sri

SEXUAL RIGHTS INITIATIVE

Rituals and Resistance

Sexual Rights in the
Second Cycle of the UPR

Acknowledgements

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[1]   Human Rights and the Universal Periodic Review. (2015). In H. Charlesworth & E. Larking (Eds.), *Human Rights and the Universal Periodic Review: Rituals and Ritualism* (pp. I–Ii). Cambridge: Cambridge University Press

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Executive Summary

The Universal Periodic Review (UPR) holds a unique role and space in the human rights system. It promises to afford states with an opportunity to reflect on the human rights conditions in their own countries, and invites other states to join them in a constructive dialogue on identifying and addressing the gaps, weaknesses, and challenges that results in a set of good practices, voluntary pledges and commitments, and recommendations all aimed at improving the human rights situation in country. Now in its third cycle (2017–2021), the processes and procedures for this review have been well-established and refined. Remarkably, all states have participated in their reviews, indicating a high level of cooperation and commitment by states to the mechanism. Other non-state stakeholders—civil society organisations (CSO), national human rights institutions, and regional mechanisms—have over time also increased their engagement and developed sophisticated advocacy strategies that aim at increasing their influence in the UPR.

This report provides an overview of how sexual rights have been addressed through the second cycle of the UPR—by CSOs (particularly those SRI partnered with on stakeholder submissions), states under review (SuR) (in their national reports, and in their responses to the recommendations they receive) by recommending states, and to a lesser extent by the Office of the High Commissioner for Human Rights (OHCHR) in its preparation of summary reports. The report attempts to uncover trends and developments which can be useful for state and non-state sexual and reproductive rights and health (SRHR) advocates in their future engagement with the UPR.

Despite the many limitations, barriers, and challenges to participation of CSOs in the UPR, organisations continue to dedicate large amounts of intellectual, human, and financial resources into the process. Indeed, a preliminary review of the number of CSO submissions made per cycle, reveals the numbers to be steadily rising. A large percentage of stakeholder reports are prepared by international non-governmental organisations (NGO) either individually or in partnership with national NGOs as a joint submission. Some of the benefits of engagement reported by national CSOs SRI partnered with in the second cycle included strengthened relationships and solidarity among national CSOs, increased sense of urgency and political will by states to act on SRHR, increased advocacy capabilities and reach of national CSOs.

A preliminary review of the OHCHR stakeholder summary reports, one of three core documents making up the review, reveals a great deal of variation in the reports and an absence of transparency around how these reports are compiled. Such variations include omissions of information, repackaging of particular issues, and privileging some sources over others.

A number of trends identified in the first cycle have continued in the second cycle. All states referenced one or more SRHR themes in their national reports, either through reporting on progress in implementing recommendations they received in the first cycle, or as "new" issues (i.e. issues that did not receive recommendations). Very few countries included activities undertaken to respect, protect, or fulfil SRHR as a best practice or as an area requiring technical assistance or capacity-building. The themes receiving the most attention in national reports in the second cycle align closely with themes receiving recommendations in the first cycle.

The number of recommendations made on SRHR themes continues to steadily increase. This is aligned with the general increase in recommendations from the first to the second cycle. However, the number of SRHR recommendations has also increased in relation to total number of recommendations made during the second cycle. While the average

proportion of recommendations on SRHR themes in relation to the total number of recommendations made in the first cycle was 26%, in the second cycle this increased to 28%.

The top 25 states making the most SRHR recommendations accounted for just over 46% of all SRHR recommendations during the second cycle. Spain, Slovenia, Portugal, France, and Uruguay, as the top five ranked states, made 1,528 SRHR recommendations between them. Twenty-five states made no recommendations on SRHR themes, although it's important to point out that only one made any recommendations of any kind during the second cycle.

Generally, the second cycle saw increased engagement by states from all regional groups in issuing SRHR recommendations. The proportion of SRHR recommendations made by members of the Western Europe and Others group decreased from 43% to 34% although still leading in the number of SRHR recommendations made when viewed by regional grouping.

States also use advanced questions to probe particular themes which may not have been addressed in the national report, or to pave the way for a future recommendation on a theme which the state under review (SuR) may find challenging. During the second cycle, 226 advanced questions on SRHR were posed to SuRs. This is less than half the number of advanced questions posed during the first cycle. Members of the Western Europe and Others group posed the most advanced questions, 66.8%. The most dramatic changes in the number of advanced questions posed by regional group can be seen in the Africa group and the Asia-Pacific group. In the first cycle, members of the Africa group posed 34 advanced questions but none in the second cycle, and the Asia-Pacific group went from asking 53 advanced questions in the first cycle to just two during the second cycle.

> **Out of the 10,363 SRHR recommendations made in the second cycle, just over 76% of these were accepted. This represents a slight decrease in acceptance rate when compared with the acceptance rate of SRHR recommendations in the first cycle. However, the acceptance rate of 76% in the second cycle does still compare favorably with the overall acceptance rate of 73.5% for recommendations in the second cycle.**

The acceptance rate of SRHR recommendations viewed by regional group is in keeping with the acceptance rates for all recommendations: Eastern Europe group (EEG) members accepted 86.9% of all recommendations they received in the second cycle, members of the African group accepted 81.6%, followed by the Western Europe and Others group members with 74.8% and with very similar acceptance rates of 71.3% and 70.7% by Latin America and Caribbean and Asia-Pacific member states respectively. This seems to suggest a kind of consistency with which states from these regional groups are approaching the recommendations they are receiving. This does not mean that certain themes within the wider SRHR framework do not show very different acceptance rates and so deviate from these general patterns of acceptance, as is illustrated by acceptance rates on sexual orientation, gender identity and expression and sex characteristics (SOGIESC) (36%) or abortion recommendations (29.8%).

While the increase in the number of SRHR related recommendations made and accepted is promising, this increase needs to be read against two other factors: the kinds of themes addressed, and the actions the recommendations propose to states under review.

An analysis of the specific SRHR themes or issues addressed in the second cycle reveals very similar trends to those observed in the first cycle. Firstly, the more general categories of SRHR, such as gender equality, international human rights instruments, and violence against women/gender-based violence tend to receive the most attention in SRHR recommendations. The ranking of SRHR themes or categories in the first cycle remains largely the same for the second cycle. The only marked change is the category of 'harmful practices based on cultural/traditional practices' which ranked 17th in the first cycle and 6th in the second cycle. Other notable shifts in the number of recommendations made were in the category of 'early marriage', 'marginalised groups of women', 'forced marriage', and 'intersex persons' rights' which all received significantly more recommendations in the second cycle than in the first, resulting in these categories rising in the ranking by more than 10 places.

Conversely, the categories of 'HIV and AIDS', 'gender perspective in the UPR process', 'training of state personnel on SRHR issues', 'maternal mortality and morbidity', 'sexual abuse', 'age of consent', 'contraception', and 'sex work/"prostitution"' all received far less attention than they did in the first cycle, relative to the overall number of SRHR recommendations made.

When reviewing the potential of each recommendation to effect a positive change at national level, a number of different approaches can be used. Aside from reviewing SRHR recommendations according to how general or specific they are, whether the change suggested will result in changes in laws and policies or attitudes and awareness (among others), and where it falls along the respect, protect, and fulfil spectrum, the report also underscores the context-specific analysis that should underpin each recommendation. The relationship between the 'quality' of recommendation and the acceptance rate has not been deeply explored in this report. However, preliminary analysis does seem to suggest that the often-repeated maxim that the more general the recommendation the better the acceptance rate, but the least likely to result in meaningful national change appears to be true.

Finally, this report recognises that the UPR exists within broader economic and geopolitical realities. These realities are shaped by imbalances of power and resources between Global North and Global South states and sustained by neoliberal structural adjustment policies, unaddressed legacies of colonialism, and trade alliances. The impact of these imbalances are on full display within the UPR as some states do not have the capacity to engage in all aspects of the process including implementation of recommendations. Moreover, some states use the UPR as a means of shoring up their "progressive" credentials to deflect attention from their own human rights failings.

Despite all the shortcomings of the UPR, states and civil society have shown deep and ever-increasing support for this relatively new accountability mechanism. This report and others have demonstrated the positive impact the UPR can have in bringing global attention to neglected sexual rights issues, and its utility as an advocacy tool that can bring together movements, activists, and organisations to work towards a common purpose of the realisation of all human rights in all parts of the world.

Abbreviations

Action Canada	Action Canada for Sexual Health and Rights
BBC	British Broadcasting Corporation
BiH	Bosnia and Herzegovina
BRICS	Brazil, Russian Federation, India, China and South Africa
CAL	Coalition of African Lesbians
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil society organisation
ECOSOC	Economic and Social Council
EEG	Eastern European Group
EU	European Union
GBV	Gender based violence
GONGO	Government organised NGOs
GRULAC	Group of Latin America and the Caribbean
HR	Human Rights
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IMF	International Monetary Fund
INGO	International non-governmental organisation
ISHR	International Service for Human Rights
LGBTI	Lesbian, gay, bisexual, transgender and intersex
MMM	Maternal morbidity and mortality
NGO	Non-governmental organisations
NHRIs	National Human Rights Institutions
ODA	Official Development Aid
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
OP	Optional Protocol
SOGIESC	Sexual orientation, gender identity and expression and sex characteristics
SRHR	Sexual and reproductive health and Rights
SRI	Sexual Rights Initiative
SuR	State under review
TMB	Treaty Monitoring Body
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
UNFPA	United Nations Population Fund
UPR	Universal Periodic Review
USA	United States of America
USD	United States dollar
VAW	Violence against women
WEOG	Western Europe and Others Group

SEXUAL RIGHTS DEFINED

Sexual rights embrace certain human rights that are already recognised in international and regional human rights documents and other consensus documents and in national laws. Sexual rights include to the rights of all persons to have control over and decide freely on all matters related to their sexuality; to be free from violence, coercion, or intimidation in their sexual lives; to have access to sexual and reproductive health care information, education, and services; and to be protected from discrimination based on the exercise of their sexuality. Governments of every country in the world are required to respect, protect, and fulfil these basic human rights.

About the Sexual Rights Initiative

The Sexual Rights Initiative (SRI) is a vibrant coalition of national and regional organisations from each United Nations region that come together to advance an intersectional approach to sexual rights at the global level. Current partners of the SRI include Action Canada for Sexual Health and Rights (Canada), Akahatá—Equipo de Trabajo en Sexualidades y Géneros (Argentina), the Coalition of African Lesbians (Africa), the Federation for Women and Family Planning (Poland), and CREA (India).

The SRI was formed in 2006 out of an identified need to enhance the presence and perspective of marginalised voices, particularly from the Global South, within international debates on sexual rights, as well as a common desire to surpass the constraints of identity-based politics by framing demands within a broader human rights discourse. Since then, the SRI has emerged as a distinctive and highly respected voice on the full range of sexual rights which encompasses all issues related to the application of human rights to sexuality, reproduction, and gender, including sexual and reproductive health. The SRI holds out the 'right to bodily autonomy' as both a fundamental and increasingly recognised rights claim and a concept that interconnects and underlies the full range of sexual rights to which all individuals and groups are entitled. The SRI's advocacy approach is grounded in rigorous feminist analysis and perspectives from different but allied movements working on diverse issues related to sexuality, reproduction, and gender, and which combines a sophisticated understanding of international human rights law and processes with in-depth knowledge of diverse national and regional contexts and close collaboration with a wide range of actors and social justice movements.

As a coalition of national and regional organisations working also at the global level, SRI partners' unique positioning enables them to facilitate the translation of international human rights developments into national-level policy changes through the Universal Periodic Review, Treaty Monitoring Bodies, Special Procedures, and alliances with a broad range of stakeholders in different contexts and terrains.

After more than a decade of pushing forward sexual rights norms and standards together, the SRI remains the only Geneva-based actor advocating for a broad sexual rights agenda that includes multiple thematic areas and constituencies as well as prioritising Global South perspectives, analyses, and representation.

Introduction

The Universal Periodic Review (UPR) holds a unique role and space in the human rights system. It promises to afford states with an opportunity to reflect on the human rights conditions in their own countries, and invites other states, UN agencies, and civil society to join them in a constructive dialogue on identifying and addressing gaps, weaknesses, and challenges with the aim of improving human rights within their respective countries. Now in its third cycle (2017–2021), the processes and procedures for this mechanism have been well established and refined. Remarkably, all UN Member States[2] have participated in their reviews, indicating a high level of cooperation and commitment by states to the mechanism. Other non-state stakeholders—civil society organisations, national human rights institutions, and regional organisations—have over time also increased their engagement and developed sophisticated advocacy strategies to increase their influence in the UPR.

The UPR has been the site of significant learning for those engaging directly in it and for those seeking to study it from a distance. It has also been the subject of a number of research reports, articles, and public discussions. Many of these have focused on the UPR as a mechanism and evaluated its functioning and outputs against its founding vision. A few reports look at how the UPR has resulted in national progress on human rights although this is a much more challenging question to explore. A minority of reports and articles analyse the UPR within its wider historical, (geo)political, economic, social, and cultural context.

The SRI and its partners have engaged with the UPR since the first session in April 2008. SRI approaches the UPR as an opportunity to use international processes to strengthen national commitment to and implementation of sexual rights. At the international level, it contributes to the development of human rights discourse, and has the potential to reinforce the positive developments taking place in other UN mechanisms. At the national level, it can mobilise civil society actors and contribute to feminist knowledge production, movement-building, and solidarity. It also offers national civil society activists and organisations a relatively easy introduction to international human rights law and systems. For SRI, itself an experiment in collaboration and movement-building between feminist actors from the Global North and South, it offers an exciting, albeit challenging, opportunity to explore north-south, and national-global cooperation in advancing human rights.

SCOPE OF THE RESEARCH AND METHODOLOGY

The United Nations Population Fund (UNFPA)'s 2014 study "From Commitment to Action on Sexual and Reproductive Health and Rights"[3] examined the first cycle of the UPR (2008–2011), assessed the potential role of the UPR in advancing the realisation of sexual and reproductive health and rights (SRHR) at global, regional, and national levels, the extent to which the UPR addressed SRHR issues and suggested ways of enhancing this in future UPR processes.

This report builds on the UNFPA study to consider the extent and manner in which sexual rights have been addressed in the second cycle (2012–2016). It provides a brief overview

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2   The second UPR of Israel was postponed to October 2013 because Israel boycotted the initial date set for the review as part of suspending its relationship with the Human Rights Council. A/HRC/OM/7/1

3   UNPFA, 2014, *From Commitment to Action on Sexual and Reproductive Health and Rights*

of how the SRI and the organisations with which it collaborates have engaged in the UPR and the extent to which the analysis and demands in the reports are reflected in various aspects of the UPR—including in the Office of the High Commissioner for Human Rights (OHCHR) stakeholder summary reports, the national reports prepared by states under review and in the recommendations made to states. Some of the key questions the report seeks to address are the following:

■   To what extent are sexual rights issues being raised in the context of the UPR and in relation to the overall recommendations being made in the UPR, and how does this compare with the first cycle?

■   Within the broad sexual rights framework, which issues are receiving the most attention and which are receiving less in national reports, in recommendations made to states under review, and to a lesser extent by stakeholders and in OHCHR stakeholder summary reports?

■   What are the regional and other political grouping patterns that emerge in terms of the attention to and acceptance of sexual rights recommendations?

■   What strategies could be helpful to all actors in the UPR in improving the substantive and meaningful engagement on sexual rights in the UPR as a way to ensure improved national conditions and realities for rights holders.

Underpinning these questions is an interrogation of the political economy of the UPR. In this regard, the report seeks to reevaluate some of the 'inherited truths' about the UPR as a mechanism, multilateralism and the idea of the United Nations as a space for cooperation, mutuality, and accountability by and among peers.

Findings from this report are based on the authors' analysis of three sources of data:

■   Stakeholder reports in which the SRI collaborated with other civil society organisations (CSO) to prepare and submit to OHCHR as part of the 'other stakeholder' category of information forming part of the UPR

■   OHCHR stakeholder summary reports

■   The SRI UPR Sexual Rights Database (uprdatabase.org) which includes sexual rights-related recommendations, voluntary commitments, questions, comments, national report data, and review documentation developed by the UN and by other stakeholders.

The database categorises sexual rights issues on the basis of 50 categories (see Appendix I), which facilitates an analysis of how different sexual rights issues have been addressed (or omitted) from the UPR, and with what effect. These categories are not mutually exclusive, and recommendations will often be tagged with various categories. It should be noted that, in some cases, states and observers will issue recommendations pertaining to topics of sexual rights that are inconsistent with international human rights standards; for example, some recommendations within the UPR have focused on restricting women's access to abortion services. In these and other cases, these recommendations have been categorised as 'inappropriate content' and are omitted from the thematic analysis of the sexual rights issues to which they pertain.

LIMITATIONS

It is beyond the purview of this report to evaluate whether the UPR has translated into substantive changes in the lives of rights holders. In this sense, the report looks only at the potential of the mechanism to effect this change. The report does not address

OHCHR's UN compilation reports and only touches briefly on the OHCHR's stakeholder summary reports and the extent to which these reflect any patterns or trends that show bias or favouring of some rights over others, or some sources over others. Additionally, it is not possible to say with certainty the extent to which stakeholders' analyses and recommendations are informing states' prioritisation of certain issues over others. In both instances, more research is required to fully exhaust these questions and draw conclusions.

NOTE ON LANGUAGE

For the purposes of this report, sexual rights and sexual and reproductive health and rights (SRHR) have been used fairly interchangeably but with an attempt to align to the language used in the quoted instance.

Similarly, the use of rights of LGBTI persons to signify lesbian, gay, bisexual, transgender, and Intersex persons' rights has been used interchangeably with rights relating to sexual orientation and gender identity, expression and sex characteristics (SOGIESC).

Civil society and other non-state actors' engagement in the UPR

Human Rights Council resolutions A/HRC/RES/5/1 and A/HRC/RES/16/21 formally recognise different categories of stakeholders as having a role to play in the UPR. In addition to states, 'other stakeholders' include National Human Rights Institutions (NHRIs), regional mechanisms, and non-governmental organisations.

The resolutions also set out the following modalities for 'other stakeholders' engagement in the UPR:

a. States are encouraged to prepare the information they submit "through a broad consultation process at the national level with all relevant stakeholders";

b. Other relevant stakeholders may submit additional, credible, and reliable information to the Universal Periodic Review. Input received from stakeholders will be summarised by the Office of the High Commissioner for Human Rights in a Summary of Stakeholders' information;

c. Other relevant stakeholders may attend the review in the working group, while not taking active part in the interactive dialogue;

d. Before the adoption of the outcome by the plenary of the Human Rights Council (HRC), the state concerned is offered the opportunity to present replies to questions or issues; other relevant stakeholders have the opportunity to make general comments before the adoption of the outcome by the plenary;

e. The outcome of the Universal Periodic Review, as a cooperative mechanism, should be implemented primarily by the state concerned and, as appropriate, by other relevant stakeholders.

It is important to note that states are only *encouraged* to consult broadly with all relevant stakeholders in the preparation of their reports. Moreover, while the implementation of the accepted recommendations at the national level correctly places the core responsibility and accountability on the state, it is critical that other stakeholders are involved in the planning, implementation, and monitoring and evaluation of the domestication of the recommendations. This is acknowledged in point (e) above but with the disappointing caveat of 'as appropriate'.

The effect of merely encouraging states to consult with other stakeholders is that formal opportunities for national-level UPR participation are limited by the state's willingness to engage with other stakeholders. There is no recourse within the process should states deny this important civic space, conduct consultations that are not meaningful, and/or condone reprisals for other stakeholders who utilise the UPR to criticise state policies.

Other stakeholders have two formal opportunities to participate in the UPR process independent of the state:

1. Submission of a stakeholder report.

2. Delivery of a statement to the Human Rights Council preceding the adoption of the report.

Much of what follows in this chapter addresses how SRI and organisations we partner with use this opportunity to present information in the form of stakeholder reports, and so will not be addressed in detail here.

The second formalised opportunity for participation afforded to "other stakeholders" is during the Human Rights Council sessions, where statements can be delivered during the adoption of states' UPR reports. Only institutions that are accredited and recognised by the United Nations either as NHRIs or NGOs that have consultative status with the Economic and Social Council (ECOSOC) can address the HRC in their own name. This is the only moment in the entire UPR process where NGOs, if they have ECOSOC consultative status—a very slow, costly, and contested process for NGOs—can present information in their own name and words, and have it form part of the official record. Even this process is circumscribed by time allocations for these statements, and the written and unspoken rules of convention that apply to statements made in this forum—with the ever-present threat that if NGOs breach these rules, it will have an impact on their own ECOSOC status or on NGOs more generally who work in the space. Moreover, there have been documented instances of reprisals against human rights defenders participating in the UPR which can serve to deter NGOs and activists from making statements in their own name.[4] Practical barriers to participation include the burdensome accreditation process mentioned above, the slow progress being made in developing alternative means of communication to enable CSO engagement in the UPR (i.e., video statements), and that the Human Rights Council takes place in Geneva, Switzerland—one of the world's most expensive cities in a country with very restrictive visa conditions for people travelling from Global South countries.

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[4] See A/HRC/39/41 Report of the Secretary General. Cooperation with the United Nations, its representatives and mechanisms in the field of human rights available from http://daccess-ods. un.org/access.nsf/Get?Open&DS=A/HRC/39/41&Lang=E

Overview of the UPR cycle

There are four main phases of the UPR cycle: **1. PREPARATION PHASE**   **2. REVIEW PHASE**   **3. OUTCOME REPORT ADOPTION PHASE**   **4. IMPLEMENTATION PHASE**
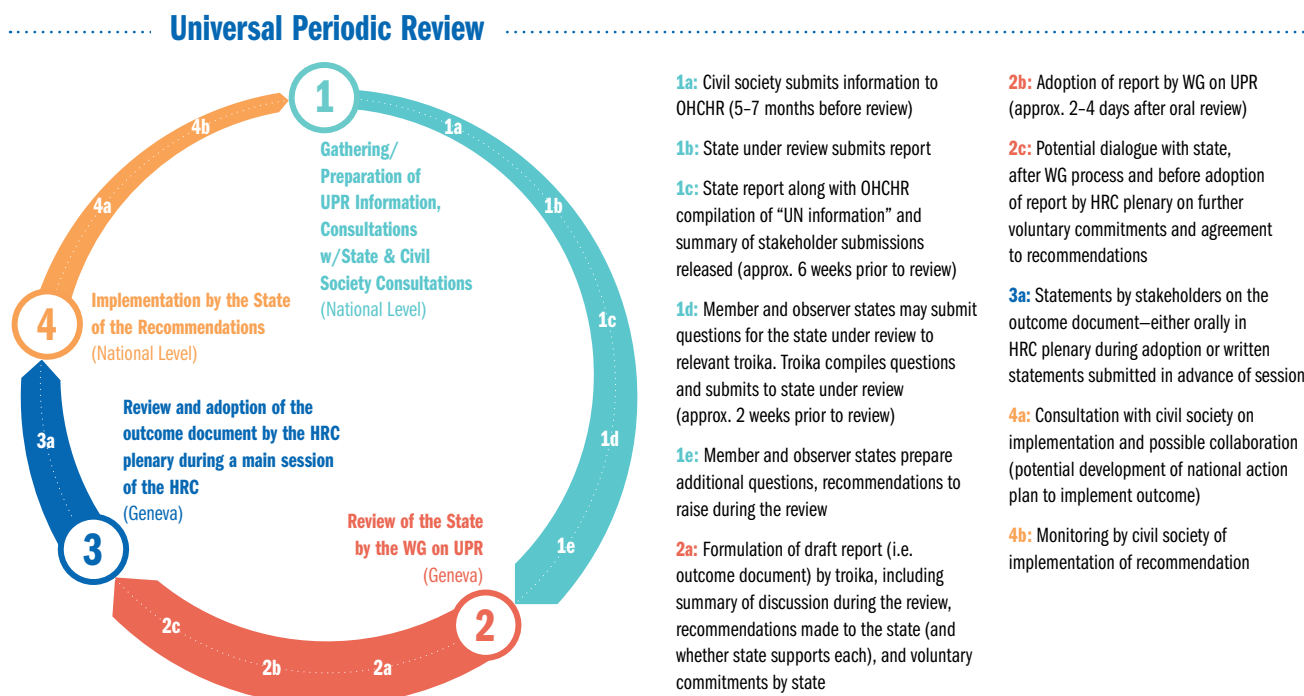

Universal Periodic Review

1 Gathering/ Preparation of UPR Information, Consultations w/State & Civil Society Consultations (National Level)

4 Implementation by the State of the Recommendations (National Level)

3 Review and adoption of the outcome document by the HRC plenary during a main session of the HRC (Geneva)

2 Review of the State by the WG on UPR (Geneva)

1a: Civil society submits information to OHCHR (5-7 months before review)

1b: State under review submits report

1c: State report along with OHCHR compilation of "UN information" and summary of stakeholder submissions released (approx. 6 weeks prior to review)

1d: Member and observer states may submit questions for the state under review to relevant troika. Troika compiles questions and submits to state under review (approx. 2 weeks prior to review)

1e: Member and observer states prepare additional questions, recommendations to raise during the review

2a: Formulation of draft report (i.e. outcome document) by troika, including summary of discussion during the review, recommendations made to the state (and whether state supports each), and voluntary commitments by state

2b: Adoption of report by WG on UPR (approx. 2–4 days after oral review)

2c: Potential dialogue with state, after WG process and before adoption of report by HRC plenary on further voluntary commitments and agreement to recommendations

3a: Statements by stakeholders on the outcome document—either orally in HRC plenary during adoption or written statements submitted in advance of session

4a: Consultation with civil society on implementation and possible collaboration (potential development of national action plan to implement outcome)

4b: Monitoring by civil society of implementation of recommendation

FIGURE 1: The UPR cycle—points of CSO engagement

Image Credit: Sexual Rights & The Universal Periodic Review: A Toolkit for Advocates, Sexual Rights Initiative and International Planned Parenthood Federation, 2012

The participation of non-state actors is what gives the UPR its credibility, and makes national accountability and hence implementation more likely. Without CSO and other non-state actors' participation, the UPR would almost certainly deteriorate into an exercise in window dressing or marketing. The engagement of civil society beyond the prescribed or 'allowed' points of engagement in the process, as described in the next section, is what transforms the UPR from a mechanism to a "catalyst for social change".[5]

MOTIVATIONS OF CSOs ENGAGING IN THE UPR

Despite the many limitations, barriers, and challenges to participation of CSOs in the UPR, organisations continue to dedicate large amounts of intellectual, human, and financial resources into the process. Indeed, a preliminary review of the number of CSO submissions made per cycle, reveals the numbers to be steadily rising. A large percentage of stakeholder reports are prepared by international NGOs (INGO), either individually or in partnership with national NGOs as a joint submission. At least one researcher reviewing the role of NGOs in the UPR of Pacific Island states found that the number of submissions from INGOs exceeded the number of submissions from national NGOs.[6] The motivation

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[5]   José Parra, 2016, *Beyond the Procedure: The Universal Periodic Review as a Catalyst for Public Debate on Human Rights*

[6]   Natalie Baird, 2015, *The Role of International Non-Governmental Organisations in the Universal Periodic Review of Pacific Island States: Can 'Doing Good' Be Done Better?* MelbJlIntLaw 18; (2015) 16(2) Melbourne Journal of International Law 550

of INGOs engaging in UPRs has not been explored in this report. Fiona McGaughey has also written[7] on CSO engagement in the UPR drawing attention to the participation of "GONGOs" or government-organised NGOs and the relationship between international and national CSOs in the UPR. While the extent to which GONGOs have infiltrated civil society spaces and been active within national and multi-lateral spaces is an important factor to consider in understanding the role and impact of civil society in UPR and the UPR on civil society, it falls beyond the scope of this report.

