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The Sexual Rights Initiative

The Sexual Rights Initiative (SRI) is a coalition of organizations that advocate for the advancement of human rights in relation to gender and sexuality at the United Nations Human Rights Council. Since the Universal Periodic Review was created by the Human Rights Council in 2006, the SRI has worked with activists, human rights defenders, academics and non-governmental organizations from over 70 countries to make violations of sexual rights, including reproductive rights, visible in this international forum.

The SRI partners include: Action Canada for Population and Development (Canada), Creating Resources for Empowerment in Action (India), Egyptian Initiative for Personal Rights (Egypt), Federation for Women and Family Planning (Poland), and Akahata (Argentina).

The International Planned Parenthood Federation

The International Planned Parenthood Federation (IPPF) is a global service provider and a leading advocate of sexual and reproductive health and rights for all. IPPF is a worldwide movement of national organizations working with and for communities and individuals.

IPPF works towards a world where women, men and young people everywhere have control over their own bodies, and therefore their destinies. A world where they are free to choose parenthood or not; free to decide how many children they will have and when; free to pursue healthy sexual lives without fear of unwanted pregnancies and sexually transmitted infections, including HIV. A world where gender or sexuality are no longer a source of inequality or stigma. IPPF will not retreat from doing everything we can to safeguard these important choices and rights for current and future generations.

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Disclaimer: The information contained in this publication is correct as of December 2011. Guidelines from the Office of the High Commissioner of Human Rights regulating the participation of civil society in the Universal Periodic Review process may be subject to change without notice. Consult www.ohchr.org to find out if there have been any changes to the process since publication.

Acronyms

BPfA	Beijing Platform for Action
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
ICRPD	International Convention on the Rights of Persons with Disabilities
HRC	Human Rights Council
ICPD	International Conference on Population and Development
IPPF	International Planned Parenthood Federation
MDG	Millennium Development Goal
NGO	Non-Governmental Organization
NHRI	National Human Rights Institution
OHCHR	Office of the High Commissioner for Human Rights
SRHR	Sexual and Reproductive Health and Rights
SRI	Sexual Rights Initiative
SuR	State under Review
UN	United Nations
UPR	Universal Periodic Review

Publication details

Key Words

Civil Society

Civil society refers to the arena of collective action around shared interests, purposes and values. Civil society is separate from the Government and can include: non-governmental organizations (NGOs), registered charities, community groups, academics, trade unions, activists and human rights defenders.

UN Member State

A UN Member State is a country that is a member of the United Nations. As of December 2011, there are 193 Member States of the United Nations. Also referred to as "State".

National Human Rights Institution (NHRI)

NHRIs are administrative bodies set up to protect and promote human rights at the national level. NHRIs are institutions of the State but are meant to be independent of governments.

Sexual Rights

Sexual rights encompass, among other elements, the rights of every person to sexual and reproductive health and well-being, bodily integrity, as well as the right to have control over and to make free and informed decisions on all matters related to one's own sexuality, reproduction and gender free from coercion, violence and discrimination.

State under Review

A UN Member State that is undergoing its Universal Periodic Review.



Women living in the Duékoué camp in Cote d'Ivoire receive pre- and post-natal care.

About this toolkit

The Sexual Rights Initiative (SRI) and the International Planned Parenthood Federation (IPPF) have developed this toolkit to help you shine an international spotlight on human rights violations related to sexual and reproductive health and rights in your country through the Universal Periodic Review (UPR) process of the United Nations (UN).

The UPR is a relatively new and unique process of the UN Human Rights Council where each of the 193 Member States of the UN is reviewed on its entire human rights record every four and a half years. It can be a very powerful tool to bring about real change in your country and support the work you are already doing at the national or local level.

The UPR is essentially a national process with specific moments which occur in Geneva, Switzerland at the UN Human Rights Council. There are several opportunities to participate in the UPR and you do not need to be involved in all of its stages for your advocacy to be successful. This toolkit will provide you with practical information on the UPR, how to participate and why it can be important for your sexual rights advocacy. You will also find helpful tips to maximize your advocacy throughout the process from sexual rights advocates who are already participating in the UPR. In addition, this toolkit will help you navigate your country's UPR cycle so that you can decide how and when to engage.

One of the most exciting elements of the UPR is that civil society organizations do not need to have in-depth knowledge of the UN system or human rights law in order to participate effectively. Your experience on the particular laws and policies that affect sexual rights in your country makes you an expert for the UPR because the UPR is all about the human rights situations inside the country being reviewed. This toolkit is therefore designed to assist you in bringing your knowledge, your expertise and your experiences to an international forum which can influence the realization of human rights where it matters most, in every person's daily life.



Human Rights Council, Geneva.

Why are the SRI and IPPF collaborating on the UPR?

The SRI and IPPF share a common goal of advancing sexual rights at the international, regional, national and local levels. We are bringing together our respective areas of expertise to make sure that governments, civil society, the UN and all human rights bodies recognize that sexual rights are human rights. As the largest global network of sexual and reproductive health care providers, IPPF has first-hand knowledge and practical experience of how people are impacted by laws and policies that restrict sexual rights. IPPF's work on the UPR is informed by its **Declaration on Sexual Rights** (see Chapter 1 Resources folder on main disc menu) which is grounded in core international human rights treaties and other instruments.

As a coalition of organizations consistently working to advance sexual rights at the UN Human Rights Council, the SRI has in-depth knowledge of human rights standards, the inner workings of the UN system and a large network of key stakeholders connected to international human rights institutions. We believe that the UPR is a natural and important place to join our advocacy efforts because it encourages civil society to tell the UN about their experiences of human rights violations, including sexual rights violations, so that every country in the world is held accountable for their actions.



Participants of SRI and IPPF workshop on UPR, Human Rights Council, Geneva.

Why do the SRI and IPPF want to help me get involved with the UPR?

Sexual rights are often marginalized from human rights discourse including within the UN, National Human Rights Institutions (NHRIs), human rights movements and even among civil society organizations. This marginalization can be attributed to the politicization of sexuality and gender equality, a narrow approach to human rights, religious opposition and the unwillingness of decision-makers to prioritize, financially and politically, sexual rights at the local, organizational, national and international level.

In addition, many advocates, activists and service providers working to challenge gender inequalities, to provide support for victims of gender-based violence and to provide access to sexual and reproductive health information, education and services, have limited resources and often lack the support and capacity to articulate their concerns within a human rights framework.

The SRI and IPPF want to work with non-governmental organizations, activists, human rights defenders, young people, teachers, academics, lawyers, trade unions, community groups, health care providers and anyone else committed to sexual rights to make sure that people's lived experiences of human rights violations related to their sexuality are seen and heard in the places where decisions are made and norms are set. The UPR is one area in which to do this and through the development of this toolkit, we would like to encourage and assist as many organizations and individuals as possible to participate in this process.

The UPR in Action

In advance of Thailand's UPR in 2011, the SRI and the IPPF Member Association in Thailand, Planned Parenthood Association of Thailand (PPAT), worked together to prepare a UPR stakeholder submission and engage in advocacy at the national level and at the UN Human Rights Council in Geneva. Drawing on PPAT's experience of delivering sexual and reproductive health care services to sex workers and the SRI's experience in writing stakeholder reports and advocacy at the UN Human Rights Council, they successfully highlighted how the criminalization of sex work prevents sex workers from accessing health care services, denies sex workers protection from sexual and physical violence and contributes to the stigmatization of sex workers. As a result, Finland recommended that the Thai Government:

1. "Increase its efforts to address the human rights challenges faced by all sex workers"
2. "Apply a comprehensive sexual and reproductive health and rights approach to guarantee the access of all sex workers, as well as their clients and clients' spouses and partners, to adequate health services and sexual education."

The Thai government agreed to implement the first recommendation and agreed to review the second recommendation before March 2012.

Why is the UPR important for sexual rights?

