

CHRI 2016

Easier Said Than Done

Pursuing promises at the United Nations Human Rights Council

India



CHRI
Commonwealth Human Rights Initiative

Working for the practical realisation of human rights
in the countries of the Commonwealth

COMMONWEALTH HUMAN RIGHTS INITIATIVE

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the *practical* realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

CHRI's objectives are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth Member States.

Through its reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, Member Governments and civil society associations. Through its public education programmes, policy dialogues, comparative research, advocacy and networking, CHRI's approach throughout is to act as a catalyst around its priority issues.

CHRI is based in New Delhi, India, and has offices in London, UK and Accra, Ghana.

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ACKNOWLEDGEMENTS

CHRI would like to thank our interns Olivia Barlow, Sarah Code and Teresa Gray, who contributed substantially to the research and writing of these reports; Kai Reddy, who conducted research and coordinated the work of the interns and initial project planning; and David Kaner, who led the writing, editing and production of this series.

INTRODUCTION

WHAT IS THE *EASIER SAID THAN DONE* SERIES OF REPORTS?

The Commonwealth Human Rights Initiative (CHRI) has been monitoring the behaviour of Commonwealth countries at the United Nations Human Rights Council (UNHRC) since the Council's inception in 2006. CHRI has used the *Easier Said than Done (ESTD)* series to report on the performance of Commonwealth members of the UN Human Rights Council, in the context of their domestic and international human rights obligations.

The benchmark for countries' behaviour is their own pre-election pledges, made while standing for election to the Council. These pledges frequently include commitments to promote and protect human rights internationally, domestically and, specifically, at the Council. *ESTD* uses voting records, statements, and information on engagement with the UNHRC special procedures and compliance with the UN treaty bodies to document the extent to which Commonwealth members of the Council comply with these pre-election pledges.

The *ESTD* reports are principally published for an audience of diplomats, government officials, civil society organisations and international policymakers. They are designed to be of use in formulating policy and advocating for greater respect for human rights, both domestically and internationally.

WHY DO THE *EASIER SAID THAN DONE* REPORTS FOCUS ON COMMONWEALTH COUNTRIES?

The Commonwealth as a block is an under-assessed component of the Council. During any particular year, about a quarter of the UN Human Rights Council is comprised of Commonwealth States. The Commonwealth has a diverse membership which spans the entire globe. All Commonwealth Members have made a commitment to fundamental principles of human rights on numerous occasions through a variety of organisational documents and communiqués. Most notably, this commitment was demonstrated in 2013 with the signing of the Commonwealth Charter. The Charter makes a specific commitment to the protection and promotion of human rights:

“We are committed to the Universal Declaration of Human Rights and other relevant human rights covenants and international instruments. We are committed to equality and respect for the protection and promotion of civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds as the foundations of peaceful, just and stable societies.

We note that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively. We are implacably opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds.”

With this foundation, the Commonwealth should be a force to further the mandate of the UN Human Rights Council. However, taken as a whole, the Commonwealth block often fails to live up to these principles. Failure to comply with this fundamental organisational commitment jeopardises the integrity of the Commonwealth and has the potential to negatively impact the work of the UN Human Rights Council.

HOW IS THIS REPORT STRUCTURED?

Each report begins with an examination of the Commonwealth’s performance as an intergovernmental body and as a grouping within the Council.

Pages 16 to 18 present data on three important measures of a country’s involvement in the UN human rights system: ratification of the core UN human rights treaties, compliance with treaty reporting obligations, and cooperation with the UN Human Rights Council’s special procedure mandate holders. These metrics are presented for all Commonwealth countries present on the Council during the reporting period.

Pages 19 to 59 detail the country’s performance and voting patterns at all the Council sessions that occurred during the reporting period. It also compares the performance of each State with its pre-election pledges regarding engagement with the Council, special procedures and treaty bodies. This section may also mention a domestic pledge if it is highly specific (e.g. a pledge to pass a particular law or create an institution).

The reports have two annexes. One lists the links to the countries’ pledges, while the other is a table that sets out Commonwealth voting patterns during the review period.

WHAT IS THE REPORTING PERIOD AND WHICH COUNTRIES ARE UNDER CONSIDERATION?

Each report in the 2016 series focuses on one Commonwealth Member of the Council during the 2014, 2015, and January 2016 sessions (Session 25-Session 31). Though usually an annual production, no *ESTD* reports were published in 2015, necessitating a longer reporting period.

The five countries this edition of *ESTD* focuses on are Botswana, India, Namibia, Pakistan, and Sierra Leone. These countries were selected because they share many traits common to Commonwealth countries: they are in Asia and Africa (home to the preponderance of Commonwealth countries), they are developing countries whose foreign and domestic policies are often necessarily shaped by resource and capacity constraints and global inequities, and they are electoral democracies whose constitutional principles are to greater or lesser degrees in tension with on-going issues with inequality, corruption and rule of law. On the other hand, these countries often differ in key ways—including, as will be seen in these reports, in their orientation towards the Council and international human rights generally.

WHAT SOURCES OF INFORMATION WERE USED TO COMPILE THESE REPORTS?

These reports use research based exclusively on secondary sources. All the information regarding Council statements, voting activity, engagement with the Special Procedures, treaty ratification and reporting obligation compliance came from the Office of the High Commissioner of Human Rights (OHCHR) and is publicly available on its website (access to statements to the Council requires registering an account with the Council's extranet). Pledge documents, as mentioned above, are linked in the annex, and are quoted at length in the pre-election pledge section (page 19).

THE COMMONWEALTH AND THE UNITED NATIONS HUMAN RIGHTS COUNCIL

Q & A ON THE UNITED NATIONS HUMAN RIGHTS COUNCIL

WHAT IS THE UNITED NATIONS HUMAN RIGHTS COUNCIL?

The United Nations Human Rights Council (UNHRC or the Council) is an intergovernmental body within the UN system comprising 47 elected Member States. The Council was established in June 2006 to replace the former UN Commission on Human Rights. The Council has the primary responsibility for the promotion and protection of human rights at the UN. The Council holds three regular sessions annually and special sessions as required by human rights situations that require urgent attention. Unlike its predecessor, which was a subsidiary body to the Economic and Social Council, the Human Rights Council is a subsidiary organ of the UN General Assembly. The Council has absorbed mechanisms of the former Commission, such as the Special Procedures and Complaints Procedure, while including new mechanisms: the Universal Periodic Review (UPR) and the Advisory Committee. In another departure from the practices of its predecessor, the Council has a re-formulated regional division of seats that provides for greater representation of Southern States. Its election process is also different; states may release pre-election pledges and then must secure an absolute majority of votes in the General Assembly (held by secret ballot) to be elected.

WHY WAS THE COUNCIL ESTABLISHED?

The Council was established to replace the discontinued and largely discredited United Nations Commission on Human Rights (the Commission) that was established in 1946. Despite several contributions and decades of setting international standards on human rights, the Commission was criticised for being an overly political and selective body. Numerous states with poor human rights records were able to sit on the Commission and, once there, work to block meaningful action on serious human rights abuses.

HOW ARE COUNTRIES ELECTED TO THE COUNCIL?

The Council's 47 seats are allocated by regional grouping (13 for Asian States, 13 for African States, six for Eastern European States, eight for Latin American and Caribbean States and seven for

Western European and Other States) for three-year terms. Every year new countries vie for seats within each regional grouping – the number of seats available depends on the number of countries from each grouping departing the Council. Countries may only run for two consecutive terms. A country must obtain an absolute majority of votes from the UN General Assembly to be elected to the Council. If no country within a regional grouping receives an absolute majority of votes, then a second round of voting takes place between high-scoring candidates. Recently, however, there has been a trend of regional groupings running closed slates – with the number of countries running matching the number of open seats – to avoid embarrassing countries that lose out to other countries from the same region.

WHAT IS A PLEDGE AND WHAT DOES A PLEDGE USUALLY ENTAIL?

A country running for election to the Council can submit pre-election pledges while presenting their candidature. Ideally, the pledge document is intended to be used by voting countries to determine which candidate best fits the criteria for election to the Council, i.e. which country has made the greatest contribution to the promotion and protection of human rights and is willing and capable of playing an effective role at the Council. Pledges usually list a country's past contributions to the promotion and protection of human rights, and future voluntary commitments towards the same. The commitments made in each country's pre-election pledge are also intended to be used as a partial basis for that country's Universal Period Review. For reference, electronic links to these pledges can be found in Annex 1 of this report.

IS THE PLEDGE-MAKING PROCESS REGULATED?

The Office of the High Commissioner for Human Rights (OHCHR) has published a document that outlines suggested elements for voluntary pledges and commitments, but these guidelines are not binding; nor are they exhaustive. The suggested elements include national and international human rights contributions, pledges and commitments.¹ Because the pledge-making process is neither regulated nor standardised, there is little consistency between countries, although pledges to support the work of the Council and its subsidiary mechanisms are common, as are pledges to uphold the highest standards of human rights domestically. Unfortunately, pledges also tend to be vague and unquantifiable, making the measurement of achievements and benchmarking especially difficult.

¹ United Nations Office of the High Commissioner for Human Rights, "Suggested Elements for Voluntary Pledges and Commitments for Candidates for Election to the Human Rights Council," n.d., <http://www.ohchr.org/Documents/HRBodies/HRCouncil/Pledges.pdf>.

ARE COUNTRIES BOUND BY THEIR PRE-ELECTION PLEDGES?

There is currently no accountability mechanism to ensure compliance with pre-election pledges. That being said, the General Assembly does have the ability to suspend Council Members who have seriously and consistently breached their international human rights obligations. Libya was suspended from the Council in March 2011 as a result of a violent crackdown on anti-government protestors; however Libya had not made any specific pledges regarding its domestic human rights situation before its election to the Council. There is therefore no example of a State's membership of the Council being affected as a direct result of violating an election pledge.

WHAT IS THE POSITION OF THE COMMONWEALTH AT THE COUNCIL?

Since the establishment of the Council in 2006, the share of sitting members who are also Commonwealth states has generally been 20-25% in any given year. The Commonwealth, through its Secretariat, has undertaken several initiatives with respect to technical assistance on the UPR. The Commonwealth has also established a "Small States" office in Geneva in order to provide subsidized office space to its smaller Members who do not have a permanent presence in Geneva, thereby facilitating their participation at the Council.

IS THE COUNCIL AN EFFECTIVE MECHANISM TO PROMOTE RESPECT FOR HUMAN RIGHTS AND TO ADDRESS MAJOR ABUSES?

To date, the Council appears to be battling issues similar to the ones that plagued the Commission. During a speech at the celebrations for the sixtieth anniversary of the Universal Declaration of Human Rights in December 2008, UN Secretary-General Ban Ki Moon urged the Council to "rise above partisan posturing and regional divides" and to "address human rights abuses wherever they occur". For the most part, this plea has not been borne out. Many members continue to vote on the basis of regional groupings and/or political alliances. Major human rights abusers still sit on the Council, and the responses to several serious abuses have been undermined by politicization. Though many Commonwealth countries voluntarily pledged to promote and work positively to support the Council before their election, Commonwealth Members tend to be a part of the negative patterns identified above.

Voting on controversial country-specific and thematic resolutions continues to be divided along regional voting lines and/or dictated by political alliances. A number of Commonwealth countries are openly opposed to country-specific scrutiny at the Council and frequently either abstain or

vote no when such resolutions come to a vote

Despite these issues, the Council has achieved a degree of success in providing a forum for debate on global human rights issues. It has facilitated significant engagement of civil society in its processes. It has also managed to unite its Members around several key concerns, passing resolutions calling for action or expressing commitment to a range of issues from the protection of human rights defenders to holding perpetrators to account for human rights abuses.

THE COMMONWEALTH AT THE HUMAN RIGHTS COUNCIL: AN ANALYSIS OF COUNTRY BEHAVIOUR

This round of reports, which cover 2014 and 2015 as well as the first session of 2016, continue to demonstrate the discouraging picture highlighted by their predecessors regarding the performance of Commonwealth members as a whole at the Council. The potential for Commonwealth countries to actively contribute to the promotion, protection and realisation of human rights, both at home and at the Council has still not been fulfilled. At the same time, a more mixed picture emerges when the record is examined on a country-by-country basis, with some delegations acting more constructively than others.

These reports demonstrate the following important patterns in the behaviour of Commonwealth countries at the Council:

SHARP DIVISIONS ON COUNTRY-SPECIFIC SITUATIONS

It was evident that several Commonwealth countries remained reluctant to take positions on individual country situations. This approach significantly impeded the Council from effectively responding to the most egregious human rights violations.

Of particular concern was the position taken by the Commonwealth bloc when the situation of one of its Members came under the scrutiny of the Council. In March, 2014, Resolution 25/01, “Promoting reconciliation, accountability and human rights in Sri Lanka,” was supported by only three Commonwealth countries; Botswana, Sierra Leone and the United Kingdom. India, Namibia and South Africa abstained from the vote, while Kenya, Maldives and Pakistan voted no. This voting pattern mirrored the Commonwealth’s unwillingness to aggressively speak out on the dire human rights situation in the country, emblemized by the Secretariat’s decision to hold the 2013 CHOGM in Sri Lanka despite widespread outcry and the boycott of several Heads of Government.

Commonwealth members consistently rendered split decisions voting on other countries as well. In Session 31 alone, Commonwealth countries disagreed significantly on resolutions concerning Syria (31/17; 4 yes, 6 abstentions), Iran (31/19; 2 yes, 4 no, 4 abstentions), and Palestine (31/34; 8 yes, 2 abstentions). In addition to further splits on other votes concerning these three countries of perennial concern, in the prior year (2015) Commonwealth members also failed to find consensus on Belarus (29/17; 4 yes, 1 no, 7 abstentions), Ukraine (29/23; 6 yes, 6 abstentions), and North Korea (28/22; 5 yes, 7 abstentions).

In oral statements, several Commonwealth countries also called for the Council to diminish or end its focus on individual countries and raised concerns about the use of the forum for “particular agendas,” which could be construed as an attempt to block scrutiny of politically sensitive human rights situations.

LACK OF CONSENSUS ON FUNDAMENTAL HUMAN RIGHTS AND CIVIL LIBERTIES

Among the more disturbing patterns in the behaviour of Commonwealth countries was a failure to achieve unanimity on the most basic human rights and civil liberties issues. Resolution 25/38, “The promotion and protection of human rights in the context of peaceful protests,” garnered no votes from Kenya, India, South Africa and Pakistan, as well as an abstention from Namibia. Two countries (Nigeria and South Africa) abstained from voting on Resolution 28/14, “Human rights, democracy and the rule of law.” Resolution 31/32, “Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights,” earned a no vote from Nigeria and abstentions from Kenya and Namibia.