National CSOs engage in the UPR for many reasons. A short survey conducted by SRI with the national organisations partnered with on stakeholder reports revealed a number of rationales and benefits, including:

Strengthening relationships and solidarity among national CSOs
"Our engagement with the UPR has strengthened our relationships with allied organisations within the human rights movement in Canada which has led to areas of collaboration. The UPR shadow reports have also been instrumental in concretising our advocacy priorities and recommendations to government."

International pressure and attention on national level problems
"Engagement with the UPR and other human rights mechanisms contributed greatly to sustained pressure on the government to hold a referendum to remove Ireland's Constitutional ban on abortion; this referendum was finally called in March 2018 and the public voted to remove this Constitutional impediment in May 2018; as of January 1st 2019 we have an expanded framework for access to abortion which includes access 'on request' up to 12 weeks."

Strengthening advocacy skills and experience in UN HR mechanisms
"When the reports result in recommendations for reforms to improve the rights of LGBTI people, it has empowered and emboldened activists to advocate for domestic reform to, for example, repeal laws criminalising homosexuality. It has also made local activists feel less alone/more supported in their efforts to increase respect and protection for the human rights of LGBTI people."

"Increase in capacity to engage in a new process, making connections between human rights mechanisms and ensuring continuity between recommendations, building on the consensus established during the previous UPR, leveraging the outcome in the media to put pressure on the government particularly at a time post-election when the programme for government was being negotiated/only just new."

"We learned about the process of preparing shadow reports, which allowed us to participate in international advocacy in order to make progress at the local level. We worked together with other organisations, initiated follow-up activities and monitoring."

Building the profile of national CSOs
"[The UPR] has given more visibility to our organisation both nationally and internationally. Most of our recommendations were taken into account during the review and the follow-up is being done."

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[7] See for example: Fiona McGaughey, *The Role and Influence of Non-governmental Organisations in the Universal Periodic Review—International Context and Australian Case Study,* Human Rights Law Review, Volume 17, Issue 3, September 2017, Pages 421–450, https://doi.org/10.1093/hrlr/ngx020 and McGaughey, F. (2018). From gatekeepers to GONGOs: A taxonomy of Non-Governmental Organisations engaging with United Nations human rights mechanisms. Netherlands Quarterly of Human Rights, 36(2), 111–132. https://doi.org/10.1177/0924051918771232

SRI and collaborating organisations' joint submissions

SRI collaborated with civil society organisations and individuals to submit 88 stakeholder reports on 74 countries in the second cycle.
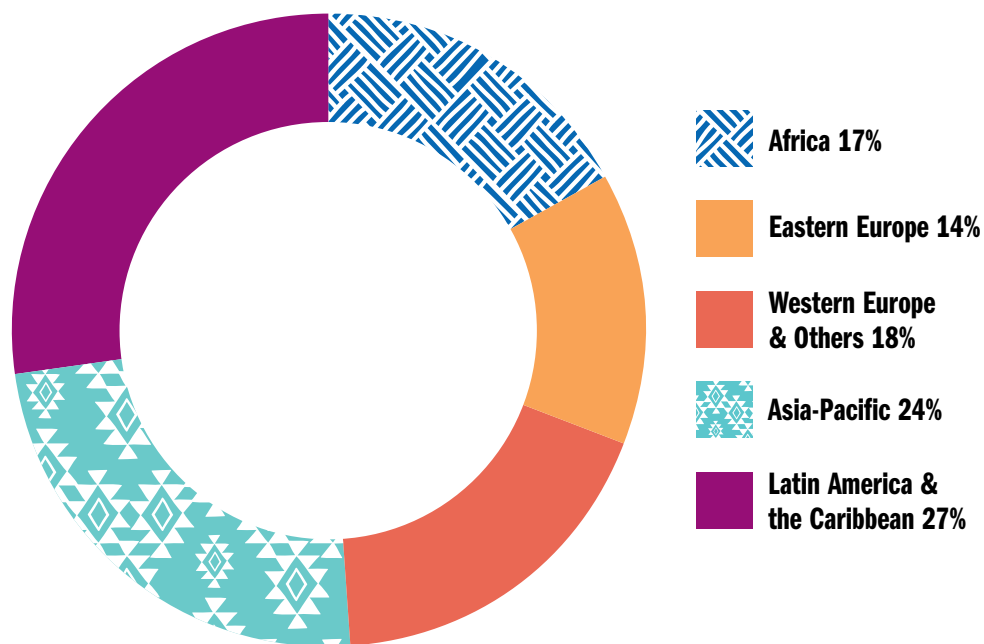

Africa 17%

Eastern Europe 14%

Western Europe & Others 18%

Asia-Pacific 24%

Latin America & the Caribbean 27%

FIGURE 2: Regional breakdown of joint stakeholder reports submitted by SRI and collaborators

PROFILE OF ORGANISATIONS AND INDIVIDUALS SRI COLLABORATED WITH ON STAKEHOLDER REPORTS

As a way to ensure that sexual rights priorities are defined by the national or regional activists, organisations, or researchers, SRI selects partners already working on sexual rights who have expressed an interest in engaging in the UPR. Very often these organisations and groups are already part of an established regional or international, formal or informal network of SRI or SRI's partners.

- SRI partnered with International Planned Parenthood Federation Member Associations on 25 stakeholder reports, making up 28.4% of submissions.

- 31 stakeholder reports were prepared in partnership with national NGOs with a core mandate on sexual orientation and/or gender identity and expression and sex characteristics.

- The balance of reports were done in collaboration with women's rights organisations, regional organisations and other international organisations with national level programmes in the SuR. SRI also collaborated with eight individuals to prepare reports, with half of these submitted anonymously.

- Most reports were prepared by SRI in collaboration with one other organisation. In the instances where more organisations collaborated on a report, these organisations worked on similar sexual rights themes. In a very small number of instances, reports were prepared by organisations working on sexual rights holistically or by organisations working on different sexual rights themes from each other.

- The overwhelming majority of organisations SRI partnered with were national NGOs.

Sexual rights themes addressed in SRI joint stakeholder reports

FIGURE 3: OCCURRENCE OF THEMES IN STAKEHOLDER REPORTS

Sexual Orientation and Gender Identity and Expression	37
Abortion	35
Comprehensive Sexuality Education	26
Access to SRH Services	15
Contraception	14
GBV and/or VAW	13
Maternal Mortality	9
Sex Work	9
HIV and AIDS	9

OHCHR STAKEHOLDER SUMMARY REPORTS

OHCHR compiles stakeholder summary reports based on all the submitted stakeholder reports which comply with the criteria.[8] National Human Rights Institutions, regional mechanisms and civil society organisations are all considered 'stakeholders' whose submissions will be included in the summary reports. Reports from individuals are also accepted.

All of the countries on which SRI submitted stakeholder reports were reviewed in order to trace the extent to which SRI stakeholder reports were included in the summary reports prepared by OHCHR. Because SRI submitted reports on 74 of the 193, or 38% of member states, and we confined our review of OHCHR summary reports to these countries, the findings for this section should be viewed as indicative rather than complete.

A total of 2,451 stakeholder reports were recorded as received in the Summary reports of the 74 countries. There was significant variance in the number of reports recorded as being received per country. For example, Grenada and Saint Lucia each only had five stakeholder submissions recorded in the Summary report. Other countries with fewer than 10 submissions were Portugal, Madagascar, Belize, Croatia, and Dominica. On the opposite end of the spectrum are the 519 stakeholder reports recorded as submitted for Venezuela. Other countries with more than 50 stakeholder reports recorded are USA, Uganda, the United Kingdom (UK) and Northern Ireland, New Zealand, India, and China.

It must be emphasised that **reports recorded as received by OHCHR does not mean that the themes and recommendations in the reports are included in the Summary reports.** While the technical guidelines provide clear parameters to drafters of the reports to ensure their inputs are considered, there is almost no information available on the process or criteria OHCHR applies when deciding which information to include or omit in the stakeholder summary reports that are circulated to all states and placed on the OHCHR website.

There have been instances where CSOs have raised alarm about the exclusion or removal of information in stakeholder reports, pointing to the possible undue influence and interference of member states in the OHCHR process of compiling the reports.[9]

That said, just under 78% of the themes or issues addressed in the SRI stakeholder reports were included, to varying extents, in the stakeholder summary reports. Very often, but not always, SRI stakeholder reports were the only source of information on sexual rights themes (particularly on sex work, comprehensive sexuality education, and to a lesser extent on sexual orientation and gender identity and expression) or provided a critical rights-based progressive framing of sexual rights themes which serve also to counter anti-rights groups' views expressed on the same issues.

In addition to making decisions about what information to include or exclude and which stakeholders' submission to use (in the case of multiple stakeholder submissions on the same issues of concern), the drafters of the summary reports also appear to make subjective decisions about how to frame the issues of concern. For instance, information about the impact of criminalisation on sex workers' rights to health or livelihood, can be viewed as a violation of the right to health, the right to work, to the right to non-

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8   See OHCHR Technical Guidelines for Stakeholder Submissions available on https://www.ohchr.
     org/EN/HRBodies/UPR/Pages/NgosNhris.aspx
9   See for instance ISHR et al Joint Press Statement "Civil Society Deeply Concerned by Removal
     of Key Stakeholder Information by the UN Office of the High Commissioner for Human Rights for
     Upcoming Universal Periodic Review of China" 5 November 2018 available https://www.ishr.ch/
     sites/default/files/article/files/joint_press_statement_ohchr_-_china_upr.pdf

discrimination, and equality. However, as described below, in one report, this information was included after a paragraph on trafficking for sexual exploitation under the section: 'Right to life, liberty and security of the person'.

In an illuminating article on OHCHR's role in preparing the documents that form the basis of the UPR, Julie Billaud states that "[OHCHR] drafters have developed strategies in order to veil sensitive human rights issues." One of these strategies is to choose where to locate the issues of concern "so as to accommodate the sensitivity of states".[10]

India's UPR
13th Session, May 2012

SRI partner CREA collaborated with Durbar Mahila Samanwaya Committee (DMSC), Veshya Anyay Mukti Parishad (VAMP), Talking About Reproductive and Sexual Health Issues (TARSHI) and Centre for Penology, Criminal Justice and Police Studies (CPCJPS), Jindal Global Law School to prepare a stakeholder report for India's UPR during the 13th Session.

The stakeholder report addressed the impact of criminalisation of sex work on sex workers and their family members/dependents. The report presented the impact of the Immoral Traffic (Prevention Act) which has the effect of criminalising sex work. Violations are detailed under sub-headings on the right to protection from violence, right to non-discrimination, right to health and health care, labour rights and the right to livelihood. Under each sub-heading in the report detailed information is presented—including direct testimony from sex workers, and research undertaken by the authors of the report.

The report repeatedly addressed the need to differentiate, in law and approach, trafficking and voluntary sex work. The report makes 12 recommendations, including recommendations calling for law and policy change (and ensuring the participation of sex workers in policy making processes), removing barriers to the right to health, increasing access to justice, and sensitisation training of public officials engaging in service provision.

OHCHR Stakeholder Summary Report
The OHCHR Summary report includes only two references to sex work, and both are in the same sentence: "JS4 reported on violations faced by "sex workers" due to the criminalisation of "sex work" and the stigma associated with it." (JS4 is the CREA-SRI et al stakeholder report). The sentence is found in the section on Right to Life, Liberty and Security of the Person amidst paragraphs on trafficking.

Analysis
Of the many rights violations addressed in the report, the inclusion of one sentence on criminalisation and stigma in the section about right to life, liberty and security of the person is disappointing. The location of this sentence in paragraphs relating to trafficking is also troubling, given the ways in which sex work and trafficking are deliberately conflated by those opposed to sex work. The use of the inverted commas on the terms sex work and sex workers is also peculiar, and seems to be less about indicating this as a direct quote and more about drawing readers' attention to the use of the term sex work/er.

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10 Billaud, J, 2015, *Keepers of the truth: Producing 'transparent' documents for the Universal Periodic Review*. In H. Charlesworth & E. Larking (Eds.), Human Rights and the Universal Periodic Review: Rituals and Ritualism (pp. 63–84). Cambridge: Cambridge University Press. doi:10.1017/CBO9781316091289.006

States performance in the 2nd Cycle of the UPR on sexual rights

States have at least three formal roles in the UPR—as peer reviewers, as states under review and as rotational members of the working group and troika. This chapter will focus only on the first and second role, on the basis that the working group and troika are essentially administrative and organisational roles with less influence over the substantive aspects of the UPR.

States assume obligations and duties under international law to respect, protect, and fulfil human rights. It is these obligations and duties that states report on during the UPR, along with any other accepted recommendations that it received in previous UPR cycles. In addition, states can include voluntary pledges and commitments in their national reports and at other points during the UPR process. Some states also choose to submit mid-term reports, although this remains very under-utilised, with only 23% of states submitting mid-term reports on the second cycle.

As recommending states, they engage in the interactive dialogue and make recommendations to states under review during the UPR working group session. This chapter will look closely at which states are making SRHR recommendations, on which SRHR particular themes, and finally look at the quality of these recommendations.

STATE REPORTING ON SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS

National reports

States under review are requested to submit a national report to the working group of the UPR. This report is one of three documents which form the basis of the review, the other two being the stakeholder summary report and the UN information compilation report, both prepared by OHCHR. Whereas during the first cycle states reported on their national human rights record, the second and subsequent reviews require states to report on, inter alia, "the implementation of the accepted recommendations and the development of human rights situations in the State under review". The guidelines[11] list the following information to be included in national reports:

a. Description of the methodology and the broad consultation process followed for the preparation of information provided under the Universal Periodic Review;

b. Developments since the previous review in background of the state under review and framework, particularly normative and institutional framework, for the promotion and protection of human rights: Constitution, legislation, policy measures, national jurisprudence, human rights infrastructure including national human rights institutions and scope of international obligations identified in the "basis of review" in resolution 5/1, annex, section IA;

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[11] Decision adopted by the Human Rights Council 17/119 Follow-up to the Human Rights Council resolution 16/21 with regard to the universal periodic review (A/HRC/DEC/17/119) https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/150/36/PDF/G1115036.pdf?OpenElement

c. Promotion and protection of human rights on the ground: implementation of international human rights obligations identified in the "basis of review" in resolution 5/1, annex, section IA, national legislation and voluntary commitments, national human rights institutions activities, public awareness of human rights, cooperation with human rights mechanisms…;

d. Presentation by the state concerned of the follow-up to the previous review;

e. Identification of achievements, best practices, challenges and constraints in relation to the implementation of accepted recommendations and the development of human rights situations in the state;

f. Key national priorities, initiatives, and commitments that the state concerned has undertaken and intends to undertake to overcome those challenges and constraints and improve human rights situations on the ground;

g. Expectations of the state concerned in terms of capacity-building and requests, if any, for technical assistance and support received.

While most states have structured their reports according to the guidelines, using points A–G as headings in their reports, there is nevertheless significant variation in the reports. Some of this relates to the extent to which states include information on their political orientation, values, and commitment to the UN and the UPR.

China included in their national report[12] a section titled: "The concept and theoretical system of human rights under socialism with Chinese characteristics". In this section, China states:

"The Chinese Government is working to explore paths for human rights development, establishing a robust system of human rights safeguards, and continuously enriching the theory of human rights, all within the framework of socialism with Chinese characteristics. It strongly advocates a scientific outlook on development, emphasises "putting people first", and takes the furtherance and protection of the right to subsistence and the right to development as first principles. It coordinates and promotes the safeguarding of civil, political, social, and cultural rights as well as the rights of special groups, develops a broader, fuller, and sounder people's democracy, and comprehensively promotes the coordinated development of rights of all kinds. It fosters a fairer and more harmonious society, and works to ensure that every citizen enjoys a life of ever-greater dignity, freedom and well-being."

In the introduction of Canada's national report,[13] Canada includes the following:

1. "Canadian society is characterised by values such as freedom, democracy, human rights, and the rule of law. These values are the strengths of our country.

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12 National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16.21 China A/HRC/WG.6/17/CHN/1* https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/169/58/PDF/G1316958.pdf?OpenElement

13 National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 Canada A/HRC/WG.6/16/CAN/1 https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/108/44/PDF/G1310844.pdf?OpenElement

2. Canadian federalism includes collaborative and complementary laws, policies, and programmes of federal, provincial and territorial (F-P/T) governments that protect the rights and freedoms of people in Canada. While governments work to find innovative and practical solutions to challenges and to adopt policies and programmes tailored to local needs and circumstances, they also share common objectives and a strong commitment to building our society.

3. Governments work in partnership with communities, civil society, Aboriginal peoples and the private sector to improve the well-being of communities.

4. Canada has a strong framework for the protection and promotion of human rights, from our Constitution to the many laws, programmes, policies and institutions in place across the country. While challenges remain, progress is being made. There may be differences in the measures adopted by federal, provincial and territorial governments, but Canadian federalism fosters a multi-partner approach to the realisation of rights, which reflects Canada's diversity and values."

There are also differences in the amount of detail provided either in the body of the report or annexures. For example, some states provided a list of the organisations and institutions consulted with on the national report. The presentation of information relating to the implementation also varied. Some national reports presented the information in a table format, reporting progress against specific recommendations, while others include progress in the narrative of the report and included the recommendation numbers as footnotes. The variety of ways in which states report on the implementation, particularly when the information is presented in a way that requires the reader to interpret, or go to a secondary source of data to establish which recommendations are being addressed, presents challenges to measuring implementation. In the third cycle, states are encouraged to include in the narrative a standardised way of reporting on implementation, and annex a matrix showing implementation against recommendations.

Lastly, the inclusion of information on challenges in implementing the recommendations or their human rights commitments beyond the UPR—was almost exclusively reported on by Global South countries. This section was very often found together with information about technical or capacity-building requests. Mali included a section in their national report where they reported on the extent to which capacity-building and technical assistance requests made in their first cycle national report were met. Bolivia, on the other hand, seemed to reject capacity-building and technical assistance by stating that: "Bolivia is progressing towards the implementation of human rights for a good life in harmony with Mother Earth. Challenges remain which continue to be tackled with the participation of social movements and organisations. Bolivia is always open to dialogue on human rights, in the context of constructive cooperation and respect for the sovereignty and self-determination of its peoples."[14] Other states, largely from the Global North, tended to exclude altogether information on technical or capacity-building needs and challenges in implementation—indicating perhaps the sentiment that they do not need the international community's support in order to address the challenges they have, or perhaps suggesting they have no challenges or capacity gaps in implementing recommendations or their human rights obligations and duties.

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[14] National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 Plurinational State of Bolivia A/HRC/WG.6/20/BOL/1 https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/089/27/PDF/G1408927.pdf?OpenElement

SRHR IN NATIONAL REPORTS

All 193 states that were reviewed during the second cycle of the UPR referenced SRHR issues in their national reports. Sexual and reproductive health and rights were referenced either when reporting on implementation of recommendations they received during the first cycle or as a new development. Very few countries included activities undertaken to respect, protect or fulfil SRHR as a best practice or as an area needing technical assistance or capacity-building. The most commonly reported themes in national reports roughly corresponded to the most commonly recommended themes from the first cycle of the UPR, as illustrated in Figure 3. However, some interesting differences can be noted. For example, some of the most frequent recommendations made in the first cycle were not as frequently referenced by states in their national reports. For example, discrimination based on sexual orientation was the seventh most recommended issue from the first cycle of the UPR, however, this category was the 15th most frequently referenced issue in national reports. These discrepancies can be attributed to the emphasis of the second cycle reporting on the SuR's implementation of accepted recommendations. In other words, states may not be including this information because they didn't accept the recommendations made on these themes.

FIGURE 4: SRHR ISSUES MOST COMMONLY REPORTED ON IN NATIONAL REPORTS

Issue	Number of recommendations issued in first UPR cycle	Second UPR cycle national report references made in relation to implementation of recommendations	Second UPR cycle national report references to SRHR as new developments/ not in relation to past recommendations received
Gender equality	1,501	1,154	336
International human rights instruments	1,530	1,001	182
Violence against women	732	687	135
Women's and/or girls' rights	635	503	206
Domestic violence	463	419	61
Sexual exploitation/slavery	410	331	84
Harmful practices based on cultural/ traditional values	102	281	38
Women's participation	221	211	47
Sexual violence	227	197	48
Female genital mutilation	211	185	19
HIV and AIDS	168	125	131
Trafficking in women and girls	138	125	59
Discrimination based on sexual orientation	232	113	27
Sexual abuse	125	104	41
Discrimination based on gender identity	143	82	18
Rights of same-sex desiring persons	139	78	44
Maternal health/morbidity/mortality	92	76	84
Training for state personnel on sexual rights issues	87	73	38

FIGURE 4: SRHR ISSUES MOST COMMONLY REPORTED ON IN NATIONAL REPORTS (CONT'D)

Issue	Number of recommendations issued in first UPR cycle	Second UPR cycle national report references made in relation to implementation of recommendations	Second UPR cycle national report references to SRHR as new developments/ not in relation to past recommendations received
Early marriage	63	49	14
Criminal laws on same-sex sexual practices	207	49	2
Transgender persons' rights	80	47	44
Marginalised groups of women	45	45	62
Birth registration	45	37	30
Empowerment of women	47	37	20
Marital rape	51	32	1
Sexual and/or reproductive rights and/or health broadly	39	31	64
Forced marriage	32	31	15
Gender perspective in policies	37	30	37
Violence on the basis of sexual orientation	48	30	7
Gender perspective in the UPR process	37	27	5
Violence on the basis of gender identity	35	21	8
Sexual harassment	25	20	11
"Honour crimes"	28	18	2
Polygamy	18	12	1
Forced sterilisation	15	11	0
Sexuality education	15	10	20
Abortion	37	10	9
Sex work/"prostitution"	16	9	9
Adolescent pregnancy	7	6	7
Family planning	9	5	15
Right to privacy	13	5	0
Contraception	6	4	10
Sexually transmitted infections	3	4	9
Right to marry	5	1	4
Intersex persons' rights	0	0	5
Sex selection/"foeticide"	0	0	1
Adultery	2	0	0

REGIONAL ANALYSIS

By applying a regional perspective to themes with high discrepancies between number of recommendations received during the first cycle and the number of references made in national report, the following observations are made:

African states received 98 recommendations on criminal laws on same-sex conduct, but only referenced this theme 14 times in their national reports. Latin American and Caribbean states received 55 recommendations on this theme and referenced it 22 times.

Latin American and Caribbean states received 18 recommendations on abortion in the first cycle and only referenced abortion 5 times in their national reports. Members of the Western Europe and Others group (WEOG) received 9 recommendations on abortion in the first cycle and referenced it 5 times in their national reports.

Asia-Pacific states only received one recommendation on contraception during the first cycle but referenced it six times in national reports.

