

PERMANENT MISSION OF INDIA TO THE UN, GENEVA

HUMAN RIGHTS COUNCIL

20TH SESSION (18th June to 6 July 2012)

AGENDA ITEM 3: Interactive Dialogue with the Special Rapporteur on the Rights to freedom of peaceful assembly and association and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

(20 June 2012)

Statement by India

Madam President,

We thank the two Special Rapporteurs for their reports. We would first like to address the report of the Special Rapporteur on the rights to freedom of peaceful assembly and association, Mr. Maina Kiai.

2. In his first thematic report, the Special Rapporteur has given an overview of the legal and institutional framework that should be adopted and implemented and has identified best practices to comply with the spirit and letter of human rights in the context of the rights of freedom of peaceful assembly and of association. In this context, Special Rapporteur has addressed most of his recommendations to States. The principal responsibility of ensuring an environment of security and peaceful co-existence lie with the State. At the same time, there is a need to reflect on how all stakeholders, including civil society and protestors, can effectively prevent protestors who are exercising their own rights from violating the rights of others and that of their own.

3. We concur that any restrictions on the rights to freedom of peaceful assembly and association are prescribed by law and that they do not harm the principles of pluralism, tolerance and broad-mindedness. As a democracy, India has afforded official and

legitimate channels for espousing and organizing dissent. It will, therefore, continue to focus on the role of democratic governance as an effective means and guarantor of human rights.

4. Regarding the Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, we commend Mr. Ben Emmerson, for the focus chosen; victims of terrorism, in his first Annual Report to the Council. The landscape of terrorism has become increasingly complex. Terrorists utilize technical advances of a globalised world to their advantage and consequently are able to wage an asymmetric warfare against the international community. These acts of terrorism, apart from spreading terror among common people, also harm the State's economy and trigger clashes between communities in the States.

5. India has faced the scourge of terrorism for several decades and is also located in South Asia, a region that has been wracked by the activities of the biggest terrorist actors in the world. India condemns all acts, methods and practices of terrorism in all its forms and manifestation, irrespective of the motivation that may be invoked to justify them. It is, therefore, timely that the Special Rapporteur has focused on the human rights of victims of terrorism. We support the point that the victims of acts of terrorism must be recognized as victims of grave violations of international human rights laws.

6. We believe that terrorism cannot be countered by law enforcement means alone. Prevention is also critical, and effective responses will necessarily include other aspects of legal and social policy. Among these, development, education, social integration, tolerance, rule of law and respect for human rights are among the key components of such responses. The Global Counter-Terrorism Strategy is a wholesome document that incorporates various aspects in its four pillars and provides guidance to member States in implementing global strategy in a balanced and integrated manner. We appreciate the attention given to some of these aspects in the report.

7. We welcome the attention of the Special Rapporteur on reparations for victims of terrorism. The support to victims of terrorism has to take into account the immediate medical and psychological needs after a terrorist attack and thereafter the long term rehabilitation and support requirements. This would undoubtedly have to be in consonance with the capacity of the country taking into account its level of development. The Government of India's action includes a compensation scheme to assist victims of terrorist violence, the victim's family, provision of education benefits including medical and health support and employment opportunities. As regards victims belonging to security forces, every state has laid out its own compensatory policy for security forces killed under its jurisdiction. The central paramilitary forces, besides compensation, are also entitled to liberalized pension awards.

Madam President,

8. Terrorism is an attack on the values that define the international community and seriously impairs the enjoyment of human rights including the right to life. The provision of assistance to victims and solidarity with them helps facilitate normalization of their lives whilst uniting public opinion against the terrorists. India remains fully committed to do its utmost to look after victims of terrorism and protect their dignity. We pledge our support for continuing the work on broadening the international consensus of addressing the human rights of victims of terrorism.

Thank you, Madam President.
