

**Kathmandu Statement 2021*****Outcome Document of the Regional Advocacy Consultation on South Asian Human Rights Mechanism, 23-24 June 2021*****Preamble**

Despite constitutional guarantees of the rule of law and fundamental freedoms, two crucial preconditions to promote and protect human rights, States in South Asia have increasingly demonstrated apathy and impunity to rights violations. The situation of human rights is rapidly deteriorating in a region marred with deeply entrenched socio-economic disparities, oppression against women, gender and sexual minorities, and religious majoritarianism.

FORUM-ASIA has been actively promoting the concept of a regional human rights mechanism since 2010. The importance of regional and sub-regional arrangement for reinforcing universal human rights standards, as contained in international human rights instruments, and their protection has been recognised in the Vienna Declaration and Programme of Action, adopted in 1993.

A regional mechanism is a crucial constituent of the international human rights system as it is rooted in regional considerations like shared customs, values, and cultural practices. Therefore, it strengthens the promotion and protection of human rights by becoming a bridge between international human rights standards and their implementation at the country-level.

In 2010 and 2011, FORUM-ASIA convened representatives from civil society organisations, people's movements, and independent experts across the South Asian Association for Regional Cooperation (SAARC) region in Kathmandu, Nepal, for a series of sub-regional workshops. The workshops deliberated on the prospects and strategies for advancing the promotion and protection of human rights at the regional level where participants resolved to work towards establishing a regional mechanism dedicated to human rights culminating in the KATHMANDU DECLARATION 2010.

A decade later, the establishment of a regional mechanism continues to remain urgent and pertinent to address the growing challenges of rights violation, exacerbated by the continuous waves of regressive laws and policies. The following Kathmandu Statement 2021 is an outcome of a critical review of human rights challenges and opportunities in the region and serves as a blueprint for the regional human rights mechanism deliberated on the prospects and strategies for collectively advancing human rights.

The KATHMANDU STATEMENT 2021 was adopted at the Regional Advocacy Consultation on South Asian Human Rights Mechanism held on 23-24 June 2021 organised by FORUM-ASIA.

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We, the participants of the Regional Advocacy Consultation on South Asian Human Rights Mechanism including members of FORUM-ASIA who convened virtually from across South Asia to renew the advocacy efforts towards establishing a regional human rights mechanism in South Asia, adopt this Statement on 24 June 2021:

**Asserting** our identity as human rights defenders whose indispensable role in the promotion and protection of human rights, democracy and the rule of law is built on the foundation of universal human rights as elucidated in the International Bill of Human Rights and other international human rights instruments;

**Alarmed by** the rapid shrinking of civic space and increasing intimidation and harassment against human rights defenders through repressive laws, surveillance and censorship, hate and smear campaigns, restrictions on freedom of association including access to funding and registrations, unlawful and arbitrary arrests, judicial harassment, enforced disappearances, killings and other similar acts of threat or intimidation;

**Deeply concerned** that gender and caste-based discrimination against historically and systematically marginalized communities in South Asia, including women, gender and sexual, religious, and ethnic minorities remains prevalent and such communities face a greater risk of persecution by State and non-state actors while exercising their rights to freedom of expression, assembly, and association;

**Standing in** solidarity with all human rights defenders and civil society organizations who are at risk for asserting their own as well as others' human rights and our firm commitment to the realization of human rights for all peoples, and ensuring access to truth and justice for victims and survivors of human rights violations;

**Recalling** the Preamble and Article 1 of the South Asian Association for Regional Cooperation (SAARC) Charter adopted on 8 December 1985 where the founding Member States unanimously agreed that regional cooperation in South Asia was mutually beneficial, desirable, and necessary for promoting the welfare and improving the quality of life of the peoples of the region;

**Further recalling** that the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution and the SAARC Convention on Regional Arrangements for the Promotion of the Child Welfare in South Asia are entrenched in principles of human rights;

**Noting** with grave concern that the lack of regional coordination, mutual confidence and cooperation amongst countries in South Asia compounded by gross mismanagement and failure to contain the spread of COVID-19 has resulted in an unprecedented public health crisis transcending borders;

