

Security Council Open Debate on Rule of Law
Tuesday, 29th June 2010, Security Council Chamber (GA-TSC-01)

Statement by Ms. Pillay, Office of the United Nations High Commissioner for Human Rights

Madam President, allow me to express my appreciation to you and to members of the Security Council for giving me the opportunity to address the Council during this high-level debate on the vital issue of the protection of civilians in armed conflict. Since the Council was last briefed by the Office of the United Nations High Commissioner for Human Rights on this topic in November 2009 (see S/PV.6216), important developments pertaining to protection and accountability have taken place, which I will discuss today.

The Council's initiative in developing a solid framework to protect civilians in many countries is most welcome. However, protection remains a dream for victims, and the gulf between policy and practice is still vast. If we want to make a greater difference on the ground, human rights and humanitarian actors need to work together in order to give effect to the United Nations policy framework. I am sure that my colleague John Holmes would agree with me, and I would like to take this opportunity to salute him for championing humanitarian action within the United Nations system. His leadership has enabled the development of meaningful partnerships to advance protection.

The Council has long recognized that the maintenance of peace and security will not be achieved or sustained without due attention being paid to redressing grievances, ending impunity and protecting the human rights of civilians. Monitoring human rights conditions can serve to sound an alarm when situations are at risk of degenerating into violence. Information gathered by my Office as well as the United Nations human rights mechanisms, including the special rapporteurs, can be very helpful to the Council in this regard. When the security environment requires the dispatch of peacekeeping missions, a clear mandate with robust and well-resourced human rights components becomes essential for the effective implementation of protection measures. Holding perpetrators accountable is key for the protection of civilians. Amongst the most significant actions taken by the Council for the protection of civilians is the establishment of commissions of inquiry. I am pleased that, on several occasions, the Council and the Secretary-General have requested my Office to assist with these commissions. More use can be made of such mechanisms.

It is worth recalling that States bear the primary responsibility for carrying out investigations and prosecutions regarding genocide, war crimes, crimes against humanity and gross human rights violations. Several countries have established national commissions of inquiry. These are welcome demonstrations of a State's willingness to seek justice. True accountability can be achieved only if national inquiry mechanisms are credible, independent and impartial. Such national commissions should have the power of access to all relevant authorities, persons and information, as well as adequate financial and human resources. It is these conditions that will instil confidence and trust in these national initiatives.

The Council has acted to promote accountability. It has explicitly made its support for military operations of national armed forces conditional on their observance of human rights law, humanitarian law and refugee law. We need to ensure that United Nations and bilateral support to military operations and security sector reform are tied to promoting respect for human rights.

Let me now update the Council on situations where the protection of civilians has been, and remains, of great concern.

In Afghanistan, the intensifying conflict has had an intolerable impact on civilians. Many lives are being lost, homes destroyed and livelihoods and access to basic services threatened. Clearly, anti-Government insurgents, with their widespread use of indiscriminate suicide bombing and targeted assassinations, present a fundamental challenge. I am also concerned about civilian casualties caused by aerial attacks and ground operations, including from search and seizure operations, carried out by Afghan national security forces and international military forces. Moreover, **women and girls** continue to face widespread human rights abuses including abduction, trafficking, **sexual violence, forced and underage marriage** and harmful practices justified on the basis of tradition. I am particularly concerned about the legal framework, which in many instances institutionalizes **violence and discrimination against women**. Although the

Government has taken steps to enact laws aimed at **protecting women's rights**, those laws remain largely unimplemented.

The corrosive effect of impunity on both human rights and peace is evident in the case of the Democratic Republic of the Congo. Few perpetrators of serious violations of human rights and humanitarian law have been brought to justice. Some research even indicates that **rape and violence against women** have increased despite all the attention they have received in recent years. In that context, I wish to recall that, in cooperation with the Government of the Democratic Republic of the Congo, my Office undertook an exercise to map out the most serious violations of international human rights and humanitarian law in that country between 1993 and 2003. That exercise is a contribution to combating impunity and supporting transitional justice. The report will be published soon.