FIGURE 5: REGIONAL BREAKDOWN OF REFERENCES TO TOP 10 SRHR THEMES IN NATIONAL REPORTS

Theme	Total references in national reports	Africa	Asia Pacific	Eastern Europe	Latin America and Caribbean	Western Europe and Others
Gender equality	1,490	454	522	155	183	176
International human rights instruments	1,183	295	423	104	169	192
Violence against women	822	236	235	78	148	125
Women's and/or girls' rights	709	263	250	45	86	65
Domestic violence	480	87	159	84	69	81
Sexual exploitation/slavery	415	114	110	40	73	78
Harmful practices based on cultural/traditional values	319	244	45	3	9	18
Women's participation	258	60	113	29	32	24
HIV and AIDS	256	143	59	7	44	3
Sexual violence	245	133	44	18	31	19

STATES REPORTING ON IMPLEMENTATION OF RECOMMENDATIONS NOT ACCEPTED IN THE FIRST CYCLE

A counterview to the often-repeated maxim of not making recommendations that states are unlikely to accept, is that even recommendations that are not accepted can serve as encouragement to the state to be more open to the theme of the recommendation. Proponents of this view point to the practice by some states of reporting progress on recommendations they noted. Indeed, during the second cycle, 62 states reported on 191 SRHR-related recommendations that they had noted during the first cycle review. This translates into just over 30% of the total number of SRHR recommendations that were noted in the first cycle, a not insignificant number given that this should be viewed as a form of voluntary reporting. When ranked by regional grouping, noted recommendations were reported on by countries from Asia-Pacific (20), Africa (15), Western Europe and Others (14), Latin America and the Caribbean (7) and Eastern Europe (6).

Among the noted recommendations, those made on the themes of international human rights instruments, rights relating to SOGIE, trafficking, and violence against women and/or girls were most commonly addressed in national reports.

FIGURE 6: REPORTING ON NOTED RECOMMENDATIONS

Theme	Number of noted recommendations reported on
International HR Instruments	60
SOGIE	42
Gender equality	26
Trafficking/sexual exploitation	9
VAW/GBV	9
Women/girls rights	7
Domestic violence	6
Abortion	3
Early marriage	2
Forced sterilisation	2

For example, Austria stated in their second cycle national report:

"Para 79) An important step for equal treatment of same-sex relationships has been made with the adoption of the Registered Partnership Act. Subsequent to the judgement of the ECHR of February 19, 2013, the adoption law was amended in 2013 in order to allow a so-called stepchild adoption for same-sex couples. Due to a judgement by the Constitutional Court of December 10, 2013, the laws for medically assisted reproduction were amended, so that the use of sperm-donation will also be possible for registered same-sex partners. Subsequently, the legal provision which prohibited joint adoption of a child by registered partners was rescinded through a judgement of the Constitutional Court of December 11, 2014. Implementation of this judgement is currently ongoing. Representatives of civil society also demand that all persons have access to all legal partnership models."

This was in response to the recommendation they received from the United Kingdom which noted: "Amend the legal status of same-sex partnerships to enable the right to adopt and have children". 10th Session of the UPR, February 2011

During the 4th Session of the UPR, Jordan received the following recommendation from Finland which it rejected:

"Withdraw its reservations to articles 9 (2), 15 (4) and 16 (1), (c), (d) and (g) of Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)".

By the second UPR, Jordan was able to report:

Para 13) With regard to the reservations to the CEDAW, the reservation that had been entered to paragraph 4 of article 15 was withdrawn on 31 March 2009.

These two examples, and many others seem to support the idea that even non-supported recommendations can be useful in shifting states' positions on issues.

However, not all states are reporting on implementation of these rejected recommendations. Many states are using their national reports to reiterate the reasons for not accepting the recommendations in the first instance. For example:

In the first cycle, Angola received two recommendations on decriminalising same-sex conduct:

To ensure that articles 70 and 71 of the Penal Code are not construed and applied so as to criminalise homosexuality. (Made by France, 7th Session of the UPR, February 2010)

To decriminalise consensual same-sex activity between adults. (Czechia)

Angola noted both of these recommendations stating that "there is no reference in Angola's national law to the criminalisation of homosexuality and therefore recommendations 98 and 99 cannot be implemented within this context."

In Angola's national report submitted as part of the second cycle review, it reported the following:

"(Para 143) According to the Constitution of the Republic in its article No. 23 No. 2 and article 32, the liberty, privacy and the respect of a person's intimacy are protected. Intimacy between adults is a matter of individual freedom and Government is not are unaware [sic] of any cases of legal prohibition or discrimination on the basis of sexual orientation."

Despite Angola's assertions that there was no legal basis for these recommendations, in January 2019, Angola decriminalised same-sex conduct.

Mid-term reports

States are encouraged to engage in a national-level review of implementation of accepted recommendations and to submit a report, referred to as a mid-term report, to OHCHR. During the review of the Human Rights Council in 2010/2011 which extended to the UPR mechanism, Northern states together with many international NGOs lobbied extensively, although ultimately unsuccessfully, to make mid-term reporting mandatory. As described by Jane Cowan and Julie Billaud,[15] the protestations by many Global South states that the existing reporting requirements of the UPR already overextended their capacity was often characterised by 'role-model' i.e. well-resourced states as being another example of Global South states resisting being accountable to the highest standard of human rights.

The number of states submitting mid-term reports has decreased from the first cycle, when 55 states submitted mid-term reports. During the second cycle, only 44 states submitted mid-term reports—accounting for under a quarter of all member states. Twenty-six of the states that submitted mid-term reports for the second cycle also submitted mid-term reports during the first cycle. Just over a quarter of these were submitted by members of the Africa group, followed by Western Europe and Others, each contributing 12 and 11 mid-term reports respectively. Eastern European states submitted 10 reports, followed by Asia-Pacific (6) and Latin America and Caribbean states (5).

15   Billaud, J, 2015, Keepers of the truth: Producing 'transparent' documents for the Universal Periodic Review. In H. Charlesworth & E. Larking (Eds.), Human Rights and the Universal Periodic Review: Rituals and Ritualism (pp. 63–84). Cambridge: Cambridge University Press. doi:10.1017/CBO9781316091289.006
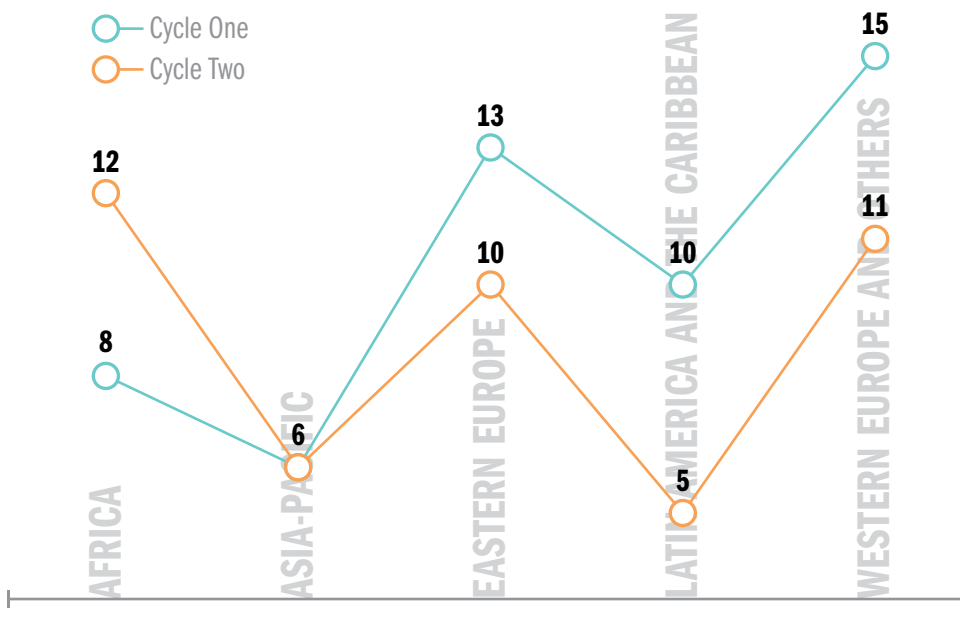
FIGURE 7: Mid-term reporting on first and second cycles, by region

There is significant variation in the format and content of the mid-term reports. For example, Australia submitted a human rights action plan which included, but also went beyond the recommendations received in the UPR, and a report stating progress against this action plan. Bahrain and Greece, among others, used a matrix to report on their implementation of the recommendations they received and accepted. Very few states included the methodology used to assess progress and prepare the mid-term report.

Aside from these mid-term reports being posted on the OHCHR website, states will sometimes also inform the Human Rights Council, during the general debate on UPRs at HRC sessions, of their having done a mid-term assessment and lodging a mid-term report with OHCHR.

Voluntary commitments and pledges

The UPR provides states with an opportunity to report on their implementation of any voluntary commitments and pledges they might have made—either during the UPR process itself or at other times (most commonly as part of their pledge when they stand for membership of the Human Rights Council). During the UPR, voluntary commitments can be made by states under review at various points during the UPR—including in their national reports, orally during the presentation of their reports and the interactive dialogue in the review session, and at the Human Rights Council session when the outcome report is adopted. This type of voluntary commitment is more difficult to monitor progress on, because it's seldom made in writing and is often not clearly indicated within UPR final outcome reports. Reporting progress on both types of voluntary commitments and pledges is left up to the discretion of the state under review.

In total, 19 states made 51 voluntary recommendations related to SRHR in their national reports or during the interactive dialogue in the second cycle. While this represents a slight increase in SRHR-focused voluntary commitments made during the first cycle (at which time 31 voluntary commitments were made), the degree to which SRHR features in states' voluntary commitments is nevertheless fairly modest given that states issued 501 voluntary commitments in total during the 2nd cycle of the UPR. In other words, only 10.2% of all voluntary commitments made during the second cycle were on SRHR.

Of those 19 states, almost half (9) represent the Group of Latin America and the Caribbean (GRULAC) region.

Some examples of voluntary commitments made by states under review during the second cycle:

The Republic of Liberia is committed to protecting and promoting the rights of vulnerable groups including, but not limited to, women, children, the elderly, refugees, persons with disabilities, persons living with HIV/AIDS, and LGBTI persons. The Agenda for Transformation and the National Human Rights Action Plan both make provisions for the protection of vulnerable groups as an area of national priority. The Government has also established and supported a number of ministries and agencies dedicated to addressing the interests of vulnerable groups, including the Ministry of Gender, Children, and Social Protection, the Liberian Refugee, Repatriation, and Resettlement Commission (LRRRC), the National Commission on Disabilities, and the National AIDS Commission (NAC). —National Report of Liberia submitted for the 22nd Session of the UPR, May 2015

Cameroon stated that for each accepted or rejected recommendation, it has made clear, precise, and realistic commitments. For instance, regarding the issue of homosexuality, Cameroon was committed not to aggravate current criminal penalties, to continue to apply legal provisions, guarantee a fair trial to alleged homosexuals, and continue not to apply any discriminatory measure against them. Regarding the issue of freedom of expression, Cameroon was committed to strengthen the professionalism of journalists, continue to allocate public subsidy to the private media, strengthen the capacity of journalists and human rights defenders in the area of ethics and professional code of conduct, continue to promote freedom of expression and respect the outspokenness of the media, continue to apply measures applicable to press card holders in order to protect the state, and support the mission of the Special Rapporteur on the situation of human rights defenders to take place in Cameroon in October 2013. —Statement made by Cameroon during the adoption of the UPR outcome report, at the 24th Session of the Human Rights Council, September 2013

Panama makes a voluntary commitment to obtaining approval for the following pending tasks before the second review cycle midterm implementation assessment: make the minimum age of marriage the same for both men and women; establish a national mechanism for the prevention of torture; adopt a law establishing a comprehensive child protection system; and set up a shelter for victims of trafficking in persons which will provide basic services such as accommodation, food and health care, as well as specialised interdisciplinary assistance. —National Report of Panama submitted for the 22nd Session of the UPR, May 2015

The most commonly referenced issues within these voluntary SRHR commitments roughly correlate with the most commonly reported SRHR issues in national reports, with gender equality emerging as the most common issue in 16 commitments, followed by violence against women (11 references), women and/or girls' rights (9 references), and international human rights instruments (5 references).

As is illustrated by the Cameroon example, it appears that some states will make voluntary commitments in relation to themes they have rejected recommendations on during the review. **This makes voluntary commitments all the more important to track for use in national level advocacy as a kind of intermediary step toward the recommendation.**

FIGURE 8: REFERENCES TO SRHR ISSUES IN VOLUNTARY COMMITMENTS

Issue	Number of references in voluntary commitments
Gender equality	16
Violence against women	11
Women's and/or girls' rights	9
International human rights instruments	5
Domestic violence	4
Transgender persons' rights	4

STATES' RECOMMENDATIONS ON SRHR

The recommendations made by states tells as much about the state making the recommendation as it does about the state receiving it. How a state chooses which of the many issues to prioritise and how—either by posing an advanced question, or through acknowledging progress made during the interactive dialogue, or by issuing a recommendation—and which to leave to other mechanisms, processes or means to be addressed is a complex and opaque area.

In theory, the UPR is based on three documents: the state under review's national report, the OHCHR stakeholder summary and the UN compilation report of treaty body recommendations, Special Procedure recommendations and other UN entities. However, many states making recommendations place a heavy importance on the information they receive from their embassies in the state under review, any interactions they have with other stakeholders including national civil society organisations based in the state under review, or in Geneva with permanent mission staff. This information will ultimately be fed into a process led by capital, where a number of factors are then considered in determining which recommendations will be made.

It is also no secret that states make recommendations based on their own foreign policy priorities, including official development aid (ODA), which is often informed by public opinion in their own countries, regional interests, and relationships with other states outside of the UPR. The tendency to cherry-pick issues, particularly those that are viewed 'controversial' or 'difficult' such as SOGIESC rights, are also being used by states to establish and shore up their human rights credentials. **'Homonationalism' and 'femonationalism' are both on display in recommendations made by mostly Global North states and in the course of many Global South states' reviews.** These allied ideas coined by Jaspir Puar and Sara Farris, are used to describe the ways in which states are judged by the extent to which they address or fail to address the 'homosexual question' and 'woman question'. Both authors talk about the way in SOGIESC and women's rights are mobilised in racist, anti-Muslim and anti-migration nationalist discourse, and used to justify wars and other mass human rights violations.

Finally, states also make recommendations on themes they themselves have challenges in addressing. This serves as a form of window-dressing, showing concern for and establishing their moral and political authority on the particular theme, which can be important when it comes time for the recommending state to be under review, and also to defend itself against national criticism on its own track record.

The complex set of motivations, interests and priorities of recommending states means that addressing the most pressing human rights problems in the state under review may not always be the primary basis of recommendations.

Volume of recommendations

As was documented in the UNFPA report on the first cycle,[16] over the course of the first cycle of the UPR and from session to session—there was significant increase in the number of SRHR recommendations made in volume and as a proportion of all recommendations made. This positive trend has continued into the second UPR cycle, during which the average number of SRHR recommendations made by states increased from 39 in the 13th session to 62 by the 26th session, with an overall average of 54 recommendations made per session. As Figure 10 demonstrates, this has contributed to a gradual and relatively constant increase in the average number of SRHR recommendations made per session. When measured as a proportion of the total number of recommendations made, a less pronounced but still positive trend can be detected (Figure 11); while the average proportion of UPR recommendations related to SRHR in the first cycle was 26%, the average for the second cycle of the UPR came to 28%.

FIGURE 9: SRHR RELATED RECOMMENDATIONS AND AVERAGE PER STATE, PER UPR SESSION

UPR session	SRHR recommendations	Number of countries reviewed	Average per country
13th session, June 2012	548	14	39
14th session, November 2012	647	14	46
15th session, February 2013	566	13	44
16th session, May 2013	705	14	51
17th session, November 2013	765	15	51
18th session, February 2014	642	14	47
19th session, May 2014	821	14	59
20th session, November 2014	733	14	53
21st session, January 2015	767	14	55
22nd session, May 2015	826	14	59
23rd session, November 2015	839	14	60
24th session, January 2016	888	14	64
25th session, May 2016	939	14	67
26th session, November 2016	677	11	62
Total	**10,363**	**193**	**54**

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[16]   UNFPA, 2014, Lessons from the first cycle of the Universal Periodic Review: From commitment to action on sexual and reproductive health and rights
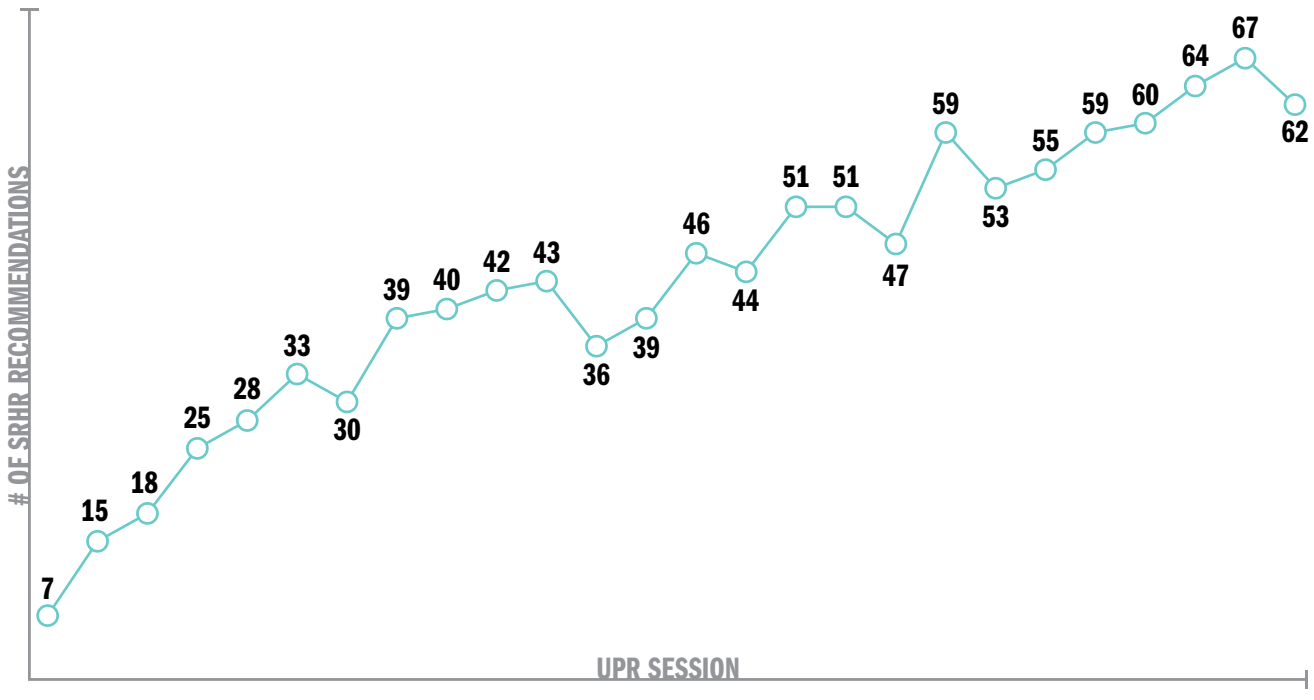
FIGURE 10: Average SRHR recommendations per state per UPR session over both cycles
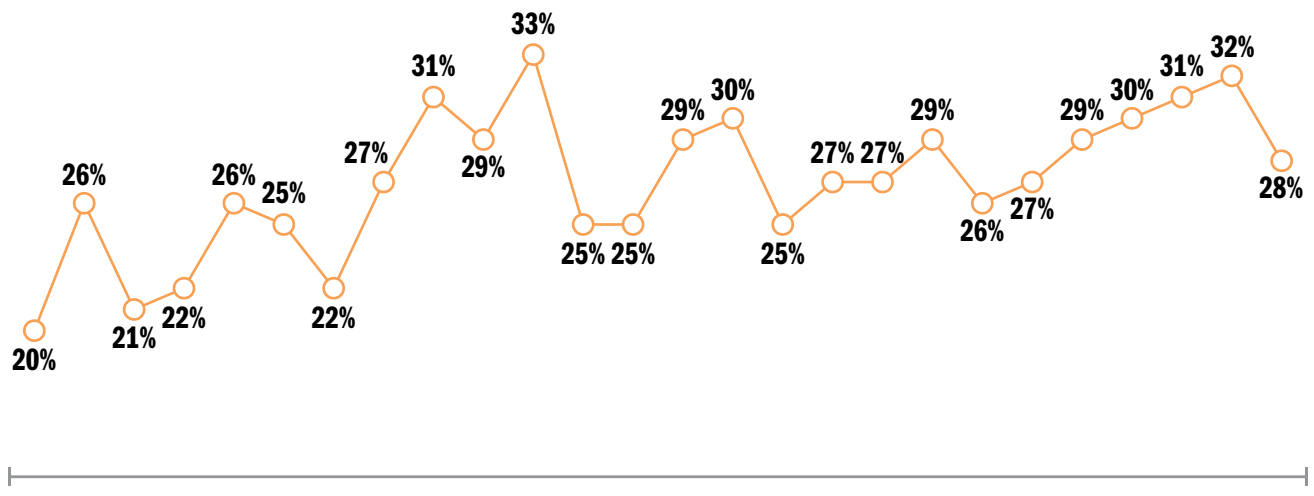

FIGURE 11: Proportion of total UPR recommendations related to SRHR

The increase in the total number of recommendations made during the second cycle is in contrast to a commitment made by 39 states at the start of the second cycle of the UPR to making only two recommendations each.[17] The rationale for this commitment, as explained in the Item 6 general debate of the 19th session of the Human Rights Council, was to reduce the total number of recommendations made in line with the UPR principles that the

17   "39 States commit to make only two recommendations per State under Review at the 2nd cycle" accessed https://www.upr-info.org/en/news/39-states-commit-make-only-two-recommendations-state-under-review-2nd-cycle on 15/12/2018

UPR should not be overly burdensome or overly long for either the SuR or the Council.[18] As part of the commitment, they also indicated the kind of recommendations they would issue: high quality recommendations that were "precise, practical, constructive, forward looking, and implementable".[19] While the reasoning behind this commitment may on the face of it appear well-intentioned, its impact, if actually implemented, would not be to the benefit of rights-holders.

> **It would mean that as states pick and choose which issues to focus on, the effect is to create a hierarchy of rights concerns—which is almost always done at the expense of those on the margins.**

The list of countries making this voluntary commitment for the second cycle were: Algeria, Andorra, Azerbaijan, Bahrain, Brazil, Botswana, Bulgaria, Cambodia, Colombia, the Republic of Congo, Costa Rica, Côte d'Ivoire, Denmark, Ecuador, Ethiopia, Finland, Honduras, Indonesia, Ireland, Japan, Libya, Maldives, Moldova, Monaco, the Netherlands, Poland, Qatar, Romania, Saudi Arabia, Serbia, Somalia, Sudan, Sweden, Thailand, Timor-Leste, Tunisia, Ukraine, United Arab Emirates, and the United Kingdom.

During the second cycle these 39 countries made 2,289 SRHR recommendations alone, with most states on this list not fulfilling their two-recommendation commitment. That said, the 'two-recommendation commitment' has been used by these states to justify why recommending States don't make recommendations on certain SRHR themes, even when presented with compelling information about that theme from national civil society advocates.

INDIVIDUAL STATE AND REGIONAL TRENDS IN MAKING SRHR RELATED RECOMMENDATIONS

The top 25 states (Figure 12) that made the most SRHR recommendations, with a combined number of 4804 recommendations on SRHR, accounted for just over 46% of all SRHR recommendations made in the second cycle. Twenty-five states (Figure 13) did not issue any recommendations related to SRHR during the 2nd cycle of the UPR; however, it should be noted that of these, only one (Cameroon) issued recommendations during the second cycle of the UPR and the rest did not issue any recommendations. Of these, 13 states do not have permanent missions in Geneva, which may be the reason these states are not present during the interactive dialogues when the recommendations are made. States with a small staff complement in permanent missions based in Geneva may find it difficult to allocate the amount of time required to engage meaningfully in all the sessions of the UPR, and so may decide to only comply with the reporting requirement and not the review of other states.

> All of the top five states that made the most number of SRHR recommendations, also made the highest number of recommendations during the second cycle overall—France (1,059), Spain (948), Uruguay (843), Portugal (709) and Slovenia (658).[20]

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18   Joint Statement on the Universal Periodic Review, Algeria (on behalf of 39 countries) https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/19thSession/OralStatements/3%20Algeria.pdf accessed 15/12/2018

19   Ibid

20   UPR-info Statistics of Recommendations accessed online https://www.upr-info.org/database/statistics/index.php?cycle=2 14/12/2018

FIGURE 12: STATES MAKING MOST SRHR RECOMMENDATIONS

Recommending State[21]	Number of SRHR recommendations made
Spain*	366
Slovenia*	313
Portugal	300
France*	280
Uruguay	269
Canada*	259
Italy	217
Chile	214
Mexico*	199
Australia	183
Netherlands*	172
Sierra Leone	171
Norway*	166
Germany	164
Thailand	162
Brazil*	161
Egypt	158
Belgium	148
Argentina*	141
Turkey	140
Slovakia	132
Algeria*	131
United States	124
Ghana	118
Sweden	116

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21 Asterisks (*) indicate states that were also in the top 25 states making the most SRHR
    recommendations during the first cycle

ANTIGUA & BARBUDA
BELIZE
CAMEROON
DOMINICA
GAMBIA
GRENADA
GUINEA
GUINEA BISSAU
GUYANA
KIRIBATI
LIBERIA
MALAWI
MALTA
MARSHALL ISLANDS
MICRONESIA
NAURU
PALAU
PAPUA NEW GUINEA
SAINT KITTS & NEVIS
SAMOA
SAN MARINO
SAO TOME & PRINCIPE
SURINAME
TONGA
TUVALU

FIGURE 13: States making no SRHR recommendations

The second UPR cycle has seen greater engagement by all regions in issuing SRHR-related recommendations. As Figures 14 and 15 illustrate, the proportion of WEOG-based recommendations decreased from 43% to 34%, while recommendations from African states increased from 10% to 17%, and Asia-Pacific-issued recommendations increased from 13% to 17%.