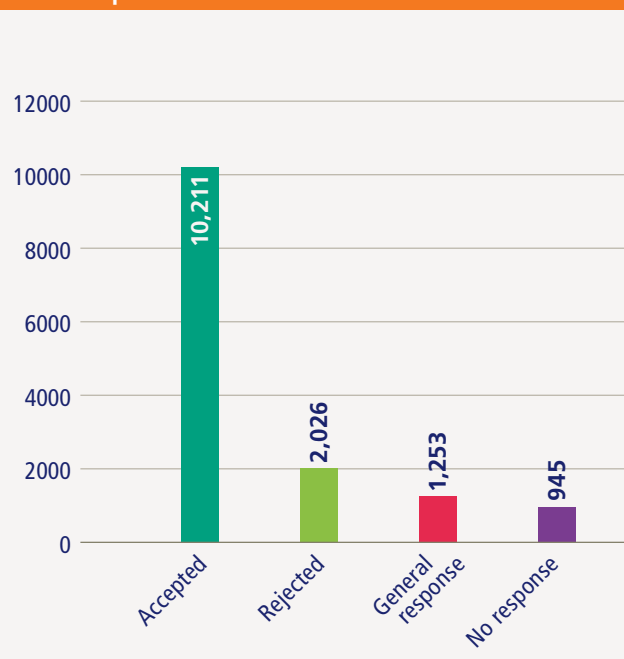
Human rights are about people's freedoms and entitlements to live in dignity. This requires an environment in which all persons can control and decide freely on matters related to their sexuality, are free from violence, coercion or intimidation in their sexual lives, have access to sexual and reproductive health care information, education and services and are protected from discrimination based on the exercise of their sexuality. These conditions are known as human rights related to sexuality, or simply, sexual rights, and the government of every country in the world is required to respect, protect and fulfill these basic human rights. Unfortunately, all governments are not living up to their promises, particularly when it comes to sexual rights, and SRI and IPPF, along with millions of others, want this to change.

The UPR provides a unique opportunity to advocate for the change we want to see in the world. The UPR is the only UN process in which each of the 193 Member States of the UN is reviewed on their entire human rights record every four and a half years. It is also the only UN process in which States directly ask questions and make recommendations to each other regarding national human rights situations. All Member States, regardless of size or political influence, are subject to the same rules and scrutiny and must respond to each recommendation put forward by other Member States.

Through the UPR process, sexual rights advocates can draw upon their experience and knowledge to inform Member States about the impacts of harmful laws and policies in a particular State under Review which can result in recommendations to change those laws and policies (for further information on recommendations see pages 35 – 37). The State under Review must then take a position on the recommendations and report back in four and a half years on the progress made to implement the

recommendations they have agreed to. **It only takes one recommendation from one Member State to put sexual rights on a government's agenda** and to oblige that government to respond to that recommendation (**See UPR in Action – Thailand**). Every time a Member State makes a recommendation on sexual rights, we move a little bit closer to achieving our national and international goals of realizing sexual rights in people's everyday lives.

State Responses to UPR Recommendations after 9 Sessions



Source: www.UPR-info.org

“The UPR process is a relatively easy and efficient way to pro-actively call Governments to account for sexual and reproductive rights violations. The UPR's human rights framework has significantly increased the pressure on the Irish Government to ensure Irish abortion laws meet international human rights standards.”

Niall Behan, Irish Family Planning Association (IFPA)

Why is the UPR important for sexual rights?

UPR recommendations are focussed on specific policy or legislative reform

Over the first three years of the UPR cycle (2008-2010), 4,594 recommendations¹ were made to States to take specific policy or legislative measures to remedy human rights violations.

The UPR also provides an opportunity to have a national dialogue on the role of human rights in your country. The UN Human Rights Council expects UN Member States to consult widely with civil society in the preparation of their UPR report (**See page 21 for a list of relevant UN conventions, treaties and protocols**). These consultations can be a galvanizing force for renewed commitments from civil society and governments to put human rights at the centre of all laws and policies. Sexual rights advocates need to be part of these national conversations to ensure the visibility and fulfillment of every person's right to make free and informed decisions on all matters related to sexuality, gender and reproduction.

“Knowing that there have been nearly 2,500 recommendations on women's rights issues alone filled me with a lot of confidence that we could really make progress using this process.”



Members of the Reproductive Health Alliance of Kyrgyzstan participate in strategic planning, governance and organizational policymaking.

1. www.UPR-info.org

What is unique about the UPR?

Transparent process

Transparency gives civil society greater leverage for holding governments accountable for the commitments they make in front of a global audience. The UPR is one of the most transparent processes of the entire UN.

- All documents prepared for the UPR including the State report, stakeholder reports and summary report of UN information are publicly available on www.ohchr.org
- Civil society is invited to submit information to the Office of the High Commissioner for Human Rights (OHCHR) on their experiences of human rights violations happening in their country
- Civil society actors can observe the review as it is happening at the UN Human Rights Council in Geneva. All UPR sessions at the UN Human Rights Council in Geneva are webcast live at: <http://www.unmultimedia.org/tv/webcast/c/un-human-rights-council.html> This means that anyone anywhere, can watch each country's review as it happens or at a later time
- All recommendations and questions put forward by States are published in the UPR Outcome Report. Questions by States in advance of the review are posted on: www.ohchr.org
- The State under Review must articulate their position on every recommendation put forward by other States. These responses are also published in the UPR Outcome Report and/or in an addendum to that report

- Civil society actors are invited to deliver statements to the UN Human Rights Council on their observations of the review
- UN Member States must report back to the UN Human Rights Council every four and half years on the progress (or lack of progress) they have made to implement the accepted recommendations

Open to all civil society actors

Unlike other UN processes which require non-governmental organizations (NGOs) to be accredited with UN status (known as ECOSOC status), all credible civil society actors can engage in the UPR. This allows a diversity of civil society actors who may not have engaged previously with the UN to participate in the process.



VIDEO

Role of NGOs in the UPR

Effective

It only takes one recommendation from one State to have your particular concerns incorporated into the UPR process which can lead to policy and legislative changes at the national level.

Multiple advocacy opportunities

There is no one-size-fits-all approach to the UPR and you do not need to engage in all aspects of the UPR to be successful.

You can:

- Choose which elements of the process with which to engage
- Prepare a stakeholder submission on your own or in partnership
- Conduct your advocacy on your own or in partnership
- Conduct your advocacy at the national level exclusively or you can also travel to Geneva
- Focus on one particular issue or several issues

What is unique about the UPR?

Cost-effective

Most of your advocacy will take place in your country and you do not need to travel to the UN Human Rights Council in Geneva. With a small investment of time to prepare a submission, participate in national and local-level consultations and conduct advocacy with key decision-makers (e.g. government officials, parliamentarians, National Human Rights Institutions etc.), you can achieve your national advocacy goals, without spending a lot of money.

No expertise on human rights or the UN is required

If you have knowledge or experience of laws and policies that are preventing people from making free and informed decisions on all matters related to sexuality, reproduction and gender then you are ready to engage in your country's UPR.

Governments actively engage in the UPR

During the first three years of the UPR's first cycle (2008-2010), 143 UN Member States were reviewed. Between them, they received 14,335 recommendations on how to improve their human rights record. 70.74% or 10,211 of these were accepted by the State under Review¹.



Marching for political and social justice for women and girls around the world.

“UPR may be a new thing but totally hassle-free process for me, to express and advocate for what I believe in, sexual and reproductive health and rights of all people. Since it is already something I work on every day, I am actually having fun working to advocate for SRHR and even the UPR itself with the general public.”

Pattaya Burra, Planned Parenthood Association of Thailand

What can the UPR achieve?

The fundamental goal of the UPR is to further the realization of human rights of all people within a country. The UPR can therefore be a useful tool to promote, for example:

- ✓ Actual legislative or policy change
- ✓ The development of programs and systems that will further the realization or implementation of human rights
- ✓ Greater transparency in how decisions impacting human rights are carried out by governments
- ✓ More regularized dialogue between government and civil society on human right issues
- ✓ The development of accountability systems

The realization of rights is shaped by the attitudes and behaviours of people in a given country and, as such, greater awareness and changed minds and hearts of those in the country are fundamental to improving the situation of human rights. In this regard, the UPR also provides excellent opportunities for engaging in and promoting greater public dialogue on pressing human rights issues within a country. It also creates opportunities for creative organizing and coalition-based advocacy on sexual and reproductive rights.



Internally displaced women in the Duékoué camp talk about their needs, Côte d'Ivoire.

How has the UPR advanced sexual rights already?

Bearing in mind that the UPR is a relatively new process, it has already made significant gains for sexual rights at the UN as demonstrated by large numbers of recommendations on sexual rights (see chart right) and at the national level as illustrated by the experience of Kyrgyzstan (below).

