

**THE POTENTIAL ROLE OF THE NATIONAL  
HUMAN RIGHTS COMMISSION OF INDIA  
IN OPERATIONALISING THE GLOBAL  
COMPACT ON REFUGEES**

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## ABSTRACT

The paper seeks to explore the potential role which can be played by the National Human Rights Commission (NHRC) in setting the stage for addressing the key tenets of the Global Compact on Refugees (GCR), with respect to refugees in India. In fact, there have been numerous instances in the past where NHRC has taken cognisance of the situation of various refugee groups in India, *inter alia*, by invoking the jurisdiction of the Supreme Court, for instance, in relation to the *Chakma* refugees. However, the paper will also focus on the opportunities which were missed due to varied reasons—a recent instance being the deportation of seven Rohingyas from the state of Manipur—before analysing the present need for a more concerted and collaborative role of national human rights institutions, such as the NHRC, together with judicial courts, key government bodies, UNHCR and other UN organisations, academic institutions, civil society.

In light of the ongoing case of *Mohd. Salimullah v. Union Of India* (where the Supreme Court has been asked to address related questions with respect to Rohingya refugees in India), and the opportunities presented by India's adoption of the GCR, the paper puts forth the argument for a strong, cohesive and complementary role of the NHRC in promoting the basic and fundamental rights of refugees in India, in particular, the potential role of NHRC in better coordination, in line with the multi-stakeholder collaboration and partnership approach, put forth in GCR. In doing so, the paper will attempt to evaluate the efficacy of National Human Rights Institutions, such as NHRC, mandated to protect and promote human rights, with respect to the protection and assistance to refugees around the world and in India.

## INTRODUCTION

The Global Compact on Refugees (GCR)<sup>1</sup> is already being seen as a “game changer”,<sup>2</sup> as it offers a roadmap for better cooperation to bring about equitable burden- and responsibility-

sharing, in a more genuine effort to effectively deal with the lack of humanitarian avenues for refugees. A key feature is its emphasis on partnerships. This paper seeks to interrogate the “multi-

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stakeholder and partnership approach” under the GCR—in particular, the role of National Human Rights Institutions (NHRIs) under this approach. The paper analyses the contribution of the National Human Rights Commission of India (NHRC) for the well-being of refugees in India, before moving further to explore its potential involvement pursuant to GCR. In this context, the paper will highlight

some of the challenges NHRC may face, particularly emanating from the Government’s stance before the Supreme Court of India in an ongoing case concerning the Rohingya refugees. The paper concludes with certain suggestions for NHRC’s future interventions, in line with the GCR, and for the better protection and promotion of human rights of all refugees in India.

## **GCR LAYING THE PATH FOR THE INVOLVEMENT OF NHRIS IN PROTECTING AND ASSISTING REFUGEES**

### **Multi-Stakeholder Partnership: A Key Recognition in the GCR**

One of the ways in which GCR seeks to achieve its four “interlinked and interdependent” objectives is through a multi-stakeholder cooperation and partnership mechanism.<sup>3</sup> A commendable recognition in this mechanism is the inclusion of refugees themselves and the host communities, in addition to, faith-based actors, private funders, academia and even partnerships to foster sports and cultural activities.<sup>4</sup> An underlying goal of proposing such a cooperation mechanism seems to be to leverage and network the often ignored and hidden responders to refugee situations at local levels, with other responders such as the United Nations High Commissioner for Refugees (UNHCR) and other United Nations (UN) organisations, international

Non-Governmental Organisations (NGOs), regional organisations, local authorities, and the civil society. In doing so, the GCR attempts to lay down paths for cooperation, partnerships and support systems at multiple scales with the aim of sharing responsibilities and finding enhanced solutions for the benefit of refugees.<sup>5</sup> The significance of the GCR’s multi-stakeholder cooperation proposal lies in States recognising and agreeing to foster these partnerships, viewing them essential for sharing responsibilities to better protect the refugees, and instilling in the spirit of genuine collaborations in future work.<sup>6</sup>

Further, GCR highlights the many dimensions of addressing and solving the refugee situations through the profile of the actors it seeks to bring together, including those focused on the human rights of refugees. In

fact, in addition to the international refugee protection regime, the GCR is guided by the Universal Declaration on Human Rights and other international human rights instruments.<sup>7</sup> In the New York Declaration, the signing States have reaffirmed that all refugees (and migrants) are rights holders, regardless of status, and have committed themselves to fully protect their human rights.<sup>8</sup> Therefore, all actors that have been working towards extending, promoting, and protecting the rights of refugees are necessarily included in the multi-stakeholder approach envisioned in the GCR.