CONTINUING CONTROVERSY OVER THE DEATH PENALTY AND LGBT RIGHTS

Two major policy divisions in the Commonwealth that were visible at the Council were over the death penalty and LGBT rights. During the period covered in these reports, two votes were held on the “The question of the death penalty,” (26/02 and 30/05) and each produced split results (4 yes, 3 no, 2 abstentions on the former; 4 yes, 5 no, 3 abstentions on the latter).

In terms of LGBT rights, Resolution 27/32, “Human rights, sexual orientation and gender identity,” divided Commonwealth members (2 yes, 4 no, 3 abstentions). Two “Protection of the Family” resolutions, which could be construed as exclusionary to LGBT persons, earned significant support (26/11; 8 yes, 1 no) (29/22; 10 yes, 2 no).

EMPHASIS ON THE NEEDS OF DEVELOPING COUNTRIES AND THE RIGHT TO DEVELOPMENT

Many Commonwealth countries were active in advocating for a greater focus on the right to development and the interrelation between civil, political, social, economic and cultural rights. While the attention to development appears at times to be an attempt to distract from the more politically sensitive political and civil rights issues, it also adds an important, holistic human rights perspective from the developing world. Commonwealth countries also repeatedly raised points about the need for greater financial contributions to the Council and continued support for its technical assistance efforts.

PARTICIPATION

Commonwealth countries have room to improve when it comes to participation in Council activities. Universal Rights Group recorded the following level of participation, defined as the proportion of meetings to which a country submitted an individual or joint statement, for the five countries covered in this report series during Sessions 23-31 (June 2013-March 2016)²:

Country	Panels	Interactive Dialogues	General Debates	Average
Botswana	7%	37%	26%	23%
India	42%	24%	44%	37%
Namibia	41%	15%	16%	24%
Pakistan	36%	14%	26%	25%
Sierra Leone	56%	40%	32%	43%

It is difficult to set a benchmark for what constitutes a “good” level of participation, given the wide variance in resources among the Council members. However, it is worth noting that of these five countries it was Sierra Leone, by far the poorest in terms of GDP/capita, that sustained the highest level of participation. The Council would benefit if members sought to participate more in its proceedings, even given current constraints of time, personnel and finances.

A LACK OF COMMITMENT TO PROMOTING COMMONWEALTH VALUES AT THE COUNCIL

The Commonwealth Charter, signed in 2013, sets out the values of the association, committing its members to the principles of peace, democracy, justice, development, equality, human rights and

² Entries for each country can be found at <http://yourhrc.org/interactive-map/>.

inclusivity. Unfortunately, the record suggests their actions are sometimes dictated more by political expediency and indifference to or unwillingness to deal with human rights abuses than a thorough commitment to these values. It exemplifies the need for the Secretariat to work proactively to ensure adherence to the Charter, rather than acquiesce to members' lack of regard for the Commonwealth's fundamental ideals.

THE ROLE OF THE OFFICIAL COMMONWEALTH AT THE UN HUMAN RIGHTS COUNCIL

ENGAGEMENT

The Commonwealth mandate to engage with the Council was initiated at the 2007 Commonwealth Heads of Government Meeting (CHOGM). As a result of lobbying by the Commonwealth Human Rights Forum, a meeting of civil society groups, the Heads of Government decided that the Commonwealth Secretariat could, through the Council, play a facilitating role in strengthening dialogue on, and raising awareness of, human rights in Commonwealth countries. Since the Human Rights Council began operating in 2006, CHRI has urged the Commonwealth and its members to actively support the Council in the fulfilment of its mandate. The earlier reports in the *Easier Said Than Done* series have noted that the Council should be considered one of the most important global fora for the Commonwealth, and to this end identified two important avenues through which the Commonwealth could make a serious impact at the Council:

1. By providing technical assistance to Commonwealth countries that wish to engage with the Council and its mechanisms.
2. By building consensus among like-minded countries during deliberations at the Council.

To date, Commonwealth engagement with the Council has largely focused on the first avenue, with a predominant emphasis on providing technical assistance to Commonwealth countries as they engage with the Universal Periodic Review mechanism. Since early 2008, the Human Rights Unit of the Commonwealth Secretariat has run several UPR capacity-building training sessions across the Commonwealth for governments, parliamentarians, national human rights institutions and civil society. These meetings have primarily been a forum to share best practices and experiences. Best practices taken from a selection of these meetings were compiled into two volumes by the Human Rights Unit: *Universal Periodic Review of Human Rights: Towards Best Practice*, which shared early experiences with the UPR; and *Universal Periodic Review: Lessons, Hopes and Expectations*, which provided an update half-way through the first cycle.

Work to further contribute to the UPR continued during the second cycle of reviews. Notably, the Mahé Declaration of 2014, the Pipitea Declaration of 2015 and the Kotte Declaration of 2016 expressed the commitment of Commonwealth parliamentarians in Africa, the Pacific, and Asia, respectively, to increase engagement with the UPR and other international human rights mechanisms.³ The most recent capacity-building workshop to this end was held in January 2016 in Sri Lanka for Commonwealth parliamentarians in Asia.⁴

The level of commitment by the Heads of Government to Commonwealth engagement with the international human rights mechanisms and the Council, particularly the UPR, has fluctuated somewhat. The Heads at the 2009 CHOGM in Trinidad and Tobago reaffirmed support for the capacity-building work of the Human Rights Unit.⁵ However, at the 2011 CHOGM in Australia, the Heads merely noted that Commonwealth Members should share best practices and lessons learned from the Universal Periodic Review Process, without establishing a way forward for the Commonwealth to deliver further technical assistance.⁶ The trend of diminishing focus in the CHOGM communiqué continued in 2013, where no reference to the Council or the UPR was made. The UN human rights mechanisms only received a sweeping mention wherein Members were encouraged to accelerate efforts towards the ratification of all major international human rights instruments to strengthen the implementation of rights and freedoms as enshrined in the Universal Declaration of Human Rights.⁷ The 2015 CHOGM communiqué briefly noted the UPR as one source of best practices. It also ventured only mildly towards encouraging involvement in other international instruments, inviting States who “wished to do so” to ratify the Arms Trade Treaty and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.⁸

The Commonwealth Secretary-General traditionally makes a speech during the opening of the

³ Commonwealth Secretariat, “Commonwealth Asia MPs Join Forces on Human Rights,” February 4, 2016, <http://thecommonwealth.org/media/news/commonwealth-asia-mps-join-forces-human-rights>.

⁴ Commonwealth Secretariat, “Sri Lanka Hosts Commonwealth Regional Human Rights Seminar for Parliamentarians,” January 29, 2016, <http://thecommonwealth.org/media/press-release/sri-lanka-hosts-commonwealth-regional-human-rights-seminar-parliamentarians#sthash.dG7OqD6a.dpuf>.

⁵ Commonwealth Heads of Government, “Commonwealth Heads of Government Meeting Communiqué, Trinidad and Tobago 2009,” November 29, 2009, <http://thecommonwealth.org/sites/default/files/news-items/documents/TrinidadandTobagoCHOGMCommuniqué2009.pdf>.

⁶ Commonwealth Heads of Government, “Commonwealth Heads of Government Meeting Communiqué, Australia 2011,” October 30, 2011, <http://thecommonwealth.org/media/news/commonwealth-leaders-release-chogm-2011-communiqué%3%A9>.

⁷ Commonwealth Heads of Government, “Commonwealth Heads of Government Meeting Communiqué, Sri Lanka 2013,” November 17, 2013, http://thecommonwealth.org/sites/default/files/events/documents/CHOGM%202013%20Communiqué_0.pdf.

⁸ Commonwealth Heads of Government, “Commonwealth Heads of Government Meeting Communiqué, Malta 2015,” November 29, 2015, <http://thecommonwealth.org/sites/default/files/news-items/documents/CHOGM%202015%20Communiqué.pdf>.

Council, which can serve as a window onto the Secretariat's approach to engagement with that body. The Secretary-General in office from 2008 to early 2016, Kamallesh Sharma, delivered speeches that—while they at times defended fundamental human rights and liberties—differed markedly from those of his predecessor in their view of the proper role of the Council. Whereas Secretary-General Don McKinnon noted in his 2007 address that if the Council “shields just one jurisdiction which displays a blatant abuse of human rights, it will discredit itself forever”⁹, Secretary-General Sharma's speeches seem to suggest that naming and shaming rights-abusive regimes should be avoided. In 2010, for example, he said that there was “greater value in raising a helping hand, than in raising a wagging finger”¹⁰; in 2012, he stated that the “Commonwealth approach is not to chide or rebuke, but to agree to shared goals”¹¹. In 2015, in a welcome move, his speech noted the Secretariat's concern over the safety of human rights defenders and threats to freedom of association and assembly.¹² His farewell speech to the Council, in 2016, focused heavily on networking and capacity-building efforts by the Commonwealth, but largely avoided sensitive civil and political rights issues and omitted mention of specific countries.¹³ These statements largely mirrored the non-confrontational approach taken by the Secretariat in responding to human rights violations within member states. A notable exception to this pattern was in the Secretary-General's frequent call to end discrimination on the basis of gender identity or sexual orientation, a laudable action given that the majority of Commonwealth countries continue to criminalise homosexuality.

Beyond these speeches, the institutional contacts between the Commonwealth and the Human Rights Council are relatively shallow—which should be a cause for concern. The Commonwealth considers itself a values-based organisation, defined by the principles of democracy, human rights, peace, tolerance and respect for the rule of law. If Commonwealth countries do not uphold these values, domestically or during their international engagements, the Commonwealth should be aware of this and take appropriate action. It is therefore essential that the Commonwealth monitor action at the Council and work towards increasing the positive impact made by Commonwealth States at the Council. A significant initial move in that direction was completed in

⁹ Don McKinnon, “Statement by the Commonwealth Secretary-General Rt Hon Don McKinnon to the High Level Segment of the UN Human Rights Council,” March 14, 2007, <http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session4/HLS/Commonwealth.pdf>.

¹⁰ COMSEC/PACNEWS, “Commonwealth Secretary-General Addresses UN Human Rights Council,” February 3, 2010, <http://www.pina.com.fj/print.php?print=news&o=15361361914b8c7dcf54906a3a8e6a>.

¹¹ Kamallesh Sharma, “Commonwealth Secretary-General Speech to UN Human Rights Council – High Level Segment,” February 29, 2012, <http://thecommonwealth.org/media/news/commonwealth-secretary-general-speech-un-human-rights-council-%E2%80%93-high-level-segment>.

¹² Kamallesh Sharma, “Secretary-General Addresses UN Human Rights Council,” March 3, 2015, <http://thecommonwealth.org/media/news/secretary-general-un-human-rights-council>.

¹³ Kamallesh Sharma, “Secretary-General to Address High-Level Segment of UN Human Rights Council,” March 2, 2016, <http://thecommonwealth.org/media/news/secretary-general-address-high-level-segment-un-human-rights-council#sthash.5uO1TB4d.dpuf>.

January 2011, when the Commonwealth opened an office in Geneva that offers space and a business centre at subsidised rates for Commonwealth missions and visiting delegations that participate in international deliberations, including at the Council.

In 2013, the Commonwealth took the step of contributing to a specific thematic panel discussion held at the Council on the role of parliamentarians in the work of the Council. Moreover, the staff of the Commonwealth contributed to specific thematic reports prepared by the Office of the High Commissioner for Human Rights (OHCHR). The reports, to which the Commonwealth contributed, included the policing of peaceful protests; strengthening judicial systems and the administration of justice; the right to development; and the protection of journalists. The Secretary-General in his 2016 statement underlined the association's on-going objective of assisting Commonwealth States participation in the UPR process and furthering the goals of the Council; however, the only specific pledge made in terms of direct participation at the Council was for Commonwealth involvement in a forthcoming panel on the contribution of parliaments to the work of the Council during the 32nd Session.¹⁴

There have been no visible moves by the Commonwealth, or any of its members, to work towards building a consensus among Commonwealth countries at the Council on interventions designed to advance human rights objectives. It is, of course, questionable whether a "Commonwealth consensus" at the Council could be achieved, given the wide variance in the human rights situations and political commitments of its members. Yet given the pro-human rights values at the heart of the Commonwealth, and the significant share of seats on the Council held by Commonwealth countries, working towards greater coordination would have significant potential benefits. An active Commonwealth group at the Council could both promote the Commonwealth's principles and help give it a higher international profile.

¹⁴ Kamallesh Sharma, "Secretary-General to Address High-Level Segment of UN Human Rights Council," March 2, 2016, <http://thecommonwealth.org/media/news/secretary-general-address-high-level-segment-un-human-rights-council#sthash.5uO1TB4d.dpuf>.

THE COMMONWEALTH MEMBERS OF THE HUMAN RIGHTS COUNCIL AND THE UNITED NATIONS HUMAN RIGHTS MECHANISMS

DO COMMONWEALTH MEMBERS OF THE HRC COMPLY WITH MAJOR UN HUMAN RIGHTS INSTRUMENTS?

The tables below are designed to illustrate the extent to which the Commonwealth Members who sat on the Human Rights Council during the reporting period comply with core UN human rights instruments, mechanisms and processes. The tables focus on the ratification status of international human rights treaties (Table I); compliance with respect to reporting obligations under the UN human rights treaties (Table II); and engagement with the special procedures (Table III). Adherence to such instruments and mechanisms varies, demonstrating that the international framework established for the promotion and protection of human rights is not uniformly implemented across the Commonwealth Members of the Human Rights Council.

