

Security Council Open Debate on Women, Peace and Security
Tuesday, 26th October 2010, Security Council Chamber (GA-TSC-01)

Statement by Navanethem Pillay, High Commissioner for Human Rights

First, let me welcome the contribution of my colleague Valerie Amos and congratulate her on her appointment. The work of our respective Offices is complementary at many levels, something I was reminded of listening to her speak today. Let me also thank the members of the Security Council for giving me the opportunity to address the Council today on the subject of the protection of civilians in armed conflict. This is a subject that has rightly become a central focus of the Security Council. It is also an important priority for my Office as we seek to promote and protect human rights worldwide.

Protecting civilians from the atrocities of war is an essential element of our human rights work. It is also an indispensable part of any strategy for managing threats to international peace and stability. The concept of the protection of civilians, which is rooted in international humanitarian and human rights law, has been developed as a way to encourage a more comprehensive and coordinated approach by Member States, international organizations and agencies to our efforts to protect civilians from the imminent threat of violence during armed conflicts.

Over time, in responding to emerging threats to civilians, the Council has looked beyond situations of actual armed conflict to situations of civil strife preceding full-fledged conflict, as well as post-conflict and natural disaster situations. In situations such as the ones in Haiti, Côte d'Ivoire and Liberia, the Council has established broader protection mandates to ensure that the populations' human rights are protected. Today, human rights are thoroughly integrated in United Nations peace missions. There are currently 17 human rights components of peace missions led by the Department of Peacekeeping Operations and the Department of Political Affairs, established at the behest of the Council and supported by my Office. Of the five core challenges to the protection of civilians identified in the report of the Secretary-General before the Council (S/2010/579), my Office and human rights officers on the ground are directly engaged in four. We work to enhance compliance with international law, compliance by non-State armed groups, protection in the context of peacekeeping and accountability for violations.

Our approach to protection is first and foremost to prevent the commission of human rights violations. Where that fails, as regrettably it sometimes does, we also contribute to mitigating the effects of conflict on populations at risk and to ensuring proper accountability for violations once they have occurred. Establishing accountability, in turn, can help serve the longer-term goal of prevention by making a recurrence of violations less likely.

Effective prevention begins with the facts. Through human rights monitoring and reporting, we are able to build up a detailed picture of the situation on the ground, anticipate emerging threats and take appropriate preventive action in a timely manner. Time and again, human rights reports and their recommendations have provided the basis for decision making by heads of missions, whether in relation to responses to immediate threats, longer term preventive measures or following up with relevant national authorities and international actors. In the Democratic Republic of the Congo, for example, the preliminary report on the horrific mass rapes that took place in Walikale in August 2010, which was released on 24 September by the United Nations Joint Human Rights Office, was a key document in helping to establish the facts and identify protection gaps. In the week following the publication of the report, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo set up two additional temporary operating bases in Binyampuri, deployed additional staff and equipment and stepped up day and night patrols in the area. These actions have reportedly provided much needed reassurance to local populations.

Monitoring and reporting on human rights and the protection of civilians can also play a role in raising awareness of the impact of military operations on civilians and in encouraging the parties to a conflict to take steps to strengthen the protection of civilians. Since 2007, the human rights contingent of the United Nations Assistance Mission in Afghanistan (UNAMA) has monitored and reported on civilian casualties in the conflict in Afghanistan, and engaged in advocacy to strengthen the protection of civilians. The Afghanistan mid-year

report on the protection of civilians in armed conflict in Afghanistan, released on 10 August, found that in the first half of 2010 there was an overall decrease of 29 per cent in civilian deaths attributed to pro-Government forces, as compared to the same period in 2009, with a 64 per cent decrease in civilian deaths caused by aerial attacks. UNAMA concluded that the implementation of tactical directives governing air strikes, night searches and the escalation of force contributed to this significant reduction in civilian casualties.

Effective monitoring and reporting of human rights violations and encouraging greater compliance with international human rights law require opportunities to engage directly with both State and non-State actors, as well as access by human rights officers to populations at risk. In that context, it remains of grave concern that human rights officers still cannot access large parts of Darfur for security reasons.

