

Positive Peer Pressure or Bullying?

How wealthy developed countries use the Universal Periodic Review to pressure the global south to accept sexual orientation and gender identity

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Introductory Notes

The Universal Periodic Review (UPR) is a process by which countries can hold each other accountable for their human rights obligations as outlined in the treaties to which they are party. It can also be used to encourage states that are not party to a treaty to ratify it.

However, like the treaty bodies that increasingly interpret treaty obligations to include things that are not part of the text, and would not have been agreed to by the countries that negotiated and ratified it, the UPR is also being used to push regional-specific agendas on social issues.

In a single cycle of the UPR, every UN country is reviewed, and other countries can issue recommendations.

Each recommendation has a country under review (target), a reviewing country (source), and the country under review can either accept or merely take note of it.

The content of recommendations can be any of the following:

1. Minimal request
2. Request to continue an action
3. Request to consider an action
4. Request for a general action
5. Request for a specific action

The fifth category is the most stringent, and often involves such actions as ratifying a treaty or making a change to a nation's law or penal code.

This review focuses on issues of sexual orientation and gender identity (SOGI), and quantifying the amount and type of pressure exerted on this topic using the UPR system. The first cycle of the UPR concluded in 2011, and the second cycle is approximately halfway finished. No UN treaty mentions these topics, and universal consensus on their definition and treatment does not exist.

Universal Periodic Review (UPR) – Regional Pressure on Sexual Orientation and Gender Identity (SOGI)

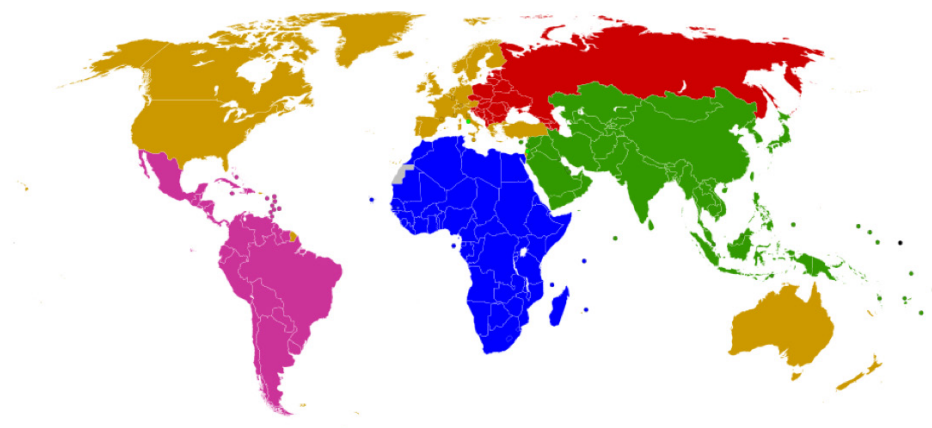
Section 1 – First UPR Cycle (2008-2011) (complete)

UPR pressure is regional

These graphs show the source and destination countries of UPR pressure on SOGI, by region.

The first table shows the number of recommendations from each region to other regions on SOGI. The map at the top shows the regions of the UN geoscheme by color codes. Note that the yellow regions – the “Western Europe and Others” group – includes the US, Canada, Australia, New Zealand, and Israel, in addition to Western Europe.

The recommendations are scored by their source and destination regions, the quantity in which they occur, and the rate at which the destination country “accepts” the recommendation.