UPR in Action

The SRI partnered with Labrys Kyrgyzstan, an organization founded in 2004 to protect the human rights of lesbian, gay, bi-sexual and transgendered (LGBT) persons, to prepare a UPR stakeholder submission highlighting the continued violence by police against LGBT people and the denial of identity documents that reflect transgendered persons lived genders. During its UPR in 2010, the Government of Kyrgyzstan accepted a recommendation from the Czech Republic to *“Review the compliance of its national legislation with provisions of the International Covenant on Civil and Political Rights on non-discrimination, in particular with regard to women and persons of minority ethnicity, sexual orientation or gender identity”* and also a recommendation from Uruguay to *“Intensify in practice sanctions in cases of domestic violence, bridekidnapping, forced marriage, polygamy and discrimination against women due to sexual orientation, as well as promote mechanisms of protection that guarantee the rights of victims of domestic violence.”*

As a result of Labrys’ sustained advocacy around the UPR, Labrys was recently invited to hold a training for government officials on the implementation of recommendations from UPR and the Committee for the Elimination of Discrimination Against Women. Government officials also committed to making sexual orientation and gender identity issues part of Kyrgyzstan’s national action plan.

Within the first three years of the UPR (2008-2010), 143 States received 14,335 recommendations including several related to sexual and reproductive health and rights²:

Total number of recommendations after 9 sessions	Issue	Examples of Recommendations
2,494	Women’s rights	From South Africa to France – <i>Take effective measures to eliminate all forms of discrimination against immigrant women in accessing basic social services.</i>
107	Female genital mutilation	From Senegal to Cote d’Ivoire – <i>Intensify ongoing sensitization activities, carried out together with members of civil society, towards the reduction, or even the eradication in the future, of female genital mutilation.</i>
51	Maternal mortality and morbidity	From New Zealand to Afghanistan – <i>Include women in decision-making about maternal health, including in decisions on the design of local health care mechanisms, in a bid to strengthen its efforts to reduce maternal mortality.</i>
19	Abortion	From Luxembourg to El Salvador – <i>Initiate a national dialogue on the right of women to reproductive health, including with respect to the consequences of restrictive laws on abortion, including the criminalization of abortion.</i>
309	Sexual orientation and gender identity	From France to Barbados – <i>Bring its criminal laws on criminalization of consenting relations between adults of the same sex, and on offences of indecent assault and serious indecency that are defined vaguely, into line with international norms with respect to privacy and non-discrimination.</i>
188	Sexual violence	From Argentina to Burundi – <i>An amendment be made to the legal system so that crimes of sexual violence and sexual abuse are made punishable, and those responsible for such crimes do not enjoy impunity.</i>
23	Access to sexual and reproductive health services	From Brazil to Nigeria – <i>Enhance women’s access to health care, in particular to sexual and reproductive health services.</i>
102	HIV	From Algeria to South Africa – <i>Further intensify its efforts to decrease the HIV-AIDS prevalence in the context of its National Health Charter, with a special focus on teenagers.</i>
2	Human Rights of Sex Workers	From Uruguay to the United States of America – <i>Ensure access to public services paying attention to the special vulnerability of sexual workers to violence and human rights abuses.</i>

What are the advantages of engaging in the UPR?

The main motivation for civil society actors to engage in the UPR is to highlight a particular human rights violation with the hopes of bringing pressure on their government to remedy the situation. However, in addition to gaining commitment from your Government to address a particular rights violation, participating in the UPR also has several benefits in other areas including:

- Contributing to the achievement of organizational advocacy goals
- Building long-term coalitions with a broad range of civil society actors to support sexual rights issues and human rights more generally
- Empowering people affected by rights violations to claim their rights
- Raising the profile of your organization as a credible voice with the media, members, parliamentarians, funders, civil society and clients/service users. This can help create 'advocacy capital' which can be used in other related forums
- Developing relationships with Government officials
- Attracting media coverage to sexual rights issues
- Increasing capacity to apply a rights-based approach to service delivery, advocacy and policy analysis
- Accessing new networks of civil society actors



Participants at a UPR workshop run by IPPF and SRI.

Social change

Your participation in the UPR can help bring about social change that will enable people to make free and informed choices about their sexual lives and health.

“The UPR process has certainly helped us raise our own profile at the national level. More importantly, it has helped us raise the profile of the issues we have wanted the government to address for a long time. We can really feel now that the ball is starting to roll on our issues and that the government is taking these issues a lot more seriously.”

Chapter two Human Rights and Sexuality

Human rights and sexuality

The human rights framework

Sexual rights are human rights



UN Photo/JC Mdlwaine

Human rights and sexuality

Human rights refer to every person's freedoms and entitlements to live in dignity. This requires an environment in which all persons can control and decide freely on matters related to their sexuality, are free from violence, coercion or intimidation in their sexual lives, have access to sexual and reproductive health care information, education and services and are protected from discrimination based on the exercise of their sexuality. These conditions are known as human rights related to sexuality, or simply, sexual rights, and the Government of every country in the world is required to respect, protect and fulfill these basic human rights.

VIDEO

What are human rights?

Human rights related to sexuality address a wide range of issues that are often intersecting. These issues include but are not restricted to:

- child marriage
- reproductive rights
- sexual orientation
- gender identity and expression
- sex work
- sexual violence
- domestic violence
- child abuse
- gender-based violence
- gender equality
- sexual health
- female genital mutilation
- comprehensive, rights-based sexuality education
- access to sexual and reproductive health information, education and services including safe abortion
- maternal mortality and morbidity
- fertility treatment and assisted reproduction

- HIV prevention, treatment and care, including voluntary and confidential counselling and testing
- health care services for people living with HIV
- rights to non-discrimination for people living with HIV
- rights to non-discrimination for people with disabilities
- empowerment of women and girls
- intersections between sexuality and religion, poverty and/or racism
- honour killings
- the rights of adolescents to sexual and reproductive health information, education and services
- forced marriage
- involuntarily sterilization
- and, any other issue that impacts on the enjoyment of sexual rights.

In addressing these issues, sexual rights resonate profoundly within existing human rights norms and standards including the right to privacy, freedom of thought and expression, freedom from violence, the right to education and information, the right to equality, freedom from all forms of discrimination and the right to the highest attainable standard of health.

Credit – Office of the High Commissioner for Human Rights 2011

The human rights framework

Human rights are the basic rights and freedoms to which every person is entitled, simply because they are human. Every person is entitled to their human rights without discrimination of any kind.

Human rights are **interrelated, interdependent, inalienable and indivisible** and protected in a series of conventions, treaties and protocols that are binding under international law. Governments have a duty to respect, protect and fulfill human rights regardless of the social, political or cultural norms that may prevail at the national level. **(See page 21 for a list of relevant UN conventions, treaties and protocols)**

Human rights are for everyone

Interrelated and interdependent: Each right influences the fulfilment of all other rights. Often, the fulfilment of one right depends on the fulfilment of others. For example, ensuring the right to health requires the realization of the rights to education and information so that every person knows how to protect themselves from illness and how to access health care that meet their needs.

Inalienable: We are all entitled to human rights because we are human. These rights cannot be taken away from or given up by anyone, irrespective of their age, gender, ethnicity, race, religion, nationality, sexual orientation, socio-economic status, disability, HIV status or health status, or any other status.

Indivisible: No individual right is more important than another. Nor should one right be considered in isolation from the others. They are all interconnected. The denial of any right can prevent the fulfilment of several others.



The 100th anniversary of International Women's Day commemorated in London 2011.

Human Rights are based on the principles enshrined in the Universal Declaration of Human Rights which include, among others, **non-discrimination, dignity and equality**. These principles guide the human rights framework as it constantly evolves to meet new challenges and address human rights violations. The principles of non-discrimination, dignity and equality are the foundation of all sexual rights.

Respect, protect and fulfill

Respect – Governments must not interfere with any person's human rights or create barriers to the realization of any person's human rights through laws, policies or practices.

Protect – Governments must take steps to prevent third parties from violating the human rights of others.

Fulfill – Governments must take active steps to put in place institutions and procedures, including through the allocation of resources, to enable people to claim and enjoy their human rights.

The human rights framework



Sexuality and development

The link between the realization of rights and progress towards development has long been recognized. Like human rights, the central focus of development is the individual. Many leading advocates and human rights and development experts, believe that without full recognition of sexual rights, governments will be unable to fulfil their human rights commitments or reach many of the internationally agreed development goals. Discrimination, stigma and violence related to sexuality inhibit the engagement of marginalized persons into the social, cultural, economic and political development of a nation. As such, a favourable environment needs to be created in which sexuality is acknowledged as a fundamental part of being human, and recognized within international law, so that a democratic and truly representative role can be played by those who are marginalised in influencing and shaping the progress of their country.

A workshop for gay men facilitated by the Santa Maria Network, Bogota.

Sexual rights are human rights

Sexual rights are human rights related to sexuality and contribute directly to the freedom, equality and dignity of all people.

