

Security Council Open Debate on Protection of Civilians in Armed Conflict, 12th February, 2014, Security Council Chamber

Statement by Ms. Pillay, UN High Commissioner for Human Rights

I would like to thank you, Madam President, for this opportunity to address the Security Council. I shall base my remarks on the experience gained over the past few years by my Office and the human rights components in peacekeeping operations.

Nine peacekeeping operations currently have an explicit mandate to protect civilians. My Office has worked together with the Department of Peacekeeping Operations (DPKO) to develop policies, guidance and training on the protection of civilians, building on the wealth of often innovative approaches that have been developed in the field.

In the Democratic Republic of the Congo, the human rights component has dispatched multidisciplinary protection teams to volatile areas. In Mali, human rights mobile teams have been deployed to areas at risk, and human rights call-centres were set up during the elections. In Afghanistan, civilian casualty monitoring has provided the basis for influential advocacy, such as the 8 February report issued jointly by the United Nations Assistance Mission in Afghanistan and the Office of the High Commissioner for Human Rights (OHCHR).

Human rights officers have also advised on United Nations military preventive deployments, contingency plans and sheltering and escorting civilians. They have also provided a critical bridge with local communities, human rights defenders and women's groups for alerts on risks of gross human rights violations. The human rights due-diligence policy has also contributed to preventing and addressing violations. All those approaches are strongly grounded in human rights functions.

Our experience confirms that timely and well-resourced human rights monitoring, advocacy and reporting are essential for the effective implementation of protection-of-civilians mandates. In South Sudan, beyond the physical protection of more than 80,000 civilians in United Nations bases, it is clear that human rights investigation, monitoring, advocacy and reporting are key concerns now more than ever. Together with the United Nations Mission in South Sudan, we are preparing a comprehensive public human rights report. OHCHR is also providing technical support and advice for the establishment of a commission of inquiry by the African Union.

In the Central African Republic, while regional peacekeeping efforts are ongoing, my Office has been focusing on much-needed fact-finding, public reporting and promotion of accountability through the deployment of a rapid-response monitoring team, increased human rights capacity within the United Nations Integrated Peacebuilding Office in the Central African Republic and support for the Council's commission of inquiry. There is an urgent need to stop the terrible violence in the Central African Republic and to hold perpetrators accountable. I also note that the Prosecutor of the International Criminal Court has decided to open a preliminary investigation. I welcome the Council's continued attention to the situation in the Central African Republic, in particular its efforts to ensure accountability.

The Secretary-General's action plan entitled "Rights up front", which places human rights at the centre of the response to potential or emerging crises, is also strengthening United Nations efforts with regard both to South Sudan and the Central African Republic, including those of my Office.

In spite of those developments, I see a number of areas in which greater support from the Security Council and States would be welcome.

First, we need to be clearer about what we mean by the protection of civilians in peacekeeping. Over the years, the Council has greatly contributed to the protection of civilians by issuing fully fledged human rights mandates and mandates to protect civilians under imminent threat of physical violence. However, the link between those two mandates and their mutually reinforcing nature has not always

been made clear. The protection of civilians in peacekeeping should be norms-based. Implementation should be firmly anchored in the broader human rights protection mandate of missions.

To that effect, my Office has worked with the DPKO and the Department of Political Affairs to develop a joint policy, the aim of which is to ensure that human rights officers, military personnel and other mission components work better together to respond to the risk of human rights violations, including in situations of imminent physical violence against civilians. I urge the Council to emphasize that link when issuing mandates, and to ensure that human rights components are appropriately resourced. My Office is currently seeking to strengthen our headquarters support to those components in order to facilitate the speedy deployment of well-trained human rights experts in crisis situations.

Secondly, we need greater support for human rights access. It is indispensable for the effective protection of human rights that we establish facts and understand underlying causes and conflict dynamics. Sound and compelling human rights information and analysis must be at the core of strategies to protect civilians. Access by human rights personnel to remote and at-risk areas is also critical for deterrence. Our experience in Côte d'Ivoire and the Democratic Republic of the Congo shows the value of close cooperation among human rights, military and other peacekeeping personnel to rapidly assess developments in remote locations, to engage in preventive advocacy with potential perpetrators and to protect civilians.

Thirdly, we need continued support from the Council in particularly difficult situations when protecting civilians requires bold action and swift decisions and when mission personnel are intimidated, expelled or attacked because they are doing their jobs.

Fourthly, impunity allows gross human rights violations to thrive. It undermines the fabric of societies and prevents the development of lasting solutions. States must do more to ensure that violations of international human rights and humanitarian law are investigated and that perpetrators are held accountable. In post-conflict situations, where capacity is often minimal, that requires sustained efforts. That may include mobile courts, specialized chambers, internationally supported tribunals, vetting, robust technical assistance to strengthen the criminal justice system or a combination of those elements.

I encourage the Council and States to squarely face the magnitude and responsibility of, and the resources needed for, that task, in the clear knowledge that accountability is crucial to the protection of civilians. I also call on the Council to more systematically condemn violations, to remind parties of their obligations and to demand compliance.

Finally, let us not forget that there are armed conflicts in which civilians suffer greatly but where no peacekeeping operation is deployed. I am particularly concerned about the situation in Syria, including the use of sieges as a method of warfare and their tremendous impact on the civilian population. At least 240,000 Syrians, including women and children, remain trapped and struggle to survive.

Both the Syrian Government and the anti-Government groups are failing to fulfil their obligations under international law. There must not be an assumption that those who remain in Old Homs and other besieged areas are combatants. All parties to the conflict must urgently facilitate unimpeded access to humanitarian relief.

I also reiterate my call to the Council to refer the Syrian situation to the International Criminal Court as a clear message to all parties that there will be consequences for their actions. The lack of consensus on Syria and the resulting inaction have been disastrous, and civilians have paid the price. I am appalled by the massacre on 8 February at Maan, where dozens of civilians were killed.

Throughout my mandate, I have welcomed every opportunity to brief the Council and States about human rights issues in order to contribute to informed decisions. I have seen tremendous progress in the emphasis that peacekeeping operations have given to human rights. I encourage the Council and Member States to continue putting human rights at the centre of considerations on peace and security.