#### **NHRIs: Unique Entities in the Human Rights System**

NHRIs are unique entities in the human rights system. Although created and funded by States, NHRIs are expected to act independently to protect and promote human rights and assist their respective States in doing so.<sup>9</sup> Endowed with specific powers and often legislative mandates, their interventions are at least considered and heard by the government.<sup>10</sup> This may be particularly relevant since the idea of human rights calls for compliance by States, beyond their domestic laws, of international human rights treaties, and States are encouraged to accept more human rights obligations, for example, by signing other treaties—encouraging them usually lies under the purview of the NHRIs.<sup>11</sup>

Moreover, NHRIs act as neutral facilitators bringing together the State

and the civil society on issues requiring the urgent attention and action of the State—highly desirable endeavour considering the often hostile stance of the government towards the civil society.<sup>12</sup> Constructive engagement with other actors and creating awareness on human rights issues remain other key responsibilities of NHRIs. Moreover, NHRIs which are mandated to receive individual complaints may be the only effective recourse for many victims of human rights violations, other than the long, arduous, and often inaccessible judicial remedies with limited remedial options.<sup>13</sup> In this way, NHRIs can truly be the voice of the victims they are envisaged to be, and, a bridge between the States and the civil society and other actors, they are expected to be.

At the same time, there is an ever-present threat of their independence and functioning being undermined by the States. In this context, the accreditation of NHRIs by the Global Alliance of National Human Rights Institutions (GANHRI)<sup>14</sup>, is a noteworthy accountability mechanism. GANHRI is an international association of NHRIs from across the world, which “promotes and strengthens NHRIs to be in accordance with the Paris Principles, and provides leadership in the promotion and protection of human rights”.<sup>15</sup> The Office of the High Commissioner for Human Rights (OHCHR) acts as a permanent observer on GANHRI’s Sub Committee on Accreditation which is responsible for the review and accreditation of NHRIs.

Through GANHRI, NHRIs can interact directly with UN human rights system, which is a definite matter of prestige, but only if they are adjudged to be in compliance with the Paris Principles and are “A” rated.<sup>16</sup>

Further, NHRIs, by virtue of being created by States, may incentivise the State to see them as members of international networks such as GANHRI and in turn lend their ears to GANHRI’s call for compliance with the Paris Principles.<sup>17</sup> Moreover, where the State is considering undermining the powers and functions of its NHRI, the threat of international review may act as a possible deterrent.<sup>18</sup> At this point, it is also important to mention regional NHRI associations, particularly the Asia Pacific Forum of National Human Rights Institutions (APF) which has a parallel membership, accreditation, and review structure (for NHRIs in the Asia Pacific region), based on the Paris Principles. APF’s role is potentially important, particularly for a region which lacks a regional human rights mechanism.<sup>19</sup>

### **Role of NHRIs vis-a-vis Refugees**

Do NHRIs have any role in addressing refugee situations, either by virtue of being in an origin country, a host country or a third country? This question may not pose difficulty in an origin State where they are dealing with citizens who are not yet refugees in other countries,<sup>20</sup> but in host States and third countries, this may be a tricky query at the outset due to refugees being non-citizens. The genesis

of NHRIs provides a swift answer. Carver puts forth that during the early discussion leading to the creation of NHRIs, the idea of NHRIs embracing international human rights norms and principles, “meant that, in principle, these institutions aimed to promote and protect the rights of all persons, not just citizens”.<sup>21</sup>