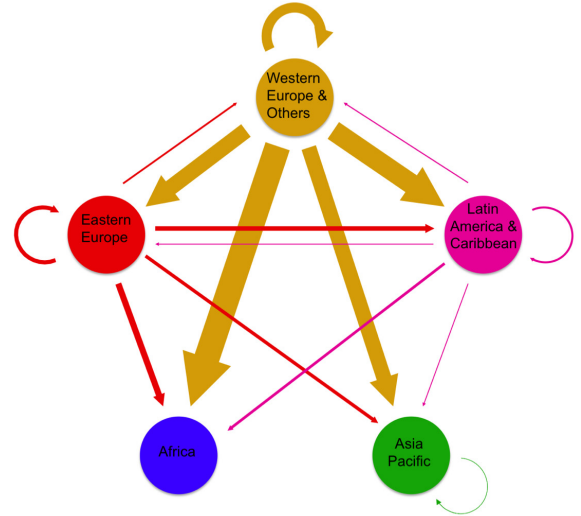


Recommending (Source)	Under Review (Target)	# Recs	Noted	Accepted	Accept Rate
Western Europe & Others	Africa	112	98	14	12.5%
Western Europe & Others	Latin America & Caribbean	89	66	23	25.8%
Western Europe & Others	Eastern Europe	69	24	45	65.2%
Western Europe & Others	Asia Pacific	66	40	26	39.4%
Western Europe & Others	Western Europe & Others	44	16	28	63.6%
Eastern Europe	Africa	27	24	3	11.1%
Eastern Europe	Latin America & Caribbean	20	10	10	50%
Eastern Europe	Eastern Europe	18	5	13	72.2%
Eastern Europe	Asia Pacific	15	12	3	20%
Latin America & Caribbean	Africa	12	11	1	8.3%
Latin America & Caribbean	Latin America & Caribbean	9	5	4	44.4%
Eastern Europe	Western Europe & Others	8	4	4	50%
Latin America & Caribbean	Western Europe & Others	5	0	5	100%
Latin America & Caribbean	Asia Pacific	4	3	1	25%
Latin America & Caribbean	Eastern Europe	4	0	4	100%
Asia Pacific	Asia Pacific	1	1	0	0%
TOTAL	TOTAL	503	319	184	36.6%

Universal Periodic Review (UPR) – Regional Pressure on Sexual Orientation and Gender Identity (SOGI)

Section 1 – First UPR Cycle (2008-2011) (complete)

Second, the intensity of SOGI pressure is represented using a flowchart with arrows – the thickness of the arrows corresponds to the number of recommendations it represents.

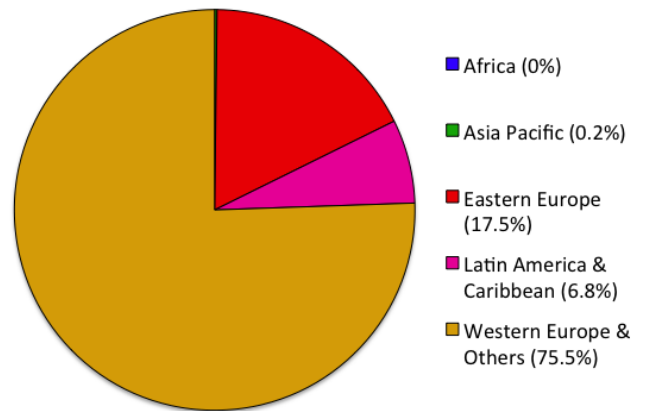


Third, the pie charts illustrating the source and target regions of SOGI pressure.

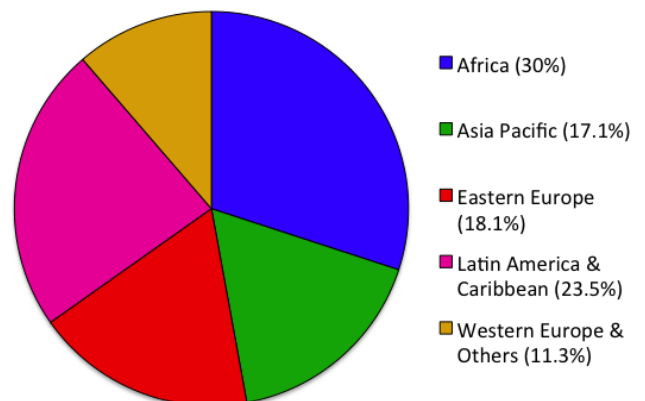
In all of these graphs, the main point is:

Western Europe and its allies are by far the largest proponents of SOGI, accounting for approximately three quarters of pressure in the first UPR cycle. Africa is the most frequent target of this pressure.