Further, in Somalia, intense fighting in Mogadishu and other parts of the country severely limits the access of human rights officers. Human rights officers of the United Nations Political Office for Somalia have been working with internally displaced persons in Somaliland and Puntland and interviewing on a regular basis individuals who had fled southern and central Somalia. Their testimonies indicate a pattern of risk and violations occurring throughout the country. Human rights officers also work with national monitoring networks in order to gather relevant information from within Somalia. Apart from these constraints, it is essential that the Council give missions the requisite mandate and resources, including the prioritization of logistical support and access of human rights monitoring and investigation. Unfortunately, in the Democratic Republic of the Congo, insufficient access to vulnerable populations by human rights officers, due in part to limited air assets or military escorts, has impeded our ability to adequately identify threats, plan accordingly and ultimately protect civilians from violations.

While our primary concern is to prevent the commission of violations, where prevention fails we collectively bear the responsibility to ensure accountability. The Secretary-General's report rightly identifies accountability as one of the core elements of the protection of civilians. Not only is accountability required to fulfil international legal obligations; it is also our best tool for preventing the recurrence of violations.

My Office's efforts to enhance accountability are multifaceted. As Council members will be aware, my Office has recently concluded a mapping report of the most serious violations of human rights committed in the Democratic Republic of the Congo between 1993 and 2003. Through its assessment of existing accountability mechanisms and the challenges faced in addressing the violations documented, the report provides a road map for engaging the Government of the Democratic Republic of the Congo, the Congolese population and the international community in a constructive dialogue on how to ensure accountability and offer remedy to victims within the overall goals of reconciliation and peace. I hope that we will be able to make a further contribution on the question of what measures or mechanisms can provide a sense of redress for victims when we receive the report of a high-level panel of experts, led by my Deputy, who went to the Democratic Republic of the Congo in October and held hearings around the country with survivors of sexual violence.

Human rights officers work closely with national authorities and civil society to support national judicial institutions and other accountability mechanisms. Again taking an example from our work in the Democratic Republic of the Congo, the Joint Human Rights Office, through its joint investigation teams, provides direct support to military prosecutors to investigate cases of violations, including by helping them access populations to carry out their investigations and by ensuring judicial follow-up. This support has allowed prosecutors to bring many cases to court that might not otherwise have been pursued, including cases of sexual violence. A recent example of facilitating national efforts for accountability is the arrest of General Jérôme Kakwavu, who was accused of rape and whose file is being transmitted to the high military court of Kinshasa.

In some cases, the longer-term challenge is to build up the capacity of non-United Nations security forces, including national forces and institutions, to take on the task of effective protection of civilians once the international presence has been withdrawn. In this context, my Office has been playing an essential role, including by participating in the training and technical advice being provided to police and military officers and contributing to necessary legislative and policy reforms. There is an important discussion to be had in this context — specifically, on how to ensure that United Nations support to non-United Nations security forces is based on respect for human rights and international humanitarian law. My Office is currently contributing to

the review of United Nations experience in this respect.

Our expertise has also increasingly been called upon to conduct commissions of inquiry in the context S/PV.6427 10 10-64592 of political crises where there is no peace mission but where the lack of protection of civilians and of accountability for violations of their rights represents a threat to peace. An example is our involvement in the Secretary-General's international commission of inquiry to investigate the violence that occurred in Conakry, Republic of Guinea, on 28 September 2009. In Guinea, as in many other cases, establishing the facts is a first step on the road to remedy and eventual reconciliation. I am pleased to confirm that, in line with the Secretary-General's recommendation, my Office will work actively with co-lead departments directly involved in inquiries of this kind with a view to reviewing past experiences and making proposals as appropriate.

In conclusion, my Office stands ready to assist the Council as it seeks to strengthen the protection of civilians threatened or affected by the effects of armed conflict. Every day around the world, human rights officers mandated by this Council make a vital contribution to protecting civilians, often working in very challenging conditions and with limited resources. I encourage the Council to ensure that the mandates that it establishes provide the necessary elements for this work to continue as effectively as possible: robust and well resourced mandates that ensure that human rights officers are present throughout areas affected or threatened by conflict, including remote areas; that allow such violations as do occur to be properly documented and reported; and that provide for support to national authorities to restore and strengthen the rule of law.

Finally, I would welcome the opportunity to share information relating to this topic with the Council in future, including reports and recommendations arising from our human rights monitoring work on the ground, and to keep it apprised of evolving situations where civilians are at risk. In addition to formal meetings such as today's, my Office stands ready to contribute to Arria Formula meetings and expert-level meetings of a less formal character, as the Secretary-General recommends in his report. I thank members of the Council for their attention and for this opportunity to speak here today. I look forward to our continued dialogue.