

A SUB-REGIONAL HUMAN RIGHTS SYSTEM FOR SOUTH ASIA: POSSIBILITY OR A PIPE DREAM?

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ABSTRACT

Human rights protection mechanisms operate at various levels, including domestic, international, and regional, with distinct roles and functions. While international and domestic mechanisms are fundamental to human rights protection and promotion, regional human rights mechanisms are also considered as unique in addressing human rights issues, as they reflect region-specific human rights concerns, setting higher standards, and enhance the monitoring of State compliance with human rights obligations. The Advisory committee to the Human Right Council identifies five regions or areas where regional human rights mechanisms have been or are to be established, namely the Europe, the Americas, the Africa, the Arab States and Asia. Among them four regions already possess regional and sub-regional systems while Asia only has a sub-regional mechanism for Southeast Asia. The existing three key regional human rights systems are the European, Inter-American, and African systems, each with its distinct features, strengths, weaknesses, and inherent challenges. The idea of establishing a regional human rights system for the entire Asian region is highlighted in several occasions, yet cultural and political diversity and lack of political will among other reasons are considered as main factors for not having such an intergovernmental human rights mechanism for Asia. In this context, it is argued that the sub-region could benefit with a regional human rights protection mechanism that serves as a bridge between the domestic and international human rights compliance given the highest number of human rights violations in South Asia. Although South Asian region already has some form of a regional mechanism based on South Asian Association for Regional Cooperation (SAARC), it lacks a specific mandate to protect human rights. In this context, this study aims to explore challenges, opportunities, and prospects for establishing a human rights system for South Asia, examining how best practices of other regional systems could be integrated into the South Asian context to better protect human rights in the sub-region.

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