SOGI Pressure: Source Region



SOGI Pressure: Target Region



Universal Periodic Review (UPR) – Regional Pressure on Sexual Orientation and Gender Identity (SOGI)

Section 1 – First UPR Cycle (2008-2011) (complete)

SOGI pressure is being resisted

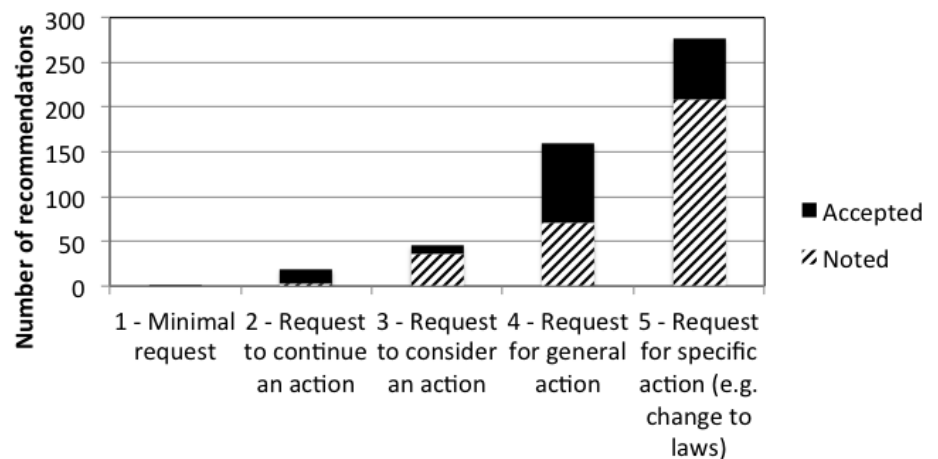
The next two pages show graphs dealing with the nature of the recommendations on SOGI, and whether they are being accepted by the target countries.

First, the recommendations are scored by the type of action they request. Requests for action, general and specific, make up most of the recommendations, with the most stringent category being the largest. Most of these requests for specific action involve changes to the target country's laws in some way, whether to decriminalize same-sex sexual relations or to create a special protected category for LGBT persons in the country's nondiscrimination law.

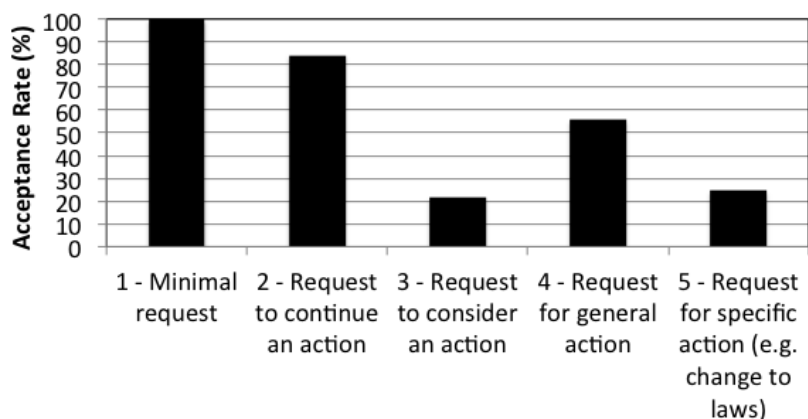
The second graph shows the acceptance rate of recommendations by category.

The acceptance rate of category 5 (specific action) requests is approximately 25%. Compare this to the fact that 73% of all recommendations in the first UPR cycle were accepted, and 56% of all requests for specific action.

Types of Action Requested (Cycle 1 - SOGI)



Acceptance rates by type of request (Cycle 1 - SOGI)



