

DAWN oral statement to the CEDAW committee

Full transcript of Kumudini Samuel's speech delivered on the Day of General Discussion on Protection of Women's Human Rights in Conflict & Post-conflict Situations, 18 July 2011, United Nations, New York.

Thank you Madam Chair. I represent the South based feminist network, DAWN - Development Alternatives with Women for a New Era. One of our core areas of work is on political restructuring and social transformation particularly in the context of protracted conflicts and post-conflict transitions. We applaud the CEDAW Committee for this very important and timely deliberation on a General Recommendation to protect women's human rights in conflict and post-conflict contexts. I come from Sri Lanka, a country ravaged by over 30 years of war, and is currently dealing with complex postwar dilemmas, particularly for women, in the absence of a negotiated political solution to its ethnic conflict.

I wish to focus on defining the obligations of States for conduct and policies effecting rights extraterritorially.

First, the new General Recommendation must recognize the diversity of actors responsible for rights violations in conflict and post-conflict settings and find ways to hold such actors responsible, whether they act within their State of origin or extraterritorially. These include States that have a more distant but none-the-less grave impact on conflict, including troop or arms contributions or bilateral militarization policies. States that play an important role as third parties in peace processes and post-conflict transitions must also be reminded to comply with their obligations under the treaty even where they are acting outside of their sovereign territory.

Second, as with states operating extraterritorially we are concerned about the impacts of international financial institutions such as the International Monetary Fund and the World Bank in conflict settings, particularly their lack of transparency in funding, budgetary and investment strategies and the inability of governments to hold them accountable. There is an urgent need to examine how such diverse actors and processes (including multi and bi-lateral trade and aid) can be linked to the obligations of States parties to protect women's human rights under CEDAW.

Third, while the Geneva Conventions address non-State belligerents in the context of internal armed conflict, international humanitarian law is not as encompassing of gender equality as CEDAW. Hence there is a need for CEDAW to address the role of non-State actors in conflict contexts as they impinge on a wide range of women's human rights.

Finally, we are also concerned about the lack of clear standards and accountability mechanisms for addressing the actions of international organizations, including UN Agencies, humanitarian aid organizations and other bodies that play a role in conflict and post-conflict reconstruction and development.

We therefore urge that States parties be held accountable for inaction and a lack of 'due diligence' with respect to acts committed by private, non-State actors. The scope of rights concerns related to non-State actors must be expanded beyond armed groups and we need clarity on the legal basis for holding these actors to account. CEDAW must find ways to link the actions of such actors to legal obligations of States parties in order to more completely address rights violations in these increasingly globalized settings. Thank you, Madam Chair and members of the Committee, for including the views of civil society in the process of elaborating this critical general recommendation. We hope for our continued engagement in this process.