

Terms of Reference

Consultancy for developing a feasibility study and white-paper on establishing a regional human rights mechanism in South Asia

FORUM-ASIA

The Asian Forum for Human Rights and Development (FORUM-ASIA) was founded in 1991 to strengthen movements for human rights and sustainable development through advocacy, capacity development, solidarity actions with human rights defenders and civil society organisations. It is a membership-based non-governmental organisation with 81 members in 21 countries and has the Special Consultative Status with the United Nations Economic and Social Council (ECOSOC).

Background

At the south Asian level, the South Asian Association for Regional Cooperation (SAARC) does not have a separate procedure for cooperation on human rights; thus, South Asia is, devoid of a mechanism that addresses and enhances human rights in the region. SAARC does have some regional conventions, such as the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, the Convention on Mutual Assistance in Criminal Matters, and the SAARC Convention on Promotion of Welfare of Children. The conventions refer to international human rights instruments, particularly the Universal Declaration of Human Rights, the Convention on the Elimination of all Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child. While these conventions demonstrate the collective convictions of states to redress some of the shared challenges, they are critically void of enforcement mechanisms, do not address the spectrum of human rights pertinent to the region, and have failed to gain traction amidst escalating tensions and asymmetric power-relations in the region.

These specific conditions and context demand the establishment of a regional human rights mechanism in South Asia to bridge the existing normative gap at the regional level, and to support domestic institutions, including NHRIs, to implement their human rights mandates, handle regional level complaints, and provide justice to unresolved or neglected cases and grievances of human rights violations. There is established precedence to support this claim in other regions: the Economic Community of West African States (ECOWAS) has established a mechanism to address human rights violations with active contribution from civil society organisations (CSOs); and others such as the Inter-American Commissions on Human Rights; the African Commission on Human and People's Rights; the Council of European; and ASEAN Intergovernmental Commission on Human Rights.

FORUM-ASIA has been actively promoting the concept of a regional human rights mechanism since 2010 in South Asia.

Objective

- To study and analyse existing regional and sub-regional human rights mechanisms
- To analyse the social, political, and human rights situation in South Asian countries and South Asia on the whole
- To bring/sketch out an ideal framework of a regional human rights mechanism for South Asia

Methodology

1. Primary data collection and consultation: involving attending of regional consultation and national workshops organised by FORUM-ASIA and its members, interviews with members organisations, partners, and with other relevant stakeholders.
2. Data analysis: Analysis of data received through secondary sources and inputs from members and partners of FORUM-ASIA
3. Drafting of report in the following structure:

Structure of the report:

1. Executive Summary
2. Introduction, Background and Methodology
3. SAARC and human rights - Assessment of SAARC's performance on human rights issues
4. Human Rights Situation in South Asia – Country level human rights issues
5. Existing human rights mechanisms
6. Ideal framework for a regional human rights mechanism in South Asia

Duration

The duration for this consultancy will be for three months from mid-June 2021. The actual working days is 30. The duration is for three months keeping in mind the country level workshops in July, August, and September 2021.

Deliverables:

The consultancy comprises of deliverables which will be a draft report based on the structure and methodology mentioned above, and a final report after review of the draft by FORUM-ASIA.

Qualification:

- Master's degree in the fields of law, social sciences, developmental studies or relevant field.
- Proven experience and expertise on working in human rights issues in South Asia
- Preferably, experience and/or knowledge about regional human rights mechanisms
- Proven drafting and research skills and publications

Working relationship and contractual arrangements

- The consultant will be working under the overall supervision of the Programme Manager of the South Asia Programme.
- FORUM-ASIA is responsible for contractual arrangements. The Senior Management Team (SMT) of FORUM-ASIA will provide additional guidance on the assignment where needed.
- The consultant is under the obligation of confidentiality. Information, data, database, knowledge resources in the forms of briefings and reports issued by FORUM-ASIA remain the property of the organisation.

Remuneration: The remuneration will be USD 1500 (One thousand five hundred). And 50% of the contractual amount will be disbursed within a week of the signature.