

**Memorandum on minority rights submitted to Secretary General, South Asian Association for Regional cooperation by The South Asia Collective & People's SAARC, on the occasion of the regional release of the South Asia State of Minorities Report 2016.
(11th November, 2016, Kathmandu).**

1. South Asia, accounting for a fifth of the world's population, is one of its poorest parts. It is also where civil and political rights are severely restricted, with frequent reports of human rights violations from across the region. Religious, ethnic, linguistic and indigenous minorities, particularly women, are among the poorest and most vulnerable sections here. Where these markers intersect – such as for women and dalits from amongst religious minorities - they also suffer the worst exclusions and discrimination. A range of International minority rights documentation and tracking projects, rate South Asia, as one of the most hostile for minorities.
2. Negative outcomes for minority groups in South Asia represent failures of national instruments for minority rights (constitutional guarantees of equality and non-discrimination among others) as well of poor enforcement of international treaties and agreements, instruments that most South Asian nations are signatories to. Rule of law is flouted with regularity; citizenship rights are not yet available fully equally to all, minorities are often denied those, fully or partially. But there are many cases, where the law itself is discriminatory.
3. The really unique feature of the minority question in South Asia is its regional dimension. Many communities are divided across national boundaries; there is also significant intra-regional migration; and a situation often, where a majority in one country, is a minority in another. This last undergird 'reciprocity', where the treatment of a minority in one country, is contingent on how minorities are treated in another, or on bilateral relations between two countries.
4. Despite the strong regional story, there is no South Asia regional instrument for minority rights protection. As we know regional and sub-regional instruments are common in the rest of the world, and some work quite well. There is also little systematic tracking and reporting, at country and regional levels, of the state of minorities and rights violations in the region. And SAARC, which remains the only available regional mechanism, has not adopted any human rights convention or charter, and its implementation abilities remain limited.
5. It is our contention, given the regional dynamic, that a regional, multilateral approach to constructing and entrenching minority rights safeguards and promotional policies, might be better suited to protect South Asia's minorities, than national or international ones. It is here that SAARC, as the principal official regional forum, can play a lead role.
6. Towards this end, we urge SAARC, to:

- i. Establish a system for documenting and tracking condition of minorities (including indigenous groups) periodically, for monitoring purposes, and preparing periodic reports on the status of minorities – something like a documentation centre.
- ii. Help with exchange of experiences, perhaps starting with generic problems that result in minority rights' violations in the region, such as lack of transparency across state sectors facilitating arbitrary state actions; discrimination in application of laws, provision of services and in enabling opportunities; and homogenizing policies and practices that restrict diversity and promote cultural homogeneity; and impunity of state actors in cases of rights' violations.
- iii. Support member states, establish regimes for protecting and promoting minority rights, based on best practices within the region and outside. This to include appropriate laws, structures (ministries and commissions), programmes and schemes. A wealth of experience in the region.
- iv. Adopt a South Asian Charter for Minority Rights, linked to human rights instruments and the right to non-discrimination; set up systems and capacity for implementing the instruments, and joint-mechanisms for periodically monitoring performance.
- v. Create an office of Special Rapporteur for monitoring minority rights, as grievance redressal mechanism
- vi. Establish South Asian Human Rights Commission, as a legal entity to hear cases on minority rights violation
- vii. Support platforms and grassroots organisations working with minority groups in the region, with capacity and leadership support.

The South Asia Collective is a group of minority and human rights researchers and activists from the region, who have recently come together to produce a periodic people's report to systematically document and track the condition of South Asia's minorities and their rights as citizens. This is the South Asia State of Minorities Report, 2016, the first of the South Asia Collective's series.

Peoples SAARC People's SAARC is a broad-based regional civil society platform and its major activities are organised parallel to the official SAARC Summits. Its main objectives are to promote people-friendly and people governing regionalism and to consolidate, galvanise and voice people's issues and problems for governments of the region working as SAARC block, to hear and respond positively.

South Asia State of Minorities Report, 2016 provides an examination of both the theory and practices affecting minorities in each South Asian state, using as framework, the United Nations Minorities Declaration 1992. Presentation is in form of country overviews – covering all eight SAARC member states (Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka) - supported by profiles of severely marginalized minority groups and surveys of community-led good practices on minority rights protection. Being the first edition, this volume provides a baseline, to map the terrain of minority rights regimes and outcomes in each country, for future editions to build on.