispute or religion. The Council must add its voice to this consensus.

Thank you, Mr. President.

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Considerations, whether political, philosophical, ideological, racial, ethnic, religions or any other, that may be invoked to justify them.