Moreover, OHCHR has identified the special responsibility of NHRIs in relation to “help those least able to help themselves”, *inter alia*, refugees.<sup>22</sup> According to OHCHR, NHRIs can support humanitarian assistance in addition to monitoring assistance programmes and identifying protection gaps in relation to refugees.<sup>23</sup> The UNHCR itself has recognised the important contribution of NHRIs in “protecting and monitoring respect for the rights of asylum-seekers and refugees”.<sup>24</sup> UNHCR has also recognised the role of NHRIs in specific situations, such as combatting racism and xenophobic sentiments against refugees.<sup>25</sup> In fact, Carver goes further to state that “[i]f refugee protection is to be reconceptualized in human rights terms, these independent governmental actors will have to play a central role”.<sup>26</sup>

The NHRIs, themselves, have been working for refugees, besides coming together at various forums to recognise the growing need for better protection of refugees around the world.<sup>27</sup> As part of GANHRI, the member NHRIs pledged to continue their work in relation to the plight of the refugees, particularly through a coordinated

strategy with multiple actors at the UN Summit for Refugees and Migrants held in September 2016.<sup>28</sup> Even APF has “mass movement of people”, which include refugees, as one of its thematic priorities, thus encouraging NHRIs in the region to actively take up the issue.<sup>29</sup> Therefore, the role of NHRIs vis-à-vis refugees is irrefutable, and, one might even say, vital.

### **Role of NHRIs Under the GCR**

Although, the role of NHRIs is apparent for the protection of refugees and they have long been working on this issue, a peculiar observation is the explicit absence of NHRIs from the GCR—in contrast to their specific inclusion in the Global Compact for Safe, Orderly and Regular Migration (GCM).

The GCM mentions NHRIs as part of its multi-stakeholder partnership and of the “whole-of-society approach”.<sup>30</sup> In particular, the GCM seeks to even establish independent institutions such as NHRIs which can monitor migrants’ access to basic services,<sup>31</sup> and partner with NHRIs “to prevent, detect and respond to racial, ethnic and religious profiling of migrants by public authorities, as well as systematic instances of intolerance, xenophobia, racism and all other multiple and intersecting forms of discrimination”.<sup>32</sup> Clearly, these are also vital for the refugees and hence NHRIs should have found specific mention in the GCR too. A pessimistic interpretation of this could be in line with Carver’s observation that

although, “the relationship between human rights and refugee protection is self-evident ... [y]et practitioners in both the refugee and human rights fields know from bitter experience that these links seldom function in practice”.<sup>33</sup>

According to Türk, there are necessary overlaps between the GCM and the GCR, especially with reference to “operational responses to mixed situations of refugees and migrants”. He further adds that the GCR “allows space for States facing large mixed movements to draw upon the architecture of support set out in the [GCM] where appropriate”.<sup>34</sup> The above observations are also in line with past collaborations, work and statements from UNHCR, OHCHR, NHRIs, GANHRI, etc., with respect to the important role of NHRIs vis-à-vis refugees. Therefore, the argument would follow, the absence of NHRIs in the GCR should not be seen as NHRIs being excluded from the multi-stakeholder approach under the GCR, as the spirit of cooperation and the range of stakeholders necessarily creates overlap between both the Compacts. However, caution must be maintained with this interpretation, as the following observations highlight.

GANHRI in the wake of the Compacts, has been conducting conferences, follow-up meetings and studies stemming from the role of NHRIs pursuant to the GCM.<sup>35</sup> It even released a statement on the GCM;<sup>36</sup> however, none yet on the GCR.<sup>37</sup> Further, the German NHRI recently presented a

report to lay down the roadmap for NHRI's engagement and cooperation on migrant rights issues under the GCM.<sup>38</sup> The report was based on a survey populated amongst 110 NHRIs (GANHRI-accredited) of which 32 responded. Although the questionnaire did delve into the "refugee-migrant" conundrum for NHRIs (through one question) and highlighted certain NHRIs work on refugee issues; significantly, it also stated that since the questionnaire was in furtherance of GANHRI's work on the GCM, the focus is on human rights issues of migration, and *"not on asylum and refugee-related aspects, which is the topic of another Compact"* (own emphasis).<sup>39</sup>

