

1997

Trends: South Asia's Regional Initiative on Human Rights

Madhavi Basnet

American University Washington College of Law

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Recommended Citation

Basnet, Madhavi. "Trends: South Asia's Regional Initiative on Human Rights." Human Rights Brief 4, no. 2 (1997): 10-11.

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TRENDS

South Asia's Regional Initiative on Human Rights

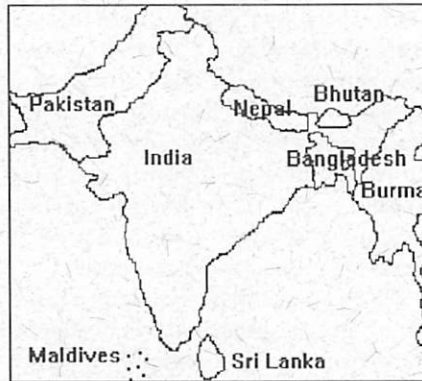
By Madhavi Basnet

The South Asian people share many socio-economic and political problems, such as poverty, illiteracy, unemployment, unequal treatment of women, violence against women, pollution, exploitation of child labor, and religious fundamentalism. Human rights organizations in South Asia have recently taken steps to cooperate in addressing their common problems.

Almost all South Asian countries have laws that do not respect essential notions of due process, often resulting in arbitrary arrests, assault, and killing of innocent people by government officials. For instance, freedom of movement between countries is highly restricted. India and Pakistan often deny visas to their citizens, and even when granted, these governments require travelers to report daily to police stations in the town they are visiting. More than two million Nepalese women are working as prostitutes in Indian brothels, where approximately 25% are girls below 16 years of age. Women and children are bought

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and sold into prostitution. The Nepalese-speaking people of Bhutan are suffering under the monarchy's state policy of ethnic cleansing, whereby they are compelled to leave Bhutan and take shelter in countries such as India and Nepal. To date, more than 90,000 Bhutanese refugees have fled to Nepal. The Sinhalese-controlled government of Sri Lanka is struggling to control a separatist movement, led by the Tamil minority, and disappearances, bombing in public areas, and random killings are common. The Bangladeshi government continues to use force to suppress the armed resistance of indigenous people



who are seeking to become politically independent, and the crops and houses of innocent people are being destroyed in the process. In light of these human rights problems, South Asia can ill afford to remain the only region in the world where there is no regional instrument to govern human rights.

South Asian Association for Regional Cooperation (SAARC)

One of the most welcome developments in South Asia since the end of Britain's Colonial rule is the emergence of SAARC. On December 8th, 1985, the SAARC charter was signed by the governments of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. The stated goals of the SAARC Charter are that the countries will work together, in a spirit of friendship, trust and understanding, to improve the people's quality of life; to accelerate economic growth, social programs, and cultural development; to strengthen self-reliance among South Asian states; and to promote collaboration in economic, social, technical, and scientific fields. Each year, government representatives from SAARC Member States meet to discuss furthering these goals.

Since its inception, SAARC has established the South Asian Visual Exchange (SAVE). SAVE produces a television series, broadcast to all seven SAARC countries, that periodically highlights the cultural heritage of each country and is designed to foster cultural awareness. At the 1995 SAARC summit held in India, government representatives discussed long-term goals of eliminating

poverty and expanding a visa exemption system that allows citizens freer cross-border travel. To date, however, no program has been implemented to achieve the Charter goals, and new ideas have not moved past the discussion stage.

After twelve years in existence, no attempt has been made by SAARC to discuss human rights issues. Indeed, the promotion of human rights is not a goal listed by the SAARC Charter. The SAARC member governments are wary of the very words "human rights," even

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though their representatives in international fora vouch for their commitment to promote and protect human rights. The SAARC countries have, for instance, signed the Convention on the Rights of the Child, and all except Maldives have signed the Convention on the Elimination of All Forms of Discrimination Against Women. Every SAARC Member State's constitution guarantees "fundamental rights" for its respective citizens, but such constitutional rights are laden with contradictions and exceptions.

