

**Delegation from The Republic of India**  
**Position Paper for the Human Rights Council**

The issues before the Human Rights Council (HRC) are: Combatting Racism, Racial Discrimination, Xenophobia, and Related Intolerance; and Business and Human Rights. The Republic of India reiterates its fight for justice and equality in the world and its will to improve existing structures in the spirit of cherished Prime Minister Indira Gandhi: “The power to question is the basis of all human progress.”

**I. Combatting Racism, Racial Discrimination, Xenophobia, and Related Intolerance**

The Republic of India believes in a multicultural and tolerant world. As a nation of many ethnicities, languages and religions, “Shining India” has a long history of bringing together and uniting different opinions and cultures. Therefore, India notes with concern that discrimination and racism based on one’s ancestry or ethnicity are still a global problem. Especially migrants often experience racial discrimination and xenophobia, even in industrialized world regions. Although one’s skin color should not define one’s success in a globalized world, especially Asians are experiencing prejudices and disadvantages. Their grave situation has worsened due to COVID-19 pandemic, as many Asian migrants have been made responsible for the spread of SARS-Cov-2 up to experiencing violence. This also applies to Western countries, as recent examples and studies have shown. After India first discovered the Delta Variant of SARS-Cov-2, especially migrants of Indian descent became victims of racism, an intolerable situation that India condemns. However, the Republic of India is convinced that a modern approach to the issue of racism is much more effective than a focus on nation’s participation in conventions and treaties, which, however, provide an indispensable foundation for further development. But regarding the spread of anti-Asian racism during the Covid-19 pandemic, it becomes visible that racism is also a problem in countries which ratified anti-discrimination conventions and successfully implemented policy programmes, a problem in all nations on this planet which warrants an adequate reaction from the United Nations (UN).

Therefore, the Republic of India reaffirms its belief in the *Universal Declaration of Human Rights* (UDHR), advocating the equality of all humankind and condemning racial discrimination. India also stresses the importance of General Assembly (GA) resolution 2106 (1965) (ICERD), forcing ratifying states to prevent racism by law and policy. However, even the ratification of the ICERD did not ultimately lead to complete abolishment of racial discrimination; ICERD is an important framework, but must not serve as a clean bill and argument to prevent further measures. India therefore stresses its support for further approaches such as the Durban Conference in 2001, resulting in the *Durban Declaration and Programme of Action* (DDPA), which not only aims at governmental measures, but also establishes a publicity campaign to address global citizenry directly, which is a necessary part of the solution in our view. Finally, India wants to recall the *2030 Agenda for Sustainable Development* (Agenda 2030), collectively established by many different UN organs and therefore proving a unique consideration of different approaches and perspectives, facing racism and xenophobia not as single issues, but as a part of a bigger problem.

Therefore, the Republic of India advocates for the continuation of the new perspectives established by the HRC in the last decades such as a reaffirmation of the Agenda 2030 and ongoing support for publicity campaigns. India also recommends the start of a new campaign, not only aiming at industrialized countries, but also reaching persons in peripheries and sparsely populated world regions, not only relying on the internet as medium of distribution, but also on locally adapted forms of publicity. With *TOGETHER*, the UN during the *UN summit for Refugees and Migrants* (2016) have already launched a campaign on a related issue, being Refugees and Migrants. This campaign should be extended in the eyes of India, relying on already established communication channels throughout many social layers and world regions, now also treating the issues of racism. It has proven to be highly effective also in the Western sphere, as in not industrialized world regions. With annual reports to the HRC, *TOGETHER* could evolve to a universal campaign, explaining HRC issues directly to global citizenry. A shift in ways of thinking cannot be reached by a quick implementation of measures; it must be thought as a slow process, and every country has to reevaluate its standing in this process regarding anti-Asian discrimination.

**II. Business and Human Rights**

In an increasingly connected and interdependent world, international division of labor and supply chains reaching all around the globe have become more and more important. Their complex system has the potential to benefit every participant of the chain, optimizing production at one end of the chain and creating jobs at the other one. However, this benefit can be drastically reduced when labor-sharing nations do not cooperate on an equal basis and when transnational companies begin to violate Human Rights in their process of production. India wants to emphasize that it is in transnational corporations' and other business enterprises' responsibility to respect and promote Human Rights. Requiring an international and fair dialogue, in the eyes of the Republic of India, this topic is spot on the HRC, providing the perfect institution for the working out of an international framework for the reduction of Human Rights violations in a business context. As the fifth strongest economy worldwide, with expertise in every step of the production process, India believes in the possibility of this framework to-be to not benefit some, but all countries, regardless of their level of industrialization. Putting an end to the ignorance of local conditions, the assurance to consumers worldwide to prevent involuntary support of any kind of outsourced and therefore invisible Human Rights violations ought to be the goal of every Member State. Forced labor, modern slavery and the tolerance of harmful work environments have no place in a globalized world in the eyes of India, but are still made possible by the lack of a binding framework. Stable and sustainable global growth – a goal the HRC still has to work on – can only be assured through cooperation on eye level.

Regarding Business and Human Rights, the Republic of India is guided by HRC resolution 17/4 (2011), providing a first foundation for further dialogue, stressing the importance of a global approach towards the topic. Nevertheless, the guideline character of this resolution is not binding enough in the eyes of India, its rather voluntary approach to Business and Human Rights has proven not to be successful ever since. Therefore, India reemphasizes the utmost importance of the implementation of HRC resolution 26/9 (2014), advancing the international discourse on transnational corporations and Human Rights. This resolution established the *Open-ended Intergovernmental Working Group* (OEIGWG) whose mandate India also wishes to reconfirm, especially because of it being tasked with the development of drafts for a binding treaty on this matter. India is convinced by the *OEIGWG Chairmanship Third Revised Draft (17.08.2021)* (Third Draft), being the current proposition of the OEIGWG for an enforceable regime to regulate transnational corporations. The Third Draft defines not only remedies for Human Rights violations, but also the violation's preventions, aiming for legal and applicable rules for transnational corporations and a final resolution of the problem. A time plan for the implementation of the Third Draft was laid out by the OEIGWG in its *Report on the seventh session of the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights* (2021), which also emphasizes the need to think further than just about the principles of HRC resolution 17/4 (2011) and further underlined the importance of the issue.

Keeping this in mind, the Republic of India proposes to the HRC to strongly recommend the implementation of the Third Draft as an international treaty in a HRC resolution, therefore living up to the duty of all Member States to protect human rights. This treaty must define the process for translating new rules for transnational corporations into national legal frameworks. That way, it can be assured that no country develops comparative disadvantages during the implementation process. Also, global standards in the new legal regulations lead to decomplications in international business in general and a growth of investments in labor-strong countries. Furthermore, regarding article 15 of the Third Draft, India advises the HRC to ensure further interaction between the new Committee and the HRC. This interaction requires regular reports from the Committee to the HRC and could also advance towards a supervision of the Committee through the HRC. It is of utmost importance that the efforts and the frameworks established and prepared so far do not fizzle out due to the interests of a small number of industrialized nations. The HRC has proven to be an effective forum operating on eye level on this matter – the only way to ensure a sustainable and effective resolution of the grave problems on Business and Human Rights.