One of the questions in the questionnaire was: "what drives the NHRIs to work on migrants' issues?" Although only two

NHRIs responded that it was due to the GCM, this number can increase in the future, particularly for NHRIs who are yet to take it up as a new issue.<sup>40</sup> This begs the question: will this renewed focus of NHRI participation in the GCM deter NHRIs from taking up refugee rights and, instead, focus broadly on migrants? Consequently, will it influence NHRIs, which have been working on refugee issues, to instead take up migrants' issues? These are difficult questions but with serious consequences, particularly, in the context of GANHRI, which leads the protection and promotion of human rights through its NHRI members. In this respect, it is desirable that a clarification on an international forum or through GANHRI reinstating the complementary role of both Compacts with respect to NHRIs, is put forward at the earliest.

## **NHRC'S POSITION TO PROTECT AND PROMOTE THE RIGHTS OF REFUGEES IN INDIA**

### **NHRC's Background, Functions and Powers**

NHRC was setup under the Presidential Ordinance of October 1993, replaced by the Protection of Human Rights Act, 1993 (Act 10 of 1994) (PHRA), which came into force on 8 January, 1994. It was established as a body "for better protection of human rights" in India.<sup>41</sup> Incidentally, the Act is also the first time that a definition of "human

rights" was laid down as "rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India".<sup>42</sup> Therefore, NHRC is mandated to protect and promote human rights beyond the fundamental rights guaranteed by the Constitution of India.

NHRC has a broad mandate and extensive functions, such as handling

individual complaints, intervening in judicial proceedings relating to alleged human rights violations, monitoring places of detention, reviewing Constitutional safeguards and their implementation, recommending the effective implementation of international human rights instruments, undertaking human rights research and spreading literacy, encouraging NGOs working in the human rights field and undertaking “other functions necessary for the promotion of human rights”.<sup>43</sup> In order to carry out its functions, it has been granted powers relating to inquiry, investigation, and even in relation to allegations against members of the armed forces.<sup>44</sup> However, remit has not necessarily guaranteed success.

NHRC has been regularly criticised as being a mere recommendatory body without any enforcement mechanism, and with limited resources.<sup>45</sup> Interestingly, it has itself acceded to this criticism on more than one occasion and so has the Supreme Court, which has earned it the title of a “toothless tiger”.<sup>46</sup>

#### **NHRC’s Work on Refugees in India**

NHRC has been taking up the issue of the refugees’ well-being almost since its inception. A landmark evolution of law came when it intervened for the Chakma refugees, before ultimately bringing their case to the Supreme Court of India (hereafter ‘Court’). In NHRC v. State of Arunachal Pradesh<sup>47</sup> (hereafter ‘NHRC case’), the Court upheld that Article 21 of the Indian Constitution also extends

to the protection of life for refugees. This was not the first time that the Court was asked to extend fundamental rights under the Indian Constitution to the refugees. Earlier, in the case of State of Arunachal Pradesh v. Khudiram Chakma,<sup>48</sup> the question was whether Articles 19 (1) (d) and (e) of the Indian Constitution, relating to freedom of movement and to settle anywhere in India, were available to refugees. In that case, the Court had denied the contention on the grounds that only the fundamental rights which are applicable to a person and not a citizen, are available to refugees and foreigners. Thus, in a way, the NHRC case remains a landmark extension of constitutional protection for the refugees.

At the same time, the NHRC case presents NHRC’s limitations, as by its own admission, it was forced to seek the Court’s interventions, due to the lack of enforcement powers, to bring about an improvement in the refugees’ conditions.<sup>49</sup> In fact, this has been a recurring constraint in NHRC’s work on refugee well-being in India. An analysis of NHRC’s annual reports<sup>50</sup> indicates three phases of NHRC’s efforts in relation to refugees in India. During the first phase, extending from 1994 to 2000, NHRC sought to mainstream its work on refugees by bringing it under its priority areas within “vulnerable groups”.<sup>51</sup> It also states that “[t]he Commission intends to monitor the treatment of refugees in the country and to pursue its recommendations in regard to this matter”.<sup>52</sup> NHRC even