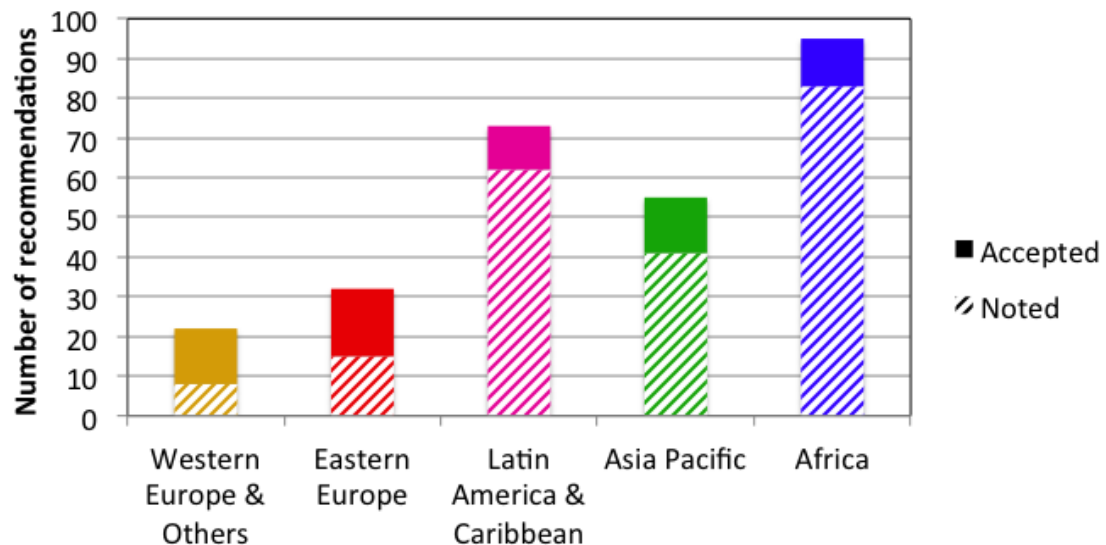
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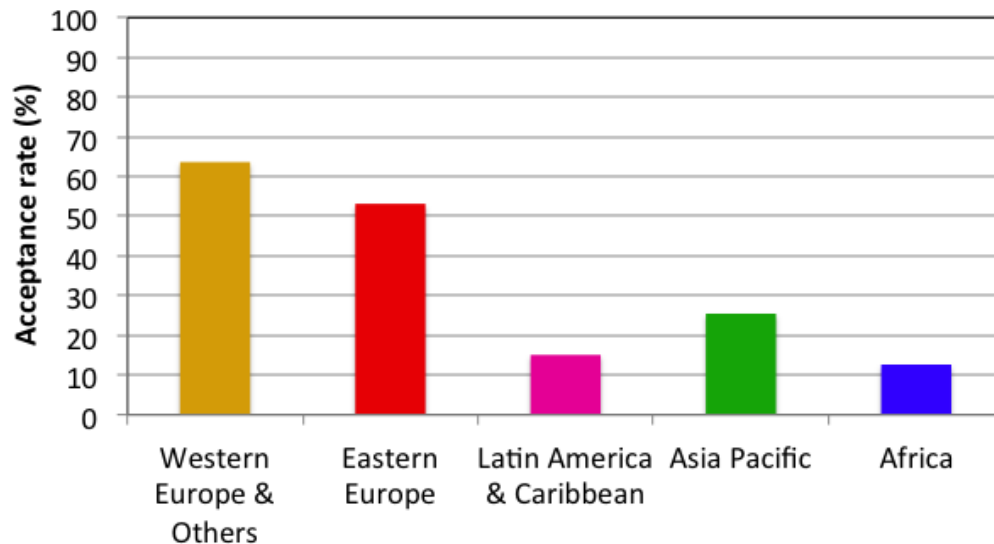
Below the responses are broken down by region. Both graphs deal only with requests for specific action (category 5).

The regions that received the most SOGI pressure also accepted these recommendations at the lowest rates – Africa accepted just over 10% of them.