LIST OF CORE UN HUMAN RIGHTS TREATIES

The core UN human rights treaties and their optional protocols that this section covers are:

- CERD - International Convention on the Elimination of All Forms of Racial Discrimination
- CCPR - International Covenant on Civil and Political Rights
- CCPR-OP1 - Optional Protocol to the International Covenant on Civil and Political Rights
- CCPR-OP2-DP - Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty.
- CESCR - International Covenant on Economic, Social and Cultural Rights
- CESCR-OP - Optional protocol to the International Covenant on Economic, Social and Cultural Rights
- CEDAW - Convention on the Elimination of All Forms of Discrimination against Women
- CEDAW-OP - Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
- CAT-OP - Optional Protocol of the Convention against Torture
- CRC - Convention on the Rights of the Child

- CRC-OP-AC - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- CRC-OP-SC - Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography
- CRC-OP-CP- Optional Protocol to the Convention on the Rights of the Child on a communications procedure
- CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- CED - Convention for the Protection of All Persons from Enforced Disappearance
- CRPD - Convention on the Rights of Persons with Disabilities
- CRPD-OP - Optional protocol to the Convention on the Rights of Persons with Disabilities

TABLE 1: ADHERENCE OF COMMONWEALTH COUNTRIES TO THE UN HUMAN RIGHTS TREATIES (RATIFICATION STATUS)

	Bangladesh	Botswana	Ghana	India	Kenya	Maldives	Namibia	Nigeria	Pakistan	Sierra Leone	South Africa	United Kingdom
CERD	P	P	P	P	P	P	P	P	P	P	P	P
CCPR	P	P	P	P	P	P	P	P	P	P	P	P
CCPR-OP1	-	-	P	-	-	P	P	-	-	P	P	-
CCPR-OP2	-	-	-	-	-	-	P	-	-	-	P	P
CESCR	P	-	P	P	P	P	P	P	P	P	P	P
CESCR-OP	-	-	S	-	-	S	-	-	-	-	-	-
CEDAW	P	P	P	P	P	P	P	P	P	P	P	P
CEDAW-OP	P	P	P	-	-	P	P	P	-	S	P	P
CAT	P	P	P	S	P	P	P	P	P	P	P	P
CAT-OP	-	-	S	-	-	P	-	P	-	S	S	P
CRC	P	P	P	P	P	P	P	P	P	P	P	P
CRC-AC	P	P	P	P	P	P	P	P	S	P	P	P
CRC-SC	P	P	S	P	S	P	P	P	P	P	P	P
CRC-CP	-	-	S	-	-	S	-	-	-	-	-	-
CMW	P	-	P	-	-	-	-	P	-	S	-	-
CED	-	-	S	S	S	S	-	P	-	S	-	-
CRPD	P	-	P	P	P	P	P	P	P	P	P	P
CRPD-OP	P	-	P	-	-	-	P	P	-	-	P	P

KEY
 P State Party
 S Signatory
 - No action

TABLE 2: COMPLIANCE OF COMMONWEALTH COUNTRIES WITH REPORTING OBLIGATIONS UNDER THE UN HUMAN RIGHTS TREATIES

	Bangladesh	Botswana	Ghana	India	Kenya	Maldives	Namibia	Nigeria	Pakistan	Sierra Leone	South Africa	United Kingdom
CERD	OD (2002)	OD (2009)	OD (2006)	OD (2010)	UTD	UTD	UTD	OD (2008)	UTD	OD (2006)	UTD	UTD
CCPR	UTD	OD (2012)	UTD	OD (2001)	OD (2015)	OD (2015)	UTD	OD (1999)	UTD	UTD	UTD	UTD
CESCR	OD (2000)	-	OD (2003)	OD (2011)	UTD	OD (2008)	UTD	OD (2000)	UTD	OD (1998)	-	UTD
CEDAW	UTD	OD (2014)	UTD	OD (2015)	UTD							
CAT	OD (1999)	OD (2001)	OD (2015)	-	UTD	OD (2005)	UTD	OD (2002)	UTD	UTD	OD (2009)	UTD
CRC	UTD	OD (2007)	UTD	UTD	UTD							
CRC-AC	UTD	OD (2009)	-	UTD	OD (2004)	UTD	OD (2004)	OD (2014)	-	UTD	OD (2011)	UTD
CRC-SC	UTD	OD (2005)	-	UTD	-	UTD	OD (2004)	OD (2012)	OD (2013)	UTD	UTD	UTD
CMW	UTD	-	UTD	-	-	-	-	UTD	-	-	-	-
CED	-	-	-	-	-	-	-	OD (2013)	-	-	-	-
CRPD	OD (2010)	-	OD (2014)	UTD	UTD	OD (2012)	OD (2010)	OD (2012)	OD (2013)	OD (2012)	UTD	UTD

KEY UTD Up to date
 OD (2002) Overdue (report due date)
 - N/A

TABLE 3: SPECIAL PROCEDURES: STANDING INVITATIONS, VISITS AND PENDING REQUESTS

	Bangladesh	Botswana	Ghana	India	Kenya	Maldives	Namibia	Nigeria	Pakistan	Sierra Leone	South Africa	United Kingdom
Standing invitation?	NO	NO	YES	YES	YES	YES	NO	YES	NO	YES	YES	YES
Visits, 2014-mid-2016	Freedom of Religion	Cultural rights Water and sanitation	Torture	NONE	Internally displaced persons Water and sanitation	NONE	NONE	Minority issues	NONE	NONE	Violence against women	Violence against women Eritrea Promotion of truth, justice, reparations and guarantees of non-recurrence
	Minority issues	Racism	Migrants	Torture	Human rights defenders	Human rights defenders	Transnational corporations	Freedom of assembly and association	Human rights defenders	Internally displaced persons	Extrajudicial executions	NONE
Pending requests	Extrajudicial executions		Education	Racism	Promotion of truth, justice, reparations and guarantees of non-recurrence		Human rights defenders	Counter terrorism	Extrajudicial executions	Arbitrary detention	Racism	
	Independence of judges and lawyers		Housing	Enforced disappearances	Extreme poverty			Water and sanitation	Racism	Freedom of expression	Environment	
	Contemporary forms of slavery			Indigenous peoples	Minority issues			Violence against women	Freedom of religion		Water and sanitation	
	Racism			Water and sanitation	Torture				Counter terrorism	Housing	Hazardous substances and waste	Extreme poverty
	Internally displaced persons			Extrajudicial executions	Enforced disappearances							
	International solidarity			Independence of judges and lawyers	Hazardous substances and waste				Torture			
	Migrants			Trafficking	Freedom of assembly and association				Food	Internally displaced persons		
Freedom of expression				Sale of children				Freedom of assembly and association				
Hazardous substances and waste				People of African descent	Hazardous substances and waste	Extreme poverty	Contemporary forms of slavery	Cultural rights	Minority issues	Discrimination against women	Contemporary forms of slavery	Cultural rights

INDIA AT THE HUMAN RIGHTS COUNCIL

BACKGROUND

ELECTION TO THE UN HUMAN RIGHTS COUNCIL

India was one of the four Asian countries that contested the May 2011 elections for the four seats vacant among the 13 seats reserved for Asia. It was elected for the 2011 to 2014 term.

India ran for a second term in 2014. In a field of nine countries, it won one of the four open Asian seats for the 2015-2017 term.

PRE-ELECTION PLEDGES

Before its election to the Council, India made specific pre-election pledges in relation to advancing human rights at the regional, international and domestic level.

At the regional and international level, India pledged to:

“Uphold the highest standards in the promotion and protection of human rights, and to continue to strive for the full realization of civil, political, economic, social and cultural rights, including the right to development;

Continue to work for worldwide promotion and protection of human rights based on the principles of cooperation and genuine dialogue;

Continue to cooperate with other United Nations Member States, especially developing countries and small island States, upon request, in their implementation of human rights obligations through capacity-building by way of technical cooperation, human rights dialogue and exchange of experts;

Strive to make the Human Rights Council a strong, effective and efficient body, capable of promoting and protecting human rights and fundamental freedoms for all;

Continue to engage constructively in the deliberations of the Human Rights Council, its subsidiary bodies and mechanisms, including norm-setting in the field of human rights;
Continue to support the Office of the United Nations High Commissioner for Human Rights, including through regular voluntary contributions;

Consider extending a standing invitation to Special Procedures of the Human Rights Council;

Continue to cooperate with Special Procedures and participate constructively in reviewing and strengthening the system of Special Procedures and other expert mechanisms of the Council;

Implement the recommendations that enjoyed its support during the first cycle of the UPR, and to participate in the second cycle of the UPR in an open and constructive manner;

Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention for the Protection of All Persons from Enforced Disappearances, to which it is a signatory;

Continue to cooperate with United Nations human rights treaty bodies and contribute constructively towards the reform of the United Nations human rights treaty body system.”

At the national level, India pledged to:

“Continue to abide by its national mechanism and procedures to promote and protect the human rights and fundamental freedoms of all its citizens;

Maintain the independence, autonomy and powers of investigation of national human rights bodies, including its National Human Rights Commission, National Commission for Women, National Commission for Protection of Child Rights, National Commission for Minorities, National Commission for Scheduled Castes and Scheduled Tribes and National Commission for Backward Classes, as mandated by Indian Constitution and national legislations;

Continue to promote the social, economic and political empowerment of women in India by affirmative actions, gender-mainstreaming in national planning, gender-budgeting and formation of women self-help groups. India shall continue to work towards elimination of discrimination and violence against women through legislative measures as well as effective implementation of existing policies;

Continue to support domestic and international processes that seek to advance women’s rights, gender equality and the rights of the child;

Continue to foster a culture of transparency, openness and accountability in the functioning of the Government, as enacted in its Right to Information Act;

Continue to foster genuine participation and effective involvement of civil society in the promotion and protection of human rights.”

COMPLIANCE

COMPLIANCE WITH PRE-ELECTION PLEDGES

In its pledge document, India committed to continue helping to make the Council a strong and effective body, to promote the work of the Council based on “principles of sovereign equality, mutual respect, cooperation and dialogue,” to engage constructively in deliberations, to continue cooperating with the OHCHR, the UPR process and the special procedures, and to engage with civil society in the promotion and protection of human rights.

India was one of the more active members of the Council. Among the focus countries of this series, India had the second-highest average level of participation as measured by the Universal Rights Group during Sessions 23-31. It was particularly active in general debates and panel, though it maintained a somewhat-lower level of participation in Interactive Dialogues.

India was unwilling to register assent when it came to country-specific resolutions, with the exception of votes related to Israel and Palestine and one resolution on assistance to Ukraine during Session 29. It abstained from voting on resolutions concerning Syria, North Korea, Sri Lanka, Ukraine (Session 26) and on one resolution concerning Palestine (Session 31). It voted no on resolutions regarding Belarus and Iran. Its voting record on fundamental rights was somewhat mixed; it voted no on a resolution concerning human rights and peaceful protests in Session 25 but in favour of a resolution on the same topic in Session 31. It also voted yes on a resolution on protecting human rights defenders during Session 31.

In its statements, India frequently urged the Council to balance its focus on all rights, including the right to development. It consistently raised concerns about the Council’s functioning, urging it to foster consensus and avoid targeting specific countries. It criticized the OHCHR’s lack of geographic diversity and argued on multiple occasions that special procedure mandate holders were becoming unfocused and stepping over their mandates. It called for more technical assistance, with states taking the lead in determining priorities. It often voiced support for matters related to the rights of women and children, as well as sustainable development.

India voted against multiple anti-death penalty resolutions. On 12 June 2014 it objected to a report by the Special Rapporteur on violence against women which urged the country to end the death penalty, a recommendation which India said was outside the SR's mandate. It also abstained from voting on a resolution concerning the rights of LGBT persons and for two resolutions on the "protection of the family" that were not LGBT-inclusive.

India's pledge document states its commitment to participating constructively in its own UPR but did not directly provide a position on the UPR process overall. India did make statements on several UPR sessions during each meeting of the Council. However, with few exceptions these statements were form documents that did not vary between countries and contained no specific commentary other than noting the number of recommendations that had been accepted.

India promised to continue cooperation with the special procedures. The country has a standing invitation to mandate holders, but did not host any visits during the reporting period. It has fifteen requests pending.

It also pledged constructive engagement and cooperation with the treaty bodies. It has a fairly good reporting record, but is behind on reports for CERD, CCPR, and CESCR. It specifically committed to ratifying two treaties to which it was already a signatory, CAT and CED. However, it has yet to fulfill this pledge.

RATIFICATION

India has ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESR), the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and its two Optional Protocols, and the Convention on the Rights of Persons with Disabilities (CPD).

India has signed but not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Convention on Enforced Disappearances (CED).

India has not signed the Convention on the Protection of the Rights of All Migrants Workers (ICRMW). It has also not signed the two Optional Protocols to the ICCPR, or the Optional Protocols to ICESCR, CAT, CPD and CEDAW.

REPORTING OBLIGATIONS

India has completed some of its reporting requirements under international instruments. Its report for the fourth cycle of review for the ICCPR has been overdue since 2001. It has owed its sixth cycle review report under ICESCR since 2011. India has completed nineteen rounds of reporting under ICERD, but its twenty-first cycle report has been overdue since 2011. It has submitted its first report for CRPD and is up to date on its reporting for the CRC, the two Optional Protocols to CRC, and CEDAW.

VOTING PATTERNS AND PERFORMANCE AT THE COUNCIL

25TH REGULAR SESSION (3RD MARCH TO 28TH MARCH 2014)

On 4 March 2014 in a statement not delivered due to a lack of time at the **High-level Panel on Human Rights Mainstreaming and Promotion and Protection of the Human Rights of Migrants** India stated that the main reason the developed world is unwilling to accept the development aspect of international migration is because they have been and are beneficiaries of migration from the South. It said that migrants needed to be recognized as an asset not a burden. India reiterated the need to combat anti-migrant sentiment manifested in discrimination, xenophobia and intolerance against migrants and their families by creating greater public awareness about the situations migrants experience and the contributions they make to countries of origin and destination.

On March 4, 2014, during **High-level dialogue with relevant United Nations entities on the promotion of preventive approaches within the UN system**, India stated that the best approach to prevent human rights violations is strengthening national institutions through capacity building efforts so that they can function consistent with the rule of law and uphold human rights. India also expressed concern about the influence of modern technology and stated that attention needed to be paid to the damaging power of misinformation and unreliable sources in relation to human rights.

On March 6, 2014, during the **general debate on the Annual Report of the High Commissioner for Human Rights**, India recognized the contributions of the High Commissioner for Human Rights toward promoting and protecting human rights around the world. India commended and supported the Council's work in reacting swiftly to deteriorating situation of human rights such as in the Central African Republic. Commenting on the Universal Periodic Review (UPR) India noted that it was a positive and transparent mechanism of the Council. Responding to a statement on 3 March 2014 by the Secretary of State, Ministry of Foreign Affairs of Italy regarding two Italian marines in India, India took issue with the statement that the men were 'captive', saying that they were out on bail and staying in the Italian Embassy in New Delhi. India also contended that the case is wrongfully portrayed as one of violation of human rights of the accused, saying that the only rights violations were committed against the two Indian fishermen¹⁵. On March 11, 2014, during a **panel discussion on the importance of the promotion and protection of civil society space**, India (on behalf of the Like Minded Group) acknowledged the work of civil society in

¹⁵ Since the writing of this report, both marines have been released and are now back in Italy.

ensuring that citizens exercise their rights in reality. India warned against commending civil society as a panacea and stated that civil society should hold itself to the same standards of accountability and fairness as national governments, reiterating that civil society must operate within national laws. It urged civil society to protect against the influence of donor groups guided by extreme ideologies and political motives, which it warned would bring civil society space into disrepute. It urged civil society to widen its efforts to the realization of the right to development, combating intolerance and discrimination based on religion.