Sexuality is a central aspect of being human throughout life and while sexuality may include all of the following dimensions, not all of them are always experienced or expressed: sexual activity, gender identities, sexual orientation, eroticism, pleasure, intimacy and reproduction. Sexuality is influenced by the interaction of biological, psychological, social, economic, emotional, political, cultural, ethical, legal, historical, religious and spiritual factors. Sexuality can be experienced and expressed in thoughts, fantasies, desires, beliefs, attitudes, values, behaviours, practices, and relationships.

There is no internationally agreed definition of sexual rights and they are an evolving concept in international law. Sexual rights have sometimes been narrowly defined as rights related to sexual orientation and gender identity and they have also sometimes been defined exclusively within the context of reproductive rights. However, **sexual rights embrace the full range of human sexuality, including rights related to sexual orientation, gender identity and expression and reproduction, but are not exclusive to these elements of sexuality.**

Sexuality and reproduction

Sexuality is an essential factor in almost all reproductive decisions; however it is a central aspect of being human, whether or not one chooses to reproduce. Sexuality is not merely a vehicle for individuals to satisfy their reproductive interests. The entitlement to experience and enjoy sexuality independent of reproduction, and reproduction independent of sexuality should be safeguarded, paying particular attention to those who, historically and in the present, are denied such an entitlement.

Sexuality is an integral part of being human in every society around the world. While individuals experience their sexualities throughout their lives in different ways and are influenced by different social, economic and political factors, the protection and promotion of human rights related to sexuality must be part of the daily existence of all individuals, everywhere.

Individuals experience multiple barriers to the fulfilment of their sexual rights. Genuine equality requires these barriers to be removed in order for diverse individuals to enjoy fundamental rights and freedoms on an equal basis with others.

Sexual rights encompass a broad range of rights related to a person's sexuality including (but not exclusive to):

- The right to **non-discrimination** on the basis of actual or imputed: sex, sexuality, gender, gender identity and expression, sexual orientation, sexual behaviour or history, marital status, health status including HIV-status, age, political or other opinion and for any other reason related to a person's sexuality.

Non-discrimination

Like all human rights, sexual rights are underpinned by the principle of non-discrimination. Sexual rights seek to empower those whose rights and voice have traditionally been marginalized and discriminated against due to a wide array of prevailing social, cultural, economic and political factors. As such, sexual rights seeks to empower people living in poverty, people vulnerable to human rights abuses and people who are often under-served by the structures of government such as women, young people, immigrants, people living in institutions, sex workers, men who have sex with men, women who have sex with women, people who identify as gay, lesbian or bisexual, transgendered people, people living with HIV, girls forced into early marriage, people with disabilities and girls who are pregnant and/or have children, to be able to live freely without fear of violence, discrimination or stigma.

Sexual rights are human rights

- The right of all people, including young people, to **participate** in the policy decisions that affect their lives without formal or informal barriers such as age, marriage qualifications, conditions related to HIV status, or discriminatory gender norms, stereotypes and prejudices that exclude or restrict the participation of persons based on ideas of gender and sexual propriety.
- The rights to **life, liberty, security of the person, bodily integrity and the freedom from torture and cruel, inhuman and degrading treatment** so that all persons can express their sexuality free from violence and coercion. This includes the rights to be free from sexual violence, female genital mutilation, early or forced marriage, honour killing, forced pregnancy or maternity, forced sterilization, involuntary medical research, testing or confinement related to a person's actual or imputed sexuality and extradition or expulsion to another country where the person will face persecution based on their sexuality.
- The right to **privacy** which includes the right of all persons to be able to make free and informed decisions about their sexuality, sexual behaviour and intimacy without arbitrary interference. This includes the right to confidentiality regarding sexual and reproductive health care and services and the rights of all persons to control the disclosure of information regarding their sexual choices, sexual history, sexual partners and all other matters related to sexuality.
- The right to **personal autonomy and recognition before the law** which includes the rights of all persons to control and decide freely on matters related to sexuality, to choose their sexual partners, to express their gender in ways they choose, to seek to experience their full sexual potential and pleasure within a framework of non-discrimination and with due regard to the rights of others and to the evolving capacity of children, to identity documents which indicate his/her self-defined gender identity, to not be subject to

laws that arbitrarily criminalize consensual sexual relations or practices, to not be forced to undergo medical procedures including sterilization or sex reassignment surgery as a requirement for the legal recognition of gender identity and to not be subjected to pressure to conceal, suppress or deny his/her sex, age, gender, gender identity or sexual orientation.

- The right to **freedom of thought, opinion and expression** which includes the rights of all persons to hold and express ideas on sexuality and sexual rights without arbitrary intrusions or limitations based on dominant cultural beliefs or political ideology, or discriminatory notions of public order, public morality, public health or public security.
- The right to **peaceful assembly and association** which includes the rights of all persons to establish, join and create groups and organizations and to develop, exchange, campaign and impart information and ideas on issues related to human rights, sexual rights, sexual health, reproductive health, gender equality, gender expression, sexuality, sexual orientation and gender identity through any medium, within a framework in which the rights and freedoms of all can be fully realized.

Sexual rights and international agreements

While not explicit, sexual rights are implied in a number of major international conventions, treaties and agreements. These include (amongst others):

- [Universal Declaration of Human Rights \(UDHR\)](#)
- [International Covenant on Civil and Political Rights \(ICCPR\)](#)
- [International Covenant on Economic Social and Cultural Rights \(ICESCR\)](#)
- [Convention on the Elimination of all forms of Discrimination Against Women \(CEDAW\)](#)
- [Convention on the Rights of the Child \(CRC\)](#)
- [International Convention on the Rights of Persons with Disabilities \(ICRPD\)](#)
- [Millennium Development Goals \(MDGs\)](#)
- [International Conference on Population and Development \(ICPD\) Programme of Action](#)
- [Beijing Platform for Action \(BPfA\)](#)

Sexual rights are human rights

- The right to the **benefits of scientific progress and the highest attainable physical and mental health** which includes the underlying determinants of health and the rights of all persons to access to sexual and reproductive health care, to insist on safer sex for the prevention of unwanted pregnancy and sexually transmitted infections, including HIV, to participate in the establishment of laws, policies, programmes and services pertaining to public health in their communities, to access health services that are sensitive to the particular needs of marginalized individuals and communities, to access health care and services independently of the conscientious objection of health service providers, to access information about sexual rights in relation to health, to access the best possible health services based upon evidence and scientifically valid research, to access or refuse reproductive health technologies, service or medical interventions without discrimination.
- The right to **education and information** generally and in particular to comprehensive sexuality education and information in communities, schools and health services aimed at ending stigma and discrimination related to sexuality, developing skills to negotiate equitable relationships, empowering young people to participate in determining sexual health and sexuality education policies and providing sufficient information, in a language that is understood, to ensure that any decisions young people make related to their sexual and reproductive life, including how, when and with whom they have sex, are made with full, free and informed consent.
- **The rights to choose whether or not to marry, to found and plan a family and to decide whether or not, how and when to have children** requires an environment in which laws and policies recognize the diversity of families and includes the right to enter freely and with full consent into marriage or other partnership arrangements, to refuse to enter into marriage or other partnership arrangements, to have access to the information, education and the means necessary to make informed decisions regarding reproduction and family formation including counselling and other services related to contraception, adoption, reproduction, infertility and pregnancy termination, irrespective of marital status. All women, including young women, have the right to information, education and services necessary for the protection of reproductive health, safe motherhood and safe abortion, which are accessible, affordable, acceptable and convenient to all users.
- **The right to accountability and redress** which includes the rights of all persons to effective, adequate, accessible and appropriate educative, legislative, judicial and other measures to ensure and demand that those who are duty-bound to uphold sexual rights are fully accountable to them. This includes the ability to monitor the implementation of sexual rights and to access remedies for violations of sexual rights, including access to full redress through restitution, compensation, rehabilitation, satisfaction, guarantee of non-repetition and any other means. This also includes the right to hold to account non-state actors whose actions or omissions impact upon the enjoyment of another person's human rights and the obligations of States to take steps to prevent third parties from violating the sexual rights of others.

The rights of persons under the age of 18

The rights and protections guaranteed to persons under the age of eighteen differ from those of adults as certain rights and protections will have greater or lesser relevance at different points along the spectrum of infancy, childhood, and adolescence.

In addition, the concept of evolving capacity, which is grounded in the principles of respect and dignity, seeks to strike the balance between providing children with the protection they need and recognising them as active agents in their own lives and in the exercise of their human rights. Governments must create environments in which children can achieve their optimal capacity and where greater respect is given to their potential for participation in, and responsibility for, decision-making in their own lives. The balance between autonomy and protection must be recognized.

Chapter three

Understanding how the Universal Periodic Review works

What is the Universal Periodic Review? (UPR)

How do Member States decide which issues to address during the UPR?