Requests for Specific Action, by Target Region



Acceptance rates of Requests for Specific Action



Universal Periodic Review (UPR) – Regional Pressure on Sexual Orientation and Gender Identity (SOGI)

Section 2 – Second UPR Cycle (2012-2016) (50% complete)

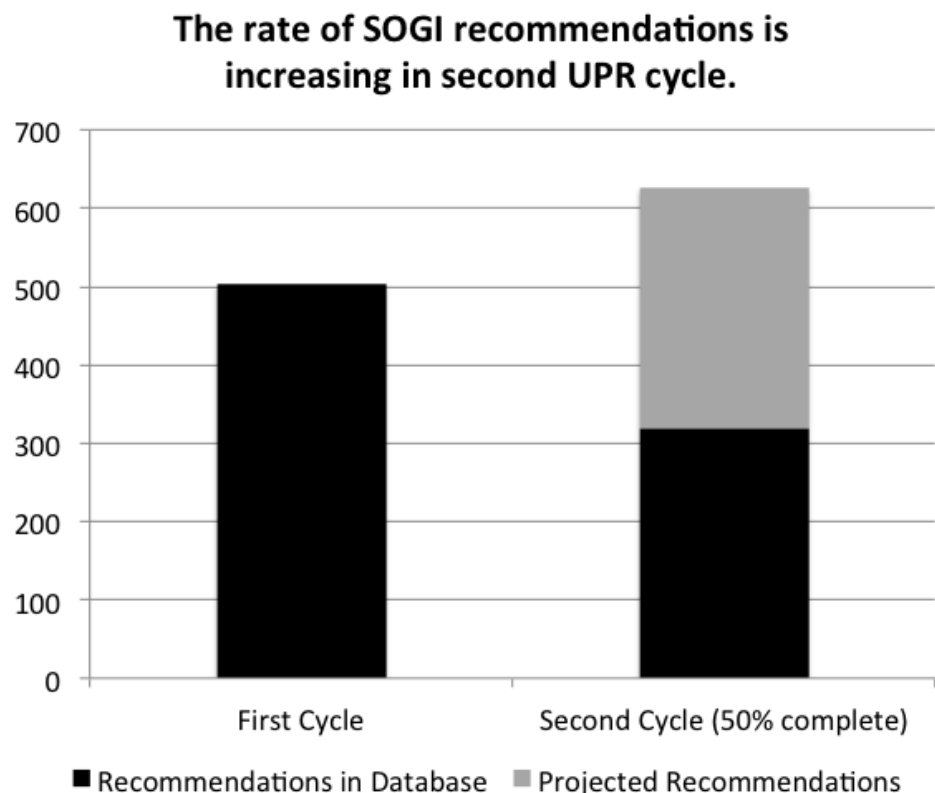
Comparison with cycle 2

Since the second UPR cycle is still ongoing, these data focus mainly on rates rather than actual numbers when comparing it to the first cycle.

The first graph shows how the rate of SOGI recommendations has increased since the first cycle – the black bars show actual recommendations, and the gray bar shows what the total will be, if the trend remains steady throughout the second cycle. It predicts a 25% increase in SOGI recommendations in the second cycle.

However, assuming current trends remain constant, the number of total UPR recommendations is projected to increase by 56%, and SOGI recommendations only by 25%.

SOGI recommendations made up 2.36% of all UPR recommendations in the first cycle. As of right now, only 2% of second cycle recommendations are on SOGI.