undertook a range of efforts for the *Chakma* and *Hajong* refugees<sup>53</sup> as well as for the Sri Lankan Tamils, including visiting their refugee camps,<sup>54</sup> in addition to pushing government authorities to take a wide range of actions.<sup>55</sup> NHRC managed to get the Government of Tamil Nadu to comply with its direction relating to the well-being of refugees in camps.<sup>56</sup> During this phase, NHRC initiated a sustained dialogue with the Indian Government to consider signing and ratifying the Convention Relating to the Status of Refugees, 1951 and its 1967 Protocol (“Refugee Convention and its Protocol”),<sup>57</sup> and to “develop a national policy and possibly a national law” in line with it.<sup>58</sup> NHRC also points out that, “it is unbecoming for a country, that has now been a Member of the Executive Committee of the Office of the UN High Commissioner for Refugees Programme for a number of years, to function in an ad-hoc manner in respect of a matter of such importance as this”.<sup>59</sup> Most of the academic literature highlighting NHRC’s work with refugees also sheds light on this phase only.<sup>60</sup>

In the second phase, between 2000 and 2004, NHRC mainly continued its advocacy for the enactment of a Model Refugee Law (drafted by an Eminent Persons Group setup by the UNHCR) and even set up its own expert group for this purpose.<sup>61</sup> During sustained advocacy with the government, it again reiterated:

It has been the experience of this Commission ... that there is an

area of arbitrariness in the present practice that must be corrected if the rights of bona fide refugees are to be properly and consistently protected. India has every reason to be proud of the generosity of its historical tradition in granting protection to those who have sought refuge within its territory... Despite this great tradition, however, there is now need ... to establish a system that works uniformly and systematically to distinguish between the bona fide refugee and the economic migrant.<sup>62</sup>

The above efforts during the first two phases, although limited by resources and a range of human rights issues in a country the size and population of India, are commendable. However, the Government effectively diluted these efforts by not taking forward the NHRC’s strong recommendation in relation to framing of a national law.<sup>63</sup>

The third phase is from 2004 till 2017, wherein besides an occasional repeat of discussions with the government on the question of framing a national law and/or signing and ratifying the Refugee Convention and its Protocol, there is no mention of any other substantial activities conducted by it akin to its efforts in the first phase.<sup>64</sup> Refugees also move out of the category of ‘vulnerable persons’ in the annual reports from this phase. Incidentally, in 2004, NHRC was part of a NHRI conference where the Seoul Declaration was adopted, under

which NHRIs agreed to promote the national implementation of international standards on *inter alia* refugees,<sup>65</sup> something which it had already been trying to do. But, ironically, since 2004, as may be assumed from the annual reports that, the importance of refugee well-being diminished for the NHRC, which restricted itself to occasionally reminding the government of the need for a national legislation on the issue.

It is pertinent to point out another observation in this regard. The number of individual complaints received by the NHRC has gone up rapidly every year from 496 in 1994 to 91,887 in 2017, which decreased from 117,808 in 2016.<sup>66</sup> This is a significant number for any institution grappling with resource limitation and, thus, it is fair to question whether this may have forced NHRC to prioritise its work and focus areas towards *citizens* rather than *non-citizens*? As Carver has pointed out, NHRIs with a strong focus on complaints-handling tend to disadvantage non-citizens, such as refugees, as they are less likely to be aware of the mechanism or be able to access them effectively.<sup>67</sup>

#### **Potential Challenges for NHRC in its Work on Refugees**

India has not been immune to increasingly hostile sentiments around the world against refugees, particularly when it comes to Rohingya refugees in India. Indeed, the government, in its order dated August 18, 2017, has called

for their deportation.<sup>68</sup> Moreover, the Ministry of Home Affairs' responses before the Supreme Court in an ongoing case, Mohammad Salimullah v. Union of India<sup>69</sup> (hereafter 'Rohingya case'), clearly reflect a hard attitude which is not based on humanitarian concerns. Notably, NHRC has stated its clear view that it is against deporting Rohingyas and even issued a notice to the government.<sup>70</sup> However, beyond the notice, it is yet to take any other action.