Other ways of viewing the trends in recommending states' SRHR recommendations is to apply a political grouping perspective. Three examples are as follows:

The 28 members of the European Union (EU) made 3,228 SRHR recommendations, making up 93% of the SRHR recommendations made by Western Europe and Others Group, and accounting for 31% of all SRHR recommendations made during the second cycle. The 57 members of the Organisation of Islamic Cooperation (OIC) made 2,018 SRHR recommendations, just over 19% of all SRHR recommendations. The BRICS states combined only made 444 SRHR recommendations in the second cycle: Brazil (161), Russian Federation (84), India (47), China (73), and South Africa (79).

These trends are important in assessing and understanding the influence of geopolitics on recommendations generally, and SRHR recommendations in particular. They can also be used by national CSO advocates and activists to counter dominant narratives about which states and regions support or resist SRHR. That said, attention should also be paid to the

ways in which SRHR, and in particular SOGIESC rights are used to pinkwash other rights violations, or to establish some states as the vanguard of women's rights or SRHR.

FIGURE 14: SRHR RELATED RECOMMENDATIONS MADE DURING SECOND CYCLE OF THE UPR, BY REGION

Africa	1,699
Asia-Pacific	1,796
Eastern Europe	1,458
Latin America and the Caribbean	1,797
Western Europe and Others	3,480
Observers (Holy See and Palestine)	130
Total	**10,360**

Africa 17%

Asia-Pacific 17%

Eastern Europe 14%

Latin America & the Caribbean 17%
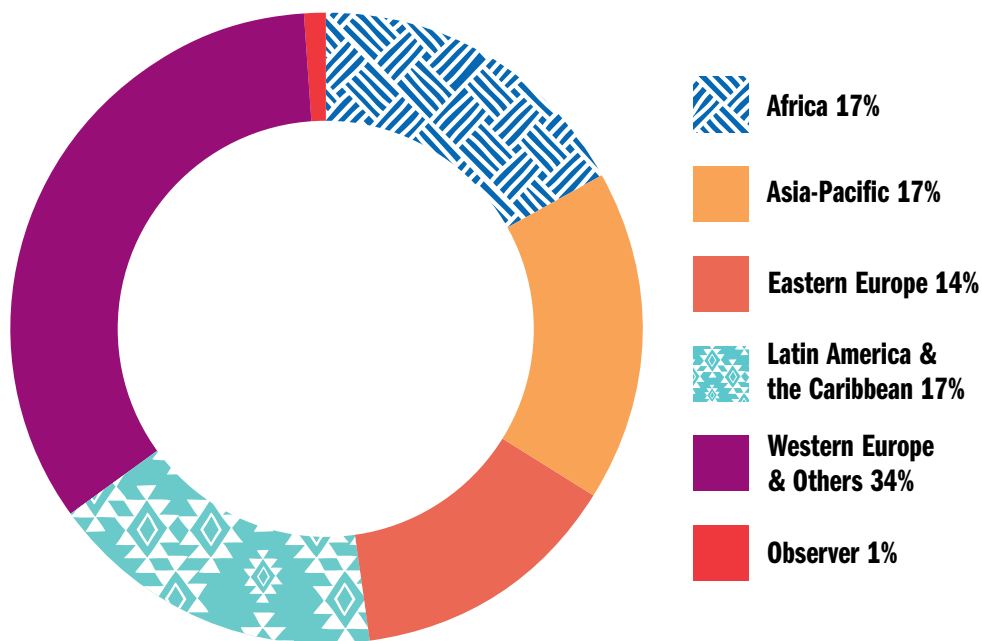
Western Europe & Others 34%

Observer 1%

FIGURE 15: SRHR-related recommendations made during the second cycle of the UPR, by region

Advanced questions

Advanced questions are generally viewed as being useful in engaging the state under review on topics which the recommending state may feel have not been adequately addressed, or addressed at all, by the SuR in their national report. They can also be deployed on a topic which is viewed as unlikely to be accepted in recommendation form by the state under review. **During the second cycle, 226 advanced questions on SRHR were posed to SuRs. This is less than half the number of advanced questions posed to SuRs during the first cycle.** Some examples of advanced questions raised during the second cycle are:

Slovenia to Peru: What steps have been taken to address concerns expressed by CESCR and CEDAW regarding the classification of consensual sexual relations between adolescents as statutory rape and the penalisation of abortion in cases of pregnancy resulting from rape? How will Peru address the negative effects of raising the age of consent for sexual relations on the sexual and reproductive health of teenagers? 14th Session of the UPR, November 2012

Mexico to Namibia: What measures have been taken to prevent early pregnancy? 24th Session of the UPR, January 2016

When viewed by regional grouping of the state posing the advanced questions, the data shows that all regional groups posed fewer SRHR-related questions in the second cycle than they did in the first. Although in absolute terms, the number of questions posed by members of the Western Europe and Others regional group dropped the most, from 282 SRHR-related advanced questions in the first cycle to 151 SRHR-related advanced questions in the second cycle; questions from this regional group still accounted for 66.8% of the total number of SRHR-related advanced questions posed during the second cycle. The most dramatic change in the number of questions posed by regional groups between the two cycles can be seen in the African group. In the first cycle, members of the African group posed 34 SRHR-related advance questions but no SRHR-related questions in the second cycle. Members of the Asia-Pacific regional group went from asking 53 SRHR-related advanced questions in the first cycle to just two during the second cycle.
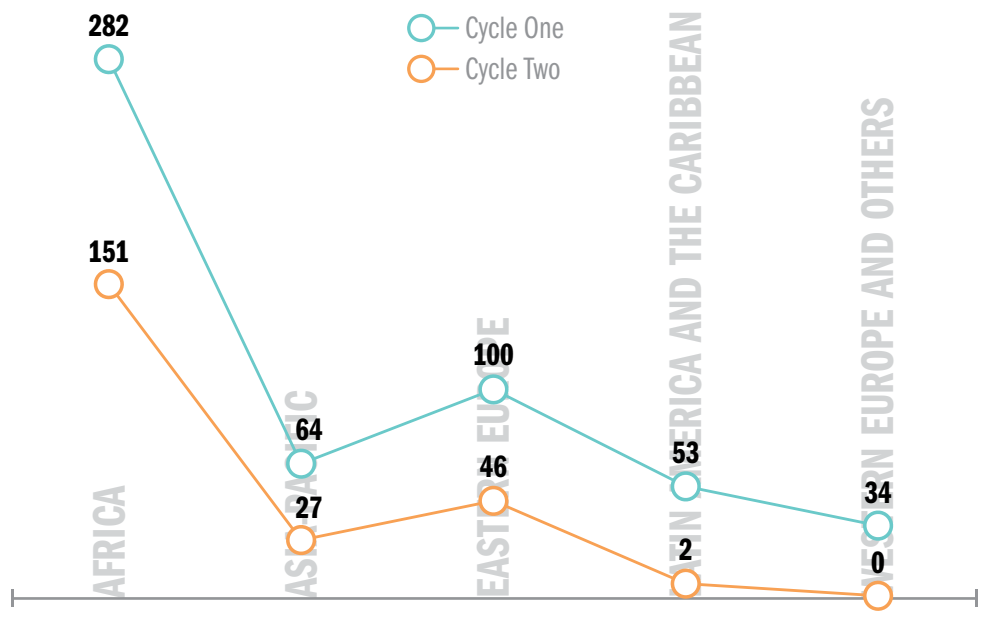

FIGURE 16: Advanced questions asked by States regional group, during first and second cycle

Netherlands, Slovenia, Mexico, Belgium, and the United Kingdom posed the most number of SRHR-related advanced questions in the second cycle.

FIGURE 17: RANKING OF ADVANCED QUESTIONS BY THEME

SRHR theme	Number of advanced questions
Gender equality	45
Women's and girls' rights	31
Sexual violence	25
Violence against women/GBV	25
International human rights instruments	21
Rights of same-sex desiring persons	19
Domestic violence	18
Transgender persons' rights	17
Discrimination based on sexual orientation	14
Sexual and/or reproductive rights and/or health	14

Currently it is not specified how states should respond to the questions posed to them. States can also decide not to respond to questions. Few states will specifically address in their opening statement or interactive dialogue which advanced questions they are responding to. While OHCHR includes the list of advanced questions posed to SuRs on that state's dedicated UPR page, the responses are not recorded there, and are also not found in the working group's outcome report. This makes tracking the response rate difficult, and presents challenges in holding states accountable to their responses, and for advocates engaging in national-level advocacy. The low level of responses to questions, and also the lack of formalised feedback to questions, may also account for why there has been a decrease in the number of questions posed by states.

Quality of recommendations

As this report shows, the increase in recommendations on almost every SRHR issue being made and accepted by more states from all regions is a very promising finding. However, the phrasing, content, and suggested action of recommendations is also critical if this is to have a positive impact at the national level, and also contribute to the overall development of human rights discourse. This means recommendations need to be measured against the kind of change they can potentially lead to.

Because each state is unique in its context, with varying levels of political commitment to the UPR and to the particular human rights theme, economic and technical resource capacities, civil society engagement and capabilities among many other factors, trying to find a uniform set of criteria upon which to measure recommendations in terms of what will have the most impact is quite challenging. Simply put, the same recommendation made to two different countries will have varying degrees of impact at national level.

That said, a number of different grading systems have been used by researchers and activists to review the quality of recommendations.

McMahon and UPR Info has set out a five-action categorisation of recommendations.[22]

Category 1	Recommendation directed at recommending states, or calling upon the SuR to **request** technical assistance, or share information (Example of verbs: call on, seek, share).
Category 2	Recommendation emphasising **continuity** (Example of verbs: continue, maintain, persevere, persist, pursue).
Category 3	Recommendation to **consider** change (Example of verbs: analyse, consider, envisage, envision, examine, explore, reflect upon, revise, review, study).
Category 4	Recommendation of action that contains a **general** element (Example of verbs: accelerate, address, encourage, engage with, ensure, guarantee, intensify, promote, speed up, strengthen, take action, take measures or steps towards).
Category 5	Recommendation of **specific** action (Example of verbs: conduct, develop, eliminate, establish, investigate, undertake; as well as legal verbs: abolish, accede, adopt, amend, implement, enforce, ratify).

Using this framework, UPR-info and McMahon found that **the majority of recommendations made during the second cycle were calling for general action (38.9%). Recommendations calling for specific action to be taken only accounted for 36.9% of all recommendations made.[23]** This does represent an improvement from the first cycle, where general action recommendations made up 39.3% and specific action recommendations accounted for 34.5%.

The Universal Rights Group, in their assessment of quality, focused on the extent to which they conformed to the intentions set out for the UPR during the institution-building phase, and two criteria of 'usefulness' for SuRs and 'measurability' for those reviewing the implementation progress. Using this framework, URG found that 85% of recommendations assessed from the first and second cycle conformed to the intentions of the UPR and were measurable. In this study, only 12% of recommendations were unspecific and therefore unhelpful in either guiding the SuR in its progress on the issue and equally difficult to measure implementation on by recommending states or other stakeholders.

MEASURING QUALITY IN SRHR RECOMMENDATIONS

Based on the understanding that recommendations have different interpretations and carry different weight in different contexts, the SRI and the SRI UPR database[24] deliberately steer clear from a quality-based assessment of recommendations. The SRI UPR database also does not classify recommendations by action type. Other than recommendations that are classified as "inappropriate content", meaning that they are inconsistent with human rights norms and standards, recommendations are only classified by theme. However, in analysing SRHR recommendations made in the first cycle of the UPR, UNFPA used the following action-oriented criteria/framework:

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[22] McMahon ER, 2012, The Universal Periodic Review: A Work in Progress An Evaluation of the First Cycle of the New UPR Mechanism of the United Nations Human Rights Council

[23] McMahon ER and Johnson E, 2016, Evolution Not Revolution The First Two Cycles of the UN Human Rights Council Universal Periodic Review Mechanism

[24] http://www.uprdatabase.org

Recommendations based on international human rights norms that encouraged actions that are rooted in a human rights-based approach. For example:

> India's recommendation to Ireland: Take all necessary steps to revise the *Protection of Life During Pregnancy Act 2013* in line with International Human Rights standards. 25th Session of the UPR, May 2016
>
> Belgium's recommendation to Colombia: Develop and implement a comprehensive and interdisciplinary action plan aimed at combating violence against women, in consultation with victims and women organisations, and based on the recommendations made by the United Nations and the Inter-American human rights system. 16th Session of the UPR, May 2013

Recommendations encouraging states to take specific actions that can be reasonably completed within four and a half years, on which progress can be clearly measured using human rights-based indicators.

> Nicaragua's recommendation to Andorra: Adopt a comprehensive law on gender equality and against discrimination, consistent with the CEDAW. 22nd Session of the UPR, May 2015
>
> South Africa's recommendation to Belgium: Adopt a national action plan on gender mainstreaming. 24th Session of the UPR, January 2016

Recommendations that call for general action: do not expressly encourage specific and measurable actions, and their implementation is difficult to monitor. This kind of recommendation requires minimal or even no human rights-based actions in order to implement such recommendations.

> Spain's recommendation to Azerbaijan: Adopt the necessary measures to ensure an adequate implementation of reforms in the area of gender violence. 16th Session of the UPR, May 2013
>
> Poland's recommendation to Afghanistan: Take effective measures to prevent child and forced marriages. 18th Session of the UPR, February 2014
>
> Pakistan's recommendation to Algeria: Continue its efforts to promote and protect the rights of women. 13th Session of the UPR, June 2012

Recommendations that commend states' efforts.

> Nigeria's recommendation to Cuba: Continue to maintain its significant achievements in the empowerment of women. 16th Session of the UPR, May 2013
>
> Barbados to Singapore: Continue its commitment to the principles of gender equality and non-discrimination and maintain the dialogue with the CEDAW. 24th Session of the UPR, January 2016

Recommendations that encourage a state to only consider or try to do something.

Italy's recommendation to Algeria: Consider the adoption of new legislation on violence against women, suggested also by CEDAW. 13th Session of the UPR, June 2012

Colombia's recommendation to Saudi Arabia: Explore the possibility of elaborating and adopting a national policy for gender equality in accordance with the international instruments in this area to which Saudi Arabia is a party. 17th Session of the UPR, November 2013

Latvia's recommendation to Cambodia: Continue exploring possibilities to extend its international commitments by ratifying the OP1-ICCPR. 18th Session of the UPR, February 2014

Recommendations which are inconsistent with human rights norms and standards and recommendations by other international human rights mechanisms on similar issues.

Egypt's recommendation to Armenia: Continue providing effective protection for the family unit, as the natural and fundamental unit of the society. 21st Session of the UPR, January 2015

Holy See's recommendation to Malta: Maintain protection of the right to life from conception to natural death. 17th Session of the UPR, November 2013

In addition to the types of recommendations listed above, the extent to which recommendations refer to or reinforce recommendations made in the previous cycle to the SuR is also worth noting. This is in keeping with the principle of incrementality, where each cycle builds onto its predecessor, to ensure greater accountability of states and also to show progress.

Netherlands' recommendation to Chile in the first cycle: *Consider ratification of the OP-CEDAW*. 5th Session of the UPR, May 2009

Chile reported on its implementation of this recommendation (which it accepted) by stating in its national report for its second UPR: *where the OP-CEDAW is concerned, the bill on its ratification is currently in a second reading.*

In response to this, Netherlands' recommendation to Chile was: *Follow through with the ratification of the OP-CEDAW now that a bill is under review following recommendations made during the previous UPR session.* 18th Session of the UPR, February 2014

Finland made the following recommendation to Canada during its first UPR: *Continue efforts to tackle discrimination against Aboriginal women in all sectors of society, including employment, housing, education and health care.* 4th Session of the UPR, February 2009

Canada accepted this recommendation and reported on its implementation in its national report for its second UPR: National Report:

Para 38) In January 2011, the Gender Equity in Indian Registration Act came into force, ensuring that eligible grandchildren of women who lost their status under the Indian Act as a result of marrying non-status men are now entitled to registration. It is estimated that some 45,000 individuals are entitled to registration through this legislation, and will be eligible for the programmes and services available to all registered Indians. To date, over 23,600 individuals have been registered as Indians as a result of this legislation. Finally, the Government of Canada has introduced a bill that protects vulnerable men and women on reserves. Bill S-2 seeks to provide basic rights and protections to individuals on reserves regarding the family home and other matrimonial interests or rights. Bill S-2 would also help address incidents of family violence against Aboriginal women and their children on reserves by providing for emergency protection orders that grant temporary exclusive occupation of the home.

Finland made a follow-up recommendation to Canada: *Regarding combating all forms of violence against Aboriginal women and girls, support effective participation of Aboriginal peoples, especially women and their organisations, in the development, implementation and evaluation of measures taken. 16th Session of the UPR, May 2013*

OTHER CATEGORISATIONS OF RECOMMENDATIONS
Universality versus hierarchy of rights

In addition to categorising or analysing recommendations by action type, recommendations can also be categorised by the extent to which they fulfil the UPR's aim to promote the universality, interdependence, indivisibility, and interrelatedness of all human rights.[25] The dominant analysis and perception is that civil and political rights receive much more attention in the UPR and that there is a strong regional and political grouping trend associated with this. A commonly held view is that members of the Western Europe and Others group put greater emphasis on civil and political rights by making more recommendations on these issues—while Global South members, including members of the Non-Aligned Movement, place more emphasis on economic, social, and cultural rights and in particular the right to development.

The Centre for Economic and Social Rights undertook a study to assess the validity of this claim that civil and political rights received greater attention in the UPR when compared with the treatment of economic, social, and cultural rights. They found **less than one fifth, or 17%, of recommendations made in the first 20 sessions of the UPR focused on economic, social and cultural rights.** This compared with 37% of recommendations focusing on civil and political rights, 30% addressing a mix of civil and political rights and economic, social, and cultural rights issues and 16% were more general in their coverage of rights. The same study found members of the Western Europe and Others group made and accepted fewer recommendations on economic, social, and cultural rights.[26]

It is almost impossible to apply this analysis to sexual rights recommendations because they span both civil and political rights, and economic, social, and cultural rights. For example, a recommendation on maternal health such as Finland's recommendation to India:

25   General Assembly resolution, 60/251, *Human Rights Council*, A/RES/60/251 (15 March 2006) available from undocs.org/A/RES/60/251
26   Centre for Economic and Social Rights, 2016, *The Universal Periodic Review: A skewed Agenda?*

> Take further measures to ensure all women without any discrimination access to adequate obstetric delivery services and sexual and reproductive health services, including safe abortion and gender-sensitive comprehensive contraceptive services. 13th Session of the UPR, June 2012

This recommendation addresses the right to health (economic, social, and cultural right), right to non-discrimination and equality (economic, social and cultural right and civil and political right), and right to life (civil and political right).

It would appear then that the division between and imbalance of attention given to economic, social, and cultural rights and civil and political rights in recommendations may not apply as neatly to all themes within SRHR. That said, one of the other findings from the Centre for Economic and Social Rights' study was that there was insufficient information provided on economic, social and cultural rights concerns in stakeholder reports and the stakeholder summary reports reflected this imbalance. Certainly, in the area of SOGIESC where a lot of attention is given to the right to life, safety and security of the person, freedom of assembly and association—more emphasis could be placed on economic, social, and cultural rights violations.

Respect, Protect, and Fulfil

Reviewing the recommendations from a rights-based approach is useful in drawing attention to the type of responsibility placed on states under review in each recommendation. This would entail categorising the recommendations by whether they call on the state under review to take actions that respect, protect, or fulfil their human rights obligations. OHCHR defines these as follows:

The obligation to respect means that states must refrain from interfering with or curtailing the enjoyment of human rights.

> Spain's recommendation to Algeria: Eliminate legislation criminalising sexual relations between persons of the same-sex, as well as discriminatory legislation on the ground of sexual orientation. 13th Session of the UPR, June 2012
>
> France's recommendation to Andorra: Amend legislation in order to decriminalise abortion under certain circumstances, such as pregnancies that are the result of rape. 22nd Session of the UPR, May 2015

The obligation to protect requires states to protect individuals and groups against human rights abuses. This involves putting in place laws, policies, and mechanisms that are in line with human rights norms and standards, engaging in awareness-raising and social change activities, and ensuring victims and survivors of violence have access to remedies and redress.

> Brazil's recommendation to Egypt: Adopt a comprehensive national strategy to fight all forms of violence against women, including women rights defenders, both on the public and the domestic level, especially sexual harassment. 20th Session of the UPR, November 2014
>
> Cape Verde's recommendation to South Africa: Pay special attention in the adoption of laws and their implementation to change of negative social practices particularly with respect to...sexual violence and discrimination against women. 13th Session of the UPR, June 2012

The obligation to fulfil means that states must take positive action to facilitate the enjoyment of basic human rights. This requires states to take proactive, positive, and preventive steps to address the root causes of human rights violations, and to create an enabling environment for rights holders to realise their rights. This also involves changing the material conditions of rights holders.

> DPR of Korea's recommendation to Canada: Take the necessary measures aimed at removing the root causes of racial discrimination, xenophobia and over-incarceration of Aboriginals, Afro-Canadians and ethnic minorities including women. 16th Session of the UPR, May 2013
>
> Chile's recommendation to Algeria: Continue to promote initiatives to empower women of the country at an economic, political, and social level, doubling efforts to eliminate discriminatory practices which still affect them, as reflected in CEDAW's report of February this year. 13th Session of the UPR, June 2012
>
> Nicaragua's recommendation to Haiti: Establish and strengthen policies and legal provisions for the promotion of women's rights, in particular the strengthening of their autonomy and participation in political, economic, and social life, in recognition of their fundamental role in the development of a nation. 26th Session of the UPR, November 2016

Using this framework to do a rough analysis of SRHR recommendations made in the second cycle, over 1,000 recommendations call on states to undertake 'promote'-type actions. Less than half that number call for 'respect'-type actions. **No recommendations use the phrase "respect, protect and fulfil" in its entirety.**

Responses to recommendations

States are required to respond to recommendations in two ways: through either indicating their support (in which case they accept responsibility for implementing the recommendation) or absence of support—in which case these recommendations are noted, with or without explanations.[27] Even when states indicated that they rejected recommendations, these are in the end recorded as noted during the final adoption of the UPR outcome at Human Rights Council sessions.

Similarly, recommendations that are indicated as partially accepted by the state under review are also placed in the 'noted' category. A closer inspection of the responses by states in justifying these 'partially accepted' recommendations generally reveals similar logics to those deployed when states don't accept recommendations. Commonly, these include assertions that the SuR has already done or has in place already the action recommended, the state refutes the existence of human rights violations, the state has capacity challenges that prevent it from accepting the recommendations, and finally that the recommendation runs counter to national sovereignty/cultural values and morals in the SuR.

Out of the 10,363 SRHR recommendations made in the second cycle, 7,920 or just over 76% of these were accepted. While the overall number of SRHR recommendations increased from the first cycle, and also increased relative to all recommendations made in the first cycle, there was a slight decrease in the number of SRHR recommendations accepted in second cycle. This does still represent a higher acceptance rate for SRHR

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27 Human Rights Council resolution 5/1, *Institution-building of the United Nations Human Rights Council*, A/HRC/RES/5/1 (18 June 2007) available from http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_5_1.doc

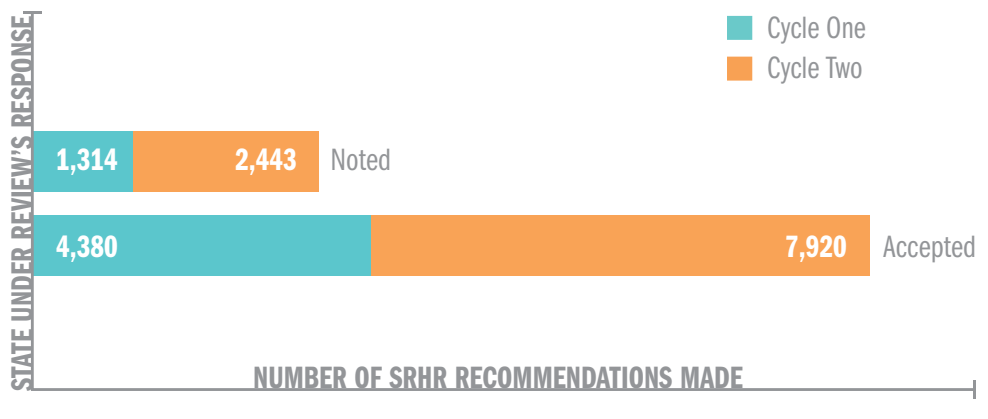recommendations when compared with the overall acceptance rate of 73.5% for recommendations in the second cycle.[28]

FIGURE 18: SuR's responses to SRHR recommendations received during first and second UPR cycles

REGIONAL RESPONSES TO RECOMMENDATIONS

Members of the Africa regional group received and accepted the most SRHR recommendations by absolute number compared with other regions, as illustrated in Figure 19.
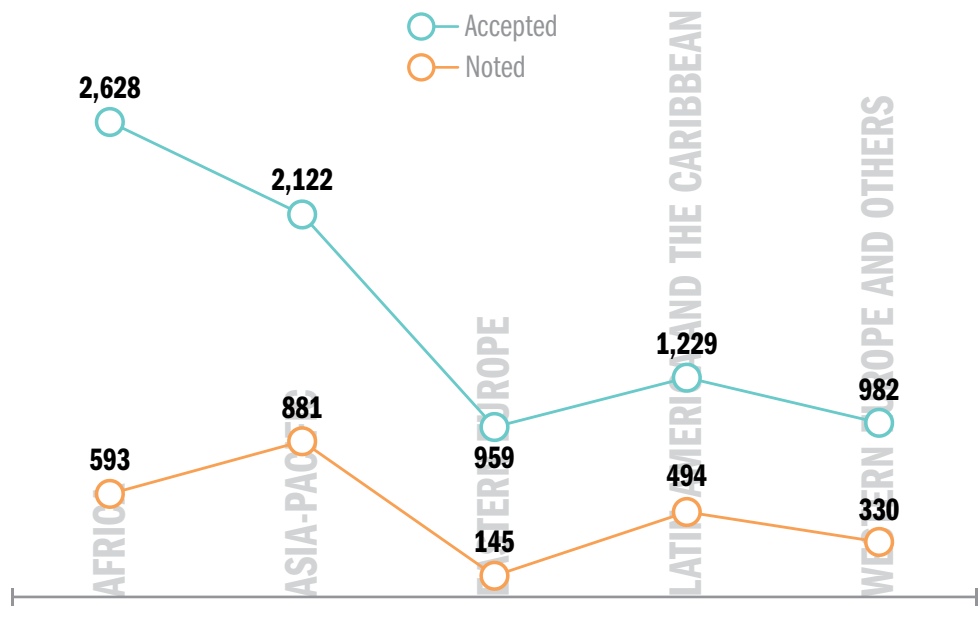

FIGURE 19: Responses to SRHR recommendations by regional group—absolute number

The acceptance rate of SRHR recommendations viewed by regional group is in keeping with the acceptance rates for all recommendations: Eastern Europe group members accepted 86.9% of all recommendations they received in the second cycle, members of the African group accepted 81.6%, followed by Western Europe and Others group members with 74.8% and with very similar acceptance rates of 71.3% and 70.7% by Latin America and Caribbean and Asia-Pacific member states respectively. This seems to suggest a

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28 *UPR Info's statistics of UPR recommendations* accessed online https://www.upr-info.org/database/statistics/index.php?cycle=2 on 16/12/2018

kind of consistency with which states from these regional groups are approaching the recommendations they are receiving. This does not mean that certain themes within the wider SRHR framework do not show very different acceptance rates and so deviate from these general patterns of acceptance, as is illustrated by acceptance rates on SOGIESC or abortion recommendations.

