Hosting over one-fourth of the world population, South Asia is home to some of the world’s most ancient civilisations, cultures, religions and languages.

**Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka** are bound by historical ties with vivid exchanges among its peoples. However, in modern times the South Asian region has been reduced to one of the least integrated with low levels of cooperation and mutual assistance.

Despite great strides in economic progress, the region continues to grapple with grave human rights violations. Poverty, terrorism, extremism, corruption and deficiencies in democratic institutions are a serious setback for the region. Women, children and minorities continue to be marginalised and require greater standards of protection. However, in the face of daunting challenges encountered by the States in the region there have been several positive developments.

With relations among South Asian States improving over the last decades, it is time for this region of democracies to become a leader in regional human rights protection.
Established in 1985, the South Asian Association for Regional Cooperation (SAARC) sought to promote peace and stability in the region through strict adherence to the principles laid out in the Charter of the United Nations and the Non-Aligned Movement.

Given that the UN Charter has been the basis for evolution of several instruments on human rights, SAARC has also taken some important steps in the right direction.

Key instruments and initiatives of SAARC include:

- Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002
- Social Charter, 2004
- Charter on Democracy, 2011
- Initiatives relating to climate change, health, food security, mutual assistance on criminal matters, combating terrorism and drugs.

The SAARC Social Charter, has particularly reiterated the need for States in the region to promote universal respect for and observance and protection of human rights and fundamental freedoms for all. South Asian States have also explicitly reaffirmed their commitment to human rights in the outcome documents of the annual SAARC Summits, including the latest Addu Declaration, 2011. Similarly, the Thimpu Declaration, adopted in 2013 by SAARC Law, a Regional Apex Body of SAARC, accorded official recognition to human rights as the core component of democracy and good governance and as a necessary ingredient for social and economic development and for fostering peace and progress in the region.

While Europe, Americas, Africa, Southeast Asia and the Arab States have successfully established regional mechanisms, South Asia lags behind. Recognising the need and importance of regional mechanisms for the realisation of human rights, the United Nations General Assembly and the Vienna Declaration and Programme of Action have specifically called for their establishment.

A South Asia Human Rights Mechanism can help:

- In the greater realisation of human rights in the region;
- Bridge the gap between domestic and international protection and promotion of human rights;
- Provide an additional layer of enforceability for human rights;
- Evolve a coherent understanding throughout the region and ensure enjoyment of internationally guaranteed human rights for all;
- States address human rights issues at the regional level;
- Address specific issues and challenges faced by the region, providing workable solutions; and
- Promote greater peace and stability to the region through ensuring human rights of its peoples.
Learning From Other Regional Mechanisms

**European System**
- The European Court is the primary body enforcing the rights enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950.
- The European Court receives complaints from individuals, states and NGOs on violations.
- With a strong protection mandate and the Council of Ministers in the Council of Europe overseeing enforcement of decisions, this system has evolved into the strongest regional mechanism.
- It also has Advisory Jurisdiction on matters referred to it by States and Judicial institutions.

**Inter-American System**
- The Inter-American Commission and the Inter-American Court together promote and protect rights enshrined in the American Convention on Human Rights, 1969 and its earlier Declaration.
- The Inter-American Commission promotes human rights in the region and receives individual complaints from victims. It also appoints Special Rapporteurs on thematic areas, undertakes studies and field visits.
- The Inter-American Court examines communications submitted to it by the Inter-American Commission and also has advisory jurisdiction on cases referred to it by states. With the OAS General Assembly overseeing enforcement, it also has a strong protection mandate.

**African System**
- The African Commission and African Court complement each other’s work toward guaranteeing the enforcement of the African Charter on Human and Peoples’ Rights, 1981 and other international instruments.
- The African Commission has a strong promotional mandate and ensures protection of these rights. It appoints Special Rapporteurs, interprets provisions of the Charter, undertakes studies and makes field visits. It also receives complaints from individuals on human rights violations and receives inter-state complaints from members.
- The African Court receives communications from individuals, States, African Commission and NGOs on violations. When necessary it also awards reparations.
- With the Council of Ministers of the AU overseeing the Court; and Executive Council and Assembly of the AU overseeing the Commission, the African system is steadily evolving into a strong mechanism.

**ASEAN System**
- ASEAN Intergovernmental Commission on Human Rights (AICHR) oversees enforcement of the rights envisioned in the ASEAN Charter, 2007. It also drafted the ASEAN Human Rights Declaration, which was adopted in 2012.
- AICHR takes on various activities towards the protection and promotion of human rights. It conducts public awareness programmes, undertakes thematic studies, promotes capacity building and encourages ratification of international instruments. It also obtains information from Member States on human rights and advises them.
- AICHR has come under strong criticism as its members are State-appointed and have only focused on promotional activities, sidelining its protection mandate.

**Arab System**
- The Arab Human Rights Committee engages with States to comply with the guarantees in the Arab Charter on Human Rights, 2004. The Committee monitors the human rights situation in member states and advises them on measures to be adopted.
- Member States submit reports to the Committee through the Arab League every three years. The Committee also receives reports from registered NGOs and proceeds to provide recommendations after deliberation.
- The Arab League is presently in the process of setting up a Court to further guarantee enjoyment of these rights.
Recalling the principles enshrined in the UN Charter which have been recognised by the SAARC Charter 1985, which among others, emphasises the principles of equality, non-discrimination and self-determination, as well as the need “to provide all individuals with the opportunity to live in dignity and to realise their full potential”;

Reminding South Asian States of the commitments made under several international human rights treaties and instruments;

Inspired by the initiatives taken by SAARC and South Asian States in the field of human rights and the explicit recognition in the SAARC Social Charter 2004 for the need for States in the region to promote universal respect for and observance and protection of human rights and fundamental freedoms for all;

Encouraged by SAARC Law’s recognition of human rights as the core component of democracy and good governance and as a necessary ingredient for social and economic development and fostering peace and progress in the region;

Committing to a culture of peace and fraternity among all peoples and States in South Asia and our common goal of working towards ensuring human rights for all;

Recognising that adequate protection and enjoyment of human rights for and by all is the only way to ensure sustained peace and harmony in the region;

Recalling the commitments made by South Asian States for the protection of human rights and the setting up of a regional mechanism for empowerment of women in the Addu Declaration, 2011;

We call on South Asian States to work towards the establishment of a South Asia Human Rights Mechanism by:

- Including in the Agenda of the 2014 SAARC Summit discussions relating to the establishment of a South Asia Human Rights Mechanism;
- Formally recognising human rights in the SAARC Charter;
- Setting up a South Asian Commission with a broad mandate for the promotion and protection of human rights; and
- Tasking the South Asian Commission with the drafting of a Convention on Human Rights, in consultation with experts, civil society and other regional bodies.

The Regional Initiative for South Asian Human Rights Mechanism is a civil society forum that was created subsequent to the sub-regional consultations held in Kathmandu in 2010 and 2011. This forum is a collaborative platform of civil society and individuals from the region committed to the cause of furthering human rights and peace. The mission of the forum is to advocate for, and help create an environment conducive for the establishment of a South Asia Human Rights Mechanism.

With the Asian Forum for Human Rights and Development (FORUM-ASIA), a regional human rights organisation as its secretariat, the Regional Initiative has been striving for greater cooperation and support for the establishment of a South Asia Human Rights Mechanism.