

[Polarisation over human rights an indication of progress](#)

29.09.2014



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The 27th session of the UN Human Rights Council ended on a high note. After a day of suspense and a marathon of voting, the United Nations' top human rights body spoke out clearly [against any discrimination or violence based on sexual orientation and gender identity](#). With one voice, the Council also urged States to expand and [protect space for civil society](#), at home and globally.

Others have written about the value and importance of both of these two resolutions - the so called 'SOGI resolution', the first after a period of painful inertia since 2011 - and the 'civil society space' resolution, presented for the second time since 2013. Little, however, has been said about the acute polarisation in the Human Rights Council that the adoption of the two resolutions seemed to embody, although diplomats in Geneva are quick to speak of the tense climate that has prevailed over much of the past three weeks. The two resolutions seem to deal with entirely different subjects. But the reasons for disagreement and keys to success are similar, and a closer look at the underlying dynamics is instructive.

Within diplomatic circles at the UN, complaints about the polarised atmosphere in the Council are not new. They have been heard during much of 2014. In fact, they were most rife even before the Council's year started. Immediately after States at the United Nations's General Assembly in late 2013 elected China, Russia, Saudi Arabia and Cuba as new members, the talk of a 'more difficult composition' began, with complaints about the absurdity of electing systematic human rights violators to ['police human rights abuses'](#). By the start of the Council's March 2014 session, diplomats, UN officials and NGO staff were actually afraid of the implications of the new membership for the Council's task of protecting human rights and denouncing human rights violations.

It is said that excessive polarisation led to the failure of the UN's former Commission on Human Rights, and the creation of the Human Rights Council in 2006. Does that mean that polarisation should be avoided? Or can the elements of polarisation be seen as a measure of the relevance of the Council's work; a positive expression of forward movement on timely and important human rights issues?

The experience on the SOGI and civil society resolutions suggests the latter is closer to the truth. Progress on human rights is, by its nature, incremental, and will challenge hierarchies and power. Self-interested opposition to positive change is therefore to be expected, both nationally and internationally. At the UN, this often translates into polarised state positions on critical human rights issues. For instance, opposition by Saudi Arabia to protecting everyone regardless of their sexual orientation and gender identity is fairly predictable.

Likewise, Russia and China will obviously seek to avoid the UN stepping up its work to expand safe spaces for civil society in a bid to protect their own repressive policies. Polarisation is not negative in itself, and can be reduced to a manageable level by using the right approach.

Such an approach requires principled human rights leadership, at home and internationally. It requires an active and often critical civil society, which dares to 'irritate' in the words of the UN's top human rights official. It requires giving voice directly to victims of human rights violations. And it requires careful diplomacy by a range of actors, including states, NGOs and the UN itself, who must be prepared to invest significant diplomatic and political capital.

Therefore, rather than cultivating an excessive fear of polarisation - which may in fact lead to self-censorship and stagnation in the UN's human rights work - it is important to analyse the actual sources of the discord in the Council, and strategies to overcome it. The recent successes on the issues of sexual orientation and gender identity and on civil society space, despite the concerted opposition of powerful political players, are useful in that regard.

In the former, opposition to any mention of sexual orientation and gender identity by the Council was spearheaded primarily by members of the Organisation of Islamic Cooperation (OIC), with Egypt playing the most virulent role. A series of procedural tactics was employed to avoid progress on the issue. Despite these efforts, ultimate success was clear. An absolute majority of 25 of the 47 Council members voted in favour of a UN report on the issue to be presented in June 2015, and only 14 voted against. Several OIC members even abstained, while Benin chose to leave the room during the vote.

The keys for success included first and foremost the mobilisation of a huge civil society effort. Giving direct voice and access to victims and LGBTI activists present in Geneva over the past three years was instrumental in galvanising diplomatic action. Second, the significant diplomatic and political capital invested, in particular by the leading group of Latin American states (Brazil, Chile, Colombia, and Uruguay), but also top UN officials including the High Commissioner for Human Rights and the Secretary-General, was critical. Finally, the skilful and patient outreach and personal commitment of diplomats from all regions of the world was key. With this mix of factors, the Council managed to push the boundaries on an issue seen as controversial by many, and with a composition said to be at its worst.

Similarly, the Council advanced significantly on the topic of civil society space. It progressed particularly in relation to the crucial right of civil society to access the funding necessary for its operations and the issue of protection of civil society actors from threats, intimidation or reprisals. States reaffirmed the need for national laws relating to civil society to uphold international human rights law.

Like the SOGI resolution, this one witnessed significant opposition including from the 'hardline quartet'. Unlike the former, it was ultimately adopted without any opposing votes, once detractors realised the futility of their opposition. Again, careful diplomacy, a mix of pressure by governments and civil society, and actual dialogue across traditional divides were central elements of success. The moving comments by Sierra Leone about the [role of civil society in overcoming conflict](#), and the heartfelt remarks of the Tunisian diplomat about the crucial part civil society played in [revolution and transition](#), are testimony to this approach.

The lessons from these experiences are clear.

While controversy and polarisation at the United Nations on human rights may sometimes lead to political stalemate, that is not the current trajectory of the Human Rights Council. Human rights progress has always been, and will continue to be, controversial.

What is needed to overcome such controversy are voices from the grass roots, concerted efforts of civil society and states, personal commitment by leaders big and small, and real dialogue. Such an approach will be most effective in advancing the firm human rights principle embodied in the opening article of the Universal Declaration of Human Rights that 'all human beings are born free and equal in dignity and rights'.

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