On March 13, 2014, during the **Annual full-day meeting on the rights of the child: Empowering children to claim their rights**, India reiterated its commitment to its obligations under the UN Conventions on the Rights of the Child, stating that it had passed a number of laws specific to the rights of the child and adopted a National Policy for Children in 2013. India stated in order to protect the rights of children affected by political unrest it had implemented a pilot scheme called the *Bal Bandhu* scheme, which involved mobilizing community volunteers as children's rights defenders.

On 17 March 2014, during the **Interactive Dialogue with the Special Rapporteur on the Situation of Human Rights in Myanmar**, India commended the progress toward democratization in Myanmar noting the SR's comment that "there was limited space for backtracking". India stated that Myanmar needed further encouragement and support in developing its national institutions.

On March 20, 2014, on the **consideration of Mexico**, India expressed appreciation of the government of Mexico's receptive and constructive engagement with the UPR process. India stated Mexico had made laudable progress in reducing poverty and inequality and was encouraged to note that Mexico had accepted a number of its recommendations.

On March 20, 2014, on the **consideration of Mauritius**, India congratulated Mauritius on the successful completion of its UPR. India expressed appreciation at Mauritius accepting all 114 recommendations during the working group.

Also on March 20, 2014, on the **consideration of China**, India welcomed China's adoption of the report of the Working Group of the UPR and noted the receptive and constructive manner in which China engaged with the UPR. India was encouraged that China accepted 204 of the 252 recommendations it received. India also expressed trust in China's will to intensify its effort to implement the recommendations in the coming years.

During the session, India **voted in favour** of the following resolutions:

- Resolution on integrity of the judicial system;

- Resolution on impact of non-repatriation of funds of illicit origin to countries of origin;
- Resolution on promotion of a democratic and equitable international order;
- Resolution on Independent Expert on the effects of foreign debt on the full enjoyment of all human rights;
- Resolution of the Right of the Palestinian people to self-determination;
- Resolution on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;
- Resolution on the Human rights situation in Occupied Palestinian Territory, including East Jerusalem;
- Resolution on the Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict;
- Resolution on Human rights in the occupied Syrian Golan.

India **voted against** the following resolutions:

- Resolution on situation of human rights in the Islamic Republic of Iran;
- Resolution on promotion and protection of human rights in the context of peaceful protests.

India **abstained from voting** on the following resolutions:

- Resolution on promoting reconciliation, accountability and human rights in Sri Lanka;
- Resolution on continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic;
- Resolution on situation of human rights in the Democratic People's Republic of Korea;
- Resolution on ensuring use of remotely piloted aircraft in counter-terrorism in accordance with international law.

The following resolutions were **passed without a vote** during the session as they did not face any opposition from any member of the Council:

- Resolution on Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;
- Resolution on enhancement of international cooperation in the field of human rights;
- Resolution on strengthening the technical cooperation and advisory services in Guinea;
- Resolution on mandate of the Independent Expert on minority issues;
- Resolution on access to justice for children;
- Resolution on protection of human rights and fundamental freedoms while countering terrorism;

- Resolution on the role of good governance in the promotion and protection of human rights;
- Resolution on ending violence against children - A global call to make the invisible visible;
- Resolution on the question of the realisation in all countries of economic, social and cultural rights;
- Resolution on adequate housing as a component of the right to an adequate standard of living;
- Resolution on freedom of religion or belief;
- Resolution on situation of human rights in Myanmar;
- Resolution on Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;
- Resolution on the International Decade for People of African Descent;
- Resolution on Special Rapporteur on the situation of human rights defenders;
- Resolution on Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;
- Resolution on the right to food;
- Resolution on Promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity;
- Resolution on the right to education of persons with disabilities;
- Resolution on Human Rights and the environment;
- Resolution on assistance to the Republic of Mali in the field of human rights;
- Resolution on technical assistance for Libya in the field of human rights; and

Resolution on intolerance, negative stereotyping and stigmatization, discrimination against persons based on religion or belief.

26TH REGULAR SESSION (10TH TO 27TH JUNE 2014)

On 10 June 2014, during a discussion on the **Annual Report of the United Nations High Commissioner for Human Rights (OHCHR) and reports of the Office of the High Commissioner and the Secretary-General**, the Indian ambassador Dilip Sinha concurred with the High Commissioner's assessment on the UPR's remarkable success and acknowledged that its power lies in preserving its universal, impartial and non-selective character. India mentioned the High Commissioner's Right Up Front Plan of Action, and added that it has sought greater detail on specific plans of the High Commissioner in implementing this plan. India said it was regrettable that in the Management Plan 2014-2017 four out of six thematic priorities have been dedicated to civil and political rights, because OHCHR needs to be more balanced across all rights, including the right to development, given the lingering effects of the global and financial crisis on human rights.

Responding to the reporting and analysis from the High Commissioner's office, India urged the need for introspection and a review of the methodology of presenting issues related to human rights. India reminded the Council that finger pointing and spotlighting has failed to achieve objectives of promotion and protection of human rights. It said that reporting, if done in a balanced, transparent, non-selective and unbiased manner, could overcome the problems with its reception. India remarked that OHCHR's focus could be strengthened in the area of advocacy and towards consensus building through promotion of better understanding of human rights issues amongst member states and all stakeholders.

On 11 June 2014, during the **Panel discussion on the safety of journalists**, India acknowledged the importance of the role played by media in fostering transparency and accountability; and that this public function of the media obliges it to function with the fullest sense of responsibility, which is reflected in its ethical ideals. A digression from this responsibility can make the media a public danger. India pointed out that Article 19 of the Indian Constitution guarantees freedom of speech and expression as a fundamental right, subject to normally accepted restrictions; and that the constitution provides full Internet freedom, India added that the 2011 amendment of the Information Technology Act doesn't enable the government to restrict or block content on the Internet. India further said that the Right to Information Act, 2005 protects the freedom of expression and opinion. India said that journalists should ensure citizens exercise these rights in reality. The delegation said that India held the view that protection of journalists in all situations is the foremost responsibility of every State. India recommended certain basic precautions including abiding by the domestic laws to ensure that they have full recourse to the protections extended to them by the law; journalists should access material, places, and information in line with the law; and that they should maintain neutrality, impartiality, and report accurately to avoid "trial by media" methods. The delegation stated that India has witnessed tremendous dynamism and professionalism of journalists in reporting human rights violations, often facing grave personal risk. The delegation recommended that the Council and international community should continue to assist national authorities, in particular key national institutions, to discharge their responsibility to protect journalists.

On 11 June 2014, during the **Interactive Dialogue with the Special Rapporteur (SR) on the Rights to freedom of peaceful assembly and association and the Special Rapporteur on the freedoms of expression**, India addressed the report of the SR on rights to freedom of peaceful assembly, wherein the SR highlighted multiple challenges faced by certain marginalized groups face in practicing their rights. In India's view the challenge for law enforcement agencies lies in protecting an individual from a group or a group from another group if the group/individual needing protection has multiple identities, one or more of which coincide with the identity of the person or group from whom he/it needs protection. Responding to instances in India cited by the SR in the report as "practices which threaten or impede the enjoyment of the right to freedom of peaceful

assembly” and also under freedom of association, India said freedom of peaceful assembly was provided under Article 19 of the Indian constitution and added that any individual can approach the highest court of the land if this article is violated, as it is a fundamental right. The delegation sought verification of the cases cited by the SR as they were vague and appeared to be hearsay. The delegation further stated that if the cases couldn’t be verified it would amount to a case of violation of the code of conduct of the Special Procedure. India further explained the provisions made under the Constitution for advancement of scheduled castes, scheduled tribes, and other backward classes and highlighted the three-pronged strategy adopted to ensure their faster and inclusive growth.

On 11 June 2014, during the **meeting on promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development – clustered with the Special Rapporteur on Right to Health and the Working Group on Human Rights and Business**, India highlighted the importance of States taking action to ensure that globalization of food production and consumption patterns, skewed Foreign Direct Investment flows and aggressive marketing by TNCs does not undermine the access to healthy foods. India shared the view that States need to formulate multi-sectorial policies to take various measures that affect the availability and accessibility of healthy foods. India agreed with the SR’s view that such policies should not unduly burden small-scale industries; and also that along with States, transnational corporations have a distinct responsibility to take steps to realize the right to health.

On 12 June 2014, during the **Clustered Interactive Dialogue with the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on extreme poverty and human rights**, the India delegation noted that the SR’s report made unsubstantiated and sweeping generalizations and information regarding the instances mentioned in the report hadn’t been shared with the Government owing to the argument to protect the identity of the complainants. The delegation identified a paradoxical situation concerning the information not shared in the report leading to the delegation’s belief that the report lacks full objectivity and oversimplifies the issue. It added that certain recommendations, including abolition of the death penalty, made by the SR fall outside the scope of her mandate. The delegation countered the SR’s claims that she was not provided unhindered access as contrary to reality. Avoidable confusion was caused owing to the lack of coordination between the OHCHR’s Support Unit and the SR. The delegation further pointed out that the SR violated the Code of Conduct of Special Procedures by sending the OHCHR official accompanying her to represent her at meetings with senior Government officials. While addressing the issue of violence against women, the delegation said that the root causes of the problem needed to be tackled, and pointed to the equality of status of women guaranteed under the Constitution of India. The delegation further mentioned recent legislation to bring about perceptible improvement in the status of women and to afford them

protection from violence and discrimination. Finally, the delegation highlighted that the Indian government has adopted a policy of zero tolerance towards violence against women. The delegation addressed the SR on the Extreme Poverty report by agreeing to the SR's recommendation concerning taxation policies but stated that States should have the discretion to formulate policies that are most appropriate for their circumstances. The delegation added that transparency, accountability and access to information, as identified by the SR are needed to curb illicit financial flows; and concurred with the recommendation of the report that called upon States to take concerted and coordinated measures to tackle tax evasion and eliminate global tax heavens.

On June 12, 2014, during the **Clustered Interactive Dialogue with the Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions and the Special Rapporteur on the Human Rights of Internally Displaced Persons**, the Indian delegation stressed the need for academic and practical training of law enforcement officials; and that the SR's conclusion on the necessity of a legal framework for the use of force by law enforcement officials needs further deliberation. The delegation concluded by saying that India does not believe that the UNHRC is the competent body to commission the development of standards and guidelines on weapons usage.

On June 16, 2014, during the **Clustered Interactive Dialogue with the Working Group on the issue of Discrimination against Women in Law and in Practice and the Special Rapporteur on the Right to Education**, India mentioned that the government has introduced gender budgeting to India's annual Union Budget to reflect budgetary allocation for programmes that benefit women; and further added that several schemes are being implemented to accelerate the achievement of *de-facto* gender equality and socio-economic empowerment of women. The delegation also highlighted that 50% of the work is reserved for women in the Mahatma Gandhi National Rural Employment Guarantee Scheme. The delegation also stated that India has a vision to have 500 million skilled workers by 2022.

On June 17, 2014, during the **annual full-day discussion on women's rights**, India mentioned that in December 2013, the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal)" Act 2013 came into force, which covers women employed in both public and private sector workplaces. India further added that measures have been taken to break the stereotype that women cannot be equal stakeholders in political and economic spheres of life.

On June 17, 2014, during the discussion on **women's human rights and the sustainable development agenda**, India recommended that the new agenda should value women's unique, adaptive and innovative potential and should promote economic and political opportunities for women on an equal footing; which can be achieved by incorporating gender specific targets for

each of the goals and indicators of the post 2015-development agenda. India maintained that it remained committed to promoting an enabling environment for the advancement of women.

On June 19, 2014, during **the Consideration of Afghanistan**, India commended Afghanistan for the receptive and constructive manner in which it participated in the UPR mechanism and also the achievements made by the people of Afghanistan in social, economic, and political spheres. India also commended Afghanistan for accepting 174 out of total 224 recommendations and welcomed the acceptance of 11 other recommendations during the session.

On June 19, 2014, during the **general debate on the protection and promotion of all human rights**, India expressed its belief that the Council must work towards building a consensual understanding of important human rights issues and themes that it seeks to address. The delegation pointed out the propensity to focus on manifestations of human rights abuses and problems rather than their root causes. It recommended that sharing of best practices, exchange of information and financial and capacity-building assistance are essential to address the root causes of the worst forms of human rights violations.

On June 23, 2014, during the **general debate on human rights bodies and mechanisms and UPR**, India pointed out various aspects of the duties of Special Procedures Mandate Holders (SP) and highlighted Articles 6 and 8 of the Code of Conduct by stressing upon the need to ensure that information received by SPs should be taken into account only when they are sufficient in number to represent a pattern; and that SP's recommendations shouldn't be judgmental or recriminatory in nature as this would encourage States to pay due regard to their advice and recommendations. India also expressed its concerns over the politicization and controversies surrounding the selection of SPs. Concerning the UPR, India raised concerns over the issue of the "media highlights" on the UPR website of the OHCHR as they could potentially adversely impact the UPR due to their selective and subjective nature; and recommended that the "media highlights" should be only of a factual nature.

On June 23, 2014, during the **panel discussion on strengthening efforts to prevent and eliminate child, early and forced marriage**, India pointed to the impact of measures taken by the government to address these issues and stated that there has been a gradual increase in the median age of marriage for women aged 20-49 years from 16.78 years in 1998-99 to 17.2 years in 2005-06. In addition to adoption of the Prohibition of Child Marriage Act, 2006, Child Marriage Prohibition Officers have been appointed in 28 states and union territories of India to strengthen and monitor its implementation. India called for collective and concerted efforts of governments, traditional and religious leaders, civil society, media, and other relevant stakeholders to address the underlying root causes of child marriage.

On June 24, 2014, during the **general debate on the follow-up to and implementation of the Vienna Declaration and Programme of Action**, India said that right to development is an inalienable and integral part of fundamental human rights; and that a coordinated international effort is required to ensure that States establish, promote and sustain national and international arrangements that create an enabling environment for the realization of the Right to Development. The delegation also said that the international community must use the post-2015 Development Agenda as an opportunity to reiterate its commitment and to make a global coordinated effort to effectively translate the Right to Development into a reality for all.

On June 25, 2014, during the **general debate on technical assistance and capacity building**, India emphasized the increased workload of member States and the importance of understanding the challenges faced by individual States and the technical capacities at their disposal to implement their human rights commitments. The delegation also highlighted the financial aspects of realizing fundamental rights and freedoms. It recommended that assistance to States should be aimed at reinforcing capacities of States in line with the priorities set by the concerned State.