NGO Initiatives

Many human rights organizations in individual countries are working hard to improve the living situation of their respective peoples. Examples of some of these organizations include: in Nepal, the Informal Sector Service Center, the Center for the Victims of Torture, and the Human Rights Organization of Nepal; in India, The Other Media, South Asian Human Rights Documentation Center, and Yuva (Youth); in Pakistan, the Pakistan Human Rights Commission; in Bangladesh, the Commission for Justice and Peace and the Bangladesh Human Rights Commission; in Sri Lanka, Asia Pacific

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Women, Law, and Development in Sri Lanka and the Law and Society Trust; and in Bhutan, the Human Rights Organization of Bhutan, and All Bhutanese Women Refugee Association.

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An attempt to foster cooperation between these groups, organized by jurists, educators and representatives of NGOs, was made in December 1990 at the Third World Congress on Human Rights in New Delhi. This was perhaps the first occasion where non-governmental representatives of SAARC countries had a forum to discuss human rights problems in a regional context. Representatives from over fifty NGOs from the SAARC countries used this opportunity to hold several informal meetings which ultimately resulted in the creation of the South Asia Forum for Human Rights (SAFHR). SAFHR's establishment was a direct response to what NGOs in the region believed was a delinquent effort by SAARC to promote observance of and respect for international human rights. Indeed, the SAFHR preamble holds that SAFHR will parallel SAARC as a regional institution.

The SAFHR preamble further establishes that the organization will circulate a newsletter describing the human rights situation in the region; will appeal to all major human rights organizations, in times of crisis, to alert travelers and the world of impending human rights flashpoints; and implement a periodic training program for human rights activists, where participants will be given intensive knowledge of the SAFHR organization and international human rights instruments. SAFHR's main office is located in Kathmandu, Nepal, where it directs projects and corresponds with member NGOs. An Executive Board, comprised of two representatives from each member NGO, meets in a different location each year to determine SAFHR's agenda for the upcoming year.

In September 1996, a SAFHR conference, organized by SAFHR, the University of Nepal, and the University of India, convened in Dhaka, Bangladesh. A majority of SAFHR-member NGOs, along with Bangladeshi intellectuals, academics, media, political activists, social workers, and human rights activists, engaged in dialogue with representatives of indigenous rebel forces in Bangladesh over how best to solve the current conflict with the government. The parties resolved to form a core group which will promote the peace process between the rebels and the government.

The establishment of SAFHR has fulfilled the long-cherished dream of creating a focal point for discussion of trans-border human rights issues. SAFHR's long-term goal is to establish a South Asian Charter for Human Rights, which would be comparable in structure and purpose to the Charter of the OAS and the European Convention.

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Conclusion

The NGOs of South Asia, particularly the ones who are involved in regional initiatives, believe in the concept of universal human rights, but it is very difficult to protect human dignity, an essential goal of human rights, in the face of the massive poverty that exists in every South Asian country.

The human rights debate in South Asian countries often revolves around concepts like the "South Asian perspective" or "South Asian views." The most important distinction, however, is between the interests of the government and the people. In the context of public debate, only the interests of the government have been projected. Each year for the past ten years, government officials convene at the SAARC summit, and yet the most glaring human rights problems are never mentioned. The existence of significant ongoing human rights abuses simply is not

acknowledged by the South Asian governments or their mainstream media. South Asian governments have ratified some international human rights instru-

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ments, but such policy is not reflected in the national constitution or law of any government. One cannot help but question whether South Asian governments really care about their citizen's interest in having human rights enforced by domestic law.

An organization like SAFHR is not the complete answer, but it gives a voice to the needs of the people. SAFHR provides hope for millions of destitute persons in South Asia who are denied their basic rights and fundamental freedoms. If concerned human rights organizations in South Asia continue to unite their efforts, SAFHR has the potential to act as a powerful watchdog that could effectively pressure individual governments to implement policies respectful of internationally accepted rights. ☉

For more information, contact: SAFHR (South Asia Forum for Human Rights), Anamnagar, PO Box 2726, Kathmandu, Nepal or SAARC (South Asian Association for Regional Cooperation), Secretariat, Kamphokri, Kathmandu, Nepal.

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