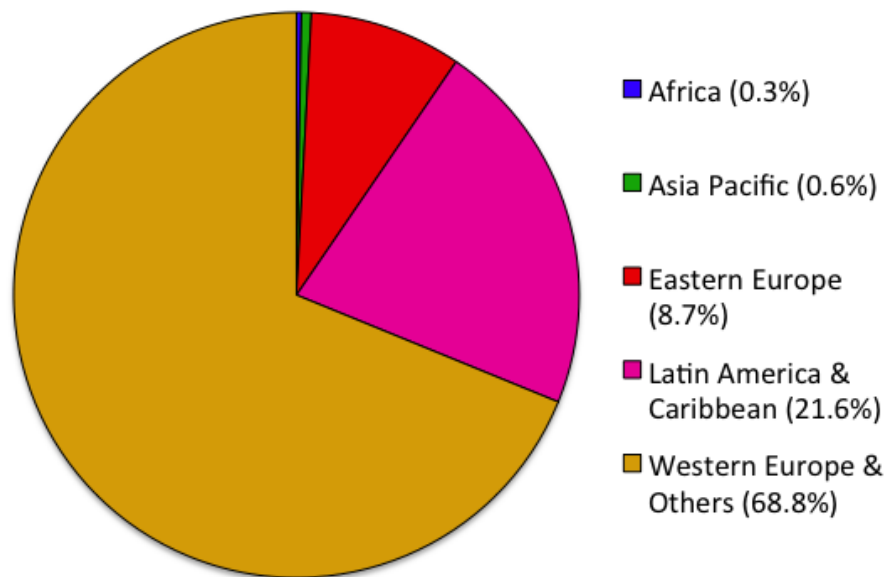


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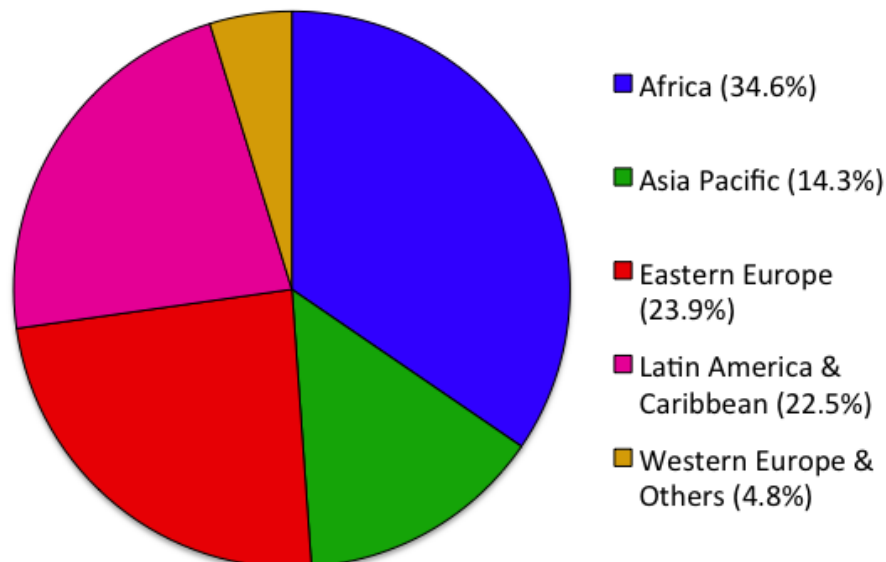
Section 2 – Second UPR Cycle (2012-2016) (50% complete)

Below shows the pie charts of source and destination regions. Latin America has become a more frequent source of SOGI pressure in the second UPR cycle. Africa remains the most frequent target.

SOGI Pressure - Cycle 2: Source Region



SOGI Pressure - Cycle 2: Target Region



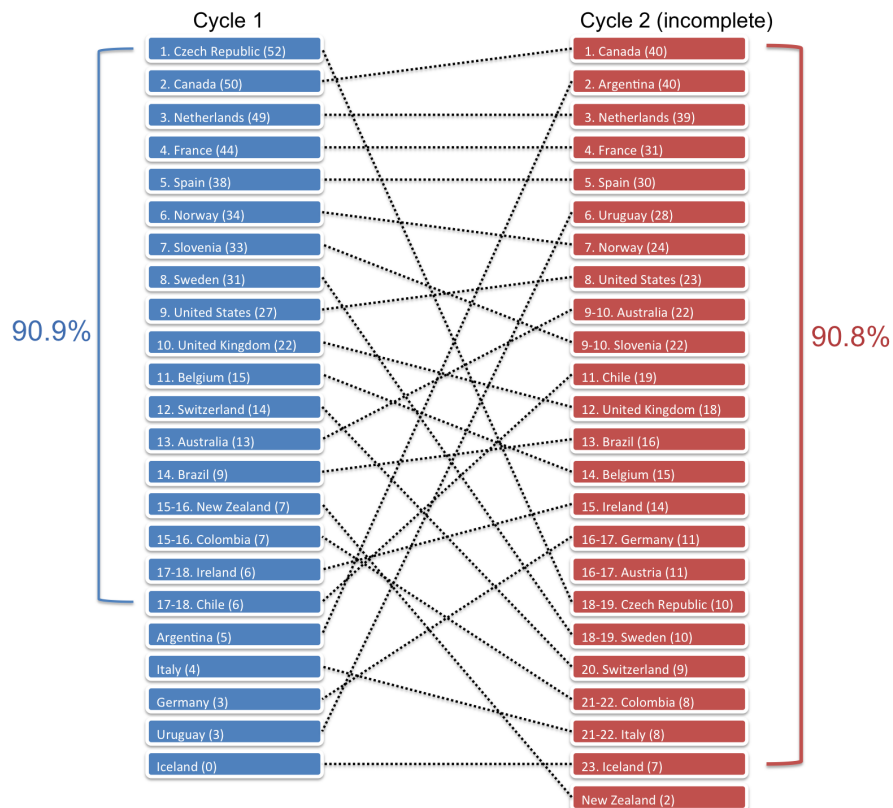
Universal Periodic Review (UPR) – Regional Pressure on Sexual Orientation and Gender Identity (SOGI)