Quick facts on the UN Human Rights Council



The Broken Chair sculpture, outside the United Nations in Geneva, symbolizes opposition to land mines and cluster bombs.

What is the Universal Periodic Review? (UPR)

The UPR is a relatively new and unique process of the UN Human Rights Council aimed at improving the human rights situations in all 193 countries that are members of the United Nations. Under this process, UN Member States directly examine each other's human rights records once every four and a half years. States make recommendations to the State under Review as to how they can fulfill their human rights obligations within their particular legal and policy context. The State under Review decides which recommendations it will accept and agree to implement before the next review four and a half years later. In the first three years of the UPR (2008-2010), 143 UN Member States accepted over 10,000 recommendations out of approximately 14,000 recommendations ([see chart on page 9](#)).

These two elements are part of what makes the UPR such a powerful process:

- (1) States (rather than experts who usually deliver recommendations to States) making recommendations to other States gives these issues political weight;
- (2) A State under Review is meant to give its position on each and every recommendation. This increases transparency as civil society then knows for certain how its Government feels about a particular issue which can then lead to more effective advocacy strategies.

VIDEO

UPR process

Credit – www.UPR-info.org

Why was the UPR created?

The UPR was set up with the creation of the UN Human Rights Council in 2006. The UN Human Rights Council's predecessor body, the Commission on Human Rights, was plagued by frequent and justified criticism of its politicization and selectivity, which were reflected in its avoidance of dealing with specific thematic issues as well as human rights situations in particular (usually politically powerful) countries. The UPR is an attempt to avoid similar politicization and selectivity by ensuring that the human rights record of every country is scrutinized regularly and on an equal basis.

What human rights issues are examined under the UPR?

Each State is reviewed upon its human rights obligations contained in:

- The Charter of the United Nations;
- The Universal Declaration of Human Rights;
- Human rights instruments to which a State is party; for example CEDAW, ICESCR, ICCPR etc.
- Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council; and
- Applicable international humanitarian law

All UN human rights treaties derive from the Universal Declaration of Human Rights, which sets out a broad list of human rights entitlements that all Member States are meant to uphold. So, even if the issue you want to see raised relates to a right contained in a treaty that the State under Review has not ratified, UN Member States may still make a recommendation on issues related to rights contained within those treaties.

How do Member States decide which issues to address during the UPR?

Member States base their recommendations on information contained in three documents

1. A **State Report** prepared by the government of the country under review including laws, policies, best practices and challenges related to the human rights situation in that country. The State's report can only be a maximum of 20 pages long and is generally submitted 12 weeks before the review.
2. A **Compilation Report** of UN information prepared by the Office of the High Commissioner for Human Rights from official UN documents of all information on the human rights situations in the country under review. The documents summarized in this report typically include observations and recommendations from UN human rights treaty-bodies, country mission reports by UN Special Rapporteurs, and reports on the country by UN agencies. This summary report may not be longer than 10 pages and is generally released six weeks prior to the State's UPR.
3. Reliable and credible information provided by civil society and National Human Rights Institutions that is summarized by the Office of the High Commissioner for Human Rights in a **Stakeholder Summary Report**. This report may not be longer than 10 pages and is generally released six weeks prior to the State's UPR. Information provided by civil society and National Human Rights Institutions for inclusion in the Stakeholder Summary Report are generally due five to seven months before the review.



Couple receive advice and contraceptives at a local clinic, West Bank.

Quick facts on the UN Human Rights Council

▶ VIDEO

What is the Human Rights Council

Credit – Office of the High Commissioner for Human Rights 2011

What is the Human Rights Council?

Created in 2006 to replace the UN Human Rights Commission, the Human Rights Council is the main human rights body of the UN system. It is responsible for strengthening the promotion and protection of human rights around the world.

Who are members of the Human Rights Council?

47 countries are elected to the Human Rights Council for a term of three years and no country may serve more than two consecutive terms. Each region of the world is allocated a certain number of seats to ensure equal representation in the Human Rights Councils' membership. Although there are only 47 voting members of the Human Rights Council (see following page), all 193 UN Member States are entitled to observe and participate in the work of the Council, including the UPR.

Where is the Human Rights Council?

The Human Rights Council is located at the United Nations in Geneva, Switzerland.

How does the Human Rights Council Work?

The Council strengthens the protection and promotion of human rights by:

- Making recommendations on global human rights issues and human rights situations in particular countries
- Examining complaints from victims of human rights violations or non-governmental organizations on behalf of victims of human rights violations
- Appointing independent experts (known as "Special Procedures") to review human rights violations in specific countries and examine global human rights issues
- Engaging in discussions with experts and governments on human rights issues
- Assessing the human rights records of all 193 UN Member States every four and a half years through the UPR

Quick facts on the UN Human Rights Council

Human Rights Council Member States

Member State	Expiry of term	Member State	Expiry of term
Angola	2013	Mauritania	2013
Austria	2014	Mauritius	2012
Bangladesh	2012	Mexico	2012
Belgium	2012	Nigeria	2012
Benin	2014	Norway	2012
Botswana	2014	Peru	2014
Burkina Faso	2014	Philippines	2014
Cameroon	2012	Poland	2013
Chile	2014	Qatar	2013
China	2012	Republic of Moldova	2013
Congo	2014	Romania	2014
Costa Rica	2014	Russian Federation	2012
Cuba	2012	Saudi Arabia	2012
Czech Republic	2014	Senegal	2012
Djibouti	2012	Spain	2013
Ecuador	2013	Switzerland	2013
Guatemala	2013	Thailand	2013
Hungary	2012	Uganda	2013
India	2014	United States of America	2012
Indonesia	2014	Uruguay	2012
Italy	2014		
Jordan	2012		
Kuwait	2014		
Kyrgyzstan	2012		
Libya*	2013		
Malaysia	2013		
Maldives	2013		

* The rights of membership to the Human Rights Council of the Libyan Arab Jamahiriya were suspended by the General Assembly on 1 March 2011 and restored on 18 November 2011.

Chapter four

Engaging in the UPR process

Overview of the UPR cycle

1. UPR preparation phase

- Preparing a stakeholder submission
- Six Steps to Writing a Stakeholder Submission
- Participating in State consultations
- Working in coalition with civil society
- Advocacy with UN Member States

2. During the review phase

3. Outcome Report adoption phase

4. Implementation phase



IPPF/Jennifer Woodside/Senegal

Overview of the UPR cycle

By the end of March 2012, each State will have been reviewed for their first time and this marks the end of the first UPR cycle. A new UPR cycle will commence in June 2012 and the process will begin again. This time each State will be reviewed over a period of four and a half years. 42 States will be reviewed over the course of the three UPR sessions each year, totalling 14 States per session. The first two UPR sessions of this new cycle will be held in June and October of 2012.

Each State will be reviewed on the progress made since its first review and on any new or outstanding human rights issues. The order in which States are reviewed for this second cycle will be the same as for the first cycle. See below to check when your country is up for review. States are not permitted to delay their review except in exceptional circumstances (e.g. Haiti was permitted to delay their review because of a massive earthquake. Even in this case, the decision to delay was made through a resolution of the Human Rights Council following a Special Session on Haiti.)

Phases of the UPR cycle

The UPR is a cyclical process which means that at any given time every State will be at a different stage of the process and always moving towards its next review. It is important for any member of civil society who wants to get involved with the UPR to ascertain which stage of the UPR cycle their country is currently in. There are several opportunities for civil society to engage at different points of the cycle and you do not need to be involved at every stage for your advocacy to be successful.