Following the recommendations of the international Commission of Inquiry into the September 2009 events in Guinea, a start-up presence from my Office has been deployed to the country. We expect the presence to gradually evolve into a fully fledged office that can more effectively help the Government to address the human rights challenges that the country faces. In addition, my Office has dispatched a small team to assist the authorities, in cooperation with other United Nations bodies, in ensuring respect for human rights throughout the electoral process.

The serious protection concerns in the aftermath of the earthquake in Haiti are of a magnitude that warrants the utmost attention. Death and destruction are compounded by displacement, and women and children continue to be vulnerable to widespread sexual and gender-based violence and trafficking. Alleviating those conditions remains the priority of the Human Rights Section of the United Nations Stabilization Mission in Haiti, acting in concert with the protection cluster led by my Office and the Office of the United Nations High Commissioner for Refugees. With regard to accountability for continued human rights violations, I note the establishment of the joint investigative commission which, starting next week, will seek to determine the facts around the events that led to an as of yet undetermined number of violent deaths in the Les Cayes prison on 19 January.

Turning now to Kyrgyzstan, where a deadly wave of violence engulfed the south of the country in June, I am particularly concerned about the targeting and indiscriminate killing of civilians — including children — looting and destruction of public and private property, displacement and sexual violence. My Office leads the human rights sub-cluster within the protection cluster and works closely with all humanitarian agencies to address the most critical protection challenges and contribute to strengthening the rule of law. On the accountability front, I continue to be convinced of the need for an independent international inquiry. Meanwhile, we stand ready to engage, should there be credible national investigations aimed at establishing the facts and the responsibility for the attacks.

Both Palestinian and Israeli civilians have the right to live in peace and security. I welcome the decision of the Government of Israel to moderate its blockade of Gaza. Yet I stress the urgent need to ensure the open flow of imports and exports to and from Gaza. I urge the Council to take appropriate action to ensure the lifting in full of the blockade.

In the West Bank, including East Jerusalem, settler violence, forced evictions, home demolitions, revocation of residency permits, arbitrary detention and torture are taking place with impunity. I urge the Security Council to support the recommendations of the United Nations Fact-Finding Mission on the Gaza Conflict (see A/HRC/12/48), especially those that call for accountability for all perpetrators of violations. In accordance with relevant resolutions of the Human Rights Council, a follow-up mechanism is currently monitoring and assessing domestic, legal and other proceedings undertaken by both the Government of Israel and the Palestinian side. The Council has also mandated an independent fact-finding mission, which will soon start investigating violations resulting from the Israeli military action against the flotilla carrying humanitarian assistance to Gaza.

Turning now to Sri Lanka, let me recall the unacceptably high level of loss of civilian lives caused by both sides of the conflict in that country. Since the end of the conflict, some progress has been made in the return and resettlement of internally displaced persons. Concrete initiatives must now follow to provide justice and redress to victims and to

promote accountability and longer-term reconciliation. The leadership of the Secretary-General in establishing an expert panel to advise him on those issues is a welcome step in that direction.

With regard to the Sudan, sporadic fighting in Darfur between armed movements and Government forces continues to result in civilian casualties, the destruction of civilian property and large-scale displacement. Civilian lives are also being lost in intercommunal violence stemming from resource-related disputes. Across southern Sudan, also, lawlessness and inter-communal violence, compounded by the widespread proliferation of arms and ammunition, continue to put civilians at risk. In 2009 alone, there were at least 2,500 violent civilian deaths and more than 350,000 people were displaced. Given the likelihood of more violence in the lead-up to the 2011 referendum, there continues to be an urgent need for more proactive protection of civilians.

In the course of the past few decades, grave violations of human rights and international humanitarian law have been a tragic common denominator in armed conflicts, with civilian targets of attacks by State and non-State actors.

I have raised today many situations needing serious and urgent attention. I welcome this opportunity to strengthen the cooperation of my Office with the Council, and I remain at its disposal to answer any questions it may have.