

PERMANENT MISSION OF INDIA TO THE UN, GENEVA

HUMAN RIGHTS COUNCIL

23RD SESSION (27 MAY - 14 JUNE 2013)

**AGENDA ITEM 3: ID with Working Group on Human Rights and
transnational corporations and SR on peaceful assembly & association**

(31 May 2013)

Statement by India

Mr. President,

We thank the Working Group on Human Rights and Transnational Corporations for their report. We note the key trends and challenges and priorities that the Working Group has identified in the dissemination and implementation of the Guiding Principles on Business and Human Rights, which has been based on various activities, including the forum discussions that took place in December last year.

2. We agree with the Working Group's observation that there is need to obtain increased support to systematize and facilitate the exchange of lessons learnt from initiatives that states have undertaken to fulfill their duty to protect human rights from adverse impacts of business activities.

3. The Working Group has identified as priority the need to build capacity of state officials, regulators and National Human Rights Institutions in this field as states face multiple challenges in carrying out its duty to protect. In

this context, we believe that it is important for states to voluntarily cooperate with each other so that states are able to implement their regulations effectively. We would like to ask the Working Group to elaborate on what further steps can be taken when states, particularly those of developing countries, are unable to have strong regulations with regard to investments by multi-national companies due to the fear of losing such investments. Further, the Working Group has recommended that states takes steps to explore how to address the accountability gap regarding corporate liability for gross human rights abuses. We would like to know what according to the Working Group these steps should be.

4. We would now turn our comments on the report of the Special Rapporteur on peaceful assembly and association. 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 can help the State in fulfilling this mandate. The report ignores the legitimacy of a sovereign state and portrays civil society organizations as an entity that can do no wrong. It also does not take into account the responsibilities of civil society organizations to respect and work within the framework of the national Constitution and the rule of law. The Special Rapporteur's advocacy to allow civil society organisations access to foreign funding to the same extent as those of Governments under international cooperation is fundamentally flawed. Governments are legitimate representatives of the people with greater responsibility and obligations while civil society organizations are only a sub-section of the society with particular ideology and agenda. The proposition of the Special Rapporteur to give blanket legitimacy to civil society organizations for foreign

funding is too detached from the complex reality under which states have to function balancing both their responsibility to protect while ensuring fundamental freedoms for their people. We would like to hear the Special Rapporteur's views on how the states can deal with the flow of international aid and funds effectively and ensure that such funds are not used to finance terrorist and other illegal activities in the country. The Special Rapporteur has also omitted discussing the responsibility of the civil society organizations to be transparent and accountable, particularly with respect to the sources of their funding.
