



South Asia Tribunal on Women's Human Rights

"A People's Tribunal is a performance of democracy: an assertion of the people's right to know, an exercise in recovering people's sovereign authority, an affirmation of their right to pass judgment on humanitarian/human rights crimes. It is a political act to create an alternative discourse to war, one that is of peace and of justice."—WRN Tribunal Preparatory Meeting, Colombo, Sri Lanka, 2016

The Women's Regional Network (WRN) is comprised of women leaders of civil society from Afghanistan, Pakistan and India working to advance peace and justice for women in one of the most militarised sub-regions of the world.

Confronted with the huge and ongoing problem of forced displacement across the region, entrenched militarisation, shrinking democracy, and the failure of states to fulfill their obligations to protect the rights of their citizens, WRN researchers traveled to remote and conflicted areas to document and understand the everyday realities of internally displaced women as they cope with disrupted livelihoods, divided families, and destroyed homesteads.

Internally displaced women in the region are doubly vulnerable in this unending humanitarian crisis for various reasons, including: extreme gender inequality; ad-hocism, indifference and discrimination from state agencies; the need to resort to high-risk survival strategies; and limited opportunities to demand state accountability.

“When they (women) speak, denial is broken... and through their words we can establish that human rights violations are taking place.”

Vrinda Grover, Supreme Court Advocate, India, WRN Tribunal Preparatory Committee Meeting, Kathmandu, Nepal, December, 2014



At the end of 2014, there were at least 4.1 million IDPs in South Asia, an increase of 1.8 million from the previous year. Meanwhile, Pakistan accounted for 46% of the region's displaced population, Afghanistan and India a fifth each. Source: Global Overview 2015: People internally displaced by conflict and violence – South Asia. RefWorld. www.refworld.org/docid/55a6176321.html.

Women human rights defenders across South Asia have identified the need for a regional accountability mechanism for women who have found little justice in existing systems of redress.

Recognizing this urgent need, WRN is launching a South Asia Tribunal on Women's Human Rights in solidarity with civil society groups across the sub-region in order to:

- Create a legitimate community led public platform to amplify women's testimony across caste, class, religion, ethnicity, and national borders.
- Demand accountability from the state, end human rights violations committed with impunity, and seek justice for women.

The model is built upon the tradition of People's Tribunals, an act of democracy that supports individuals to exercise their right to be heard and to pass judgement on human rights crimes. The Tribunal will be based on a body of national, international and humanitarian law and frameworks, including but not limited to: ICCPR; ICESCR; the UN Convention on Refugees; CEDAW; Geneva Conventions; the International Criminal Court; Regional Conventions and bodies such as SAARC; national constitutions and policies; relevant national and international jurisprudence and normative frameworks; UDHR; UN Guiding Principles on Internally Displaced Persons (IDPs); The Pinheiro Principles; Hyogo and Sendai Frameworks; Beijing Platform for Action; and UN Resolution 1325+6.



Outcomes

The Tribunal will result in women's collective ability to: make visible human rights violations on a legitimate public platform; demand accountability; influence policy; demonstrate transnational strength and solidarity; and take remedial action in the creation of regional protection mechanisms for IDPs, as well as a larger global movement against impunity.

First-of-its-kind across the sub-region, the Tribunal will include a two tiered process, including national and regional-level processes implemented by a Secretariat in 2018. It will be a hybrid model, combining elements of women's courts and quasi-judicial processes. A Tribunal Preparatory Committee comprised of distinguished activists, academics, media, and legal networks will govern it.

Recommendations to the International Community

- The **Principle of Sovereignty** dictates that states have a primary responsibility to protect and assist their IDPs. States **must** acknowledge their accountability and provide security, redress, and reparations for acts of commission and failure to exercise due diligence. This is **essential to protect IDPs** in accordance with commitments under **national and international law**.
- i. The **international community** has the **responsibility** to exhort states to fulfill their obligations and **ensure justice for human rights** violations (including gender-based crimes) and to **not walk away** from the conflict-induced displacement and instability that it has been party to in South Asia.
- In response to IDPs, there must be a **clear shift from the language of "welfare" to that of "rights"**. The states of Afghanistan, Pakistan and India must recognize IDPs as a legal category. They must ensure IDPs rights are addressed as a matter of policy, not as ad-hoc 'humanitarian' gestures, which tend to be arbitrary and discriminatory, at risk of fomenting avenues for recruiting additional persons into conflict.
- **Basic data on the lives of women and girls needs to be collected** at every stage of the displacement cycle (e.g., numeration of pregnant women, female-headed households, and adolescent girls) in order to inform policies and programs that support populations with particular needs.

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