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**AMNESTY
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Dear Minister,

OPEN LETTER RE: INDIA'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the elections scheduled for 20 May 2011. We welcome your submission election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the *note verbale* dated 16 February 2011 from the Permanent Mission of India to the President of the General Assembly.

The Office of the UN High Commissioner for Human Rights has issued guidance in the form of a framework for voluntary pledges and commitments by Member States when presenting candidatures for the Human Rights Council, including that these should make specific, measurable and verifiable commitments.¹ We also recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² We take this opportunity to make some comments on India's election pledges and to note some additional opportunities for your government to promote and protect human rights on the occasion of its candidature.

1. Commitments at the international level:

■ *Ratification of international human rights instruments*

We welcome your commitment to 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, both of which India has signed. We take this opportunity to also encourage your government to ratify other outstanding international human rights treaties, in particular the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the First and Second Optional Protocol to the International Covenant on Civil and Political Rights, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

■ *Cooperation with the Special Procedures*

We welcome your consideration to extend a standing invitation to the Special Procedures, to continue to cooperate with Special Procedures, and to participate constructively in reviewing and strengthening the system of Special Procedures. In this regard, we encourage you to facilitate, as a matter of priority, the visits requested by the Working Group on arbitrary detention, the Special Rapporteur on torture, the

¹ *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council* prepared by the Office of the High Commissioner for Human Rights <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>

² Operative paragraph 9.

Special Rapporteur on extrajudicial, summary or arbitrary executions, and the Working Group on enforced or involuntary disappearances.

■ *Cooperation with the treaty monitoring bodies*

We welcome your pledge to cooperate with the treaty bodies and to contribute constructively to the reform of the treaty body system. In this regard we urge you to submit all the overdue reports to the treaty bodies, in particular that due to the Human Rights Committee.

■ *Engagement with the Universal Periodic Review*

We welcome your pledge to implement the recommendations that enjoyed India's support during the first cycle of the Universal Periodic Review, and to participate in the second cycle of the Universal Periodic Review in an open and constructive manner. We would urge in particular prompt action on the recommendations to invite the Special Rapporteur on torture (recommendation 15).

■ *Participation in the deliberations of the Human Rights Council*

We note your willingness, expressed in your election pledges, to strive to make the Council a strong, effective and efficient body, capable of promoting and protecting human rights and fundamental freedoms for all, and to engage constructively in the deliberations of the Council and its subsidiary bodies and mechanisms, including norm-setting. In this regard, we urge you to work towards better use of the Council's broad range of working methods and practices to address situations that require its attention and to improve the follow up by the Council of initiatives, including by its expert mechanisms and subsidiary bodies.

2. Commitments at the national level:

■ *National human rights policy*

We note your commitments to maintain the independence, autonomy and genuine powers of investigation of national human rights bodies, including the National Human Rights Commission, the National Commission for Women, the National Commission for Protection of Child Rights, the National Commission for Minorities, and the National Commission for Scheduled Castes and Scheduled Tribes and National Commission for Backward Classes; to promote the social, economic and political empowerment of women in India by affirmative actions, gender-mainstreaming in national planning, and gender-budgeting; and to work towards elimination of discrimination and violence against women through legislative measures as well as effective implementation of existing policies.

We are concerned, however, that upon closer inspection, it seems that these national human rights bodies lack independent initiative and adequate resources, and have a restricted mandate to deliver on key concerns within the country. Amnesty International as well as national non-governmental organizations have consistently expressed concern about the limitations within the mandate and resources of these bodies and urged the authorities to address these limitations.

We welcome the pledges and commitments already made by India and encourage your government to use this opportunity to further strengthen its pledges and commitments by including the additional elements listed above. We encourage your government to announce the steps it will take to fulfil its electoral pledges, whether it is successful in gaining a seat on the Council or not, and to regularly inform the Council of progress in implementing these commitments. This could, for example, be done in the form of an oral or written statement to the Council.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

A handwritten signature in black ink that reads "Steve Crawshaw". The signature is written in a cursive style with a large initial 'S'.

Steve Crawshaw
International Advocacy Director
Amnesty International