During the session, India **voted in favour** of the following resolutions:

- Resolution on the promotion and protection of the human rights of peasants and other people working in rural areas;
- Resolution on the mandate of the independent expert on human rights and international solidarity;
- Resolution on the protection of the family;
- Resolution on the elaboration of international legally binding instrument on transnational corporations and other business enterprises with respect to human rights; and
- Resolution on human rights and the regulation of civilian acquisition, possession and use of firearms.

India **voted against** the following resolutions:

- Resolution on the question of the death penalty, and
- Resolution on the situation of human rights in Belarus.

India **abstained from voting** on the following resolutions:

- Resolution on the continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic, and
- Resolution on the cooperation and assistance to the Ukraine in the field of human rights.

The following resolutions were **passed without a vote** during the session as they did not face any opposition from any member of the Council:

- Resolution on the implementation of the International Decade for People of African Descent: draft programme of activities;
- Resolution on extreme poverty and human rights;
- Resolution on the protection of Roma;
- Resolution on the elimination of discrimination against women;
- Resolution on the Mandate of the Special Rapporteur on the independence of judges and lawyers;
- Resolution on the Mandate of the Special Rapporteur on trafficking in persons, especially women and children;
- Resolution on International Albinism Awareness Day;
- Resolution on the Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions;
- Resolution on the promotion, protection and enjoyment of human rights on the Internet;
- Resolution on human rights and arbitrary deprivation of nationality;
- Resolution on accelerating efforts to eliminate all forms of violence against women: violence against women as a barrier to women's political and economic empowerment;
- Resolution on the right to education: follow-up to Human Rights Council resolution 8/4;
- Resolution on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: sport and healthy lifestyles as contributing factors;
- Resolution on the human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants;
- Resolution on the Special Rapporteur on the rights of persons with disabilities;
- Resolution on the promotion of the right of migrants to the enjoyment of the highest attainable standard of physical and mental health;
- Resolution on Human rights and transnational corporations and other business enterprises;
- Resolution on the situation of human rights in Eritrea;
- Resolution on human rights and climate change;
- Resolution on the Social Forum;
- Resolution on the contribution of parliaments to the work of the Human Rights Council and its universal periodic review;
- Resolution on technical and capacity-building assistance for South Sudan in the field of human rights; and

- Resolution on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights.

27TH REGULAR SESSION (8TH TO 26TH SEPTEMBER 2014)

On September 8, 2014, during the **update by the High Commissioner for Human Rights**, India made a statement on the importance of the OHCHR emphasizing the value of cooperation and dialogue between the OHCHR and the UNHRC. India expressed its hope that the High Commissioner would hold regular consultations with the UNHRC in formulating the Secretary General's Strategic Framework (program 20), OHCHR's strategic management plan and thematic strategies. India reiterated its support for an increase in OHCHR's budget and emphasized the importance of transparency in managing resources. India stated that it believes the best approach to promoting and protecting human rights is through dialogue and cooperation, and stated the High Commissioner is an important part of this. India noted OHCHR's focus on the two areas as necessary and valuable: the rights of migrants and human rights violations in armed conflict. It also noted, in response to the High Commissioner's statement on the implementation of UPR recommendations, that UPR recommendations only become binding when accepted by the country concerned, and that recommendations of Treaty Bodies and Special Procedures must be within their mandate and the treaty obligations of the country concerned. India assured the High Commissioner of its full cooperation.

During the **Interactive Dialogue with the Special Rapporteur on contemporary forms of slavery** on September 8, 2014, India emphasized the need for urgent global action to combat all forms of slavery. It noted that poverty, illiteracy, unemployment and lack of development are the root causes of slavery in most of the world. It stated that at its root, the problem of slavery is economic. India stated the Special Rapporteur should preferably focus more on the root causes of slavery, rather than take an approach which is concerned with describing categories of contemporary slavery. It stated that as most forms of slavery arise out of private economic exploitation, the Special Rapporteur should consider and report on how member states can address the problem of exploitation by private businesses.

During the **Interactive Dialogue with the Independent Expert on the enjoyment of all human rights by older persons** on September 8, 2014, India stated that an ageing population is one of the most significant demographic changes in the contemporary world and that its own population of 100 million aged persons is expected to double in 20 years' time. India highlighted the need for a policy framework to allow older people the right to a dignified life, and also emphasised the need for a social response, as this is an intergenerational issue. It stated that government action alone is inadequate, and families and communities also need to assist with aged care. India stated that its

own national response involves all relevant stakeholders and that it is committed to take comprehensive steps that protect and promote the rights of elderly persons.

On September 9, 2014, during the **Interactive Dialogue with the Special Rapporteur on safe drinking water and sanitation**, India concurred with the Special Rapporteur in her recognition that the right to drinking water is linked to and affects other human rights such as the right to life, health, food, housing, education, work and a healthy environment. It also recognised the implications for gender equality and marginalised groups. It stated that the interpretation of such rights by the Indian courts has been broad, and discussed a recent case in the Indian Supreme Court where a failure to provide toilets to schoolchildren was found to be a violation of the right to education. India referred to its launch of the Clean India Initiative in 2013 as evidence that it has accorded the highest priority to access to clean drinking water. It also referred to its focus on menstrual hygiene and the different needs of women and girls. India stated it would devote sufficient resources to achieving the Millennium Development Goal target related to safe drinking water and sanitation.

On September 9, 2014 during the **Interactive Dialogue with the Special Rapporteur for Hazardous Substances and Wastes**, India referred to legislation such as the Right to Information Act 2005, the Constitutional right to health, and others of its domestic Acts which regulate illegal trans-boundary waste.

On September 10, 2014, in the **panel discussion on the protection of rights of persons deprived of their liberty**, India referred to its domestic legislation which protects the liberty of citizens: Articles 21 and 22 of the Constitution, as well as the writ of *habeas corpus* under articles 32 and 226. It stated these rights apply equally to under-trials and convicts, including prisoners on death row, and that the Indian judiciary has been and is committed to uphold the rights of convicted prisoners, including the right to legal aid.

Further on September 10, 2014, following the **report of the Working Group on Mercenaries**, India agreed that the activities of Private Military and Security Companies (PMSCs) if not overseen, can interfere with the rule of law and the proper function of democracy. It emphasised that India is one of the few countries which has attempted to address the issue of regulation of PMSCs with the Private Security Agencies (Regulation) Act 2005. Article 4 of the Act requires permission for extraterritorial activities and sets requirements which foreign companies must fulfil in order to engage in security services in India. India emphasised that international norms and regulations need to change to address the problems on an international scale.

On September 12, 2014, during the **panel discussion on the right to privacy in the digital age**, India noted that advances in communications technology and digital media present challenges to the right to privacy. It noted that in some ways human rights have been advanced, for example the right to freedom of expression, but also that criminal behaviour online is on the rise. India stated that where digital surveillance is necessary, it must be carried out in a manner that is proportionate, non-arbitrary, has a legitimate purpose, and accords with the rule of law – the principles of legality, proportionality and necessity. India emphasised that these principles should apply domestically and internationally. It stated that India’s judiciary has interpreted the Article 21 constitutional right to life to include the right to privacy. India requested the views of the other panellists on, first, how the international community can ensure procedural safeguards and effective oversight over extraterritorial surveillance and, second, how a democratic and transparent global internet governance structure can facilitate the protection and promotion of the right to privacy. Additionally, it asked for discussion of the role of leadership in ensuring the promotion rather than the restriction of human rights in the digital age.

On September 15, 2014, in the general debate on the report of the **Intergovernmental Working Group on the Right to Development**, India stated that it accords the highest priority to the Right to Development and believes that it should be central to the post-2015 development agenda. India expressed its concern with the slow pace of progress in the Working Group and called on all Member States to renew their commitment and accelerate their efforts towards the early implementation of the right to development. It stated that following on from this, the Working Group should provide a roadmap for early completion of its mandate. In the context of the Right to Development, India reiterated that the focus should be on “development as a right” rather than “human rights as development” and attempts to introduce measurability should cease.

On September 15, 2014 the **general debate on thematic reports**, India confined its remarks to the OHCHR’s report on the composition of the staff of OHCHR that follows from the Council resolution 22/2. India noted OHCHR’s efforts to increase diversity and the positive developments that have taken place; but it noted that in several respects diversity is lacking. India noted that representation from Africa, Asia and Latin America has declined, while representation from Europe has substantially increased, leading to a regional imbalance and a lack of geographic diversity. It emphasized that the OHCHR has no specific targets or deadlines to reduce the imbalance, and expressed the hope that this will be remedied.

On September 16, 2014, in the general debate on **human rights situations that require the Council’s attention**, India stated that all should keep in mind the reasons for the creation of the UNHRC and be mindful not to make the same mistakes of the past. It stated that all Council members need to ensure the objectives and nature of the UNHRC are aligned with the UN Charter

of Human Rights, objectives which, per the Charter, are only achievable through international cooperation. India stated that the Council must be above political interests and deal with human rights violations by State and non-State actors alike; and argued that the international community should support the strengthening of national capacities in addressing human rights issues, in dialogue with the states concerned. It also stated that the collaboration and dialogue of all States in relation to the Council's work will lead to improved human rights on the ground, and increased confidence in the UNHRC. India stated its view that finger pointing and selectively highlighting human rights problems in certain States is not productive, as it will lead the countries concerned to turn from the Council. India stated that what is needed is friendly relations among States which are based on constructive dialogue, mutual trust and cooperation. India stated that the cooperation and participation of the States concerned is the only way to improve human rights.

On September 18, 2014, during the panel discussion on the **role of prevention in the promotion and protection of human rights**, India underlined that the primary role in the promotion and protection of human rights rests with States, and that accordingly the international community must recognise each State's sovereignty, independence and territorial integrity. It stated that the international community should not take a prescriptive approach to an individual State's management of its human rights. India expressed its belief that the most appropriate way to address human rights issues within a State is to strengthen that State's national institutions so that they function in accordance with the rule of law and have an understanding of international law and human rights treaties and conventions, rather than through outside intervention. India emphasised that States must pay due attention to reports on human rights violations as information is more easily communicated in the digital age, and misinformation can be damaging. It stated that the role of the international community is to partner with States, through allocations of resources and in accordance with a State's own national and local priorities – so there can be no standard approach to all countries.

On September 18, 2014, during the **Consideration of Portugal**, India commended Portugal for its participation in the UPR mechanism and its adoption of many of the 151 recommendations made.

On September 18, 2014, during the **Consideration of Bhutan**, India expressed its admiration of Bhutan's commitment to democracy and a free press and its positive approach to development. It commended Bhutan for its participation in the UPR mechanism and its adoption of many of the 163 recommendations made. India recommended the adoption of the UPR report on Bhutan.

In a statement not delivered due to lack of time on 19 September, 2014, during the **Consideration of the Democratic People's Republic of Korea**, India commended DPRK for its participation in the UPR mechanism and its adoption of 113 of the 268 recommendations made. India stated DPRK

should consider again further recommendations made by India including the establishment of a national human rights institution in accordance with the Paris Principles, and expressed its view that this would significantly assist in protecting and promoting human rights in DPRK.

Also on September 19, 2014, during the **Consideration of Brunei Darussalam**, India commended Brunei in its focus on the Millennium Development Goals, and its progress towards universal health care and education. It commended Brunei for its participation in the UPR mechanism and its adoption of many of the 189 recommendations made.

On September 22, 2014, during the **general debate on human rights bodies and mechanisms**, India made some observations on the selection of mandate holders. It referred to the HRC Institution Building Package (IBP) and Resolution 5/1, which stated that an effort should be made in appointing mandate holders to ensure there is gender balance, geographic diversity, and a diversity of knowledge in different legal systems. India expressed its concern that predominantly, mandate holders are Western-educated and have worked in the Western world. India also noted that most Special Procedures officers are lawyers, meaning they will take a more legalistic approach, potentially more focused on accountability and punishment, rather than a more preferred approach focused on cooperation and assistance. India reiterated that the IBP should be followed when making selections and appointments and that if this does not happen, there will be adverse effects such as a decreased level of engagement by States.

During the **general debate on the UPR**, India emphasised the effectiveness of the UPR to improve human rights in Member States. India stated that it is strongly committed to the UPR and to its own participation in the process. India stated that those conducting the Review should not attempt to structure it according to particular issues of their preference, or according to a theme. It stated that doing so is prescriptive and counter-productive, and likely to limit a country's participation in the process.

On September 23, 2014, during the panel discussion on **accelerating the global efforts to end violence against children**, India stated that the extent of violence against children is unacceptably widespread. It stated the necessity of action, policy change and advocacy at all levels to improve the current global situation. India stated that ending violence against children is a high priority for its Government. It pointed to several legislative changes that address the issue, including the Protection of Children from Sexual Offences Act 2012, the Criminal Law Amendment Act 2013 to address trafficking, and legislation preventing sex selection and child marriage. India referred to its 'Integrated Child Protection Scheme', which operates at national, state and district levels. It also referred to the difficulty of understanding the full extent of the problem with the current lack of available data. India referred to two developments in this area: the 'TrackChild' web information system, allowing missing children to be tracked and others to access available services; and

'Childline', a free emergency phone service for children at risk. India stated that it is necessary to remember that the root causes of violence against children remain poverty, lack of opportunity, and illiteracy, and the family has a primary responsibility to care for the child, with the State having the responsibility to support parents and caregivers.

On September 23, 2014, in the debate on the **follow-up and implementation of the Vienna Declaration and Programme of Action (VDPA)**, India expressed its deep concern with the loss of life of migrants at sea and the continued vulnerability they face. India also emphasised the importance of the VDPA's call to enhance cooperation in the prevention of terrorism as a threat to human rights. India stated that it is unfortunate that the link between counter-terrorism measures and the protection and promotion of human rights is not well understood. India stated that a selective response to terrorism is itself a challenge to universality of human rights. India, in accordance with the VDPA's recognition of the importance of civil society organisations, called for NGOs to contribute to handling the above challenges of safety of migrants at sea and assisting with the government's efforts to fight against terrorism.

On September 23, 2014, during the **general debate on racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action**, India stated that it was the first country to voice opposition to apartheid in the UN in 1946, and that racism and racial discrimination are the antithesis of what India believes humanity stands for. It expressed concern at the recent global reappearance of racism, xenophobia, and exclusivism. It stated that often these arise or are strengthened out of economic disparity, but also policies which are contrary to the rule of law or political platforms with racist overtones. It stated that those wanting to spread racial hatred might increasingly use modern communication technologies. Therefore, India emphasized that there must be an increased focus on implementing the Durban Declaration and Programme of Action, and stated that combating racism is a high priority for India.

