

Security Council Open Debate on Women, Rule of Law and Transitional Justice in Conflict- Affected Situations, October 18th, 2013, Security Council Chamber

Statement by United Nations High Commissioner for Human Rights Ms. Pillay

I thank the Security Council for the opportunity to address this open debate on women and peace and security. I shall briefly address four main points: first, the situation of women's human rights in conflict; secondly, ensuring that gender considerations are taken into account during transitional justice processes, and making sure there is accountability for crimes suffered by women; thirdly, the value of comprehensive human rights-based approaches to transitional justice; and, lastly, much-needed efforts to create closer links between the peace and security, human rights and development agendas to fully seize the opportunity offered by transitional justice processes for women.

First, the protection of women's human rights in conflict remains a challenge. Let me provide just a couple of examples. In September, the International Commission of Inquiry on Syria submitted its most recent report to the Human Rights Council, which stressed the prominent role that the use and threat of sexual violence were playing in the conflict. The report also showed how vulnerable the women and girls in refugee camps were to sexual exploitation, forced marriage and trafficking.

Also in September, I reported to the Human Rights Council on the fact-finding mission of the Office of the United Nations High Commissioner for Human Rights to the Central African Republic, which reported a high rate of sexual violence against women. Assistant Secretary-General for Human Rights Ivan Šimonović visited the Central African Republic in August and confirmed those findings. The Human Rights Council has adopted a resolution establishing a Special Rapporteur on the Central African Republic. My Office will encourage close attention to the situation of women and girls in the work of that mandate.

Secondly, the establishment of the rule of law and transitional justice processes are crucial to ensuring accountability and delivering justice, truth and reparations for violations suffered by women. They are also crucial to deter the continuation of such violations in future. Today we observe considerable progress in several areas.

The full, free and informed participation of women in national consultations is increasingly regarded as instrumental for the design and implementation of comprehensive, context-specific, gender-sensitive transitional justice strategies. To give just one example, at the beginning of October, the Deputy High Commissioner for Human Rights visited Yemen and commended the authorities for conducting a national dialogue in which 30 per cent of the participants were women.

Increasingly, the mandates, compositions and operations of truth and reconciliation commissions and similar bodies are designed to ensure that women's and girls' experiences are taken into account. In his recent report to the Human Rights Council, the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence highlighted the increased attention being paid by truth commissions to women's rights.

Similarly, there have been increasing efforts to systematically include gender considerations in the work of commissions of inquiry, including having experts on gender appointed to the secretariats of the ongoing commissions of inquiry working on Syria and the Democratic People's Republic of Korea. Given the role that those mechanisms can play in laying the ground for transitional justice processes, such expertise can make an important contribution to bringing about gender-sensitive justice and redress. We closely collaborate with UN Women in that area.

There is now much greater recognition of the need for and the potential of gender-sensitive reparations. My Office has undertaken consultations with survivors of sexual and gender-based violence in the Democratic Republic of the Congo, Uganda, and Kosovo as per resolution 1244 (1999). We have produced reports that include recommendations to inform reparations efforts there. In the eastern part of the Democratic Republic of the Congo, my Office is concluding a pilot project that consists of grants to five local organizations to provide support and assistance to survivors of sexual violence.

A guidance note on reparations for victims of conflict-related sexual violence is being prepared jointly by my Office and UN Women, which will be available shortly.

In several countries, there have been targeted efforts to encourage the prosecution of perpetrators of sexual and gender-based violence. For example, the Joint Human Rights Office of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo has supported legal clinics that represent victims of sexual violence. It has also trained police, prosecutors and magistrates to better handle sexual violence investigations and trials. As a result of those and other efforts, an increasing number of convictions has been registered. While all that progress is encouraging, we must also be aware that there is still a long, hard road ahead before we can claim to be providing justice, accountability and seizing the potential of transitional justice processes for women fully.

Thirdly, as we continue to advance along that road, we must focus our efforts within international human rights norms and standards, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). I join the Secretary-General and Phumzile Mlambo-Ngcuka in noting the importance of a resolution adopted this morning in Geneva by the CEDAW Committee, which is a general recommendation on women in conflict prevention, conflict and post-conflict situations. I support the Committee's view that efforts to ensure judicial accountability and to uncover the truth about past violations must take into account a whole range of violations, as well as the underlying structural sexual and gender-based discrimination that made them possible. I also believe that, according to the spirit and letter of CEDAW and other human rights instruments, efforts to halt violations must be framed around an obligation to address structural and systemic gender inequality and discrimination through comprehensive legislative, policy and institutional reforms.

Developments in the Middle East and North Africa region exemplify the need for transitional justice processes and institutional reforms that are mindful of the interdependence and interrelatedness of human rights. In some countries of that region, women parliamentarians face fierce opposition when they propose laws that address women's rights, while in others public spaces for women are shrinking due to threats and intimidation. It is crucial that while we look into quotas and other mechanisms to support women's participation in political systems in countries emerging from conflict, we also need to consider how illiteracy, poverty, discrimination and violence conspire to prevent their effective participation.

My Office will raise awareness about CEDAW's new general recommendation and promote its implementation. My Office will also submit to the Human Rights Council at its September 2014 session an analytical study on gender-based and sexual violence in relation to transitional justice. Those are ongoing efforts to ensure that the human rights reports and briefings that reach this Council fully integrate women's rights, including through specialized capacity-building tools and activities for human rights officers. My Office, in cooperation with UN Women, is also undertaking an internal lessons-learned exercise on the provision of gender and sexual and gender-based violence expertise to commissions of inquiry in order to help further progress in ensuring that their work is gender-sensitive.

Finally, I fully support the Secretary-General's recommendation for closer links between the United Nations peace and security, human rights and development work. A human-rights-based approach is crucial to successfully address the root causes of conflict and threats to women's security. It is also crucial to seize the opportunity offered by transitions, which include transforming gender relations, dismantling negative gender stereotypes, reforming legislation that discriminates against women, supporting women's autonomy in private and public spaces and, eventually, building just and equal societies where peace and development can prosper.