When analysing whether there is any in-group bias—in other words a greater acceptance by states of recommendations made by states from the same regional grouping, the data does not suggest a regional bias. When looking at the overall acceptance rate of all recommendations made during the second cycle, recommendations made by Asia-Pacific regional group members are the most accepted by all regional groups. The second regional group recommendations most accepted by all regional groups, with the exception of WEOG, are from members of the Africa Group. Members in three out of five regional groups, accepted the least recommendations from WEOG members. The two exceptions to this were Eastern Europe and WEOG itself.

When applying the same analysis to SRHR recommendations a very similar picture emerges, with the acceptance rate by states of recommendations received by states in the same regional grouping being more or less the same as the average acceptance rate from all regional groups. The most significant difference between the average acceptance rate and the intra-regional acceptance rate is for Eastern Europe. The average acceptance rate for SRHR recommendations made by Eastern European states was 73.9% and the acceptance rate by Eastern European states to SRHR recommendations made by members of the EEG was 91.4%.

There are a number of other variables that could also influence the acceptance rate of recommendations—for instance, whether a trade or bilateral aid relationship exists. A preliminary exploration shows some interesting findings (Figure 20)—although with often small numbers of recommendations made on SRHR, it is hard to determine whether these are indicative of geopolitical trends or merely coincidences.

FIGURE 20: REGIONAL GROUPS RESPONSES TO INDIVIDUAL RECOMMENDING STATES SRHR RECOMMENDATIONS

Recommending state	Average acceptance rate—all regions	Regional acceptance rate %
China	93.2%	100% by members of Africa group 100% by members of Eastern Europe group
Russia	94%	100% by members of Africa group 100% by members of Eastern Europe group
United States	66.9%	75% by members of Africa group 48.1% by members of Latin America and Caribbean group
United Kingdom	67.9%	90.3% by members of Africa group 45.2% by members of Asia-Pacific group 52.9% by members of Latin America and Caribbean group
France	60%	67.1% by members of Africa group 50% by members of Asia-Pacific group
Spain	64.5%	70.7% by members of Africa group 61.7% by members of Latin America and Caribbean group 59.1% by members of Asia-Pacific group

NOTED RECOMMENDATIONS AND REASONS PROVIDED

Members of the Asia-Pacific group noted the highest percentage, 29.3% of SRHR recommendations compared with other regions. Latin American and Caribbean members and Western Europe and Others noted 28.7% and 25.2% respectively. Four of the recommendations rejected by Western Europe and Others Group members called for actions that are inconsistent with human rights norms and standards (Belarus, Egypt (2), Holy See). Just under half of the recommendations noted by WEOG states fell within the international human rights instruments category and called on the SuR to ratify various conventions, including optional protocols and in some instances, withdrawing reservations. States provided a range of reasons for not accepting these recommendations—from affirming their commitment to human rights and pointing to their ratification of other conventions, to stating that certain processes were under way to consider ratification, but these were without specific time frames and sometimes providing no explanations at all.

> For example, Netherlands in response to the recommendation received from Australia: As for the OP-CRPD, the Netherlands will consider accession after a decision on ratification of CRPD has been made; the question of ratifying the OP-CRPD is therefore premature at this stage. 13th Session of the UPR 13, June 2012
>
> Or Canada's response to Argentina: Ratification of these instruments is not currently under consideration. Canada is a party to seven of the core international human rights treaties and efforts are focused on the implementation of these treaties. 16th Session of the UPR, May 2013
>
> The United States received three recommendations from three States to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR), but failed to provide any explanation for their rejection of the recommendations.

A variety of explanations are provided by other states when noting recommendations received. Many states use national sovereignty, values, and norms to justify not accepting SRHR recommendations, for example:

> Bangladesh's response to Chile's recommendation to consider repealing article 377 of the Criminal Code (criminalisation of same-sex sexual conduct): Bangladesh considers that the laws of the land should be in conformity with the prevalent socio-cultural norms and values of the country. Activities subject to the concerned Article in the Penal Code are not a generally accepted norm in the country. 16th Session of the UPR, May 2013
>
> Myanmar's response to Norway's recommendation to review the provisions in its penal code which contain punitive measures against women who have undergone illegal abortions: Abortion is prohibited by law as it is not socially and culturally acceptable in its society. However, there are some exceptions. 23rd Session of the UPR, November 2015
>
> Belize's response to Netherlands' recommendations to raise the legal age of marriage to 18 years old to prevent early and forced marriage: Belize was not able to support the recommendations relating to the minimum age of marriage, which had already been increased to 16 years with parental consent, and with due regard to cultural factors, this would require extensive national consultations before any considerations could be given to raising it further. 17th Session of the UPR, November 2013

There are also instances where states explain their position on noted recommendations by pointing to resource challenges—in particular in relation to reporting requirements associated with ratifying international treaties.

In response to the recommendation made by Estonia to accede to the Ops-ICCPR, Vanuatu stated: Vanuatu supports the spirit and importance of these conventions and protocols but is not ready to accede as yet. Although Vanuatu supports the spirit of this recommendation, it is still not ready to commit itself fully to these human rights optional protocol conventions as lack of resources and capacity continues to be a problem to fully implement and report on the conventions that have been already ratified. 18th Session of the UPR, February 2014

States also often deny the existence of a human rights problem in their countries or state that they are already addressing it:

Bahamas' response to France's recommendation to repeal all provisions giving rise to discrimination on the grounds of sexual orientation or gender identity and ensure fundamental freedoms of all citizens: There is no formal or positive legal discrimination against persons in The Bahamas based on sexual orientation or gender identity, although it is not included as a prohibited ground of discrimination in the Constitution, or legislation which prohibits discrimination in specific areas. Neither have there been any reported cases where anyone has alleged discrimination the basis of sexual orientation. It should be noted that The Bahamas is generally supportive of efforts to combat all forms of discrimination against persons and to promote tolerance. This matter will be considered by the Constitutional Reform Commission. The Government awaits its report. 15th Session of the UPR, February 2013

Russian Federation's response to Australia's recommendation to rescind legislation that curbs the civil rights of Russia's LGBTI community: Not accepted because of factual inaccuracies and inconsistencies in the recommendation's content and wording. There are no laws in the Russian Federation that curb the rights of the LGBT community.

The law does not discriminate against lesbian, gay, bisexual and transgender (LGBT) persons. 16th Session of the UPR, May 2013

The explanations provided by states on noted recommendations should be viewed in a wider geopolitical and historical frame than the one allowed by the UPR. Former colonised states who continue to bear the legacy of impoverishment and the present-day reality of structural adjustment programmes and aid conditionality, have good reason to raise and defend their right to national sovereignty, and also to name the serious financial resource challenges they face in complying with international human rights obligations and duties. It is important that these explanations are heard and critically engaged with to avoid simply labelling these states as 'bad states' looking to avoid responsibility and accountability.

Other variables in the relationship between recommendation and acceptance rate
Aside from the regional and national political and economic factors that can influence the acceptance rates on SRHR recommendations, one of the other factors often spoken about is the link between acceptance rates and the degree of specificity and generality of recommendations. Using UPR-info's categories of action-types to disaggregate SuR's responses to SRHR recommendations, it appears that 'consider' action recommendations

only have a 2% higher acceptance rate than other SRHR recommendations. This is in keeping with UPR Info's findings that the acceptance rate of category 3 recommendations are very similar to the acceptance rate of category 5 recommendations. General recommendations or 'category 4' do receive higher acceptance rates than specific recommendations. There have been some critiques of this 5-category model of assessment however, with some authors finding these criteria applied to warrant a category 5 classification being too restrictive.[29]

Indeed, the Centre for Economic and Cultural Rights study found that recommendations calling for more specific action on economic, social, and cultural rights did not lead to lower rates of acceptance. More generally, their research found that acceptance rates for recommendations focusing on economic, social, and cultural rights were consistently higher than those focusing on civil and political rights.[30]

Thematic analysis of recommendations

Similar to the findings from the first cycle, recommendations made in the broader categories of gender equality, international human rights instruments, gender-based violence, and women's rights continued to account for the biggest percentage of SRHR recommendations in the second cycle.

As reflected in Figure 21, while the individual categories' ranking may have shifted by one or two positions between the first and second cycle, the top ranked categories have remained largely the same. The only marked change is in the category of 'harmful practices based on cultural/traditional practices' which ranked 17th in the first cycle and 6th in the second cycle.

Other notable shifts in the number of recommendations made were in the category of 'early marriage', 'marginalised groups of women', 'forced marriage' and 'intersex persons' rights' which all received significantly more recommendations in the second cycle than in the first resulting in these categories rising in the ranking by more than 10 places. Conversely, the categories of 'HIV and AIDS', 'gender perspective in the UPR process', 'training of state personnel on SRHR issues', 'maternal mortality and morbidity', 'sexual abuse', 'age of consent', 'contraception', and 'sex work/"prostitution"' all received far less attention than they did in the first cycle, relative to the overall number of SRHR recommendations made.

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[29] Gujadhur S and Limon M, 2016, Towards the Third Cycle of the UPR: Stick or Twist? Lessons learnt from the first ten years of the Universal Periodic Review

[30] Centre for Economic and Social Rights, 2016, The Universal Periodic Review: A Skewed Agenda? Trends analysis of the UPR's coverage of economic, social and cultural rights

FIGURE 21: RANKING OF SRHR THEMES ADDRESSED IN RECOMMENDATIONS MADE IN THE FIRST AND SECOND UPR CYCLE

Category	Second Cycle		First Cycle	
	Number of recommendations	Ranking	Number of recommendations	Ranking
Gender equality	2,903	1	1,501	2
International human rights instruments	2,335	2	1,530	1
Violence against women/gender-based violence	2,227	3	732	3
Women's and/or girl's rights	1,520	4	635	4
Domestic violence	963	5	463	5
Harmful practices based on cultural/traditional values	734	6	102	17
Sexual violence	590	7	227	8
Discrimination based on sexual orientation	558	8	232	7
Women's participation	505	9	221	9
Sexual exploitation/slavery	439	10	410	6
Discrimination based on gender identity	433	11	143	14
Early marriage	340	12	63	21
Female genital mutilation/cutting	325	13	211	10
Marginalised groups of women	310	14	45	26
Trafficking in women and/or girls	299	15	158	13
Criminal laws on same-sex sexual practices	298	16	207	11
Rights of same-sex desiring persons	248	17	139	15
Birth registration	212	18	45	25
Transgender persons' rights	202	19	80	20
Forced marriage	185	20	32	33
HIV and AIDS	179	21	168	12
Empowerment of women	166	22	47	24
Violence on the basis of sexual orientation	164	23	48	23
Maternal health/morbidity/mortality	146	24	92	18
Violence on the basis of gender identity	144	25	35	30
Sexual and/or reproductive rights and/or health broadly	138	26	39	27
Training for state personnel on SRHR issues	137	27	87	19
Abortion	124	28	37	29
Sexual abuse	120	29	125	16
Intersex persons' rights	100	30	0	53
Marital rape	97	31	51	32

FIGURE 21: RANKING OF SRHR THEMES ADDRESSED IN RECOMMENDATIONS MADE IN THE FIRST AND SECOND UPR CYCLE (CONT'D)

Category	Second Cycle		First Cycle	
	Number of recommendations	Ranking	Number of recommendations	Ranking
Gender perspectives in policies and programmes	77	32	37	28
Inappropriate content	75	33	33	32
Sexual harassment	55	34	25	35
Other	48	35	18	37
Sexuality education	48	36	15	40
Adolescent pregnancy	35	37	7	44
Contraception	23	38	6	45
Human Rights Defenders	17	39	8	43
Family planning	16	40	9	42
Right to marry	16	41	5	46
Forced sterilisation	14	42	15	39
"Honour crimes"	14	43	28	34
Sexually transmitted infections	11	44	3	48
Polygamy	8	45	18	36
Sex selection/"foeticide"	6	46	0	54
Adultery	5	47	2	49
Right to health	5	48	1	51
Sex work/"prostitution"	5	49	16	38
Right to privacy	4	50	13	41
Gender perspective in the UPR process	2	51	33	31
Adolescent sexual activity	1	52	0	52
Age of consent	0	53	3	47
Pornography	0	54	2	50

These categories are not mutually exclusive, with many recommendations being recorded in multiple categories. One effect of this is that it can obscure the larger trends and shifts in themes being prioritised and deprioritised by recommending states. For example, at first glance the biggest change in category is in 'intersex persons' rights', from having no references in the first cycle to 100 in the second cycle. On closer inspection, however, intersex persons' rights were almost always referred to as part of a SOGIE framing or lesbian, gay, bisexual, transgender and intersex persons' rights.

For example, Czechia's recommendation to Hungary: Implement effectively its legislation and policies against hate speech and hate crimes with particular focus on the human rights protection of... lesbian, gay, bisexual, transgender and intersex persons and other vulnerable groups. (25th Session, May 2016)

> Only one recommendation was delivered that related exclusively to intersex persons' rights, Australia's recommendation to Iceland: Enact legislation that includes protection from discrimination on the basis of intersex status (26th Session, November 2016)

So while it is significant that intersex persons are now at least being named in the UPR, and this is undoubtedly as a result of deliberate advocacy by intersex groups within LGBT/SOGIE groups active in UPR processes, more needs to be done to ensure that there is content and specificity to recommendations on intersex persons' rights.

This report has already shown why it is important not to view the higher number of SRHR recommendations in the second cycle at face value, nor to assume that this automatically means better representation of SRHR themes. It is also necessary to take a closer look at the recommendations made in each theme, not just to assess their 'quality' but also to analyse their political framing of the issue and 'solutions', and to notice how states are engaging on the specific theme as recommending states and states under review. This closer inspection is critical in informing future work on these themes in and beyond the UPR.

It is however beyond the scope of this report to do a detailed exploration of every 'category' or SRHR theme as captured by the SRI UPR database, instead a set of nine issues have been selected for further exploration:

■ Comprehensive sexuality education;

■ Access to safe abortion;

■ Contraception and family planning;

■ Sex work;

■ Adolescent sexuality;

■ Sexual Orientation and Gender Identity and Expression and Sex Characteristics (SOGIESC);

■ Trafficking;

■ Maternal morbidity and mortality; and

■ Early and forced marriage,

Finally, an analysis of the extent to which 'bodily autonomy' has received attention by states in the UPR. This framing has been chosen because of its significance to SRI strategy and approach.

(COMPREHENSIVE) SEXUALITY EDUCATION (CSE)

In the first cycle, 15 recommendations were made on this theme. Fourteen of these were accepted, and one received an unclear response. The number of recommendations made on this theme more than doubled to 48 in the second cycle, also changing its ranking from 40th to 36th most referenced SRHR theme. As with the first cycle, no recommendations on sexuality education were made by members of the Africa group. The ranking of other regional groups did change—with EEG members now making more recommendations on this theme than WEOG members.
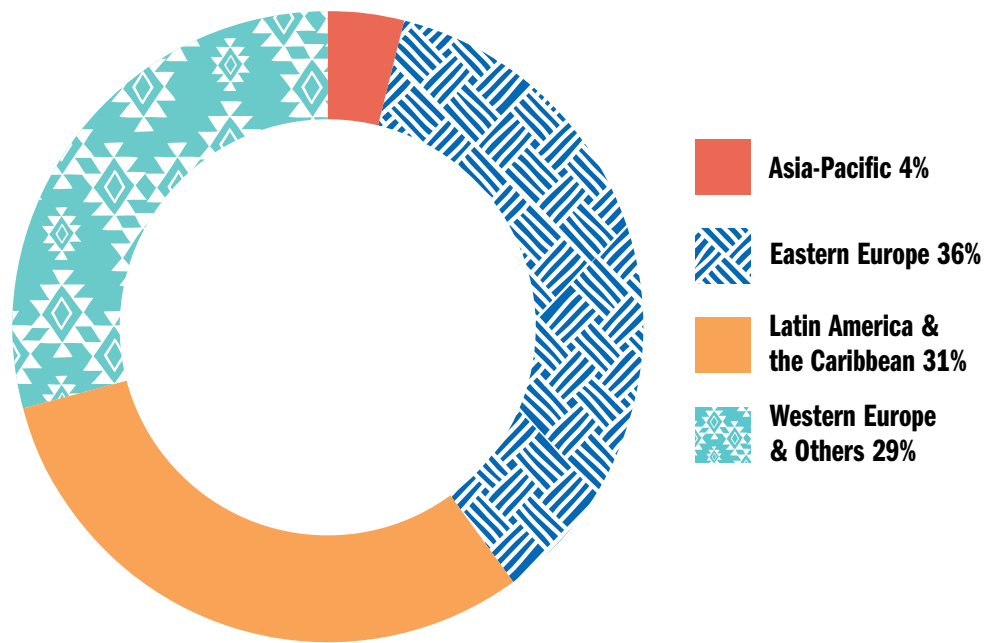
Asia-Pacific 4%

Eastern Europe 36%

Latin America &
the Caribbean 31%

Western Europe
& Others 29%

FIGURE 22: Recommendations made on sexuality education by percentage and region

Twenty-four states (just over 12% of the total 193 member states) made recommendations on sexuality education to 39 states (constituting 20% of the total 193 member states). Slovenia made the most recommendations on this theme, contributing just over 31% of the total. Colombia, Finland, and Mexico each made three recommendations. Grenada received the most recommendations (3) and seven countries received two recommendations each on this theme.

Slovenia's recommendation to Mozambique: Ensure that all women have access to quality sexual and reproductive health services, including comprehensive sexuality education and modern contraceptive methods. 24th Session of the UPR, January 2016

Lithuania's recommendation to Ireland: Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is a part of the mandatory school curricula and targeted at adolescents. 25th Session of the UPR, May 2016

Ten recommendations used the phrase 'comprehensive sex/uality education', eight used the 'sex/ual education'. The most commonly used formulation was 'sexual and reproductive health education' or 'education on sexual and reproductive health'. The majority of recommendations called for sexuality education to be implemented as a preventative measure—for preventing early pregnancy, HIV and AIDS, STIs, unsafe abortion, and violence and discrimination on the grounds of SOGIESC. Sexuality education was also commonly listed among other measures, such as access to SRH services contraception.

Encouragingly, two recommendations spoke specifically about using a rights-based approach to sexuality education:

> Finland's recommendation to Thailand: Increase its efforts to ensure the right to the highest attainable standard of health also to sex workers by ensuring them access to health care and services and comprehensive sexuality education. 25th Session of the UPR, May 2016
>
> Colombia's recommendation to El Salvador: Establish an effective policy to guarantee the implementation of non-discriminatory sex education throughout the education system and at all levels, in line with current up-to-date scientific information and from a human rights approach. 20th Session of the UPR, November 2014

There were also two recommendations, by Slovenia and Norway, that related CSE as an enabling factor to individuals being able to make decisions about their health and well-being.

> Slovenia's recommendation to Saint Vincent & the Grenadines: Adopt measures to empower girls and boys to make conscious decisions regarding their health and well-being through mainstreaming of sexual and reproductive health education. 25th Session of the UPR, May 2016
>
> Norway's recommendation to Phillipines: Establish a legal framework in order to help women and men develop knowledge to enable them to decide freely and responsibly on matters related to their sexuality, including their sexual and reproductive health. 13th Session of the UPR, June 2012

Forty out of 48 recommendations received on sexuality education were accepted by states under review. In three instances, no explanation was provided for why these recommendations were noted. In instances where sexuality education was part of a broader set of SRHR themes addressed by the recommendation, states tended to focus on the more 'contentious' issue of abortion or SOGIESC as the reason for not accepting the recommendation.

While the acceptance rate of recommendations on sexuality education is lower than the acceptance rate of recommendations on sexuality education in the first cycle, at 83% it is higher than the overall acceptance rate of SRHR recommendations.
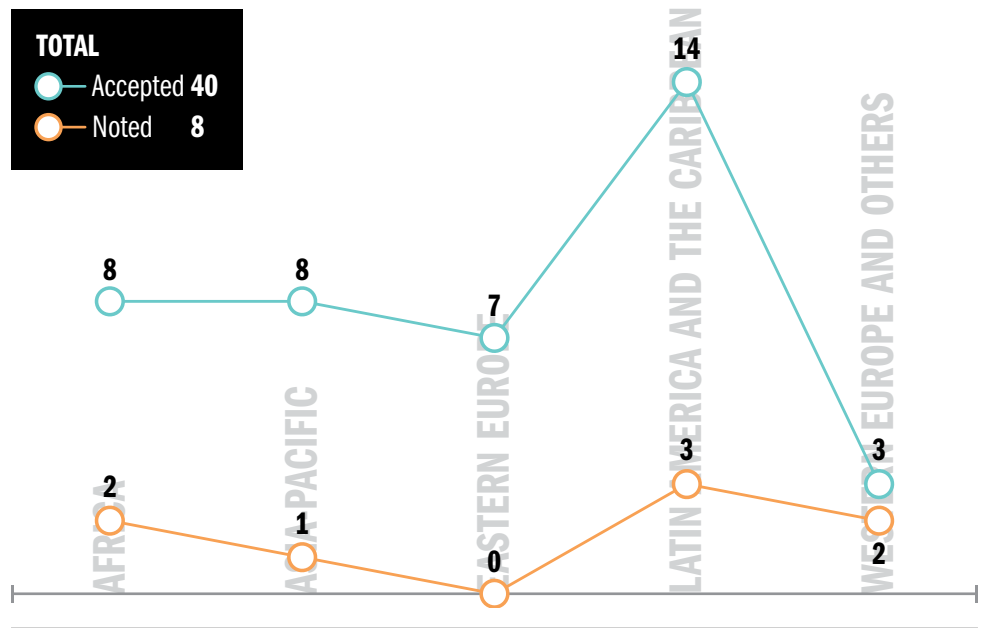
FIGURE 23: Responses to sexuality education recommendations by region

ACCESS TO SAFE ABORTION

There was a marked increase in the number of recommendations made on safe abortion in the second cycle of the UPR. During the first cycle, 30 recommendations were made related to safe abortion, of which only four recommendations were accepted. In stark contrast, over four times as many recommendations (121) on safe abortion were made during the second cycle of the UPR. Twenty-nine states made recommendations on abortion to 40 states under review.

FIGURE 24: TOP 12 STATES MAKING RECOMMENDATIONS ON ACCESS TO SAFE AND LEGAL ABORTION

Recommending state	Number of recommendations made
Norway	16
Slovenia	16
Netherlands	9
France	8
Switzerland	8
Iceland	7
Sweden	7
Belgium	6
Finland	6
Germany	5
Uruguay	5
Czechia	5

In addition to the 121 recommendations cited here, three further recommendations were made by the Holy See which have been excluded from this analysis because they are

inconsistent with human rights framework. One of these three recommendations was nevertheless accepted by Malta.