Section 2 – Second UPR Cycle (2012-2016) (50% complete)

Not only is pressure on SOGI concentrated within specific regions, it is also exerted disproportionately by a very select group of countries across different regions.

As this chart shows, over 90% of SOGI-related recommendations in both UPR cycles have come from 18-23 countries, and the list of those countries has changed very little between cycles. In some cases, these countries are not representative of their regions: more than 96% of SOGI recommendations coming from Eastern Europe were made by only two countries: the Czech Republic and Slovenia. (The UN-designated Eastern Europe Group currently has 23 members.) Five countries - Canada, the Netherlands, France, Spain and Norway - made a combined 43% of SOGI recommendations in the first UPR cycle, and 46% of the second cycle still in progress.

18-23 countries account for over 90% of UPR recommendations on SOGI

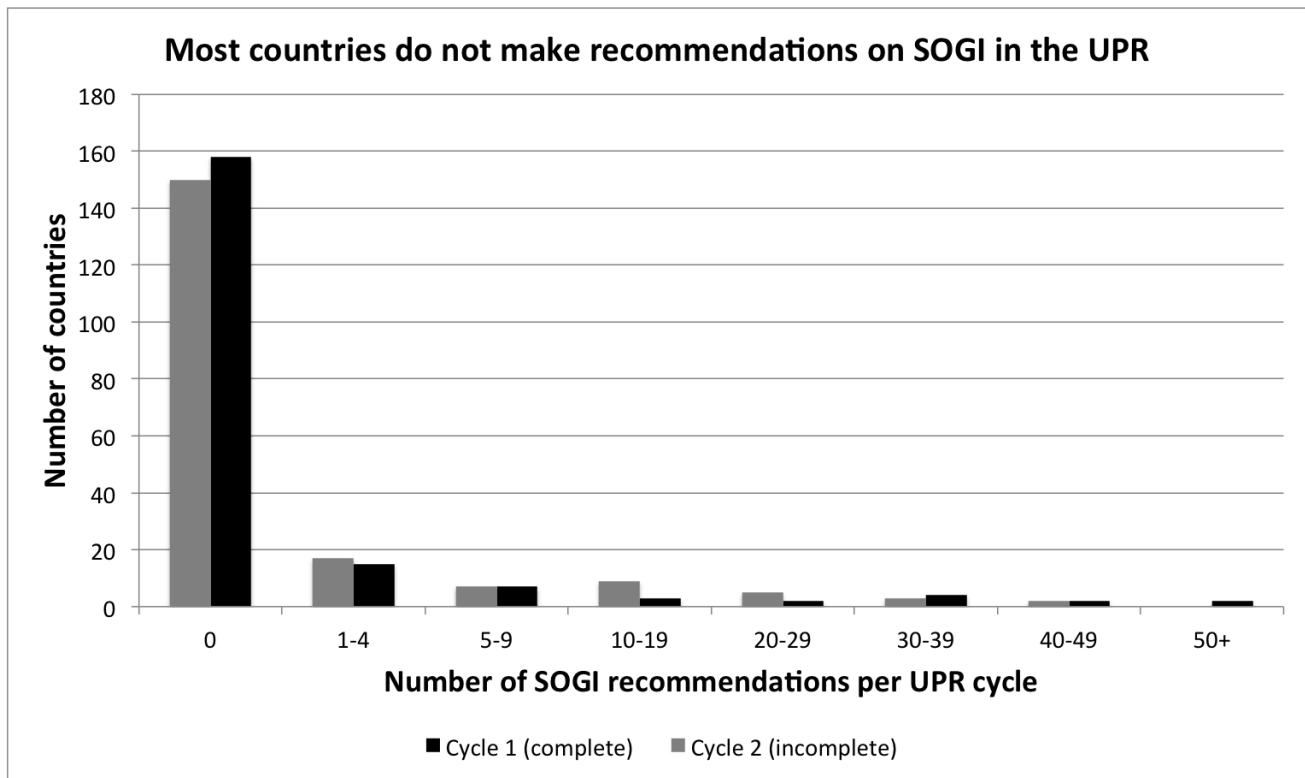


Numbers in parentheses are the number of recommendations made per UPR cycle.

Universal Periodic Review (UPR) – Regional Pressure on Sexual Orientation and Gender Identity (SOGI)

Section 2 – Second UPR Cycle (2012-2016) (50% complete)

In contrast, most UN member states do not make recommendations on SOGI in the UPR system. Of the 193 UN member states, 82% did not make a single SOGI-related recommendation in the first UPR cycle, and 90% made fewer than five. (For the incomplete second cycle, those figures are 78% and 87%, respectively.)