Human Rights Council Universal Periodic Review (Second Cycle)

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

¹ Granted membership of the United Nations on 14 July 2011 and subsequently added to the calendar by decision of the Human Rights Council Bureau

Overview of the UPR cycle

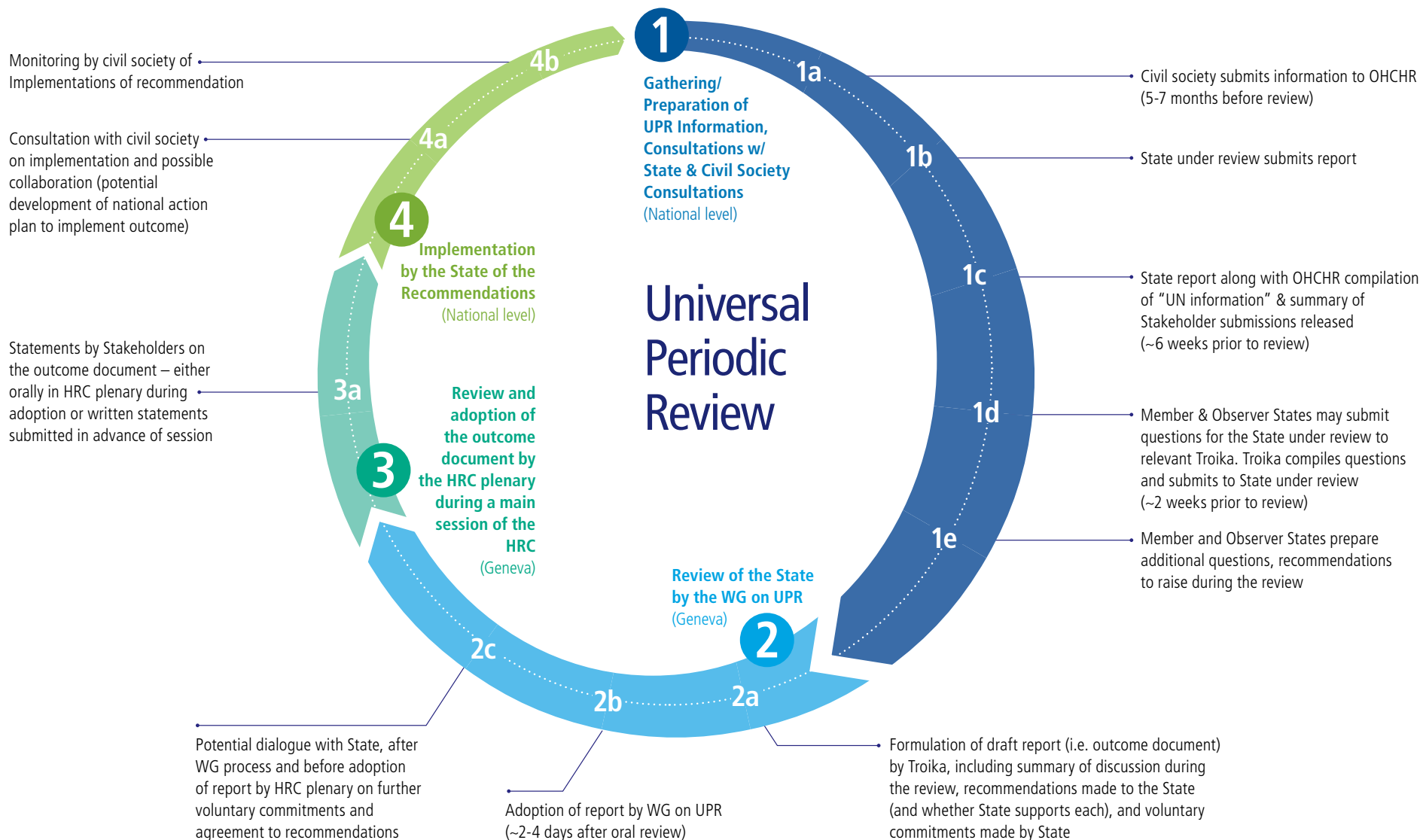
There are four main phases of the UPR cycle:

1. Preparation Phase

2. Review Phase

3. Outcome Report Adoption Phase

4. Implementation Phase



1. UPR preparation phase

The preparation phase can be the busiest part of the UPR process as civil society and the State under Review prepare their respective UPR reports.

Opportunities to engage at this point include:

1. Preparing and submitting a stakeholder report to the OHCHR
2. Participating in government consultations on the national report
3. Building civil society advocacy coalitions
4. Conducting advocacy with Member States



Winnie Ssanyu Sseruma, AIDS Action; Sylvia de Rugama, Positive Women of the World of the Netherlands; Stephanie Raper, AIDS activist; Loon Gangte, Dehli Network of Positive People of India at UN high-level meeting on HIV/AIDS.

Preparing a stakeholder submission

A State is reviewed on the information contained in three main documents: a **national report** prepared by the State under Review, a **compilation report of all UN information** relating to human rights issues in the country (including recommendations and observations from UN human rights treaty-bodies) and information known as **“stakeholder submissions”** from individuals, civil society organizations and groups on human rights violations occurring in the State under Review.

One of the most effective ways to engage in the UPR process is to prepare a stakeholder submission.

Any person, organization or group may submit credible and reliable information to the Office of the High Commissioner for Human Rights (OHCHR) on the human rights violations occurring in the State under Review. Stakeholder submissions provide information on laws, policies, regulations and practices that impact on any person’s human rights and also make recommendations as to how the situation can be improved.

You do not need to have an in-depth knowledge of human rights law or theory to prepare a stakeholder submission. The purpose of the stakeholder submission is to highlight the ways in which people are impacted by the laws and policies in place in your country. For example, the IPPF Member Association in the Philippines, Family Planning Organization of the Philippines (FPOP) recently submitted a stakeholder report focussing on the inaccessibility of contraceptive and family planning services in the Philippines and the impact this is having on women and girls reproductive health including unwanted pregnancy, unsafe abortion and pregnancy-related death. **If you have knowledge or experiences of how people are treated unequally, are vulnerable to violence or are prevented from accessing basic services necessary to live in dignity then you are ready to prepare a stakeholder submission.**

Examples

[India](#)

[Ireland](#)

[Kyrgyzstan](#)

Examples of stakeholder submissions from India, Ireland, Kyrgyzstan are available in the Resources folder on the main disc menu.

Six steps to writing a stakeholder submission

Step 1. Check the Deadline for Submission

On average, stakeholder submissions are due five to seven months before the State is to be reviewed. For example, the UPR of Lithuania took place in October 2011 and the Stakeholder Submissions were due in March 2011.

Your report must be submitted to the OHCHR on or before the deadline. Late reports will not be accepted or considered under any circumstances.

Check www.ohchr.org eight to ten months before your country is to be reviewed to confirm submission deadlines.

Step 2. Choose Your Focus Issue(s)

The submission may not be longer than 2,815 words (approximately 5 pages) for individual submissions and 5,630 (approximately 10 pages) for coalition submissions. Given these limitations you will need to consider which issues to focus on and the level of detail you will be able to provide for each issue.



Tip

Sexual rights advocates have found that it is more effective to focus on a few key issues so that they can be explained in sufficient detail rather than trying to cover several issues which does not allow for a lot of detail.

Questions to consider when deciding which issues to focus on:

- Are there existing laws, policies and/or practices which negatively impact on people's sexual rights?
- Have there been any recent changes to laws and policies that negatively impact on people's sexual rights? Are any planned for the near future?
- Is there a need for greater national dialogue on particular sexual rights issues?
- What issues are you already working on?
- On what issues do you and/or your organization have the most experience, knowledge or evidence?
- What are your clients/service users/members/volunteers telling you is the most important issue for them?

Step 3. Decide on an individual or joint submission

You may make a submission as an individual person or organization and you may also make a joint submission with other people, organizations or groups. The OHCHR encourages stakeholders to make joint submissions, however, for sexual rights advocates this can sometimes prove challenging.

In some countries, sexual rights issues are marginalized and stigmatized by civil society or do not receive sufficient attention in joint initiatives. An individual submission may be more effective in these situations or you may also consider joining with other like-minded sexual rights advocates from

different sectors to make a joint submission. For example, in advance of India's UPR in 2012, CREA, a feminist human rights organisation based in India partnered with a sexual and reproductive health NGO, two sex work collectives, an academic institution and the SRI to highlight the human rights violations experienced by sex workers.

In some countries, sexual rights advocates have made focussed submissions on one or two particular topics as well as contributing to larger civil society joint submissions. For example, the Irish Family Planning Association (IFPA) prepared a stakeholder report with the SRI focusing exclusively on the impact of the criminalization of abortion in Ireland and also participated in a large coalition of organizations from a variety of sectors to submit a joint report. This joint report included the key recommendations from the IFPA regarding abortion but also included information the rights of persons with disabilities, conditions in prisons, women's political participation and many other issues.

You will have to decide what is the best way to proceed given your particular relationships with civil society members and also your time and resource capacity.

Joint submissions with the SRI

The Sexual Rights Initiative has partnered with over 100 organizations, individuals and groups in 70 countries to prepare stakeholder submissions. This has proven to be a successful strategy to maximise advocacy potential as sexual rights advocates in the country being reviewed have first-hand knowledge of the national context and the SRI has extensive knowledge of the Human Rights Council. By combining these two essential elements, sexual rights issues become more visible during the UPR process.