**Further noting** that the pandemic has exacerbated a spectrum of issues in civil, political, economic, social, and cultural rights in a region marred with entrenched socio-economic inequalities, widespread impunity for rights abuses including conflict-era crimes, migration-related issues, and increasing threats of climate change which warrant a much deeper collaboration between the civil society to protect and preserve the hard-won rights of the people of South Asia from regressing any further;

**Reminding** the national human rights institutions in South Asia to fulfill their commitment under the *Kathmandu Declaration on Addressing Impunity and Realizing Human Rights in South Asia, 2018* to undertake a study to explore the possibility of establishing a regional human rights mechanism in the region; and to advocate with States for establishing a regional human rights mechanism in South Asia;

**Calling** upon SAARC to adopt a separate convention on human rights that includes to promote and protect human rights and fundamental freedoms consistent with the Universal Declaration of Human Rights (UDHR), United Nations Charter and other international human rights instruments;

**Recalling** the UNGA Resolution 32/127(1977) and Commission on Human Rights Resolution 24 (XXXIV) (1978) regarding the appeal to States where if a regional human rights mechanism does not exist, to consider establishing such regional mechanisms to promote and protect human rights;

**Further recalling** the Vienna Declaration and Plan of Action (1993) that reiterates the need to consider the possibility of establishing regional and sub-regional arrangements for the promotion and protection of human rights where they do not exist;

**Calling** upon other UN Member States to recommend during the Universal Periodic Review of South Asian States to work towards establishing a regional human rights mechanism in South Asia;

**Reiterating** our earlier call to the UN Office of the High Commissioner for Human Rights (OHCHR) to provide necessary support and cooperation to the initiatives especially by civil society towards a sub-regional human rights mechanism in South Asia;

**Reaffirming** the need and consensus for a regional human rights mechanism in South Asia and commit:

1. To work towards realising the revised advocacy strategy to establish a regional human rights mechanism by collaborating with stakeholders from academia, national human rights institutions, peoples' movements, media and others to support rights-based organizations representing diverse geographies, communities, and cultures;
2. To continue working with and for peoples' movements, grassroots organizations, and human rights defenders at-risk of persecution for their work in promoting and protecting human rights and to resist authoritarianism;
3. To the need to expeditiously work towards constituting a regional human rights mechanism and to strengthen the regional cooperation envisaged by Member States of SAARC to promote, protect, and address issues of human rights common to the region;
4. To call on governments to embed human rights considerations in all of their work, especially those that pertain to women, girls, youth, children, ethnic, religious, gender and sexual minorities, uproot systemic impunity, and cultivate a conducive environment to establish a regional human rights mechanism;
5. To urge governments across South Asia to engage with diverse stakeholders in formulating and empowering a regional human rights mechanism to effectively address human rights issues pertinent to the region and establish an appropriate redressal mechanism to ensure accountability for cases of rights violations.

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#### **About FORUM-ASIA:**

- **The Asian Forum for Human Rights and Development (FORUM-ASIA)** is a regional network of 81 member organisations across 21 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental

S.P.D. Building, 3<sup>rd</sup> floor, 79/2 Krungthonburi Road, Khlong Ton Sai, Khlong San, Bangkok 10600, Thailand

Tel: +66 (0)2 108 2643-45 Fax: +66 (0)2 108 2646

<http://www.forum-asia.org> / email: [info@forum-asia.org](mailto:info@forum-asia.org)

Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. Its regional secretariat is in Bangkok, and it has sub-regional offices in Geneva, Jakarta, and Kathmandu. [www.forum-asia.org](http://www.forum-asia.org)

**For further information, please contact:**

- South Asia Programme, FORUM-ASIA, [sasia@forum-asia.org](mailto:sasia@forum-asia.org)

**For media inquiries, please contact:**

- Melissa Ananthraj, Communication and Media Programme, FORUM-ASIA, [communication@forum-asia.org](mailto:communication@forum-asia.org)