On September 25, 2014, during the **general debate on the Annual Report of the UN High Commissioner for Human Rights and on Technical Assistance and Capacity Building**, India commented on the Commissioner's update regarding the resolution entitled "Promoting reconciliation, accountability and human rights in Sri Lanka", adopted by the UNHRC in March 2014. India stated its view that human rights are most effectively promoted and protected through national mechanisms. Therefore, it stated that it supports the adoption of a collaborative approach with Sri Lanka and noted Sri Lanka's engagement with UN human rights mechanisms. India stated its concern that the High Commissioner had not yet stated his intended approach to investigation in the absence of cooperation from Sri Lanka, and urged this to be done as soon as possible. India reiterated its statement that the key to reconciliation and accountability, and a

lasting political settlement, is the implementation of the LLRC recommendations, and renewed its call for implementation of these recommendations. India stated that it has urged all stakeholders in Sri Lanka to engage in constructive dialogue to find a political solution.

On September 26, 2014, India took the floor to **explain its vote on the resolutions L11/Rev.1 on the human right to safe drinking water and sanitation, L19/Rev.1 on preventable maternal mortality and morbidity and human rights and L23 on preventable mortality and morbidity of children under five years of age as a human rights concern**. It stated that it had proposed constructive amendments which acknowledge that developing countries can face challenges in providing services to enable the right to clean drinking water, for example. It stated that for India, these are a developmental issue as much as a human rights issue. India recalled that the **Vienna Declaration and Programme of Action** defines the right to development as a practical approach that enables the progressive realization of all human rights. It stated that the above resolutions, as adopted, do not take this approach and do not reflect the developmental challenges of certain Member States.

During the session, India **voted in favour** of the following resolutions:

- Resolution on the right to development;
- Mandate of the Independent Expert on the promotion of a democratic and equitable international order;
- The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;
- Promotion of the right to peace;
- Human rights and unilateral coercive measures;
- Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights: the activities of vulture funds.

India **abstained from voting** on the following resolutions:

- The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic;
- Human rights, sexual orientation and gender identity.

The following resolutions were **passed without a vote** during the Session as they did not face any opposition from any member of the Council:

- Resolution on enforced or involuntary disappearances;
- Resolution on the promotion of truth, justice, reparation and guarantees of non-recurrence;
- Resolution on local government and human rights;
- Resolution on the safety of journalists;
- Resolution on realizing the equal enjoyment of the right to education by every girl;
- Resolution on the human right to safe drinking water and sanitation;
- Resolution on promoting human rights through sport and the Olympic ideal;
- Resolution on preventable maternal mortality and morbidity and human rights;
- Resolution on the World Programme for Human Rights Education: adoption of the plan of action for the third phase;
- Resolution on human rights and indigenous peoples;
- Resolution on preventable mortality and morbidity of children under five years of age as a human rights concern;
- Resolution on the right of the child to engage in play and recreational activities;
- Resolution on the National institutions for the promotion and protection of human rights;
- Technical assistance and capacity-building for Yemen in the field of human rights;
- Enhancement of technical cooperation and capacity-building in the field of human rights;
- Intensifying global efforts and sharing good practices to effectively eliminate female genital mutilation;
- Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes;
- Equal participation in political and public affairs;
- Mandate of the Working Group of Experts on People of African Descent;
- National policies and human rights;
- Technical assistance and capacity-building for human rights in the Democratic Republic of the Congo;
- Technical assistance and capacity-building in the field of human rights in the Central African Republic;
- Technical assistance and capacity-building to improve human rights in the Sudan;
- Civil society space.

28TH REGULAR SESSION (2ND TO 27TH MARCH 2015)

On March 3, 2015, at the **Annual High-level Panel on Human Rights Mainstreaming** India delivered a statement on behalf of the Like-Minded Group of countries arguing that a right to

development-focused approach was the right framework by which to promote international cooperation on human rights and empower people of all backgrounds. India said the right to development needed to be mainstreamed across the UN System and the UN's human rights machinery needed to both uphold universality and support national-level human rights efforts. The statement also highlighted the importance of intercultural dialogue and the realization of gender equality and women's empowerment to achieving sustainable development.

On March 5, 2015, during the **General Segment of the High-level Segment** India said rapid, sustainable and inclusive development was key to realizing human rights for all and highlighted a number of domestic initiatives towards that goal. It urged a consensus-driven effort to strengthen the functioning of the council. It also stated the Council should not counterproductively single out countries and instead focus on cooperative methods for promoting and protecting human rights.

On March 5, 2015, during the **Interactive Dialogue with the Commissioner for the Presentation of the Annual Report of the High Commissioner for Human Rights** India reiterated the points above, saying the Council should assist rather than confront States, should focus on the Right to Development and that the OHCHR should have greater resources, more transparency and engage in more dialogue with the Council.

On March 6, 2015, during the **Annual full-day discussion on human rights and climate change** India underlined the historic responsibility of developed nations to lead the way in combatting climate change, which threatens many human rights. It noted developing countries were making great strides in climate change action. It said efforts to reduce emissions should not threaten the Right to Development or prevent the alleviation of poverty and that the Paris COP agreement had to assign responsibilities in an equitable but differentiated manner.

On March 9, 2015, during the **Interactive Dialogue on the impact of international financial obligations on human rights** India said that the impact of sanctions has been mixed and that unsustainable debt and strict loan conditions can have a negative impact on human rights, particularly loans from private creditors not subject to voter oversight.

On March 9, 2015, during the **Interactive Dialogues with the Special Rapporteurs on the Right to Food and Right to Adequate Housing** India outlined the constitutional and legal framework in the country supporting the Right to Food, and agreed with the Special Rapporteur that there needed to be greater coordination of national food policies and responses to help the neediest. It also stated the country had constitutional guarantees and domestic policies aimed at providing adequate housing and noted displacement, migration, protectionism and discrimination were

issues occurring under urbanization that local administration units were important in addressing.

On March 11, 2015, during the **Interactive Dialogue with the Special Rapporteur on Rights of Persons with Disabilities** India said in the context of the post-2015 agenda that a disabled rights-sensitive model of development, particularly one that paid attention to gender inequality, would help secure rights for the differently abled. It noted the framework for differently abled persons in India was among the most progressive in the developing world and agreed with the SR developing countries should be supported in legal reforms and capacity building.

On March 12, 2015, during the **Annual full-day meeting on the rights of the child: "Towards better investment in the rights of the child"** India described the domestic protections it offered to child rights and asserted they represented the integrated and inclusive approach necessary to protect children. It added this issue cannot be separated from others that impact a State's fiscal space, underlining the need to tackle tax avoidance, illicit flows of money and other related challenges.

On March 12, 2015, during the **Interactive Dialogues with the Special Representative of the Secretary-General (SRSG) on Violence against Children and the Special Representative of the Secretary-General on Children and Armed Conflict** India again described its domestic protections for children as well as regional efforts to protect children and rehabilitate victims. It also asked the SRSGs to comment on ways in which the participation of children in policy-making could be improved.

On March 13, 2015, during **general debate** India said in reference to the Joint Inspection Unit report that ambiguities in the OHCHR's governing arrangements hindered its performance, and that the Council should have the power to review the Office's priorities and provide strategic guidance. It also expressed concern over the Office's lack of sufficient geographic diversity and budgetary transparency, and said the Council should have an avenue to debate the report's recommendations.

On March 16, 2015, during the **Interactive Dialogue with the Special Rapporteur on the situation of human rights in Myanmar** India said it felt the SR's report had failed to give sufficient credit to Myanmar for its progress towards political reform and democratization. It urged an approach that was not intrusive but rather recognized the country's demonstrated willingness to reform and cooperate with UN procedures.

On March 17, 2015, during **general debate** India said naming and shaming was not effective and that an approach should be adopted to promoting and protecting human rights which is holistic,

considers the interrelation of all rights and involves the participation and cooperation of the concerned State.

On March 18, 2015, during **general debate** India said Special Procedure recommendations should be focused, fact-checked and neutral. It said the Special Procedures' staff lacked sufficient geographic diversity and expressed concern over funding and transparency

On March 18, 2015 during the **Consideration of Bolivia** India commended Bolivia for accepting many of the recommendations given to it, including two from India on ensuring access to justice and women and children-related issues.

Additionally on March 18, 2015, during the **Consideration of Fiji** India praised Fiji's new Constitution, particularly for protecting social and economic rights and eliminating the enforcement of ethnic voting. It thanked Fiji for accepting its recommendations regarding compliance by the Human Rights and Anti-Discrimination Commission with the Paris Principles and the enactment of the Freedom of Information Bill.

On March 19, 2015, in a statement not delivered due to lack of time during the **Consideration of Iran** India noted Iran had accepted 189 recommendations, including 4 by India, and characterized its participation as receptive and constructive.

Further on March 19, 2015, during the **panel discussion on the issue of national policies and human rights** India said there was no one approach to ensuring human rights, and that sustainable results required acknowledging the interconnectedness of all rights. It provided an overview of domestic laws and policies helping to ensure rights and said policy formation had to be participatory, transparent and tailored towards national circumstances and development priorities.

On March 20, 2015, in a statement not delivered due to lack of time during the **Consideration of Egypt** India thanked Egypt for accepting many recommendations including its own and said it believed Egypt would continue trying to implement the recommendations.

On March 20, 2015, during the **general debate** India said the UPR process was a trusted one and the OHCHR played a laudable role. It stated the rules of the process had to be strictly adhered to and focusing on pet issues should not be allowed as it discourages voluntary participation by States. It also said recommendations were too repetitive and had to be consolidated.

On March 23, 2015, during the **general debate on racism, racial discrimination, xenophobia and**

related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action India said the Durban Declaration needed to be implemented and the international community needed to explore a regulatory framework and complementary standards for countering xenophobia and racism. It also stated its concern over rising racism in several areas of the world and voiced support for the programming of the International Decade of African Descent.

On March 25, 2015 during the **Annual thematic discussion on technical cooperation in the promotion and protection of human rights** India said it was important to realistically assess the challenges faced by and the technical capabilities of different States in assisting them with human rights. It added States themselves were best placed to outline priorities and all technical assistance work by OHCHR should be in line with these priorities.

During the session, India **voted in favour** of the following resolutions:

- Composition of staff of the Office of the United Nations High Commissioner for Human Rights;
- The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation;
- Renewal of the mandate of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies;
- The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;
- Human rights, democracy and the rule of law
- Effects of terrorism on the enjoyment of human rights;
- Human rights in the occupied Syrian Golan;
- Right of the Palestinian people to self-determination;
- Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan;
- Human rights situation in the Occupied Palestinian Territory, including East Jerusalem.

India **voted against** the following resolutions:

- Situation of human rights in the Islamic Republic of Iran.

India **abstained from voting** on the following resolutions:

- Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law;
- The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic;
- Situation of human rights in the Democratic People's Republic of Korea.

The following resolutions were **passed without a vote** during the session as they did not face any opposition from any member of the Council:

- Resolution on the right to work;
- Resolution on the right to privacy in the digital age;
- Resolution on freedom of religion or belief;
- Resolution on the rights of the child: towards better investment in the rights of the child;
- Resolution on the situation of human rights in Myanmar;
- Resolution on contribution of the Human Rights Council to the special session of the General Assembly on the world drug problem of 2016;
- Resolution on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief;
- Resolution on technical assistance and capacity-building to improve human rights in Libya;
- *Resolution on technical assistance and capacity-building for Mali in the field of human rights*;
- Resolution on technical assistance and capacity-building in strengthening human rights in Iraq in the light of the abuses committed by Daesh and associated terrorist groups;
- *Resolution on strengthening of technical cooperation and consultative services in Guinea*;
- Resolution on prevention of genocide.

29TH REGULAR SESSION (15TH JUNE TO 3RD JULY 2015)

On June 15, 2015, during the **Update by the United Nations High Commissioner for Human Rights** India said human rights could best be protected and promoted through cooperation and dialogue, with States holding primary responsibility and international organizations remaining cognizant of

national contexts and national priorities when offering technical assistance. It said it remained concerned with the ambiguities in the governance and administrative arrangements of the OHCHR and the reliance on extra-budgetary resources, and urged equal distribution of time and resources to all rights including the right to development.

On June 15, 2015, during the **Enhanced Interactive Dialogue on the human rights of migrants** India called for holistic analysis and a concerted international response to address the crisis, noting a strong need to address root causes of migration and xenophobia and racism affecting the treatment of migrants. It urged concerned member states to comprehensively review their approach to migration and mobility.

Additionally, on June 15, 2015, during the **Clustered Interactive Dialogue with the Special Rapporteur on the human rights of migrants and the Special Rapporteur on minority issues** India said the systematic discrimination against the Roma had to be dismantled and recommended the States involved use consultative mechanisms to involve the Roma community and strengthen Roma rights organizations and involve them in policy formation and programmes.

Also on June 15, 2015, during the **Panel on realizing the equal enjoyment of the right to education by every girl** India underlined the steps it was taking to ensure education for girls. It said flexible approaches were needed to deal with local barriers to education for girls and asked how the “Education for All” agenda and girls’ education could be strengthened in the SDGs.

On June 17, 2015, during the **Clustered Interactive Dialogue with the Special Rapporteur on the right to freedom of expression and the Special Rapporteur on peaceful assembly and association** India asked the SR on assembly to elaborate on the need to regulate the natural resource exploitation sector and alternatives to voluntary obligations for businesses.

On June 18, 2015, during the **Clustered Interactive Dialogue with the Special Rapporteur on the right to education and the Independent Expert on International Solidarity** India said education was an essential right and noted it had made elementary education free and compulsory. It agreed with the SR private education initiatives had to be transparent and comprehensively regulated. India stated that international cooperation was a responsibility of every State and concurred with the SR on international solidarity that solidarity was a broad concept encompassing economic relations, democratization of global governance, peaceful coexistence and the equitable sharing of benefits and burdens.

On June 22, 2015, during the **Clustered Interactive Dialogue with the Special Rapporteur on summary executions and the Working Group on discrimination against women** India said it appreciated the SR's acknowledgement of the high level of human rights protection in India and steps that had been taken to investigate deaths stemming from police encounters. It however criticized the SR's report for not including clarifying information provided by India and disputed his characterization of Indian law as not meeting international standards and concerns raised regarding AFSPA. It also underlined steps it had taken to combat violence against women and make public servants criminally culpable in case of breaches of law.

On June 25, 2015, during the **Consideration of Lao People's Democratic Republic** India said Lao PDR had participated constructively in the process and noted it had accepted many recommendations including two of the three made by India.