Six steps to writing a stakeholder submission

Step 4. Review the format requirements for the submission

The OHCHR has strict rules on the format of the submission which must be followed if your submission is to be considered for the stakeholder summary report. This includes:

- Maximum of 2,815 words for individual submissions and 5,630 words for coalition submissions. Footnotes and endnotes are not included in the word limit but they will also not be considered for the stakeholder summary. The cover page is also not included in the word count
- The report must be specifically prepared for the UPR. Reports prepared for other purposes may not be submitted
- Information must be credible and reliable and based on first-hand knowledge or experience as much as possible
- Secondary information (from reports, research, newspaper articles etc) must be properly referenced
- Maps, pictures or graphics may not be included
- Paragraphs and pages must be numbered
- The report must be in Microsoft Word format
- You must include a cover page which clearly identifies the stakeholder making the submission including letterhead, name and acronym, logo and webpage. (The cover page is not included in the word limit)
- Written contributions should be submitted in UN official languages only (Arabic, Chinese, English, French, Russian, and Spanish), and preferably in English, French or Spanish
- The report must not include abusive language

Step 5. Writing your Stakeholder Submission

There are three key objectives to keep in mind when you are writing your stakeholder submission:

1. To ensure the issues highlighted in your report are included in the stakeholder summary prepared by the OHCHR which will be used by UN Member States to review your country.
2. To produce a robust document that can be used to highlight your sexual rights issues with your government, civil society, UN member states and the media.
3. To make specific recommendations on how you Government can address this particular human rights violation or work towards the full realization of sexual rights.



Tip

The information contained in your submission will be read by a person from the Office of the High Commissioner for Human Rights who will not be familiar with the laws and policies in place in your country. Clear explanations of particular laws, policies and the impact on people's lives will increase the chances that your issues will be included in the stakeholder summary and raised by States during the review.



Tip

Your submission should be as focussed on your issues as possible. Do not include general information on demographics, the legal system or lists of human rights instruments your country has ratified. This information will be included in other documents, such as the State's own national report and the Summary of UN information. All the information in your submission should directly relate and reinforce the issues you seek to highlight.

Your stakeholder submission should be broken down into three sections:

- Executive summary including a list of key words
- Information on the human rights situation
- Recommendations

The **executive summary** is a very important part of your submission as the OHCHR will often focus on this section when preparing the stakeholder summary report. Therefore, each issue in your report should be summarized in one or two sentences within the executive summary. A list of key words at the beginning of the executive summary is also helpful to clearly identify the issues contained in the submission (e.g. sexual orientation; violence against women; HIV; reproductive health; maternal mortality; sex work; access to sexuality education in schools; criminalization of abortion; access to voluntary and confidential HIV counselling and testing; etc.)

Six steps to writing a stakeholder submission

The main body of the submission should contain **information on the human rights situation** in your country. There is no set format for the presentation of the information, however, several sexual rights advocates have found it useful to organize information by issue (e.g. Abortion, Transgendered People, Sexuality Education) or by the category of rights (e.g. Right to Health, Non-Discrimination, Privacy etc.).

When focussing on a particular issue, it may be helpful to consider the following questions:

- What is the problem?
- Who is affected by this situation?
- How are people affected by this situation?
- Are some groups more affected by this situation than others?
- What are the impacts on people's lives because of this situation?
- What is your knowledge/experience of this situation?
- What is the government doing or not doing about this situation?
- Does a law, policy or practice exist which affects this situation?
- Are the laws and policies enforced?
- Is there a need for a law or policy to protect people affected by this situation?

- Is there a need for a law or policy to be changed to protect people affected by this situation?
- How does this situation affect other parts of people's lives?
- Has any UN body ever made recommendations or observations on this particular situation?
- Have any international, regional or national courts made a ruling on this particular situation?
- Have any Special Procedures been invited to comment on the situation nationally?

Examples

India

Ireland

Kyrgyzstan

Examples of stakeholder submissions from India, Ireland, Kyrgyzstan are available in the Resources folder on the main disc menu.

Important

Confidentiality

Your report will be a public document and will be available on the OHCHR website. Any reference to individual cases should be made only if the safety and well-being of all relevant individuals concerned will not be jeopardised by such a reference.

After you have set out the particular issues affecting sexual rights in your country, you can make practical **recommendations** on how the government can improve the situation. The recommendations are very important because you will be asking UN Member States to make these recommendations during the review. Effective recommendations are those that will encourage the State to take specific actions such as passing or repealing laws, developing and implementing policies or allocating resources. Try to be as specific as possible and articulate exactly what you want your government to do so that you can hold them accountable.

Tip

If you would like to submit information anonymously, contact an organization in your country that you trust or the Sexual Rights Initiative to make a joint submission. The report will be submitted under the name of the organization you have chosen to work with and you will not be identified in public documents.

Six steps to writing a stakeholder submission

Considerations for formulating recommendations:

- Which law, policy or practice do you want to see changed, created or stopped?
- Who is responsible for implementing the recommendation?
- How will you know the recommendation has been implemented? E.g. Passing a law, increasing resources, public awareness campaigns or developing policies.
- Is it possible for the State to implement the recommendation?
- Will this recommendation improve the lives of people affected?
- Can the recommendation be fully implemented in the next four and a half years when the State is reviewed again on its progress?
- Is the recommendation directly backed up by information contained in main body of the submission?



Tip

When formulating your recommendations, aim for the best possible outcome instead of the minimum that you think your Government will agree to.

Recommendations can be divided into five categories in order to assess their strength. Try to make all your recommendations a category five – specific action³.

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).
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).
3. **Recommendation to consider change** (Example of verbs: analyse, consider, envisage envision, explore, reflect upon, revise, review, study).
2. **Recommendation emphasizing continuity** (Example of verbs: continue, maintain, persevere, pursue).
1. **Recommendation directed at other Member States**, or calling upon the State under Review to request technical assistance, or share information (Example of verbs: call on, seek, share).



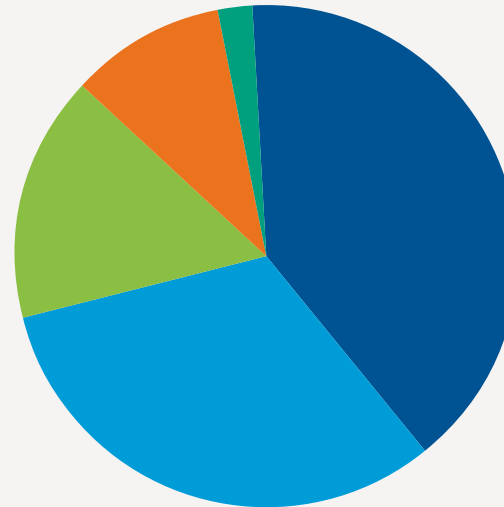
67 per cent of young men and 80 per cent of young women in developing regions lack accurate knowledge of HIV.

Six steps to writing a stakeholder submission

Examples of category 5 recommendations:

- Establish a national commission for gender equality
- Incorporate the principle of equality between women and men into the Constitution
- Provide human rights education and training to police officers, corrections officers and judicial staff aimed at the protection of women, persons of minority sexual orientation and gender identity and national minorities
- Repeal the provisions of the criminal code that criminalize women who have abortions
- Introduce for adoption a comprehensive, all-inclusive antidiscrimination law that includes protection against discrimination on the grounds of sexual orientation and gender identity

Categories of Recommendations



- 40% (5,792) General action
- 32% (4,594) Specific action
- 16% (2,271) Continuing action
- 10% (1,400) Considering action
- 2% (378) Minimal action

Source: www.UPR-info.org

Step 6. Submitting your report to the Office of the High Commissioner for Human Rights

When you have finished preparing your report, you will need to send it to the OHCHR. As with the format of the submission, there are strict rules to be followed when submitting your report.

- The report must be submitted to the OHCHR on or before the deadline. There are no exceptions. Check the deadlines for submission at least eight months before your country will be reviewed www.ohchr.org
- Reports must be sent by email to uprsubmissions@ohchr.org
- The OHCHR discourages stakeholders from faxing or mailing a hardcopy of their submission to the OHCHR secretariat but they may do so in the case of repeated technical difficulties with electronic mail. If this is the case, please fax your submission to: +41 22 917 90 11
- The body of the email used to send the submission must include:
 - > The relevant contact details of the stakeholder sending the report including the name of the contact person; postal and email addresses and telephone number
 - > A paragraph describing the main activities of the submitting organization/coalition, as well as date of establishment

Six steps to writing a stakeholder submission



- Each electronic submission and relevant email message should refer to one country only
- The subject line of the email must include:
 - > The name of the (main) stakeholder submitting the contribution
 - > The kind of contribution (individual and/or joint)
 - > The name of the reviewed country
 - > The month and year of relevant UPR session,
 - > EXAMPLE: “Global Youth Coalition on HIV/AIDS – joint UPR submission – Mexico –February 2009”
- The OHCHR secretariat will send you an email to confirm receipt of your message and submission
- Revisions to the report are not possible once it has been submitted
- Once submitted to the OHCHR, your report will be posted to the OHCHR website and will be publicly available



Tip

Once you have made your stakeholder submission, consider how else you can use that report for advocacy including:

- Send out a media release on your stakeholder submission.
- Send your submission to your own government and ask the officials to include information and commitments on your issue in its own national report for UPR or to have them respond to concerns raised.
- Share your submission with other civil society partners
- Publish your submission on your website

Planned Parenthood Federation of America demonstrates in Washington D.C.