The Court is grappling with a challenging situation with two competing arguments. The refugees contend that the government has done little to provide them with access to basic facilities, yet they are happy with the safe sanctuary provided to them from the violence in Myanmar, which should not be taken away.<sup>71</sup> The government, on the other hand, has made it clear that the present laws and the provisions of the Indian Constitution put the onus on the executive to deal with the Rohingyas according to 'several facts, parameters, diplomatic and other considerations, potential dangers to the nation etc.'<sup>72</sup> Based on its affidavits in the Rohingya case, the Government views the Rohingyas as a threat to national security, and a burden on resources meant for Indian citizens.<sup>73</sup> Moreover, the government has stated that it is not bound by the principle of *non-refoulement* even for Rohingya children and that its signing of the New York Declaration or the GCR thereunder, as well as its statements in international forums to the contrary, do not create

any legal obligations whatsoever under its domestic laws.<sup>74</sup>

The Court, on its part, had asked various state governments to file status reports on the condition of Rohingyas in their settlements, in a connected case.<sup>75</sup> While in the 1990s, the NHRC visited refugee camps and proactively took up their issues with government authorities, they have notably not done the same in relation to the Rohingyas, leading to the Court relying on the state governments instead. Indeed, the notice issued by the NHRC was based on newspaper reports, and only focused on the issue of deportation.<sup>76</sup> Even then, the NHRC did not issue any statement or notice on the deportation of the seven Rohingyas, which was not stopped by the Court.<sup>77</sup>

In addition, NHRC is reeling from its autonomy, independence, and functioning being undermined by the government. The Working Group on Human Rights presented a factsheet to GANHRI, prior to NHRC's accreditation review in 2017, contending that NHRC is not in compliance with the Paris Principles.<sup>78</sup> GANHRI even postponed NHRC's accreditation for a few months<sup>79</sup> before eventually renewing the "A"

status (albeit with suggestions).<sup>80</sup> Since then, the amendments to the PHRA<sup>81</sup>, according to practitioners, has dealt a huge blow to the independence and effective functioning of NHRC, which has a direct impact on its mandate.<sup>82</sup>

Finally, as recent annual reports of NHRC suggest, it seems to have moved away from cooperating and coordinating with UNHCR or other NGOs on the issue of refugees, which does not bode well for an effective partnership envisaged under the GCR. In fact, partnerships result in sharing responsibilities and strategically paving the way for advocacy and solutions with the government. In this context, NHRC is well-placed to make the government listen, especially due to the government's adoption of the New York Declaration. At the same time, it is important to note criticisms around the GCR, particularly that it does little to take the burden off low and middle-income countries such as India<sup>83</sup>, and that it allows host countries to shape action around their own priorities and national security<sup>84</sup>. The consequences of these limitations are already manifest in the Indian government's stance before the Court in the Rohingya case.

## POTENTIAL NHRC INTERVENTIONS IN LINE WITH THE GCR

The NHRC needs to widen advocacy around a national law focussing on

refugees, which it had initiated in the late 1990s. Its reactive positioning

in relation to the government has exacerbated—or at least, not challenged—the government’s arbitrary treatment of refugees. In light of this, NHRC needs to employ a more proactive consultative approach involving other stakeholders, as envisaged in the GCR, in its renewed dialogue with the Indian government. For example, pending a national law, it can advocate for interim measures, such as Long Term Visas or the issuing of other identity cards, to enable refugee access to basic facilities. It can even coordinate research and awareness, in partnership with other stakeholders such as UNHCR, NGOs, universities and research institutes, media, etc., on the situation of refugees in India, which can feed into its advocacy with the government on the need for a national law in line with the Refugee Convention and its Protocol.

The NHRC should consider strengthening regional cooperation on refugee issues, such as through the Asia Pacific Forum and through regional organisation of refugee rights practitioners like the Asia Pacific Refugee Rights Network.<sup>85</sup> Better coordination with NHRIs in refugee-origin countries will also go a long way in understanding the background of the refugees and coordinating a safe and dignified voluntary repatriation, if/when feasible. It may be difficult to get the government’s assent—however, the government should understand the utility of engaging through the NHRC, which will prevent it from violating international law and other international obligations.