From a regional perspective, the second cycle of the UPR marks the first time that any state from Africa or from Asia-Pacific issued recommendations related to abortion; albeit in small numbers, with two recommendations being issued by the Republic of Congo, and one recommendation each from India and the Republic of Korea. Recommendations issued by Latin American countries increased from one to seven; the most dramatic increases can be seen by members of the Western Europe and others group and among members of the Eastern Europe group.
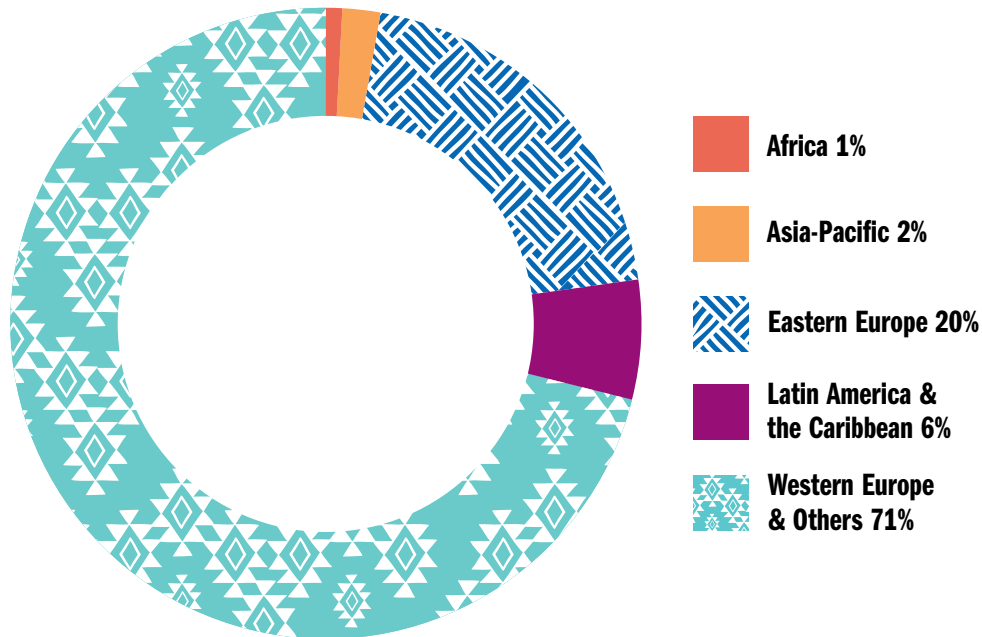

Africa 1%

Asia-Pacific 2%

Eastern Europe 20%

Latin America & the Caribbean 6%

Western Europe & Others 71%

FIGURE 25: Recommendations made on abortion by percentage and region

Many of the recommendations were issued to states that criminalise abortion or severely restrict access through administrative and other legal barriers.

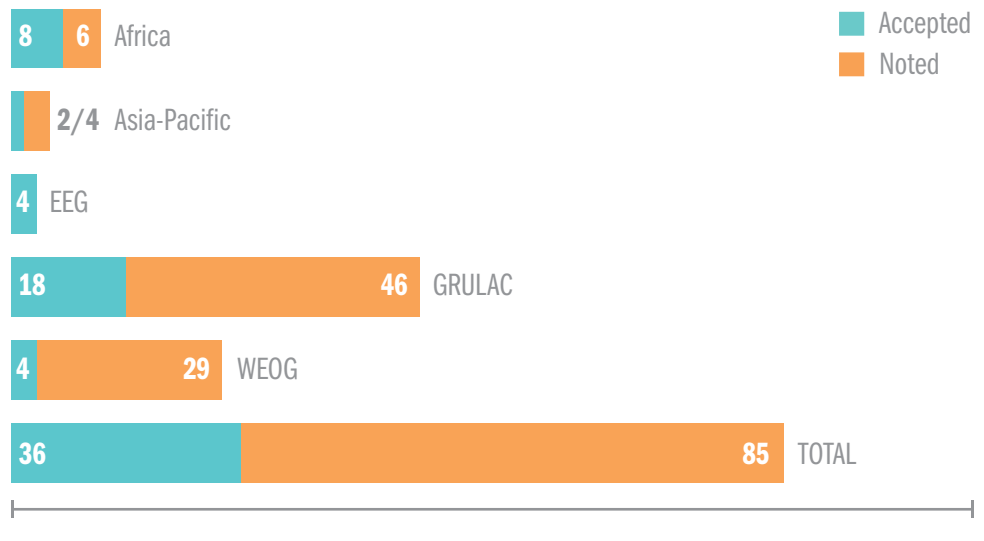| State under review	Number of recommendations received
Ireland	17
Nicaragua	13
El Salvador	12
Chile	9
Costa Rica	6
Malta	6
Argentina	5
Paraguay	5
Peru	4
Rwanda	4
US	4

FIGURE 26: Responses to recommendations on safe abortion by region

Recommendations included the decriminalisation of abortion, particularly in cases of rape, incest, or when the health and life of the pregnant woman is at risk. For example:

Republic of Congo's recommendation to Uganda: Revise legislation on abortion in order to ensure all women have access to abortion and health care in order to reduce maternal mortality. 26th Session of the UPR, November 2016

Austria's recommendation to Paraguay: Repeal legislation criminalising women and girls for having an abortion, as well as health care providers performing such services, and take measures to allow legal and safe abortions at least in cases of rape or incest, in cases where the life or health of the mother is at risk, or where the foetus is diagnosed with grave health deficiencies. 24th Session of the UPR, January 2016

Lithuania's recommendation to Ireland: Amend the *Protection of Life During Pregnancy Act* 2013 that the women's interests and health are better protected, especially in instances where the pregnancy resulted from rape or incest, or in cases of severe foetal impairment. 25th Session of the UPR, May 2016

Other common recommendations included addressing barriers and adopting policy measures to facilitate abortion access.

Switzerland's recommendation to Argentina: Ensure, as quickly as possible, the effective implementation of the Technical Guide for the comprehensive treatment of non-punishable abortion at the national level so that access to legal abortion is guaranteed in practice. 14th Session of the UPR, November 2012

Netherland's recommendation to the United States: Interpret the Helms Amendment on the Allocation of Foreign Assistance in such a way that United States' foreign assistance enables safe abortion for women and girls who have been raped and impregnated in conflict situations. 22nd Session of the UPR, May 2015

Of those 121 recommendations, 29.8% (36 recommendations) were accepted, and 85 were noted. The top 11 states receiving the most recommendations, accounting for 70% of the total, were also least likely to accept any of the recommendations received. Two noticeable exceptions to this, were Chile who accepted all nine recommendations received and Rwanda, who accepted three of four recommendations received.

CONTRACEPTION AND FAMILY PLANNING

The number of recommendations made on contraception and/or family planning increased slightly from the first to the second cycle of the UPR. Whereas 13 recommendations about contraception/family planning were made in the first UPR cycle (10, or 76.9% of which were accepted), a total of 37 recommendations were made by 23 states to 29 states under review in the second cycle. Thirty recommendations, or 81%, were accepted.

Roughly half of these recommendations were made by members of WEOG, while members of GRULAC made over a quarter of recommendations on this theme. Slovenia made the most recommendations on this theme, and made five of the six recommendations by EEG countries. Mexico made four recommendations followed by Finland, Iceland and the Netherlands who each made three. Thailand made both of the recommendations made by Asia-Pacific states. No recommendations on this theme were made by African states.
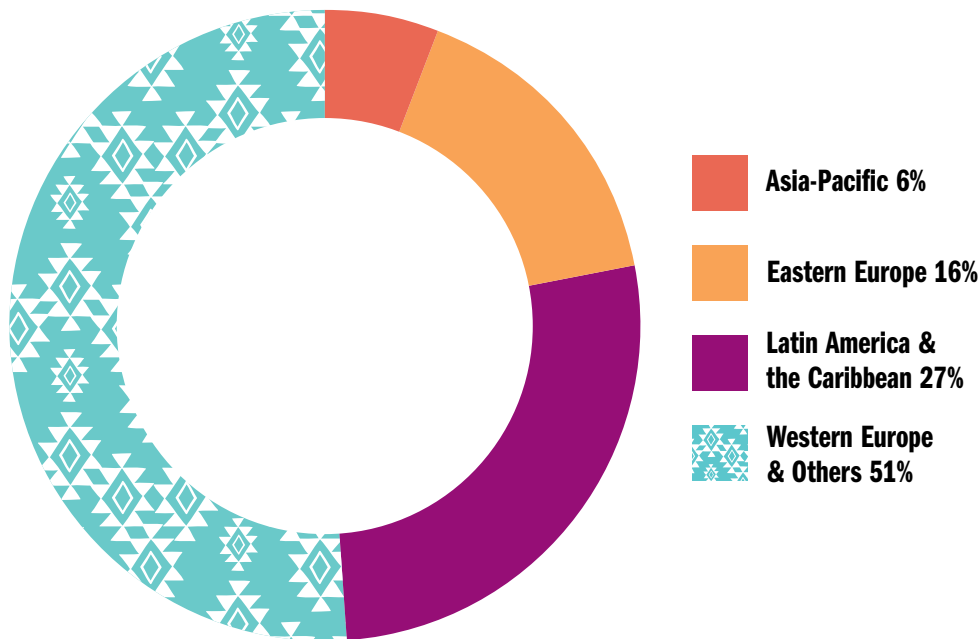

Asia-Pacific 6%

Eastern Europe 16%

Latin America & the Caribbean 27%

Western Europe & Others 51%

FIGURE 27: Recommendations made on contraception and family planning by percentage and region

The vast majority of recommendations made on contraception and family planning also referenced other SRHR issues (in particular, sexuality education, SRHR more broadly, abortion, and maternal health/morbidity/mortality).

Brazil's recommendation to Georgia: Ensure universal access to quality reproductive and sexual health services, including contraception services, especially to women in rural areas and those living with HIV/AIDS. 23rd Session of the UPR, November 2015

Slovenia's recommendation to Bosnia and Herzegovina: All levels of Government in Bosnia and Herzegovina consider providing equal access to sexual and reproductive health education and services, including affordable modern methods of contraception. 20th Session of the UPR, November 2014

Thailand's recommendation to Kenya: Intensify its efforts to improve health infrastructure as well as the quality and delivery of health services, including access to reproductive health information and contraceptives for women in marginalised areas. 21st Session of the UPR, January 2015

New Zealand's recommendation to Phillipines: Take steps to increase efforts to ensure the rights of individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so, and the right to the highest attainable standard of sexual and reproductive health. 13th Session of the UPR, June 2012

There were only three recommendations whose exclusive focus was contraception. As with the first cycle of the UPR, there were no recommendations that referenced emergency contraception.

Seven recommendations made to Malta (3), El Salvador (1), Ireland (1), Philippines (1), and Uzbekistan (1) on family planning and/or contraception were noted.
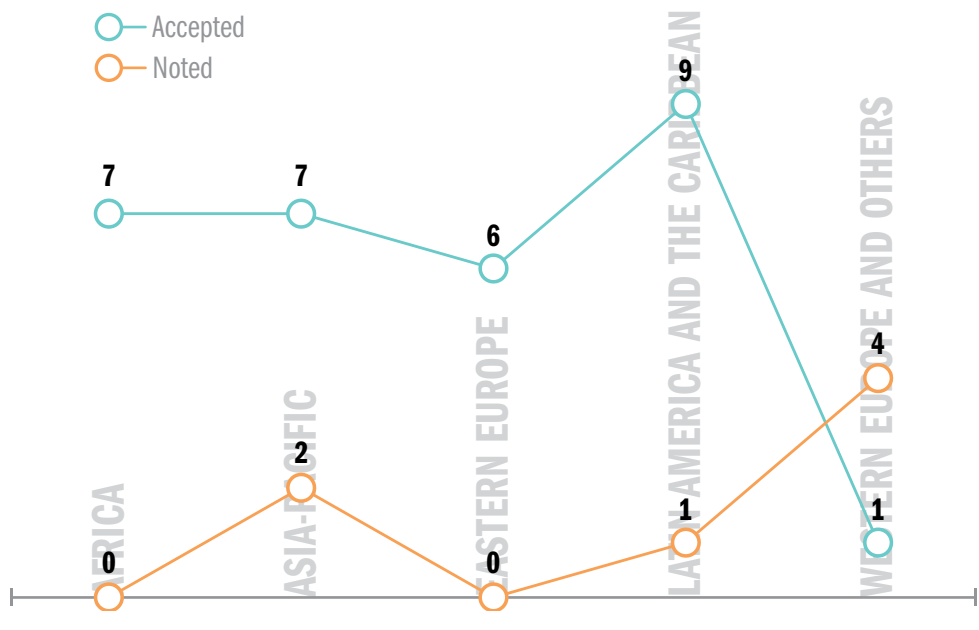

FIGURE 28: Responses to recommendations on contraception and family planning by region

SEX WORK

During the first cycle of the UPR, a total of 15 recommendations were made to states regarding sex work, of which 13 were accepted, one was rejected, and one received an unclear response. Many recommendations conflated sex work with sexual exploitation and/or trafficking, and the majority of these recommendations called on states to combat prostitution. Only two recommendations (both made by Finland and accepted by Thailand) focused explicitly on sex workers' rights, and no recommendations called for the decriminalisation of sex work.

The second cycle of the UPR featured only 5 recommendations on sex work/"prostitution", of which four were accepted. One recommendation was made by an Asia-Pacific state (Uzbekistan) and one recommendation was made by a member of Latin America and Caribbean group (Colombia); the remaining three recommendations were made by Western Europe and Others members (Canada, Finland, and Greece).

Canada's recommendation to Zimbabwe: Prohibit discrimination against persons because of their real or imputed sexual orientation, gender identity or expression, and ensure adequate protection for LGBTI persons, sex workers, and other marginalised groups. 26th Session of the UPR, November 2016

Colombia's recommendation to Antigua and Barbuda: Strengthen measures to assist victims of human trafficking, taking into account their fundamental rights and the needs of particularly vulnerable groups such as women domestic workers and sex workers. 25th Session of the UPR, May 2016

Finland's recommendation to Thailand: Increase its efforts to ensure the right to the highest attainable standard of health also to sex workers by ensuring them access to health care and services and comprehensive sexuality education. 25th Session of the UPR, May 2016

Greece's recommendation to Switzerland: Take the measures necessary to amend the Penal Code in such a way that the use of a child between 16 and 18 for prostitution is prohibited. 14th Session of the UPR, November 2012

Uzbekistan's recommendation to Switzerland: Take measures to amend the Criminal Code to forbid the involvement of children from age 16 to 18 in prostitution. 14th Session of the UPR, November 2012

Of these recommendations, only one (made by Finland to Thailand) explicitly focused on sex workers' rights; two other recommendations referenced the health needs and/or provision of adequate protection of sex workers as one of several vulnerable groups, and the other two recommendations focused on amending Switzerland's Penal Code to prohibit "the use of a child between 16 and 18" for "prostitution". Of these, the only rejected recommendation was Canada's recommendation to Zimbabwe, which also included references to protection of Zimbabwe's LGBTI population.

TRAFFICKING
The number of recommendations made on trafficking in women and/or girls increased from 158 recommendations made in the first cycle to 299 recommendations in the second cycle. Just under half of all member states—96 states—made recommendations on trafficking. Belarus (21), Philippines (21) and the United States (15) were the three states making the most recommendations on this theme. The Holy See made seven recommendations and Palestine made one recommendation. These 8 recommendations, which do not align to human rights norms and standards, have been excluded from the analysis that follows.
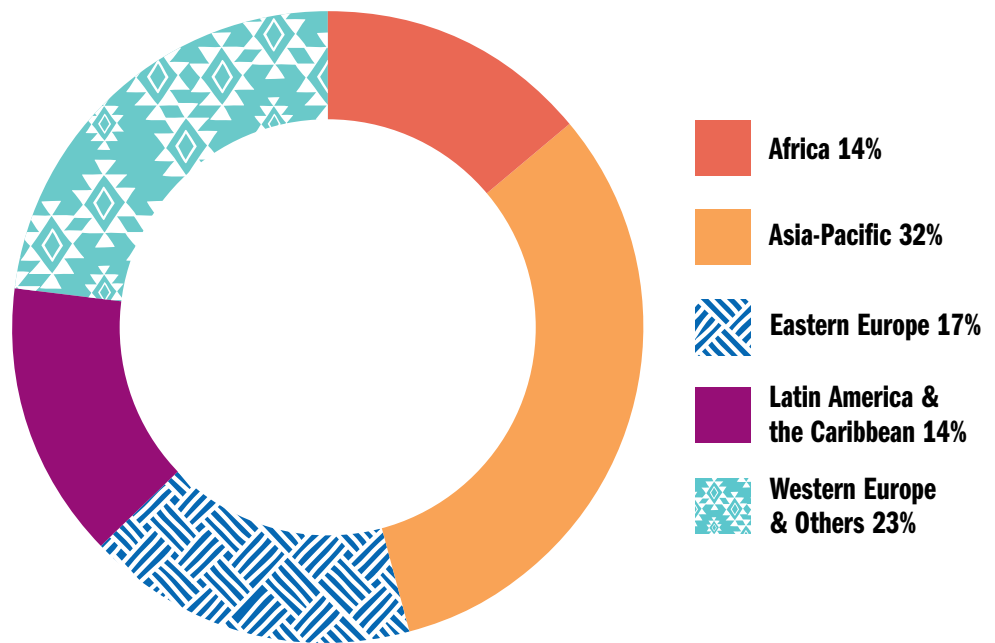
Africa 14%

Asia-Pacific 32%

Eastern Europe 17%

Latin America & the Caribbean 14%

Western Europe & Others 23%

FIGURE 29: Recommendations made on trafficking of women and/or girls by percentage and region

One-hundred and twenty-three states, just under 64% of all states, received recommendations on this theme. Republic of Korea and Uruguay received the most recommendations on trafficking—each getting nine. Albania, Costa Rica, Gabon and Uzbekistan all received eight recommendations each.

Nineteen recommendations called on states to ratify the Palermo Protocol and another 19 focused on the SuR to extend an invitation to the Special Rapporteur on Trafficking in Persons, or to implement the findings of a country report by the mandate, among other actions.

> Belarus' recommendation to Burkina Faso: Further step up its efforts to prevent and eradicate trafficking in persons and consider the possibility of developing a national action plan and of inviting the Special Rapporteur on trafficking in persons, especially in women and children. 16th Session of the UPR, May 2013

Many recommendations called on states to pass and/or implement laws, national action plans, and mechanisms aimed at preventing and prosecuting trafficking:

> Brazil's recommendation to Albania: Reinforce national legislation and policies to combat human trafficking, in particular sex trafficking, and child labour exploitation. 19th Session of the UPR, May 2014
>
> Canada's recommendation to Costa Rica: Combat more effectively the sexual exploitation of children and child labour by improving the implementation of the February 2013 law against smuggling and trafficking in persons, and by strengthening coordination among the agencies comprising the national coalition against trafficking in persons. 19th Session of the UPR, May 2014

Malaysia's recommendation to Argentina: Enhance and strengthen its measures, policies and institutional coordination in the implementation of the law on trafficking in persons, especially that of women and children, in order to prevent and punish this international crime. 14th Session of the UPR, November 2012

A relatively small number of recommendations (14) included providing services for survivors/victims of trafficking:

Australia's recommendation to Luxembourg: Strengthen its preventative anti-trafficking measures and continue to provide support services to victims, particularly for women and children. 15th Session of the UPR, February 2013

Mali's recommendation to China: Combat the crimes of abduction of and trafficking in women, provide women victims with physical and psychological rehabilitation services with a view to their integration into the society, continue improving the pension system covering urban and rural areas. 17th Session of the UPR, November 2013

As with the first cycle, many recommendations made reference to sex trafficking or 'forced prostitution' or 'women in prostitution' as a group vulnerable to trafficking. **The use of the term 'prostitution' in the context of trafficking and sexual exploitation fails to differentiate between that which is consensual (sex work) and that which is non-consensual (prostitution or forced prostitution). This is particularly stark in the context of the UPR, where only three recommendations were made on sex workers' rights and health in the second cycle.**

Belgium's recommendation to Costa Rica: Strengthen efforts in the fight against trafficking in women and girls as well as the exploitation of prostitution, and harmonise legal procedures concerning prosecution of traffickers. 19th Session of the UPR, May 2014

United States' recommendation to Marshall Islands: More actively conduct education and awareness campaigns on the issue of trafficking in persons and make efforts to study human trafficking in the country, adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as foreign workers and women in prostitution, and investigate trafficking cases. 22nd Session of the UPR, May 2015

Recommendations on trafficking in women and girls had an extremely high acceptance rate of over 94%, the highest acceptance of the SRHR themes reviewed closely for this report.
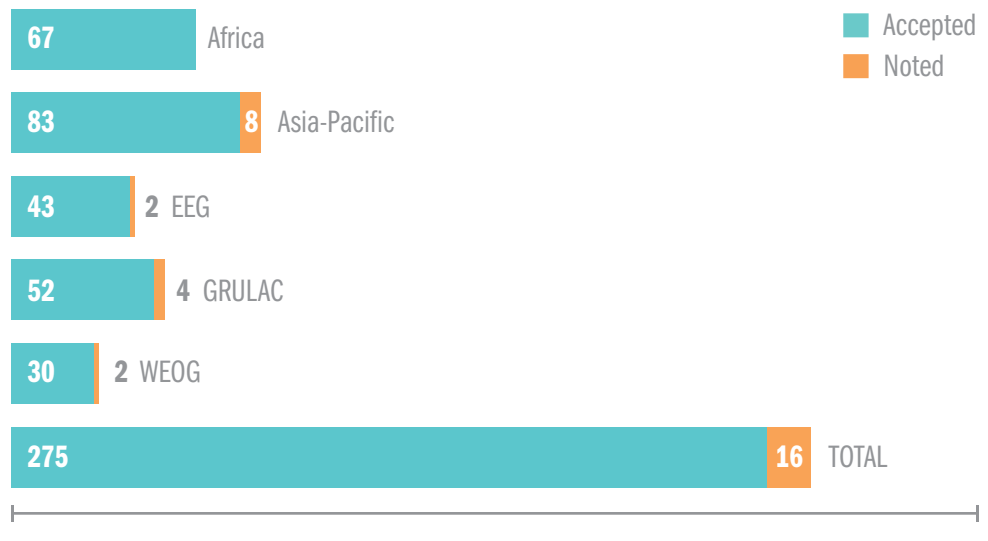
FIGURE 30: Responses to recommendations on trafficking of women and/or girls by region

ADOLESCENT SEXUALITY

This category combines the topics of adolescent sexual activity (for which there was only one recommendation made during the second cycle of the UPR) and adolescent pregnancy. **There were no recommendations made on age of consent to sex during the second cycle.** The topic of adolescent sexuality increased slightly in frequency from the first cycle: whereas only eight recommendations were made during the first UPR, 36 recommendations were made on adolescent sexuality during the second cycle. Interestingly, over half of these recommendations were made by GRULAC countries, with Colombia making the highest number of these recommendations (5). Each region made at least one recommendation, though only one recommendation was made on this theme by a country (Thailand) in the Asia-Pacific region.
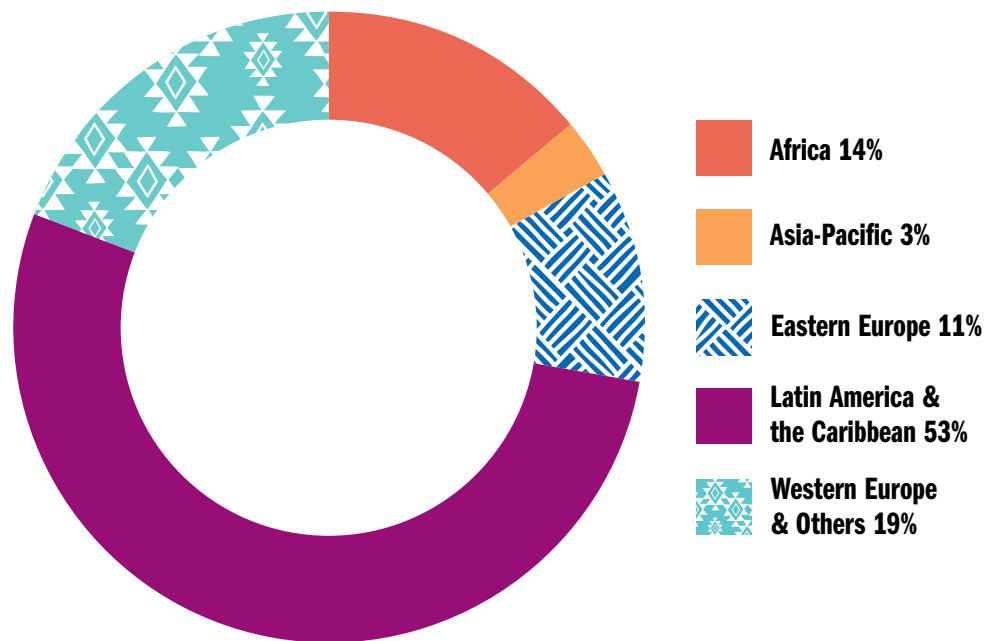

Africa 14%

Asia-Pacific 3%

Eastern Europe 11%

Latin America & the Caribbean 53%

Western Europe & Others 19%

FIGURE 31: Recommendations made on adolescent sexuality by percentage and region

Recommendations related to adolescent sexuality had a very high acceptance rate of 83.3%. Five recommendations received unclear responses and one was partially accepted. The high acceptance rate is not surprising, given the framing of the majority of these recommendations—the prevention of "teenage pregnancy" and/or "early pregnancy".

> Colombia's recommendation to Paraguay: Deepen measures which are considered as necessary to reduce maternal mortality rates and to prevent teenage pregnancy. 24th Session of the UPR, January 2016
>
> Republic of Congo's recommendation to Haiti: Speed up the procedure to adopt the law against the high rate of pregnancy among adolescent girls. 26th Session of the UPR, November 2016
>
> Uruguay's recommendation to Ecuador: Strengthen measures to address teenage pregnancy, promoting access to reproductive health services including sexual and reproductive health education, as well as counselling services and health care adapted to young people. 13th Session of the UPR, June 2012

Forty percent of recommendations on this theme make reference to the need to implement sexuality education as a way to reduce teenage and/ or early pregnancy.