On June 25, 2015, during the **Consideration of Spain** India said Spain had participated constructively in the process and noted it had accepted many recommendations including four out of five recommendations from India, and partially accepted the remaining recommendation from India.

Further, on June 25, 2015, during general debate on the **Reports of the Social Forum, Forum on Business and Human Rights and IGWG on the right to peace** India agreed with the report of the Social Forum that measures which create barriers to access to medicine amount to violations of human rights obligations. It reiterated concerns over special procedures overstepping their mandates and lacking funding transparency, and restated a request that mandate holders disclose all sources of support from outside the OHCHR.

On June 26, 2015, during the **Consideration of Sweden** India congratulated the country on accepting many recommendations including all four made by India.

On June 26, 2015, during the **Consideration of Turkey** India congratulated the country on accepting many recommendations including the one made by India.

Additionally on June 26, 2015 during **general debate** India underlined the importance of the UPR system but insisted the rules of the process had to be strictly adhered to and pet issues avoided to ensure States continued to participate in a voluntary and productive manner. With the second cycle concluding, it said now was the time to consider lessons learned and deliberate ways to improve the UPR process.

On June 30, 2015, during the **panel discussion on the effects of terrorism on the enjoyment by all persons of human rights and fundamental freedoms** India said tackling terrorism required a

holistic approach, including the expansion of legal mechanisms to bring terrorists to justice. It supported international cooperation on the matter and shared the view of the panel that victim's needs had to be addressed. It enquired how that could be done while protecting subjects from terrorism, and also asked the Panel to address how to address situations where a State is directly or indirectly funding terror on a pretext.

On July 1, 2015, during the **general debate** India said assessing State capacities was essential to making appropriate financial and institutional resources available in pursuit of human rights commitments. It added all OHCHR technical assistance efforts should understand that States are the best judge of their needs and that it saw merit in the argument that all assistance activities should be in line with the priorities of member States.

On July 2, 2015, during the **Consideration of Guyana** India said Guyana had participated in the UPR in a constructive and receptive manner.

During the session, India **voted in favour** of the following resolutions:

- Resolution on human rights and international solidarity;
- Resolution on human rights and the regulation of civilian acquisition, possession and use of firearms;
- Resolution on protection of the family: contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development;
- Resolution on cooperation and assistance to Ukraine in the field of human rights.

India **voted against** the following resolutions:

- Resolution on the situation of human rights in Belarus.

India **abstained from voting** on the following resolutions:

- The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic;
- Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem.

The following resolutions were **passed without a vote** during the session as they did not face any opposition from any member of the Council:

- Resolution on the fiftieth anniversary of the adoption and the fortieth

anniversary of the entry into force of the International Covenants on Human Rights;

- Resolution on the protection of the human rights of migrants: migrants in transit;
- Resolution on the elimination of discrimination against women;
- Resolution on the elimination of discrimination against persons affected by leprosy and their family members;
- Resolution on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers;
- Resolution on the right to education;
- Resolution on strengthening efforts to prevent and eliminate child, early and forced marriage;
- Resolution on the protection of human rights and fundamental freedoms while countering terrorism;
- Resolution on the negative impact of corruption on the enjoyment of human rights;
- Resolution on unaccompanied migrant children and adolescents and human rights;
- Resolution on the Mission by the Office of the United Nations High Commissioner for Human Rights to improve human rights, accountability and reconciliation in South Sudan;
- Resolution on accelerating efforts to eliminate all forms of violence against women: eliminating domestic violence;
- Resolution on human rights and climate change;
- Resolution on the situation of human rights in Eritrea;
- Resolution on the Social Forum;
- Resolution on the incompatibility between democracy and racism;
- Resolution on the situation of human rights of Rohingya Muslims and other minorities in Myanmar;
- Resolution on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights.

30TH REGULAR SESSION (14TH SEPTEMBER TO 2ND OCTOBER 2015)

On September 15, 2015, during the **Annual discussion on the integration of a gender perspective throughout the work of the Human Rights Council and that of its mechanisms** India said it believed in gender parity and was making strides to achieve it domestically. It said a development-

focused, poverty-alleviating agenda was the first premise for promoting women's empowerment and gender parity and asked how the UN could ensure gender parity was part of the UN's development agenda.

On September 16, 2015, during the **Clustered Interactive Dialogue with the Independent Expert on the rights of older persons and the Working Group on the use of mercenaries** India said the rights of the elderly needed to be addressed more systematically and consistently at the international level. It underlined domestic policies to support the and said there needed to be a focus on strengthening the intergenerational social compact and integrating older persons and their participation into the Post-2015 development process.

On September 16, 2015 during the **Clustered Interactive Dialogue with the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human right to safe drinking water and sanitation** India agreed with the SR on water and sanitation that affordability was critical and said States had to play a role through public financing and setting standards. It noted its efforts domestically and looked forward to the SR's involvement in supporting and monitoring SDG target 6.1. On hazardous waste, India welcomed the focus on right to information and noted its own RTI Act in this regard. It encouraged the SR to identify regulatory gaps in existing international instruments and identify best practices for protecting the environment, workers and consumers.

On September 17, 2015, during the **general debate** India noted with concern that annual activities related to the right to development were becoming a ritual, and asked that the Commissioner dedicate adequate time and resources to the right to development within and outside the Council. It said there was a need to reinvigorate the deliberations of the right to development working group and create a set of standards to assist in the elaboration of a binding international instrument. It stated it believed the regulatory challenges posed by private military and security companies were best addressed through a comprehensive regulatory framework within the UN system. It renewed its call for the Council to avoid partisanship and balance its focus on all human rights.

On September 24, 2015, during the **Consideration of the United States of America** India noted its concern over disproportionate use of force and said it was reassured by the USA's response that it took great care to conform to national and international law and was committed to investigating wilful use of excessive force by law enforcement. It appreciated the USA's acceptance of all India's recommendations including considering ratification of the CRC, the CESCR and the CEDAW and its willingness to consider establishing a national human rights institution.

On September 24, 2015, during the **panel on good governance in public service** India said good governance was essential for human development and poverty reduction and required international financial and technical assistance. It noted the focus on good governance in the SDGs and its own efforts at the domestic level, and asked the panel how human rights-based policy coherence and coordination of public service improvements globally could be achieved.

Further on September 24, 2015, during the **Consideration of Maldives** India said Maldives had participated constructively and accepted many recommendations, including India's regarding better protection of foreign workers and implementation of the Anti-Human Trafficking Act.

On September 25, 2015, during the **general debate** India said it was essential the UPR process was objective, transparent, constructive, non-confrontational and non-politicized. It urged strengthening of the Voluntary Fund for Financial and Technical Assistance. It underlined that recommendations should be practical and implementable and that the UPR not be used as a platform for thematic issues. It said there was a need to rationalize recommendations and follow-up and support developing countries with implementation.

During the session, India **voted in favour** of the following resolutions:

- Human rights and unilateral coercive measures;
- The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;
- Promotion of the right to peace;
- Promotion and protection of the human rights of peasants and other people working in rural areas;
- Human rights and preventing and countering violent extremism;
- From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance;
- Forum on people of African descent in the diaspora;
- The right to development;
- Promotion of a democratic and equitable international order.

India **voted against** the following resolutions:

- The question of the death penalty.
- Resolution on regional arrangements for the promotion and protection of human rights;

- Resolution on human rights and indigenous peoples;
- Resolution on human rights in the administration of justice, including juvenile justice;
- Resolution on the contribution of the Human Rights Council to the high-level meeting on HIV/AIDS in 2016;
- Resolution on equal participation in political and public affairs;
- Resolution on the review of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples;
- Resolution on the contribution of parliaments to the work of the Human Rights Council and its Universal Periodic Review;
- Resolution on technical assistance and capacity-building for Yemen in the field of human rights;
- Resolution on technical assistance and capacity-building in the field of human rights in the Central African Republic;
- Resolution on assistance to Somalia in the field of human rights;
- Resolution on enhancement of technical cooperation and capacity-building in the field of human rights;
- Resolution on technical assistance and capacity-building to improve human rights in the Sudan;
- Resolution on advisory services and technical assistance for Cambodia;
- Resolution on national policies and human rights;
- Resolution on promoting international cooperation to support national human rights follow-up systems and processes;
- Resolution on technical assistance and capacity-building for human rights in the Democratic Republic of the Congo;
- Resolution on technical cooperation and capacity-building for Burundi in the field of human rights.

31ST REGULAR SESSION (29TH FEBRUARY TO 24TH MARCH 2016)

India **abstained from voting** on the following resolutions:

- The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic.

The following resolutions were **passed without a vote** during the session as they did not face any opposition from any member of the Council:

- Resolution on promoting reconciliation, accountability and human rights in Sri Lanka;

On February 29, 2016, during the **Annual high-level panel discussion on human rights mainstreaming** India on behalf of BRICS said the right to development had to be central to the 2030 Agenda. It stated that all countries needed policy space in development matters and a one-size-fits-all approach had to be avoided. It said States should be encouraged to develop national strategies related to the 2030 Agenda. It reaffirmed its commitment to establishing a comprehensive development partnership and the principle of common but differentiated responsibilities, and said the UN's role in fostering partnerships and mobilizing resources should be given full play.

On March 2, 2016, during the **general segment** India said there was a need to introspect over whether the Council was fulfilling its core mandate. It agreed with the HC that all rights were equally important and cooperation key. It voiced concern over terrorism and the migrant crisis and said human rights had to be respected during counter-terror operations. It noted the 2030 Agenda as a positive step towards realizing the right to development and said the Council had to avoid a confrontationist approach on human rights issues. It called the UPR a participatory innovation that had transformed the collective commitment, and said such developments were needed on the Council.

On March 3, 2016, in a statement not delivered due to lack of time during the **panel discussion on climate change and right to health** India said climate change would underline many of the gains made in development and global health if action was not taken. It said LDCs were the most vulnerable and had to strengthen their health systems. It said any discussion on this matter had to be consistent with the UNFCCC in focusing the right to development, emphasizing CBDR and underlining assistance to LDCs as a moral and human rights obligation. It asked the panel what could be done to address the policy incoherence between positioning climate change as a human rights issue on the one hand and the global IPR regime and investment policies on the other.

On March 3, 2016, during the **Clustered Interactive Dialogue with the Special Rapporteur on the issue of human rights obligations relating to the safe, clean, healthy and sustainable development, and the Special Rapporteur on adequate housing** India said it agreed the structural causes of homelessness had to be addressed but there was no universal policy solution and local initiatives were important. It noted its own initiatives on this matter and asked the SR to elaborate on the need for more reliable measures of homelessness.

On March 4, 2016, during the **Clustered Interactive Dialogue with the Special Rapporteur on the rights of persons with disabilities and the Independent Expert on the enjoyment of human rights**

of persons with albinism India said it was imperative to dismantle barriers to persons with disabilities' participation in society. It laid out its domestic policy framework to protect the rights of and empower persons with disabilities and agreed the Convention on the Rights of Persons with Disabilities should be the guiding factor for policies on this issue.

On March 7, 2016, during the **annual full-day meeting on the rights of the child** India said fighting exploitation of children through technology had to begin with spreading digital literacy, complemented by strong legislative measures, which it said it was working on at the national level, including through providing child-friendly mechanisms.

On March 7, 2016, during the **Clustered Interactive Dialogue with the Independent Expert on the effects of foreign debt and the Special Rapporteur on the right to food** India supported the SR's call for a gender analysis of malnutrition and mainstreaming a gender perspective in food security programmes. It detailed its work to protect the right to food for all and asked the SR what could be done by governments at the national level to tackle economic policies and intellectual property laws that create barriers to women's right to food. It also asked how a gender based perspective could create better global policy coherence. On debt, it said it was concerned about illicit outflows from developing countries and agreed there needed to be greater transparency in taxation issues to prevent hiding of offshore assets.

On March 9, 2016, during the **Interactive Dialogue on the joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions** India said peaceful assembly had to be promoted and protected while considering the legitimate interests of all, including participants, bystanders and authorities. It agreed with the SRs that notification systems must not be bureaucratic but said the expectation that assemblies should not be subject to prior authorization need to be balanced with public order and safety. It also questioned why organizers should not be held responsible for participants' actions. It said the recommendation that States provide the exact nature of the threat when invoking national security and public order was not practical in all situations. It said the recommendation on de-escalation tactics involving communication, negotiation and engagement presumed reciprocity from participants, which is not always the case. It asked the SRs to say more regarding how to selectively identify and isolate violent individuals from assemblies.

On March 10, 2016, during the **Annual Report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General** India said more fund had to be committed from the general budget to the OHCHR and that it was concerned about shortfalls. It said it appreciated the OHCHR's capacity building and technical assistance work, though it noted a key principle in this effort should be the Member State's

willingness to receive it. It commended the OHCHR for treating the migrant crisis as a refugee issue, not just a migratory one, and said it hoped the Office would continue to focus on discrimination against the Roma. It encouraged greater transparency on the HC's Right Up Front Initiative. It also said it would like to see greater emphasis on the right to development in the OHCHR's activities.

On March 11, 2016, during the **Panel discussion on the progress in and challenges of addressing human rights issues in the context of efforts to end the HIV/AIDS epidemic by 2030** India agreed the international community had to redouble its efforts and noted its domestic mainstreaming of its AIDS response through service integration and a rights-based approach. It welcomed the creation of the UNSG High-level Panel on access to medicines and asked it to share its views on how policy coherence between human rights obligations, intellectual property and trade laws and access to medicines could be achieved.

Further on March 11, 2016, during **general debate** India said the Council should work to build a consensual understanding of human rights issues and not ignore minority views. It also observed an excessive focus on human rights violations rather than their causes and called for a more holistic approach emphasizing the interrelatedness of human rights. It said cooperation had to occur in a manner in which the State concerned is fully involved and its priorities considered. It condemned and rejected the OIC's comments on Jammu and Kashmir as an interference in India's internal affairs.

On March 14, 2016, during the **Individual dialogue with the Special Rapporteur on the situation of human rights in Myanmar** India said Myanmar had made progress towards political reform and democratization, and that further progress on human rights would require the capacity building and technical assistance Myanmar's government had requested. It added it felt the 9intended objectives of the UN had been achieved and it was time to consider taking Myanmar off the Council's agenda.

On March 15, 2016, during the **general debate** India noted with concern the proliferation of country-specific mandates, which it felt increased politicization and confrontation on the Council. It said the proclivity for one-sided fixes and selective country listing undermines States' confidence in the Council. It said non-State actors also merited attention and suggested these could be addressed under Item 4 of the agenda as well. It stated that the Council should focus on creating an enabling environment for human rights both nationally and globally and that the emphasis should be on eliciting the full participation and cooperation of States and collective efforts for both the promotion and protection of rights.

