

Kathmandu Declaration

Outcome document of the First Sub-Regional Workshop on a South Asian Human Rights Mechanism

We, the seventy representatives of non-governmental organizations and people's movements from Bangladesh, Bhutan, India, Indonesia, Malaysia, Nepal, Pakistan and Sri Lanka at the first Sub-Regional Workshop on "South Asia Human Rights Mechanism", gathered together in Kathmandu, Nepal from 24 – 25 March, 2010, with the participation of representatives from OHCHR, to critically discuss the prospects and strategies of advancing human rights promotion and protection through regional cooperation towards the establishment of South Asian human rights mechanisms.

Reaffirming the long tradition and history of the people's movements and non-governmental organizations in South Asia struggling for democracy, human rights, justice and peace, including various initiatives under the People's SAARC process in holding governments of SAARC accountable;

Taking note that the SAARC Charter adopted on 8th December 1985, expresses in Article 1 the vision of promoting peace, stability, amity and progress in the region; and in Article 3 awareness of the common problems, interests and aspirations of the peoples of South Asia and the need for joint action and enhanced cooperation within their respective political and economic systems;

Taking note that Article 4 of the SAARC Charter stipulates as one of the objectives of the SAARC promotion of the welfare of the peoples of South Asia and the improvement of their quality of life;

Welcoming the promotion of universal respect for observance and protection of human rights and fundamental freedoms for all, in particular the right to development, gender equality, welfare and interest of children and youth, promotion of social integration and strengthening of civil society as stipulated in Article 2.xii. of the Social Charter of SAARC adopted on 4th January 2004;

Recalling the adoption of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, SAARC Convention on Regional Arrangement for the Promotion of Child Welfare in South Asia, Agreement on Establishing the SAARC Food Security Reserve;

Recalling the UNGA Resolution 32/127(1977) and Commission on Human Rights Resolution 24 (XXXIV) (1978) on the appeals to States in areas where regional arrangements in the field of human rights do not yet exist to consider agreements with a view towards the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

Recalling the Vienna Declaration and Plan of Action (1993) which SAARC member states endorsed, reiterated 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 already exist;

Taking note that the SAARC governments will be meeting for the 16th SAARC Summit to be hosted by the Bhutanese government in Thimpu, on the 28th and 29th April 2010;

Taking note that the next inter-governmental meeting of the Asia Pacific Framework on Regional Arrangement on the Promotion and Protection of Human Rights will be organized by the Office of the High Commissioner for Human Rights, and to be hosted by Thailand government in Bangkok on 21-23 April 2010;

Expressing grave concerns that widespread and systematic human rights violations, inter-state and intra-state conflicts continue to plague the region and hinder the enjoyment of peace, justice, democracy and a better quality of life by the peoples in the region;

Welcoming initiatives of Nepali Human Rights NGOs through the Magna Meet held on 10 December 2009 for the establishment of regional human rights mechanism in South Asia;

Recalling that SAARC countries continue to affirm the universal principles and values of human rights in a number of international instruments and in SAARC summit declarations and are obliged to respect those principles, including the right to health, education, food, water, development, and to be free from trafficking with specific reference to women, children, youth, and migrant workers;

Recognizing the need for SAARC to adopt a rights-based and gender-sensitive approach to the elimination of all forms of discrimination, including religious intolerance;

Noting that SAARC must address pressing multilateral issues that includes hunger, unemployment, and violence against women and children.

Resolve in the meeting:

- for the need to further strengthen the cooperation and solidarity among human rights organizations, non-governmental organizations and people's movement of South Asian countries on shared vision for the protection and promotion of human rights in the region;
- to support peoples' processes in the region in strengthening people to people solidarity in order to make SAARC governments accountable and to work in cooperation with these peoples' processes;

- to continue the work towards the establishment of an effective regional human rights network among the civil society and an independent and effective regional human rights mechanism to address human rights challenges faced by the countries in the region;
- to establish a working group to develop common strategies and effective cooperation among non-governmental organizations and people's movements on capacity building, collective advocacy, lobby and joint strategies towards the establishment of a regional human rights mechanism in the region and to continue encourage more groups, including marginalized communities, to participate in the process;
- to call on the governments of South Asia to establish an independent, effective and accountable regional human rights mechanism with an explicit mandates of promoting, protecting and fulfilling human rights, through a process of wide consultation with non-governmental organizations, people movements at national and regional level;
- to call on the national human rights institutions in Bangladesh, India, Nepal, Sri Lanka, Maldives and Afghanistan to forge closer and more systematic cooperation among themselves to address cross border human rights violations and support the development of regional human rights mechanism in South Asia;
- to call on Pakistan and Bhutan to form as soon as possible national human rights institutions in conformity with the Paris Principles.

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* Inaugurated in the presence of the Honourable Bhim Rawal, Nepal Minister of Home Affairs, on 25 March 2010 in Kathmandu, Nepal.