> Germany's recommendation to Uganda: Fully implement the School Health Policies and the Adolescent Health Policy to provide reproductive health education for adolescents and prevent teenager pregnancy. 26th Session of the UPR, November 2016
>
> Mexico's recommendation to South Africa: Broadly promote sexual education directing it in particular to adolescents, and giving special attention to the prevention of early age pregnancies and the control of sexually transmitted diseases such as HIV/AIDS. 13th Session of the UPR, June 2012
>
> New Zealand's recommendation to Ireland: Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention on preventing early pregnancy and sexually transmitted infections. 25th Session of the UPR, May 2016

Similar to the recommendations made by Mexico and New Zealand, not all states used the term 'teenage pregnancy', choosing instead 'early pregnancy'. Four recommendations called for increasing access to SRH services for young people and/or adolescents.

Very few recommendations included access to contraception or safe abortion (only one recommendation was made that referenced abortion—'abortion practiced under risk conditions') as a way of reducing early pregnancy.

> Thailand's recommendation to Grenada: Improve sexual and reproductive health services for women and girls, by enhancing access to contraceptives and promoting education on sexual and reproductive health, in order to prevent early pregnancies and sexually transmitted infections and diseases, especially HIV/AIDS. 21st Session of the UPR, January 2015

> Ecuador's recommendation to Djibouti: Take measures related to preventive sexual education for women and men, with a view to prevent early pregnancies and abortion practiced under risk conditions, and strengthen education in rural areas in order to prevent harmful traditional practices such as female genital mutilation (FGM) or excision. 16th Session of the UPR, May 2013

Five recommendations highlighted ensuring pregnant adolescents' or adolescent mothers' continued access to school.

> Honduras' recommendation to Indonesia: Establish policies and programmes of alternative education for single and married pregnant girls in order to avoid that they abandon their studies. 13th Session of the UPR, June 2012
>
> Jamaica's recommendation to Sierra Leone: Permit teenage mothers to return to formal education and to sit exams while pregnant and after giving birth, including the use of gradual approaches, such as separate classes or sittings, aimed at breaking cycles of poverty, teenage pregnancy, and domestic abuse. 24th Session of the UPR, January 2016

The only recommendation relating to adolescent sexual activity (rather than adolescent pregnancy) was made by Chile to Trinidad and Tobago, and focused on decriminalising consensual same-sex relations between minors of the same sex:

> Review the *Children Act* of 2012 in order to decriminalise consensual sexual relations between minors of the same sex. 25th Session of the UPR, May 2016

Four of the six noted recommendations also included (comprehensive) sexuality education and one related the right for 'teenage mothers' to return to school during pregnancy and after giving birth. The last recommendation, made by Chile, dealt with decriminalising consensual sexual relations, as cited above.
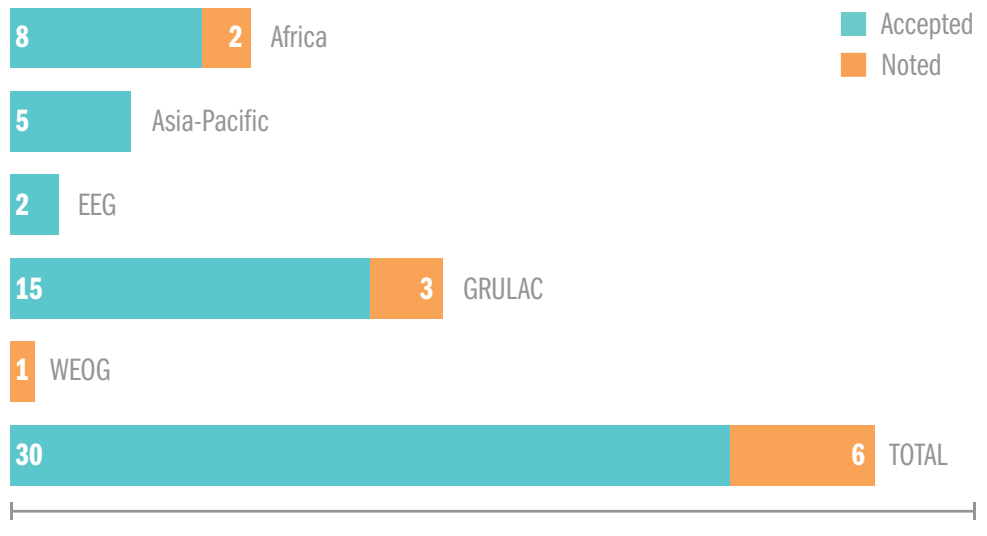

FIGURE 32: Responses to recommendations on adolescent sexuality by region

MATERNAL HEALTH, MORBIDITY AND MORTALITY (MMM)

A total of 146 recommendations on maternal health, morbidity and mortality were made by 65 states to 71 states during the second cycle of the UPR. This represented a 64% increase in recommendations on this theme compared with the 94 made during the first cycle of the UPR.

Sri Lanka made the most recommendations on this theme, followed by Algeria and South Africa.

FIGURE 33: TOP 10 STATES MAKING RECOMMENDATIONS ON MMM

Recommending state	Number of recommendations made
Sri Lanka	8
Algeria	6
South Africa	5
Egypt	4
Colombia	4
Cuba	4
New Zealand	4
Slovenia	4
Togo	4
Uruguay	4

MMM recommendations were made by a geographically diverse set of countries; countries from the Asia-Pacific and Africa region contributed 57.5% of the total recommendations made on this theme.
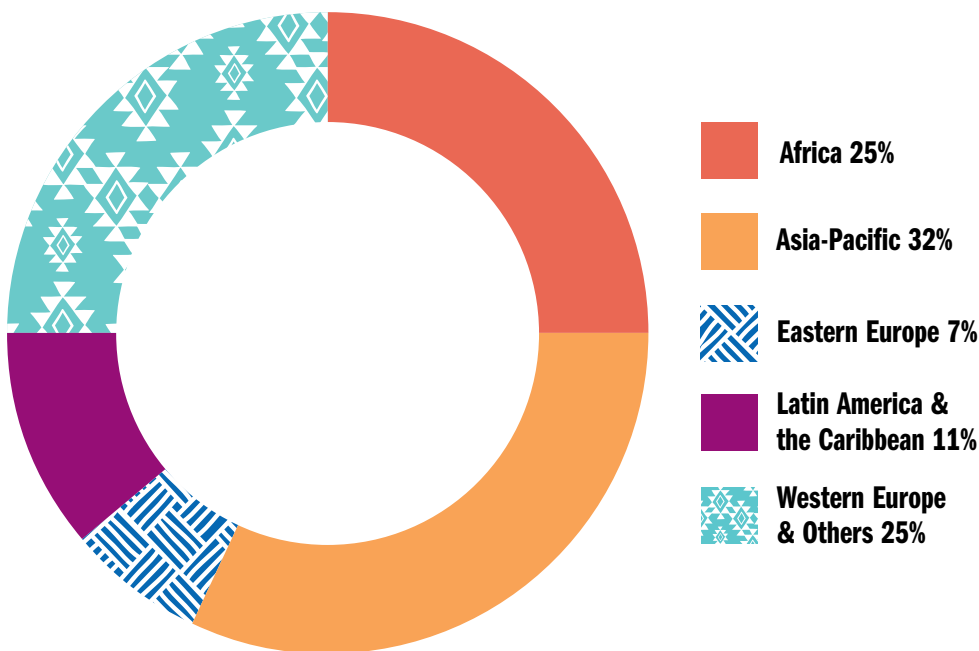

Africa 25%

Asia-Pacific 32%

Eastern Europe 7%

Latin America & the Caribbean 11%

Western Europe & Others 25%

FIGURE 34: Recommendations made on maternal health, morbidity and mortality by percentage and region

As with the first cycle of the UPR, no recommendations addressed obstetric fistula and the associated stigma. Furthermore, the vast majority of MMM recommendations in both cycles focused on continuing, strengthening, or even simply maintaining pre-existing efforts to reduce maternal mortality, offering little by way of specific actions that a state should undertake.

> Algeria's recommendation to Mauritania: Pursue efforts to combat maternal mortality. 23rd Session of the UPR, November 2015
>
> Bangladesh's recommendation to Mozambique: Continue its efforts in combating extreme poverty, malnutrition and maternal and child mortality. 24th Session of the UPR, January 2016
>
> Colombia's recommendation to Paraguay: Deepen measures which are considered as necessary to reduce maternal mortality rates and to prevent teenage pregnancy. 24th Session of the UPR, January 2016

There were some exceptions to this general trend:

> New Zealand's recommendation to Zambia: Allocate specific funding within its health budget for child, maternal and reproductive health. 14th Session of the UPR, November 2012
>
> Qatar's recommendation to China: Improve maternity care services especially in rural areas and work to increase the percentage of women who give birth in hospitals and to decrease maternal mortality rate during birth. 17th Session of the UPR, November 2013

Several countries highlighted disparities in access to maternal health and obstetric care:

> Belgium's recommendation to Israel: Redouble efforts to fill the gaps among the infant and maternal mortality rates of Jewish, Arab-Israeli and Bedouin children and women. 17th Session of the UPR, November 2013
>
> Bosnia & Herzegovina's recommendation to Mexico: Implement the CERD and the CEDAW recommendations on adequate and accessible health services in order to lower the high maternal and infant mortality among the indigenous population. 17th Session of the UPR, November 2013

Maternal health, morbidity, and mortality recommendations had high levels of acceptance in the second cycle of the UPR, with 93.4% of all recommendations on this theme being accepted. However, given that many of these recommendations focused on encouraging states to continue with already ongoing efforts, it is perhaps not surprising that so many states would accept such recommendations. Four of the nine recommendations that were noted called for reducing unsafe abortions including through decriminalising abortion. Argentina noted three recommendations, two of which dealt with the links between MMM and unsafe abortion. Antigua and Barbuda and Rwanda noted one and two recommendations, respectively, about taking measures to reduce high rates of maternal mortality, and Papua New Guinea responded to a recommendation made by Thailand that related to reducing the maternal mortality rates of migrants and asylum-seekers by stating

that "access to health care and awareness on reproductive health for women, children, youth and migrants and asylum is supported and promoted at all levels in the country with the support of development partners and NGOs."
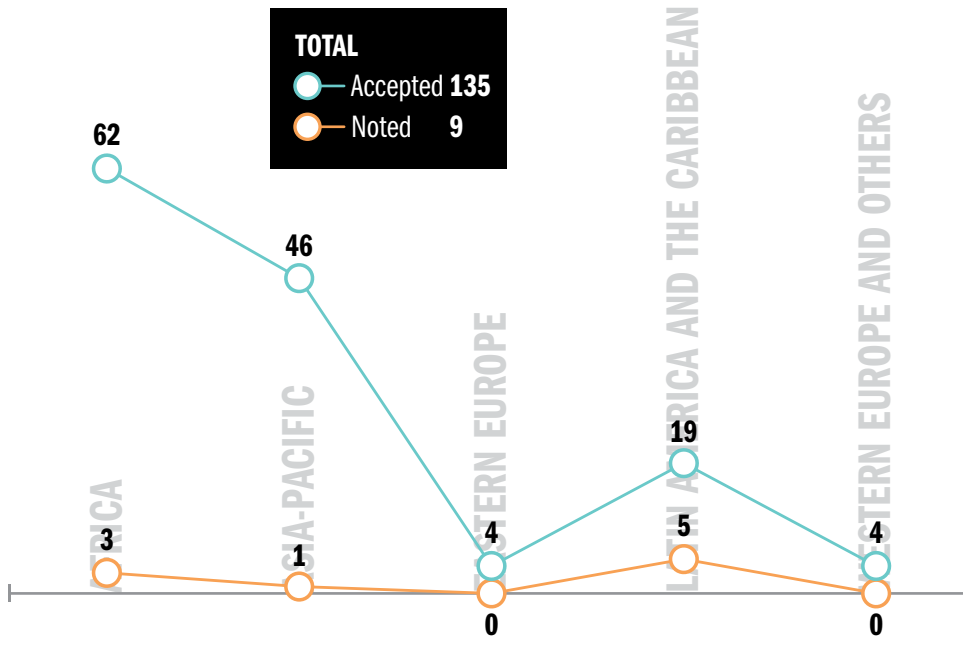

FIGURE 35: Responses to recommendations on MMM by region

EARLY AND FORCED MARRIAGE

The theme of early and forced marriage experienced a dramatic increase in number of recommendations from the first cycle to the second cycle of the UPR,
with this theme being referenced roughly 4.7 times more frequently in the second UPR cycle (80 recommendations were made by states in the first UPR cycle, and 372 recommendations were made during the second cycle). Members of the Africa Group, which had only accounted for 9% of all recommendations during the first UPR cycle, helped contribute to this marked increase in recommendations during the second cycle, making 28% of the total recommendations. In both cycles, Western Europe and Others members made the highest number of recommendations on this theme—53% in the first cycle, and 39% in the second cycle. Eighty-four states made recommendations on this theme to 98 states under review. Four of the five states receiving the most recommendations on this theme were from Africa: Malawi (23), Niger (14), Tanzania (13), and Mozambique (12). Kyrgyzstan received 11 recommendations on this theme.

FIGURE 36: TOP 5 STATES MAKING RECOMMENDATIONS ON EARLY AND FORCED MARRIAGE

Recommending state	Number of recommendations made
Sierra Leone	47
Canada	26
Italy	21
Slovenia	14
France	13

Africa 28%

Asia-Pacific 8%

Eastern Europe 14%

Latin America & the Caribbean 11%
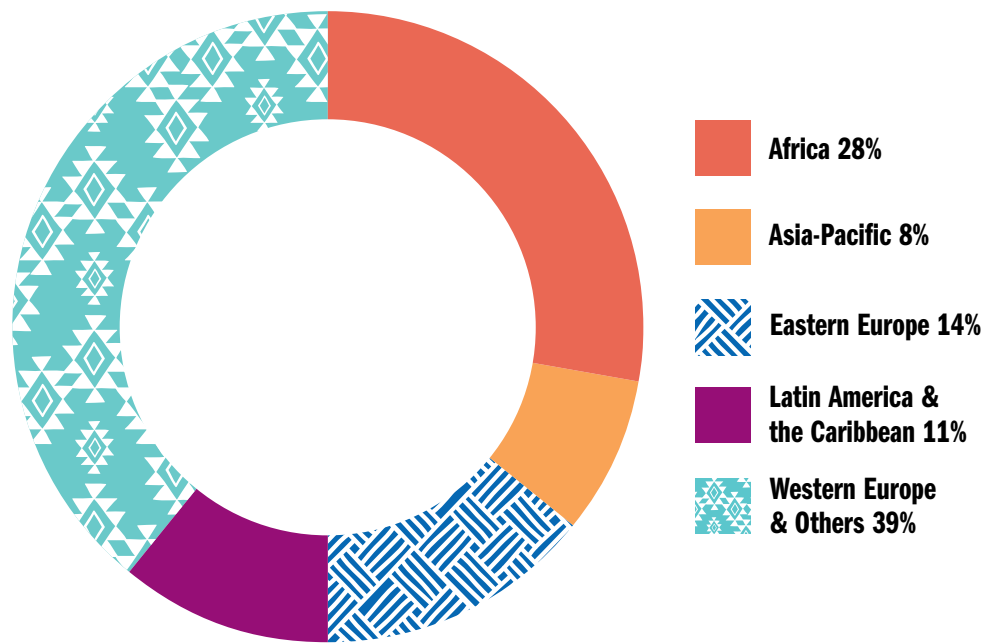
Western Europe & Others 39%

FIGURE 37: Recommendations made on early and forced marriage by percentage and region

The most common recommendations called on states to amend laws to increase the legal age of marriage to 18 years old; general recommendations calling for the implementation of laws or strengthening of measures to combat early and/or forced marriage were also very frequent. A number of recommendations also focused on awareness-raising.

Albania's recommendation to Malta: Raise the minimum age of marriage to 18 years. 17th Session of the UPR, November 2013

Argentina's recommendation to Tanzania: Adopt necessary measures to end the practice of forced and early marriage. 25th Session of the UPR, May 2016

Australia's recommendation to Serbia: Give full and effective implementation to the national campaign to reduce violence against children and women in order to further reduce the occurrence of rape and domestic violence, sexual harassment, child abuse including in educational institutions and child marriage. 15th Session of the UPR, February 2013

The almost exclusive focus on law reform and awareness-raising plays into commonly held ideas that early and forced marriages are most often between very young girls (younger than 10) and much older men. **Almost no recommendations recognise the evolving capacities of young people or the right to bodily autonomy and adolescent sexuality in the case of consensual elopement in very restrictive legal environments with high ages of sexual consent in national legislation.**

Early and forced marriage, is a social and complex phenomenon, which needs programmes that ensure education, comprehensive sexuality education, employment opportunities, social security for young women and men, and a supportive environment for adolescents and young persons to explore their sexuality without fear of criminalisation or the risk of having these relationships automatically deemed to be violent or coercive. On

the whole, recommendations related to early marriage do not reflect this complexity or the need for a multifaceted approach.

The average number of accepted early and forced marriage recommendations remained stable during the second cycle of the UPR, with 75% of all recommendations on this theme being accepted. Thirty-four states under review rejected 91 recommendations, almost all of which focused on increasing the legal age of marriage.
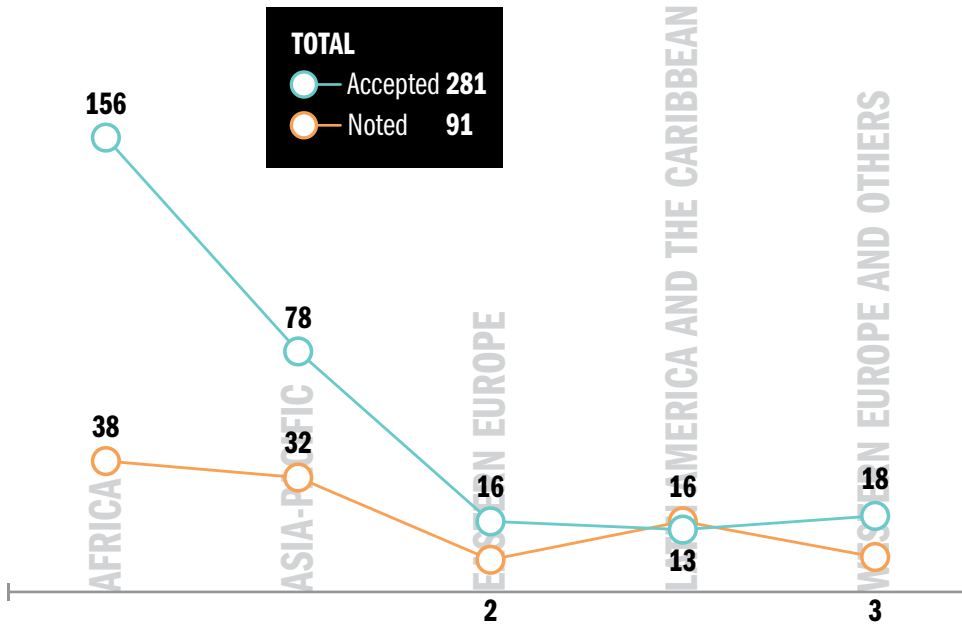

FIGURE 38: Responses to recommendations on early and forced marriage by region

SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION, AND SEX CHARACTERISTICS (SOGIESC)

As reflected on elsewhere in this report, SRI UPR database has a number of categories which all relate to sexual orientation, gender identity and expression, and sex characteristics: Criminal laws on same-sex sexual practices; discrimination based on gender identity; discrimination based on sexual orientation; Intersex persons' rights; violence on the basis of gender identity; and violence on the basis of sexual orientation.

For the purposes of the analysis that follows, these have been grouped together because many are overlapping themes—for example criminal laws on same-sex practices and discrimination based on sexual orientation.

A total of 943 recommendations were made on SOGIESC during the second cycle of the UPR. This is over one third more that the number of recommendations made during the first cycle.

The majority of recommendations were made by Western Europe and Others Group member states (64%) followed by GRULAC (26%). Members of EEG contributed 8.7% of the total number of recommendations. Africa and Asia-Pacific members made the fewest recommendations on this theme, each making 7 and 5 recommendations respectively. However, for African states, the second cycle was the first time they made recommendations on this theme, all issued by South Africa and Madagascar. By contrast, the number of recommendations made by Asia-Pacific states decreased from the first cycle where they made seven recommendations, to the five they made in the second cycle.

Four states made over 60 recommendations each: Canada (67), Spain (65), Netherlands (64), Argentina (63).
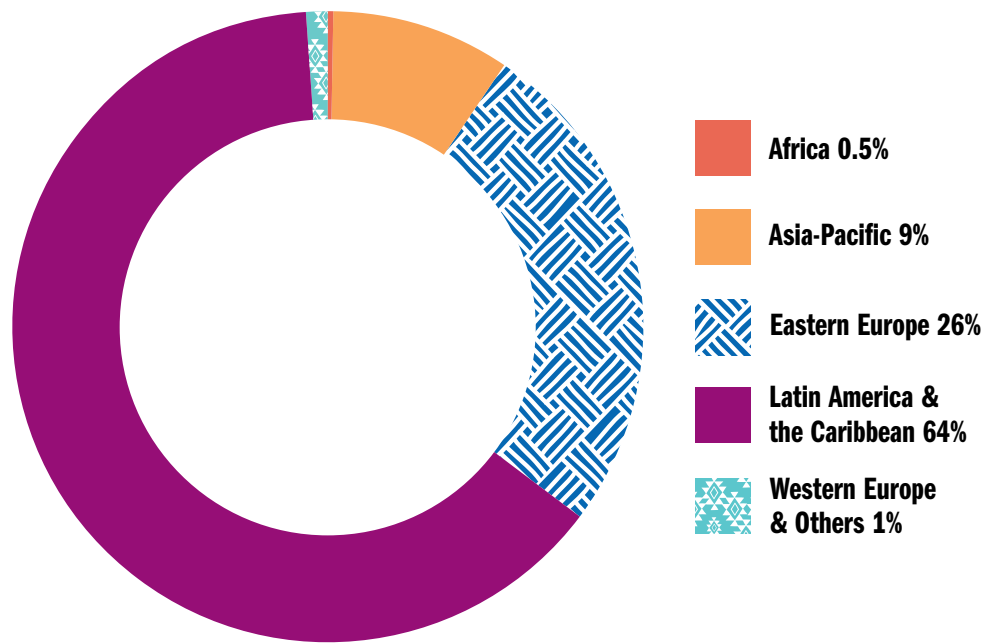
Africa 0.5%

Asia-Pacific 9%

Eastern Europe 26%

Latin America &
the Caribbean 64%

Western Europe
& Others 1%

FIGURE 39: Recommendations made on SOGIESC by percentage and region

Recommendations on this theme tended to focus exclusively on sexual orientation and gender identity and expression, rather than view this as one identity among others, or incorporate it within a broader SRHR framing or even mention other SRHR issues. **In other words, very few recommendations applied an intersectional analysis or holistic SRHR framing.** The few exceptions to this, tended to apply a 'women and sexual minorities/LGBTI persons' listing:

> Czechia's recommendation to Brunei Darussalam: Decriminalise sexual activity between consenting adults and repeal all provisions of the newly enacted Penal Code that discriminate against women and sexual minorities and introduce cruel or inhuman forms of punishment. 19th Session of the UPR, May 2014.

In as much the recommendations tend to treat SOGIE or LGBT as a single and stand-alone issue, most recommendations also collapse these distinct identities and experiences into a single 'LGBT' identity. There are no recommendations that focus on violations experienced by lesbian or bisexual women. Similarly, as stated elsewhere in this report, while the specific naming of intersex persons has increased significantly from the first to the second cycle—it is for the most part just tacked on to the end of the LGBT acronym with almost no attention placed on what the actual experiences and needs are of intersex persons. Sexual orientation and gender identity and expression, two distinct issues with unique challenges experienced by persons, are also collapsed into one.

