

18 July 2011

Oral Statement

By International Women's Rights Action Watch (IWRAP) Asia Pacific

Madam Chair and members of the Committee, IWRAP Asia Pacific welcomes and congratulates the CEDAW Committee in initiating a broad-based and multi-stakeholder consultation process towards drafting of a General Recommendation on Protection of Women's Human Rights in Conflict and Post-conflict contexts.

The complexity of the issues, the nature of modern day conflict and cause factors, makes the range of rights violations and state accountability vast and of grave consequence. Therefore we call on the Committee to:

- 1) *Develop a legal framework grounded in women's human rights principles and the substantive rights under CEDAW* which extends beyond violence and immediate humanitarian relief and assistance and is responsive to the special impact of conflict situations on women and marginalised groups.
 - a. This includes women exercising rights *in line with Article 2 and 5*. State Parties must be held accountable for *actively preventing the use of religion and culture by government bodies, political parties, private and non-state actors, including religious leaders*, to undermine substantive equality, especially where forms of authoritarianism threaten to emerge during the rebuilding of systems and society in the post conflict period.
 - b. Rights under Article 16, in situations of conflict and transition are often curtailed if not completely negated. In Conflict and post-conflict situations women's right to movement and freedom of decision concerning entry into marriage and choice of spouse are constrained or exploited. Underage and forced marriage is often used to [quote unquote] "protect" women from forced recruitment into the armed forces or guerrilla groups, and in the belief that it can afford them protection from kidnapping and/or trafficking. Women who are sexually active outside of marriage, trans-women and women of different sexual orientations are not exempted from gender stereotyping and manipulation of marriage.
 - c. Due consideration for the provision of sexual and reproductive health care services which fully address the ways in which conflict erodes women's decision-making powers concerning their right to control their sexuality and reproductive capacities.
- 2) CEDAW's reporting and review process can more effectively and directly evaluate and monitor state's obligation to formulate CEDAW compliant national plans, trade agreements and international investment /financial policies, in the conflict and post conflict settings.

- 3) *Recognise and respond to the multiplicity of roles and diversity of women actors including the diverse 'combatant' and 'non combatant' roles of women and their right to participate in demilitarization, demobilization and reintegration (DDR) programs.*
- 4) *Provide clarity on the legal basis and standards under which to hold accountable non state actors such as international organizations, UN agencies, humanitarian and development aid organisations, international financial institutions and infrastructures, whether they act within their state of origin or extraterritorially. In relation to IFIs and other supra national structures, the Committee must emphasise the need for state obligation under CEDAW and other human rights treaties to be reflected in the policies and actions of such structures, whose members are nation states that are party to HR treaties.*
- 5) *Ensure that the justice and reparation systems conform to CEDAW and other international human rights frameworks, including the Updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity, adopted in 2005 by the then UN Commission on Human Rights which are premised on the rights to truth, right to justice and right to non recurrence and reparation as well as SC Resolutions 1325, 1820 and 1888.*

It is also essential to include provisions on holding states accountable for the protection of human rights defenders, including women's human rights defenders, addressing this issue, particularly at the national level.

Finally, we call on the Committee to provide a plan of action, with a specific timeline for the drafting process and other initiatives, including continued consultation with civil society.

Thank you.

Presented by,
Wathshlah Naidu

International Women's Rights Action Watch Asia Pacific (IWRAW Asia Pacific)
Email : iwraw-ap@iwraw-ap.org