On March 15, 2016, during the **Interactive Dialogue with the Special Rapporteur on minority issues** India criticized the SR for breaching their mandate in covering groups with “minority-like characters” and worried that the Council risked creating incentives for SRs to go beyond the mandate and call into question the Council’s seriousness. It said this had to be avoided.

On March 16, 2016, during the **Consideration of Nepal** India said it was encouraging Nepal had accepted nearly 80% of recommendations. It was encouraged by the two constitutional amendments passed in January 2016 and urged a national consensus in the country on its political and developmental agenda.

On March 17, 2016, during the **Consideration of Myanmar** India commended Myanmar’s constructive participation with the UPR process and, noting its democratic transition, said Myanmar deserved acknowledgement for its willingness to engage with UN mechanisms.

On March 21, 2016, during **general debate** India said the Council should be guided by the Vienna Declaration and Plan of Action’s (VDPA’s) call to treat all right on an equal footing. It expressed concern that the Council’s disregard for this principle undermined trust in it. It said attempts to establish more external and intrusive Council mechanisms were at odds with the VDPA’s acknowledgement of each State’s right to choose its own framework. It concluded that the spirit and letter of the VDPA would be useful in addressing the refugee and migrant worker situation as well as the menace of terrorism.

On March 23, 2016, during the **presentation of the country reports of the Secretary-General and High Commissioner for Human Rights on technical assistance and capacity building** India on behalf of a like-minded group of States reiterated that all international attempts at coordinating promotion and protection of human rights must acknowledge the primacy of the State’s role. It said technical cooperation and capacity building was not just for some states, as all had imperfect records. It called for a thorough assessment of state capacities to guide the distribution of institutional and financial assistance. It said these efforts depended on the consent, participation and sense of ownership of States. It expressed concern at the deficit of funds for technical assistance and encouraged donors to contribute towards sustainability of the Voluntary Trust Fund for Financial and Technical Assistance and Voluntary Trust Fund for UPR Implementation.

During the session, India **voted in favour** of the following resolutions:

- Resolution on the composition of staff of the Office of the United Nations High Commissioner for Human Rights;

- Resolution on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;
- Resolution on the negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation;
- Resolution on human rights in the occupied Syrian Golan;
- Resolution on the effects of terrorism on the enjoyment of all human rights;
- Resolution on protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights;
- Resolution on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem;
- Resolution on the promotion and protection of human rights in the context of peaceful protests;
- Resolution on the commemoration of the thirtieth anniversary of the Declaration on the Right to Development.

India **voted against** the following resolution during this session:

- Resolution on the situation of human rights in the Islamic Republic of Iran.

India **abstained from voting** on the following resolutions:

- Resolution on the human rights situation in the Syrian Arab Republic;
- Resolution on ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem.

The following resolutions were **passed without a vote** during the session, as they did not face any opposition from any member of the Council:

- Resolution on the right to food;
- Resolution on the promotion of the enjoyment of the cultural rights of everyone and respect for cultural diversity;
- Resolution on the rights of persons belonging to national or ethnic, religious and linguistic minorities;
- Resolution on the role of good governance in the promotion and protection of human

rights

- Resolution on the right to work;
- Resolution on the freedom of religion or belief;
- Resolution on the situation of human rights in the Democratic People's Republic of Korea;
- Resolution on the integrity of the judicial system;
- Resolution on the situation of human rights in South Sudan;
- Resolution on human rights education and training;
- Resolution on promoting Human Rights through sport and the Olympic ideal;
- Resolution on the situation of human rights in Myanmar;
- Resolution on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief
- Resolution on technical assistance and capacity-building to improve human rights in Libya;
- Resolution on technical assistance and capacity-building for Mali in the field of human rights;
- Resolution on strengthening technical cooperation and advisory services for Guinea;
- Resolution on protection of human rights and fundamental freedoms while countering terrorism: mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;
- Resolution on torture and other cruel, inhuman or degrading treatment or punishment: safeguards to prevent torture during police custody and pre-trial detention;
- Resolution on the right of the Palestinian people to self-determination;
- Resolution on the question of the realization in all countries of economic, social and cultural rights;
- Resolution on the rights of persons with disabilities in situations of risk and humanitarian emergencies
- Resolution on the rights of the child: information and communications technologies and child sexual exploitation;
- Resolution on human rights and the environment;
- Resolution on adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context.

ANNEXES

LINKS TO COUNTRY PLEDGES

Botswana: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/65/732&Lang=E

India: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/65/758&Lang=E

Namibia: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/522

Pakistan: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/486

Sierra Leone: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/531

VOTING RECORDS OF COMMONWEALTH COUNTRIES AT THE UN HUMAN RIGHTS COUNCIL, SESSION 25-31

25TH REGULAR SESSION (3-28 MARCH 2014)

Resolution	Asian Group			African Group					W. Euro. Group
	India	Maldives	Pakistan	Botswana	Kenya	Namibia	Sierra Leone	South Africa	United Kingdom
Promoting reconciliation, accountability and human rights in Sri Lanka	ABST	NO	NO	YES	NO	ABST	YES	ABST	YES
Integrity of the judicial system	YES	ABST	YES	YES	ABST	YES	YES	YES	ABST
The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation	YES	YES	YES	YES	YES	YES	YES	YES	ABST
Promotion of a democratic and equitable international order	YES	YES	YES	YES	YES	YES	YES	YES	NO
Mandate of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	YES	YES	YES	YES	YES	YES	YES	YES	NO
Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law	ABST	YES	YES	YES	YES	ABST	YES	YES	NO
The continuing grave deterioration of the human rights and humanitarian situation in the Syrian Arab Republic	ABST	YES	ABST	YES	ABST	ABST	YES	ABST	YES
Situation of human rights in the Islamic Republic of Iran	NO	-	NO	YES	ABST	ABST	ABST	ABST	YES
Situation of human rights in the Democratic People's Republic of Korea	ABST	YES	NO	YES	ABST	ABST	YES	ABST	YES
Right of the Palestinian people to self-determination	YES	YES	YES	YES	YES	YES	YES	YES	YES
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	YES	YES	YES	YES	YES	YES	YES	YES	YES
Human rights situation in Occupied Palestinian Territory, including East Jerusalem	YES	YES	YES	YES	YES	YES	YES	YES	YES
Follow-up to the report of the United Nations Independent International Fact-Finding Mission on the Gaza Conflict	YES	YES	YES	YES	YES	YES	YES	YES	YES
Human rights in the occupied Syrian Golan	YES	YES	YES	YES	YES	YES	YES	YES	ABST
The promotion and protection of human rights in the context of peaceful protests	NO	YES	NO	YES	NO	ABST	YES	NO	YES

26TH REGULAR SESSION (10TH-27TH JUNE 2014)

Resolution	Asian Group			African Group					W. Euro. Group
	India	Maldives	Pakistan	Botswana	Kenya	Namibia	Sierra Leone	South Africa	United Kingdom
The question of the death penalty	NO	ABST	NO	NO	ABST	YES	YES	YES	YES
Mandate of the Independent Expert on human rights and international solidarity	YES	YES	YES	YES	YES	YES	YES	YES	NO
Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights	YES	ABST	YES	ABST	YES	YES	ABST	YES	NO
Protection of the family	YES	YES	YES	YES	YES	YES	YES	YES	NO
Human rights and the regulation of civilian acquisition, possession and use of firearms	YES	YES	YES	YES	YES	YES	YES	YES	YES
The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic	ABST	YES	ABST	YES	-	ABST	YES	ABST	YES
Situation of human rights in Belarus	NO	YES	ABST	YES	ABST	ABST	YES	ABST	YES
Promotion and protection of the human rights of peasants and other people working in rural areas	YES	ABST	YES	ABST	YES	YES	YES	YES	NO
Cooperation and assistance to Ukraine in the field of human rights	ABST	YES	ABST	YES	ABST	ABST	YES	ABST	YES

27TH REGULAR SESSION (8TH TO 26TH SEPTEMBER 2014)

Resolution	Asian Group			African Group					W. Euro. Group
	India	Maldives	Pakistan	Botswana	Kenya	Namibia	Sierra Leone	South Africa	United Kingdom
The right to development	YES	YES	YES	YES	YES	YES	YES	YES	ABST
Mandate of the Independent Expert on the promotion of a democratic and equitable international order	YES	YES	YES	YES	YES	YES	YES	YES	NO
The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	YES	YES	YES	YES	YES	YES	YES	YES	NO
The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic	ABST	YES	ABST	YES	ABST	ABST	YES	ABST	YES
Promotion of the right to peace	YES	YES	YES	YES	YES	YES	YES	YES	NO
Human rights and unilateral coercive measures	YES	YES	YES	YES	YES	YES	YES	YES	NO
Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights: the activities of vulture funds	YES	YES	YES	YES	YES	YES	YES	YES	NO
Human rights, sexual orientation and gender identity	ABST	NO	NO	NO	NO	ABST	ABST	YES	YES

28TH REGULAR SESSION (2 TO 27TH MARCH 2015)

Resolution	Asian Group				African Group							W. Euro. Group	
	Bangladesh	India	Maldives	Pakistan	Botswana	Ghana	Kenya	Namibia	Nigeria	Sierra Leone	South Africa	United Kingdom	
Composition of staff of the Office of the United Nations High Commissioner for Human Rights	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
Ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law	ABST	ABST	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	ABST
Renewal of the mandate of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
Human rights, democracy and the rule of law	YES	YES	YES	YES	YES	YES	YES	YES	YES	ABST	YES	ABST	YES
Effects of terrorism on the enjoyment of human rights	YES	YES	YES	YES	ABST	ABST	YES	ABST	YES	YES	YES	NO	NO
The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic	ABST	ABST	YES	ABST	YES	YES	ABST	ABST	ABST	ABST	YES	ABST	YES
Situation of human rights in the Islamic Republic of Iran	NO	NO	ABST	NO	YES	ABST	ABST	ABST	ABST	ABST	ABST	ABST	YES
Situation of human rights in the Democratic People's Republic of Korea	ABST	ABST	YES	ABST	YES	YES	ABST	ABST	ABST	ABST	YES	ABST	YES
Human rights in the occupied Syrian Golan	YES	YES	YES	YES	ABST	ABST	YES	YES	YES	YES	ABST	YES	ABST
Right of the Palestinian people to self-determination	YES	YES	YES	YES	YES	ABST	YES	YES	YES	YES	YES	YES	YES
Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Human rights situation in the Occupied Palestinian Territory, including East Jerusalem	YES	YES	YES	YES	ABST	YES	YES	YES	YES	YES	YES	YES	YES

29TH REGULAR SESSION (JUNE 15TH TO 3RD JULY 2015)

Resolution	Asian Group				African Group							W. Euro. Group	
	Bangladesh	India	Maldives	Pakistan	Botswana	Ghana	Kenya	Namibia	Nigeria	Sierra Leone	South Africa	United Kingdom	
Human rights and international solidarity	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
Human rights and the regulation of civilian acquisition, possession and use of firearms	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	ABST
The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic	ABST	ABST	YES	ABST	YES	YES	ABST	ABST	ABST	ABST	YES	ABST	YES
Situation of human rights in Belarus	ABST	NO	YES	ABST	YES	ABST	ABST	ABST	ABST	ABST	YES	ABST	YES
Protection of the family, contribution of the family to the realization of the right to an adequate standard of living for its members, particularly through its role in poverty eradication and achieving sustainable development	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO
Cooperation and assistance to Ukraine in the field of human rights	ABST	YES	YES	YES	YES	YES	YES	YES	ABST	YES	ABST	YES	YES
Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem	YES	ABST	YES	YES	YES	YES	ABST	YES	YES	YES	YES	YES	YES

30TH REGULAR SESSION (14TH SEPTEMBER TO 2ND OCTOBER 2015)

Resolution	Asian Group				African Group							W. Euro. Group
	Bangladesh	India	Maldives	Pakistan	Botswana	Ghana	Kenya	Namibia	Nigeria	Sierra Leone	South Africa	United Kingdom
Human rights and unilateral coercive measures	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
The question of the death penalty	NO	NO	ABST	NO	NO	ABST	ABST	YES	NO	YES	YES	YES
The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
The grave and deteriorating human rights and humanitarian situation in the Syrian Arab Republic	ABST	ABST	YES	ABST	YES	YES	ABST	ABST	ABST	YES	ABST	YES
Promotion of the right to peace	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
Promotion and protection of the human rights of peasants and other people working in rural areas	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	ABST
Human rights and preventing and countering violent extremism	YES	YES	YES	ABST	YES	YES	YES	ABST	YES	YES	NO	YES
From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance	YES	YES	YES	YES	YES	YES	YES	NO*	YES	YES	YES	NO
Forum on people of African descent in the diaspora	YES	YES	ABST	YES	YES	YES	YES	YES	YES	YES	YES	NO
Right to development	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
Promotion of a democratic and equitable international order	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO

* The delegation of Namibia subsequently stated that there had been an error in its voting and that it had intended to vote in favour of the draft text.

31ST REGULAR SESSION (29TH FEBRUARY TO 24TH MARCH 2016)

Resolution	Asian Group			African Group						W. Euro. Group
	Bangladesh	India	Maldives	Botswana	Ghana	Kenya	Namibia	Nigeria	South Africa	United Kingdom
Composition of staff of the Office of the United Nations High Commissioner for Human Rights	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
The effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
The human rights situation in the Syrian Arab Republic	ABST	ABST	YES	YES	YES	ABST	ABST	ABST	ABST	YES
Situation of human rights in the Islamic Republic of Iran	NO	NO	ABST	YES	ABST	NO	ABST	ABST	NO	YES
The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation	YES	YES	YES	YES	YES	YES	YES	YES	YES	ABST
Human rights in the occupied Syrian Golan	YES	YES	YES	ABST	YES	YES	YES	YES	YES	YES
Effects of terrorism on the enjoyment of all human rights	YES	YES	YES	YES	YES	YES	ABST	YES	NO	NO
Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights	YES	YES	YES	YES	YES	ABST	ABST	NO	YES	YES
Human rights situation in the Occupied Palestinian Territory, including East Jerusalem	YES	YES	YES	ABST	ABST	YES	YES	YES	YES	YES
Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem	YES	ABST	YES	ABST	ABST	YES	YES	YES	YES	YES
The promotion and protection of human rights in the context of peaceful protests	ABST	YES	YES	YES	YES	YES	ABST	ABST	ABST	YES
Commemoration of the twentieth anniversary of the Declaration on the Right to Development	YES	YES	YES	YES	YES	YES	YES	YES	YES	ABST