A significant proportion of the recommendations made on this theme centred on law reform and combatting discrimination:

> Spain's recommendation to Botswana: Decriminalise consensual sexual relations between same-sex adults and strength efforts to combat discrimination against those persons, while respecting their rights to association and representation in civil society. 15th Session of the UPR, February 2013

> South Africa's recommendation to Paraguay: Adopt a law prohibiting all forms of discrimination, including discrimination based on sexual orientation and gender identity. 24th Session of the UPR, January 2016

Other recommendations called for other anti-discrimination measures to be put in place including awareness campaigns and services for LGBTI persons:

> South Africa's recommendation to Cuba: Strengthen publicity and awareness campaigns aimed at increasing knowledge among the population about the rights of LGBT people. 16th Session of the UPR, May 2013

Very few recommendations named the root causes of violence and discrimination and called on states to address these:

> Chile's recommendation to Belgium: Strengthen the national plans and policies to prevent acts of discrimination and violence motivated by ... homophobia and gender grounds. 24th Session of the UPR, January 2016
>
> Australia's recommendation to Bulgaria: Take concrete steps to put in place adequate legal protections against incitement of hatred, including hatred motivated by xenophobia and homophobia, in line with the international and domestic obligations of Bulgaria. 22nd Session of the UPR, May 2015

Other recommendations called on states to recognise human rights defenders working on sexuality and LGBTI organisations, and ensure these actors are able to pursue their human rights work without obstruction by state and non-state actors:

> Denmark's recommendation to Belarus: Urgently abolish article 193-1 of the Criminal Code, which criminalises activities by non-registered organisations and generally end the pattern of obstruction, harassment, and intimidation of civil society organisations promoting and defending human rights, including trade unions, environmental groups, lesbian, gay, bisexual, transgender and intersex groups and human rights groups. 22nd Session of the UPR, May 2015
>
> Norway's recommendation to Bosnia and Herzegovina: Implement transparent and inclusive mechanisms of public consultations with civil society organisations on all issues mentioned above (i.e. gender equality, minority rights ... and discrimination against LGBT persons). 20th Session of the UPR, November 2014
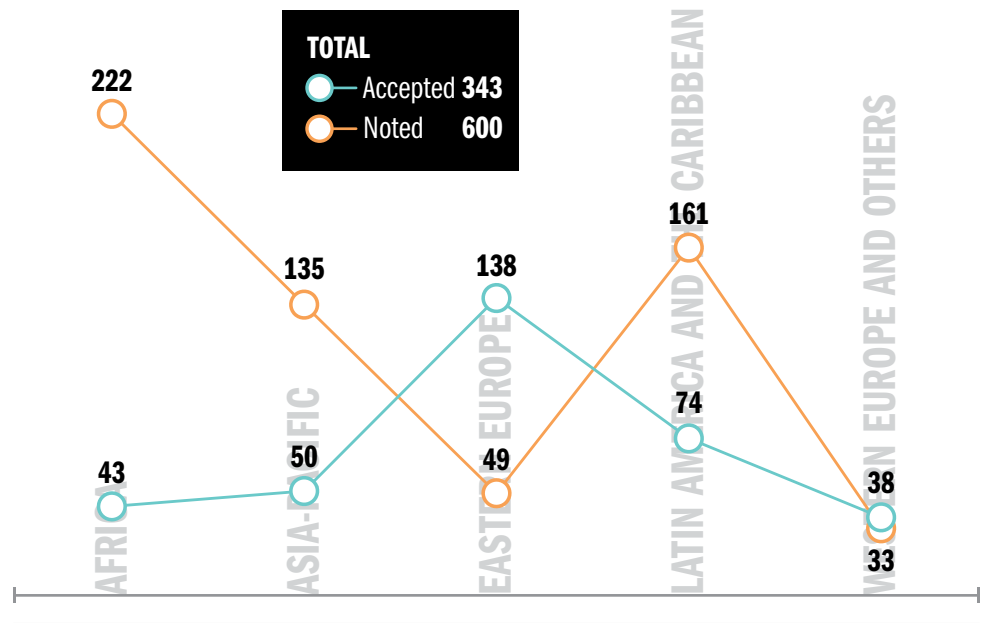
FIGURE 40: Responses to recommendations received on SOGIESC by percentage and region

Recommendations addressing SOGIESC had a low acceptance rate of 36%. Explanations given by states for noting recommendations on this theme ranged from stating that the existing laws criminalising same-sex sexual conduct and/or LGBTI persons were not implemented, that there were no instances of violence and discrimination against LGBTI persons, or that existing non-discrimination provisions did not exclude LGBTI persons. Additionally, recommendations on SOGIESC also elicited responses from SuRs about the religious and/or cultural context, and lack of readiness by the citizens of the SuR to accept the measures proposed in the recommendations. Some states rejecting these recommendations nevertheless committed to beginning a national dialogue and conversation on the themes addressed.

BODILY AUTONOMY

Bodily autonomy asserts the right of every individual to make decisions about their own bodies and lives free from coercion and violence. It requires both an enabling environment by states for individuals to make such decisions, and the presence of choice and options. Bodily autonomy is intimately and intrinsically connected to human rights and concepts of inter alia bodily integrity, self-determination, privacy, security of the person, liberty, dignity, and agency.

Bodily autonomy underpins all sexual rights—including adult consensual sex work and same-sex sexual conduct; abortion rights; accessing quality contraception of one's choice; HIV prevention and treatment information and services; safer sex information and resources; comprehensive sexuality education; as well as the freedom to express one's sexuality and gender as desired. Bodily autonomy offers a unique ability to connect a diverse set of sexual and reproductive rights concerns.

Despite the demand for bodily autonomy being a central feature of feminist movements across the globe, the attention it has received in Special Procedures reports and recently as agreed language in Human Rights Council resolutions, it has received no mention in recommendations made by states during the UPR. That said, 'autonomy' and aspects of bodily autonomy for instance 'economic autonomy' have been incorporated into the following recommendations:

Nicaragua's recommendation to Haiti: Establish and strengthen policies and legal provisions for the promotion of women's rights, in particular the strengthening of their autonomy and participation in political, economic, and social life, in recognition of their fundamental role in the development of a nation, 26th Session of the UPR, November 2016

Netherlands' recommendation to Kuwait: Guarantee personal autonomy and individual rights, as enshrined in the Constitution, by a prohibition of discrimination based on sexual orientation or gender identity, as well as by allowing a medical gender change to be reflected in a person's identity documents. 21st Session of the UPR, January 2015

Senegal's recommendation to Malaysia: Continue efforts in enhancing the autonomy of women. 17th Session of the UPR, November 2013

Indonesia to Monaco: Continue in its efforts with regard to the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) and the Bill on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities. 17th Session of the UPR, November 2013

Madagascar's recommendation to Sierra Leone: Ratify the OP-CEDAW, adopt national legislation prohibiting female genital mutilation and implement standards on women's rights in order to ensure that they can enjoy autonomy. 24th Session of the UPR, January 2016

The Political Economy of the Universal Periodic Review

The analysis in this report on how different actors have engaged in the UPR on sexual rights issues has presented a mixed picture. Already mentioned are the ways in which **hierarchies of 'issues' are established, and instrumentalised by states** wanting to either shore up their reputations as champions of these issues, or to justify and draw attention away from their political interests and actions in other countries. It's important also to note the obvious, that these 'issues' are largely affect the disenfranchised women and people pushed to the margins by capitalism, white supremacy, environmental destruction among other realities. The UPR therefore has become another battleground in the geopolitical wars with sexuality, gender, and reproduction serving as convenient weapons.

As has been pointed out in other literature, perhaps the greatest flaw in the UPR is its foundational assumption that the review is, as its name suggests, undertaken by states who are positioned as peers. The UPR was considered a crucial departure from other UN review mechanisms—such as the treaty monitoring bodies or the Human Rights Council's predecessor the Commission on Human Rights—where allegations abounded that some states were subjected to higher levels of scrutiny than others, while others were let off the hook purely because of their influence and power. Against this backdrop, the idea that all states would be equally reviewed and review each other's progress in respecting, protecting, and fulfilling their human rights obligations gained significant support. However, this approach failed to address the unequal status among countries and their ability to meet their human rights obligations. Further, as Jane Cowan and Julie Billaud caution:

"Although the novel construction of UN member states as 'peers' who engage each other in dialogue on equal terms is widely welcomed and has already had positive effects, this cannot by itself erase histories of cooperation and antagonism between states, nor obliterate long-held and deeply entrenched perceptions about First, Second and Third Worlds, the West and the non-West, the North and the South."[31]

This idea of the level playing field in which peers (states) can engage on human rights is also the basis of multilateralism and human rights. Third World legal and feminist scholars, among others, have repeatedly shown how international law and by extension international human rights law, is not only not a level playing field but it has also failed to address the historical injustices of slavery and colonialism.

On the one hand, as has been referred to in this report, some states simply have fewer resources to dedicate to the UPR and to implementing its outcome, while on the other hand, the historical and present iniquitous relationships between states are also deliberately kept out of the review. When attempts are made by states to bring these concerns into the UPR frame, they are quickly discredited as 'trouble-makers' who are avoiding being held accountable for their own human rights abuses.

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[31] Billaud, J, 2015, Keepers of the truth: Producing 'transparent' documents for the Universal Periodic Review. In H. Charlesworth & E. Larking (Eds.), *Human Rights and the Universal Periodic Review: Rituals and Ritualism* (pp. 63–84). Cambridge: Cambridge University Press. doi:10.1017/CBO9781316091289.006

Similarly, when NGOs have brought to the attention the impact of foreign states on the state under review to fulfil its human rights obligations, or the complicity of the state under review with foreign states in the violation of human rights, this has either been ignored or repackaged in the stakeholder report.

For example, Alkarama in their submission for Yemen's review stated: "Extrajudicial executions carried out jointly by the Yemeni army, and United States (U.S.) intelligence services have reached alarming proportions in recent years. Arbitrary detentions, the use of torture and ill-treatment, endemic corruption in the judicial system, and the harassment of journalists documenting these violations are also serious concerns."[32]

This was repackaged as follows in the OHCHR stakeholder summary report:

"Alkarama and JS8 noted that the extrajudicial execution policy carried out in Yemen was adopted in the context of the 'war against terrorism'. Despite the government's acceptance of related recommendations in the first UPR cycle, there has still been a disturbing increase in cases of extrajudicial executions since 2009. Alkarama recommended immediate ending this policy and stopping granting authorisation to foreign forces to commit such executions on Yemeni territory using air forces, drone strikes, as well as cruise missiles."[33]

Nowhere in the report was reference made to the United States' role and culpability in the gross human rights violations in Yemen.

In addition to the historical wholesale theft and destruction of former colonies' resources by Global North states, Global South countries have also had to deal with neoliberal structural adjustment programmes. Institutions like the International Monetary Fund (IMF) and the World Bank have imposed policies and conditions on countries that force them to adopt free-market economic models that reduce labour protections, de-regulate domestic markets, and cut back on essential services—health, education, safety, and housing among others. These policies have a direct bearing on countries' ability to meet their human rights obligations under domestic and international law.[34] The beneficiaries of these policies are Global North countries, their businesses, and their citizens who all benefit from the slashed, below-cost prices of commodities, resources, and goods. Another side effect of the structural adjustment policies and the outward flow of resources from the south to the north, is the creation of a small elite in Global South states who cooperate with the institutions of global capital and the states that direct them. This elite also benefit from these relationships, both in the ways in which they amass huge personal wealth but also by gaining access to and protection from the north.

Despite structural adjustment policies contributing to "the greatest peacetime transfer of wealth from the periphery to the imperial center in history"[35] and the impact they have on human rights at the domestic level, they fall outside the purview of the UPR. In a grotesque irony, some of the biggest beneficiaries and advocates of structural adjustment policies make recommendations on the very human rights crises these policies have caused.

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32 Alkarama, 2013, Universal Periodic Review, 2nd Cycle available online https://www.alkarama.org/en/documents/yemen-universal-periodic-review-2013-alkaramas-submission-stakeholders-summary accessed 13 April 2019

33 Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 Yemen A/HRC/WG.6/18YEM/3

34 Anup Shah, 2013, Structural Adjustment—a Major Cause of Poverty, Global Issues, available online http://www.globalissues.org/article/3/structural-adjustment-a-major-cause-of-poverty accessed 13 April 2019

35 J.W. Smith, 1994, The World's Wasted Wealth 2 Institute for Economic Democracy, pp 127–139

The implementation of human rights recommendations can further stretch under-resourced governments who are already crippled by debt repayments and free-market capitalism. States who struggle to meet these costs are encouraged to apply for financial and technical support from the UN Trust Funds. A cursory review of the funding distributed to states reveals that small amounts are usually provided to states, very often covering only participation costs of some meeting attendees. According to its own report, the Fund has prioritised supporting the establishment or the strengthening of multi-stakeholder national mechanisms and processes for follow up.[36]

For the year 2017, the Fund reported expenditure of 369,518 USD. Of this, staff costs, other personnel costs (consultants' fees and travel), staff travel, and contractual services account for 202,953 USD. The biggest spend was on consultants' fees and travel, which accounted for just under 30% of total expenditure.

The UN Trust Fund is not the only source of funding states are encouraged to access, the other being multilateral funding mechanisms. In addition to the structural adjustment strings attached to multilateral funds, there is also a growing awareness of the ways in which multilateral and bilateral funding actually cycles money back to the wealthier states in the north. Dambiso Moyo's 2009 *Dead Aid* provides a clear account of how aid from wealthy Northern countries to African countries increases poverty and decreases growth in the recipient countries, and results in poor states becoming indebted and indentured to the North that profits financially from these relationships.[37]

In a recent article published in The Guardian, Jason Hickle writes about a report published by Global Financial Integrity and the Centre for Applied Research found that the flow of money (including in the form of aid, foreign investment, and income from abroad) from wealthy countries to developing countries amounted to 1.3 trillion dollars in 2012. In the same year, 3.3 trillion dollars flowed from developing countries back. Much of this outward or reverse flow of aid is made up debt repayments, repatriation of profits made on investments by foreign nationals and companies in Global South countries. The biggest amount however is lost to illicit capital flight by international and domestic corporations who secretly move money to tax havens, to avoid taxation in developing countries. As Hickle states, "some of the very countries that so love to tout their foreign aid contributions are the ones enabling mass theft from developing countries."[38]

Another implication of this 'reverse aid' phenomena is that states accessing foreign aid for improving the human rights situations in their countries will inevitably find themselves with less money and capacity to effect positive changes in their domestic situation.

These are just a few manifestations of the complex geopolitical terrain within which the UPR functions, which also makes the idea of it being a level playing field in which peers review each other's human rights records at best a naïve aspiration, and at worst a deliberate stacking against those states with less economic and political power. But, as has been pointed out, whether Global South states themselves are complicit with these Northern states and neoliberal agendas or not, ultimately it is the poor and marginalised people of the world who carry the true cost.

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36 Operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review, A/HRC/38/27 available online https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/119/48/PDF/G1811948.pdf?OpenElement accessed 14 April 2019

37 Moyo, Dambiso. 2009. Dead aid: why aid is not working and how there is a better way for Africa. New York: Farrar, Straus and Giroux

38 Hickel, John. 2017. Aid in reverse: how poor countries develop rich countries. The Guardian. Available online https://www.theguardian.com/global-development-professionals-network/2017/jan/14/aid-in-reverse-how-poor-countries-develop-rich-countries accessed 14 April 2019

Against this backdrop, international NGOs and other Northern-based NGOs have their work cut out for them—instead of ignoring or even supporting their own government's corrupt and extractive practices in Global South states, they must use their influence to bring about change nationally. Southern NGOs also have the challenge in talking about the human rights conditions in their countries without playing into racist and colonial narratives of the failed, corrupt state needing saving by Northern governments, showing instead how their own realities are shaped by the complicity between their own and Northern governments.

Recommendations

RECOMMENDATIONS TO STATES

When under review:

1. Ensure transparency and national awareness of all aspects of the UPR process, making use of parliamentary reporting processes, townhall and other public meetings, popular education campaigns, and utilising social and mainstream media.

2. Expand the range of consultation processes undertaken at national level when drafting the national report and mid-term implementation report—including through holding public hearings, calling for written submissions, and consultations with wide range of civil society organisations and groups—from a broad political spectrum.

3. Provide details on the consultation process followed in developing the national report— including by providing information on the names of organisations consulted with.

4. Include civil society representatives in SuR delegations to the UPR sessions.

5. Actively increase the role of parliament in the preparation, engagement, and implementation of recommendations post-review.

6. Include a broad spectrum of stakeholders in the design and development of national action plans to implement recommendations.

When reviewing other states:

1. In addition to the OHCHR compilation and summary reports, review individual stakeholder submissions closely, prioritising submissions which are drafted by national CSOs.

2. Host national pre-sessions with CSO representatives and NHRIs in order to hear from a broad representation of civil society the human rights priorities and use this information to influence the recommendations made. Continue to support CSOs to stay involved in the post-review phase of the UPR.

3. Ensure recommendations made reinforce or improve on other UN mechanisms recommendations and agreed language in resolutions.

4. Ensure the Embassies of the reviewing states in the country being reviewed have met with national CSOs and that their information is relayed to the reviewing state's capital.

RECOMMENDATIONS TO OHCHR AND OTHER UN AGENCIES

1. Publish the set of criteria and processes followed in compiling the stakeholder summary reports and the UN compilation reports.

2. Ensure all stakeholder reports submitted to OHCHR are available on the OHCHR UPR country web pages in addition to the summary report, to highlight transparency.

3. Continue to provide technical support to all stakeholders preparing reports and engaging in the UPR at national level.

4. Ensure all reports—national, stakeholder summary and UN compilation reports—are uploaded on the OHCHR country page at least four weeks after the national report submission deadline.

5. Develop additional resources on increasing participation and broad consultation in the drafting of national reports and post-review implementation of recommendations.

6. Ensure the addendum reports are uploaded at least two weeks prior to states adoption at the HRC.

7. Encourage states to contribute to the voluntary fund, and that these funds remain in the recipient state.

8. Strengthen the role of in-country UN agencies to provide technical advice and support; to facilitate where necessary the participation of national CSOs throughout the UPR process, paying particular attention to ensuring participation of organisations working on SRHR.

9. Develop and implement measures to ensure that national CSOs (often without the resources to travel to Geneva) are able to participate at the adoption stage through the use of video statements.

Appendix

APPENDIX I:
COMPONENTS OF SRHR IN THE UPR DATABASE

The Sexual Rights Initiative's UPR Database features the following 50 categories (listed alphabetically).

Abortion
Adolescent pregnancy
Adultery
Birth registration
Contraception
Criminal laws on same-sex
 sexual practices
Discrimination based on
 gender identity
Discrimination based on
 sexual orientation
Domestic violence
Early marriage
Empowerment of women
Family planning
Female genital mutilation
Forced marriage
Forced sterilisation
Gender equality
Gender perspective
 in policies
Gender perspective in the
 UPR process

Harmful practices based on
 cultural/traditional values
HIV and AIDS
"Honour crimes"
Human rights defenders
Inappropriate content
International human
 rights instruments
Intersex persons' rights
Marginalised groups
 of women
Marital rape
Maternal health/morbidity/
 mortality
Other
Polygamy
Right to marry
Right to privacy
Rights of same-sex
 desiring persons
Sex selection/"foeticide"
Sex work/"prostitution"
Sexual abuse

Sexual and/or reproductive
 rights and/or
 health broadly
Sexual exploitation/slavery
Sexual harassment
Sexual violence
Sexuality education
Sexually transmitted
 infections
Trafficking in women
 and girls
Training for state personnel
 on sexual rights issues
Transgender persons' rights
Violence against women
Violence on the basis of
 gender identity
Violence on the basis of
 sexual orientation
Women's and/or girls' rights
Women's participation

APPENDIX II:
CYCLE 2 OF UPR

Session and date	States under review
13th Session 21 May–4 June 2012	Bahrain, Ecuador, Tunisia, Morocco, Indonesia, Finland, United Kingdom, India, Brazil, Philippines, Algeria, Poland, Netherlands, South Africa
14th Session 22 October–5 November 2012	Czech, Republic, Argentina, Gabon, Ghana, Peru, Guatemala, Benin, Republic of Korea, Switzerland, Pakistan, Zambia, Japan, Ukraine, Sri Lanka
15th Session 21 January–1 February 2013	France, Tonga, Romania, Mali, Botswana, Bahamas, Burundi, Luxembourg, Barbados, Montenegro, United Arab Emirates, Israel*, Liechtenstein, Serbia
16th Session 22 April–3 May 2013	Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan, Tuvalu, Germany, Djibouti, Canada, Bangladesh, Russian Federation, Azerbaijan, Cameroon, Cuba
17th Session 21 October 2013–1 November 2013	Saudi Arabia, Senegal, China, Nigeria, Mexico, Mauritius, Jordan, Malaysia, Central African Republic, Monaco, Belize, Chad, Congo, Malta
18th Session 27 January 2014–7 February 2014	New Zealand, Afghanistan, Chile, Viet Nam, Uruguay, Yemen, Vanuatu, The Former Yugoslav Republic of Macedonia, Comoros, Slovakia, Eritrea, Cyprus, Dominican Republic, Cambodia
19th Session 28 April 2014–9 May 2014	Norway, Albania, Democratic Republic of the Congo, Côte d'Ivoire, Portugal, Bhutan, Dominica, Democratic People's Republic of Korea, Brunei Darussalam, Costa Rica, Equatorial Guinea, Ethiopia, Qatar, Nicaragua
20th Session 27 October 2014–7 November 2014	Italy, El Salvador, Gambia, Bolivia, Fiji, San Marino, Kazakhstan, Angola, Iran (Islamic Republic of), Madagascar, Iraq, Slovenia, Egypt, Bosnia and Herzegovina
21st Session 19–30 January 2015	Kyrgyzstan, Kiribati, Guinea, Lao People's Democratic Republic, Spain, Lesotho, Kenya, Armenia, Guinea-Bissau, Sweden, Grenada, Turkey, Guyana, Kuwait
22nd Session 4–25 May 2015	Belarus, Liberia, Malawi, Mongolia, Panama, Maldives, Andorra, Bulgaria, Honduras, United States of America, Marshall Islands, Croatia, Jamaica, Libya
23rd Session 2–13 November 2015	Micronesia, Lebanon, Mauritania, Nauru, Rwanda, Nepal, Saint Lucia, Oman, Austria, Myanmar, Australia, Georgia, Saint Kitts and Nevis, Sao Tome and Principe
24th Session 18–29 January 2016	Namibia, Niger, Mozambique, Estonia, Paraguay, Belgium, Denmark, Palau, Somalia, Seychelles, Solomon Islands, Latvia, Sierra Leone, Singapore
25th Session 2–13 May 2016	Suriname, Greece, Samoa, Saint Vincent and the Grenadines, Sudan, Hungary, Papua New Guinea, Tajikistan, United Republic of Tanzania, Antigua and Barbuda, Swaziland, Trinidad and Tobago, Thailand, Ireland
26th Session 31 October 2016–11 November 2016	Togo, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Iceland, Zimbabwe, Lithuania, Uganda, Timor Leste, Republic of Moldova, Haiti, South Sudan

*Postponed to October 2013

APPENDIX III:
LIST OF UNITED NATIONS MEMBER STATES COMPRISING EACH REGION

African Group

Algeria	Ethiopia	Nigeria
Angola	Gabon	Rwanda
Benin	Gambia	São Tomé and Príncipe
Botswana	Ghana	Senegal
Burkina Faso	Guinea	Seychelles
Burundi	Guinea-Bissau	Sierra Leone
Cabo Verde	Kenya	Somalia
Cameroon	Lesotho	South Africa
Central African Republic	Liberia	South Sudan
Chad	Libya	Sudan
Comoros	Madagascar	Swaziland
Congo	Malawi	Togo
Côte d'Ivoire	Mali	Tunisia
Democratic Republic of the Congo	Mauritania	Uganda
	Mauritius	United Republic of Tanzania
Djibouti	Morocco	Zambia
Egypt	Mozambique	Zimbabwe
Equatorial Guinea	Namibia	
Eritrea	Niger	

Asia-Pacific Group

Afghanistan	Kuwait	Republic of Korea
Bahrain	Kyrgyzstan	Samoa
Bangladesh	Lao People's Republic	Saudi Arabia
Bhutan	Lebanon	Singapore
Brunei Darussalam	Malaysia	Solomon Islands
Cambodia	Maldives	Sri Lanka
China	Marshall Islands	Syrian Arab Republic
Cyprus	Micronesia (Federated States of)	Tajikistan
Democratic People's Rep of Korea	Mongolia	Thailand
Fiji	Myanmar	Timor-Leste
India	Nauru	Tonga
Indonesia	Nepal	Turkey[40]
Iran (Islamic Republic of)	Oman	Turkmenistan
Iraq	Pakistan	Tuvalu
Japan	Palau	United Arab Emirates
Jordan	Papua New Guinea	Uzbekistan
Kazakhstan	Philippines	Vanuatu
Kiribati[39]	Qatar	Vietnam
		Yemen

[39] As of 2010, Kiribati (geographically in Oceania) is not a member of any regional group, despite other Oceania nations belonging to the Asian group. Despite its membership in the United Nations, Kiribati has never delegated a permanent representative to the UN

[40] Turkey participates fully in both WEOG and Asian Group, but for electoral purposes is considered a member of WEOG only

Eastern European Group (EEG)

Albania	Estonia	Romania
Armenia	Georgia	Russian Federation
Azerbaijan	Hungary	Serbia
Belarus	Latvia	Slovakia
Bosnia and Herzegovina	Lithuania	Slovenia
Bulgaria	Montenegro	North Macedonia
Croatia	Poland	Ukraine
Czech Republic	Republic of Moldova	

Latin American and Caribbean Group (GRULAC)

Antigua and Barbuda	Dominica	Panama
Argentina	Dominican Republic	Paraguay
Bahamas	Ecuador	Peru
Barbados	El Salvador	Saint Kitts and Nevis
Belize	Grenada	Saint Lucia
Bolivia (Plurinational State of)	Guatemala	Saint Vincent and the Grenadines
Brazil	Guyana	Suriname
Chile	Haiti	Trinidad and Tobago
Colombia	Honduras	Uruguay
Costa Rica	Jamaica	Venezuela (Bolivarian Republic of)
Cuba	Mexico	
	Nicaragua	

Western European and Others Group (WEOG)

Andorra	Iceland	Norway
Australia	Ireland	Portugal
Austria	Israel[41]	San Marino
Belgium	Italy	Spain
Canada	Liechtenstein	Sweden
Denmark	Luxembourg	Switzerland
Finland	Malta	Turkey[42]
France	Monaco	United Kingdom
Germany	Netherlands	United States of America[43]
Greece	New Zealand	

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[41] In May 2000 Israel became a WEOG full member, on a temporary basis (subject to renewal), in WEOG's headquarters in the US, thereby enabling it to put forward candidates for election to various UN General Assembly bodies. In 2004 Israel obtained a permanent renewal to its membership

[42] Turkey, participates fully in both WEOG and Asian Group, but for electoral purposes is considered a member of WEOG only

[43] The United States of America is not a member of any regional group, but attends meetings of the Western Europe and Other States Group (WEOG) as an observer and is considered to be a member of that group for electoral purposes