These numbers indicate that the promotion of SOGI within the UPR system is being driven aggressively by a few governments - often but not always regionally clustered – rather than reflecting a common international understanding of universal human rights.

Universal Periodic Review (UPR) – Regional Pressure on Sexual Orientation and Gender Identity (SOGI)

Section 2 – Second UPR Cycle (2012-2016) (50% complete)

These last two graphs compare the two UPR cycles in terms of the types of requests and the acceptability of requests for specific action. The breakdown of requests by type shows little change between cycles.

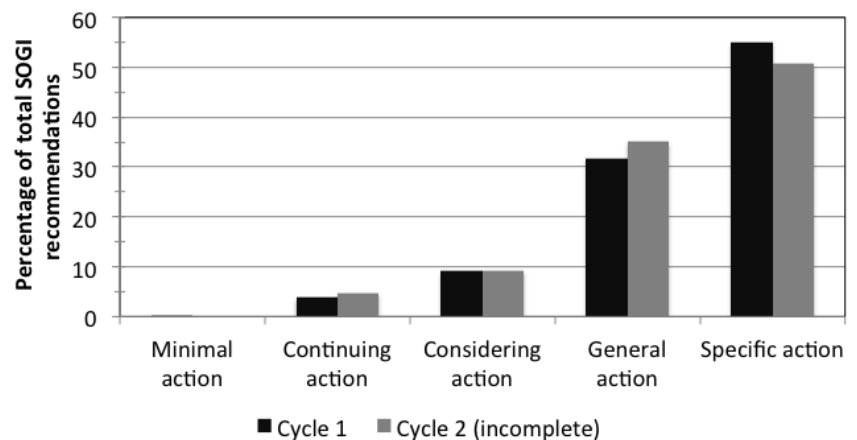
The acceptance rate of SOGI requests globally has gone down slightly. At a regional level, Africa continues to have a low acceptance rate, and Eastern Europe and Asia Pacific have both decreased their acceptance rates noticeably. However, Latin America’s acceptance rate has risen along with the frequency with which it issues SOGI recommendations to other countries.

Conclusion

International law does not recognize the notion of sexual orientation and gender identity. There is no binding UN treaty that mentions sexual orientation and gender identity, and no UN treaty can be fairly interpreted to include these notions. There is no consensus among UN member states on the use of the term sexual orientation and gender identity.

Such misinterpretations of international treaties undermines the credibility of the UN human rights system and the project of human rights.

SOGI Recommendations By Category (Cycle 1&2 - SOGI)



Acceptance of Requests for Specific Action (Cycle 1&2 - SOGI)

