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PERMANENT MISSION OF INDIA TO THE UNITED NATIONS
GENEVA

10TH REGULAR SESSION OF HUMAN RIGHTS COUNCIL

Agenda item 5: Human Rights Bodies and Mechanisms

Consideration of Draft Decision A/HRC/10/L.33/Rev.1 of 25 March 2009 on "Publication of Reports completed by the Sub-Commission on the Promotion and Protection of Human Rights"

Statement by India

Mr. President,

My delegation has always been, and continues to be, willing to engage in discussions to reach a consensual outcome on issues before the Council. However, in the case of the present draft decision, we regret that sufficient time was not made available by the main sponsor - the EU - to consider in detail the decision L.33 on "Publication of reports completed by the Sub-Commission on the Promotion and Protection of Human Rights". It was tabled during the current session without any consultations in the 15 days prior to the deadline and subsequently only one round of public consultation was held. We have taken due note of the implementation of the standards of transparency that the EU has set for itself and for other States.

02. My delegation is calling for a vote on this draft decision for the following reasons:

- (a) The draft decision ignores, and does not make any reference to, the Council's own consideration and decisions on the matter at its First Session (**Decision 1/102** relating to Extension of all mandates, mechanisms, functions and responsibilities of the Commission and Sub-Commission) and the Second Session (**Decision 2/102** relating to Reports and Studies of Mechanisms and Mandates). Through these Decisions, the Council had considered a detailed list prepared by the Sub-Commission of its ongoing reports and studies submitted in its Final Report of August 2006, and, approved, at the

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Sub Commission's request, certain previously authorized activities with regard to these reports and studies;

- (b) Further, in Decision 2/102 of October 2006, while referring to its June 2006 Decision 1/102, the Council had requested the High Commissioner to update the relevant reports & studies. My delegation is not aware of the Council's request having been responded to by the High Commissioner. It was, therefore, our proposal that an update on the entire body of reports & studies of the Sub-Commission as authorized in Decision 1/102 and Decision 2/102 be made available to the Council. This would enable a careful consideration by the Council of these reports & studies, including a determination of their completion or otherwise, and the action to be taken thereon. Authorizing or disallowing the publication of all or some of the studies would certainly be part of such a consideration.
- (c) However, the EU's decision to short-circuit this procedure, and rely instead on a reference by the Advisory Committee, which the Committee has made without a referral by the Council, compels my delegation to call for a vote. Regardless of the outcome, my delegation would be reserving its position with regard to the completeness of the reports & studies sought to be published. It is noteworthy that even the reference to some of the reports & studies sought to be published is under the rubric "List of Ongoing Studies and Reports" (Page 21 of Document A/HRC/10/2 and A/HRC/AC/2008/1/2.)

03. In the interest of preserving the integrity of the Institution-Building Package of June 2007 and the procedures and practices of the Human Rights Council in its evolutionary phase, my delegation would appeal to all members of the Council to consider this question in the light of this background and invites them to consider voting against the draft decision A/HRC/10/L.33/Rev.1.

Thank you, Mr. President.