The NHRC should consider setting up a refugee helpdesk, hotline or online portal which coordinates directly with UNHCR in order to kickstart the GCR multi-stakeholder partnership and engage directly with other stakeholders working with refugees in India, as well as with the refugees themselves. This need not be like the individual complaints mechanism which already exists, but a forum to aggregate issues of refugees and find shared solutions.

The NHRC should also consider actively intervening before the courts in India, including the various High Courts, focussing not just on access to basic services on the grounds of humanity but also on issues such as refugees in detention or in facilitating their access to UNHCR. NHRC is well-placed to do this since it has the relevant powers to induce actions from government authorities and prevent *refoulement* of refugees.

Finally, it can assist in creating awareness about the refugees’ plight in their home countries to better inform the host communities and calm racist and xenophobic sentiments. Moreover, it can assist in developing information leaflets for refugees to inform them better about their rights in India.

NHRC’s mandate and functions, in addition to its important position in India, justifies the above suggestions and other proactive actions. It is imperative that NHRC recognises its responsibility and sets a positive trend for contributing to humane solutions to the refugee situations in the Indian subcontinent.

## CONCLUSION

In the present paper, the focus has been on one of the key aspects of GCR, i.e., the multi-stakeholder partnership approach proposed therein, with reference to the role of NHRIs, particularly, NHRC in India, in protecting and assisting refugees. While doing so, the paper has attempted to highlight some of the potential challenges, emanating both from the GCR to India's changing attitude towards some refugee groups in the country, for a more effective participation of NHRIs. However, the spirit of the New York Declaration and the GCR should be

upheld, and the humanitarian lens of finding solutions to refugee issues in which the NHRIs have a definite role to play, including NHRC in India. Thus, the paper has presented certain suggestions for an enhanced role of NHRC with respect to refugees in India, in line with the spirit of the GCR, particularly the cooperative and partnership mechanism envisaged therein. It is to be noted that these are not meant to be exhaustive but are merely indicative. A definite start in the right direction would be for NHRC to endorse the GCR and create an action plan in pursuance to it at the earliest.

## NOTES

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3. GCR, paragraph 7 and section 3.2.
4. GCR, section 3.2.
5. Guy S Goodwin-Gill, "The Global Compacts and the Future of Refugee and Migrant Protection in the Asia Pacific Region," *International Journal of Refugee Law* 30, Issue no. 4 (Dec 2018): 681.
6. Volter Türk, "The Promise and Potential of the Global Compact on Refugees" *International Journal of Refugee Law* 30, Issue no. 4 (Dec 2018): 577–8.
7. Geoff Gilbert, "Indicators for the Global Compact on Refugees," *International Journal of Refugee Law* 30, Issue no. 4 (Dec 2018): 636. See also GCR, paragraph 5.
8. UN General Assembly Resolution 70/1 adopted on September 19, 2016, paragraph 5.
9. United Nations Office of the High Commissioner for Human Rights, *National Human Rights Institutions: History, Principles, Roles and Responsibilities*, (New York and Geneva, 2010), last updated October 8 2019, [https://www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI\\_en.pdf](https://www.ohchr.org/Documents/Publications/PTS-4Rev1-NHRI_en.pdf): 13 (OHCHR on NHRIs). It is important to note that there are various types of NHRIs, depending on their mandates, roles, powers and objectives, which also define the respective capacities of the respective NHRIs, see OHCHR on NHRIs: 15-19.
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11. OHCHR on NHRIs: 106.
12. OHCHR on NHRIs: 13.
13. Steven L.B. Jenson, "Lessons from Research on National Human Rights Institutions" *Danish Institute for Human Rights*, (Mar 2018), last updated October 8, 2019, [https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/research/workingpaper\\_lessons\\_research\\_nhris\\_web\\_2018.pdf](https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/research/workingpaper_lessons_research_nhris_web_2018.pdf): 23.
14. Formerly known as the International Coordinating Committee of National Human Rights Institutions.
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