Participating in State consultations

States are encouraged to consult widely with civil society in the preparation of their national report and to detail the process for consultation in its national report. Consultations can take many formats including: requests for written submissions, open meetings hosted by a Government department for civil society to raise the government issues they believe to be important and relevant to the UPR, online consultations, and/or seminars with government officials to inform civil society on the UPR and provide opportunities to ask questions about the process and the State report.

Consultations can take place any time during the lead up to the review but are most commonly held three to eight months before the review. Contact your Foreign Ministry to find out which Government department is responsible for organizing the consultations.



Tip

Contact your Foreign Ministry to find out which Government department is responsible for organizing civil society consultations

State consultations can be an opportunity for sexual rights advocates to bring attention to issues that the State may not have considered addressing in its national report. These forums also provide sexual rights advocates with essential practical information such as:

- Which Government department is responsible for the UPR
- Which civil servants are assigned to the UPR
- What are the Government's priority areas for the UPR
- What issues does the Government expect to be raised by other States

Consultations also provide an opportunity to learn about the priorities of other members of civil society, inform others about the work you are doing and forge potential partnerships for working together during the UPR.

Some sexual rights advocates have experienced opposition during consultations, particularly those working on the decriminalization of abortion, sex work and issues of same-sex sexuality. However, peaceful participation in this type of forum allows for the voices of people most affected and most often silenced by harmful laws and policies to have their voices heard by decision-makers. As a sexual rights advocate, you will likely have encountered opposition of some form at one time or another and are in the best position to determine the risks and benefits of participating in State consultations, also taking into consideration the personal safety of anyone involved.



Tip

Parliaments can play a useful role in looking at what your Government is saying in its National UPR report. The Brazilian Senate, for example, held hearings with civil society to consider a draft of the government's national report. From this hearing, the draft report was substantially revised before it was submitted to the OHCHR. Consider asking your Government to have a similar hearing held within Parliament or a Parliamentary Committee to review the draft national report before it is submitted to the OHCHR.

Working in coalition with civil society

The UPR provides an opportunity to work with other members of civil society to raise awareness of human rights in general and also sexual rights. An advocacy coalition is a group of like-minded organizations and individuals working together to achieve common goals through coordinated action. Successful coalitions share a common purpose, are committed to working together, can work out differences in opinion amicably and stick to an agreed advocacy plan.



UN Photo/Jean-Marc Ferré

OHCHR Headquarters in Geneva, Switzerland.



Tip

The OHCHR encourages members of civil society to join their advocacy efforts so that States can have a better picture of which issues are considered most pressing in the State under Review. Joint stakeholder reports can be more likely to have their recommendations reflected in the summary of stakeholder submissions prepared by OHCHR.

Benefits of working in coalition:

- Demonstrates broad social support for a particular issue
- Recognizes that sexual rights are part of the human rights framework in the same way as rights to political participation, housing and education, for example
- Reduces duplication of efforts
- Raises the profile of your organization
- Access to greater pool of skills, expertise, contacts, resources and experiences
- Greater reach of advocacy messages to different constituents and decision-makers

While working in a coalition has many benefits, you must ensure that coalition member(s) are a good fit with your advocacy goals. Before approaching possible coalition partners, consider the following:

What benefits would the partner derive from participating in your advocacy campaign?

Coalition Partners must see value for their organization in supporting your campaign.

Would the reputation of the potential coalition partner complement your advocacy strategy?

Are you comfortable being associated with the potential partner in the media, in the eyes of Government officials and other civil society actors?

Does the partner understand the commitment?

Building successful working coalitions takes time and may come at the expense of other projects/activities. Potential partners should understand the expected time commitment.



Tip

It is important that you learn from the mistakes of your advocacy efforts in order to strengthen future efforts and it is also important that you share in the successes. Publicizing all successes along the way serves to buoy and encourage coalition members. By sharing the credit you ensure goodwill for possible future advocacy efforts.

What does the partner bring to the coalition?

Does the partner have supporters who will become engaged in your particular issue? How does the partner communicate with the public? Does the partner have different or better connections with elected or Government officials? Does it have a reputation within the policy community for being effective?

Will our advocacy priorities have sufficient visibility within an advocacy coalition?

Working in coalition with civil society

A good example of a UPR advocacy coalition can be seen in the case of **Trinidad and Tobago**. The International Planned Parenthood Federation (IPPF) Member Association of Trinidad and Tobago, the Family Planning Association of Trinidad & Tobago (FPATT) worked together with the Coalition Advocating for Inclusion of Sexual Orientation (CAISO) and the Sexual Rights Initiative on a written submission to the OHCHR. This written submission was developed along the lines of the IPPF Declaration of Sexual Rights. They focused their advocacy on a wide range of sexual rights issues including: the criminalization of consensual sexual activity between adults, violence directed towards persons on the basis of their sexual orientation, gender expression or gender identity, lack of attention to MSM in HIV programmes, access to safe and legal abortion services and early marriage. The submission, along with intensive advocacy efforts at the national level and in Geneva resulted in a very strong set of recommendations being raised by a wide number of UN member states. As a result of this advocacy, the government accepted a number of key recommendations including:

1. To undertake proactive policies to promote the rights of individuals, especially with regard to their sexual orientation and HIV and AIDS status;
2. To continue promoting equality, participation and empowerment of women in public policy making and decision taking;
3. To maintain its efforts in favour of prevention, punishment and eradication of all forms of violence against women;
4. To strengthen legislation and policy measures aimed at preventing and addressing violence against women;

5. To investigate allegations of possible human rights violation by public security officials, and, to reinforce the capacity to sanction those responsible and avoid impunity.

The Government deferred some recommendations until March 2012 when the Outcome Report will be adopted including: decriminalizing same sex sexuality between consenting adults, adopting legislative and political measures to establish a specific framework of protection from discrimination for sexual preference, and, amending national legislation to ensure the minimum age for marriage. Between the review (October 2011) and the next session of the Human Rights Council, FPATT, CAISO, SRI and IPPF will be following up on these deferred recommendations to ensure that they are accepted by the government in time for the March 2012 session of the Human Rights Council, when the outcome report will be adopted.

Already CAISO and FPATT have gained coverage in the national media for their efforts and secured the support of leading Ministers for the recommendations. Shortly after the review in October, FPATT engaged the Minister of Gender, Youth and Child Development under whose purview a number of the key recommendations fall, to determine ways in which the coalition partners could support her Ministry's efforts. Work has already begun by the Ministry to address these matters. Apart from public statements in the media, in November 2011 the Ministry hosted a major public consultation on raising the age of child marriage to eighteen years. In addition several media houses as well as the Institute for Gender and Development Studies of the University of the West Indies have been hosting panel discussions on this issue, which has seen FPATT being invited to participate in the discussions.



Tip

National Human Rights Institutions (NHRIs) have a unique role in the UPR. They are considered to be stakeholders but separate from civil society and also the State. The OHCHR summary of stakeholder submissions reserves a section of the 10 page summary for the input of a country's NHRI. In addition, many States will read the NHRI submission when preparing their statements and recommendations and may hold the NHRI in higher regard than NGOs. Therefore, advocacy with your NHRI in advance of the submission to include sexual rights in their stakeholder submission can be helpful in gaining visibility for your issues and increase the chances of having your issues raised by States.

Advocacy with UN Member States

The UPR is a peer review process. This means that UN Member States make recommendations to other UN Member States on how to improve human rights in their country. Therefore, informing UN Member States on the sexual rights violations happening in your country and asking them to make recommendations is an important part of the process.

The main objective of conducting advocacy with States is to have them raise your issue during the review of your Government.

Sexual rights advocates that have not engaged in advocacy with UN member states before may feel intimidated about what to do, who to contact or what to say. Rest assured that this is quite understandable and any lack of experience need not prevent you from advocating successfully. UN member states want to hear what civil society has to say to ensure their recommendations will actually help improve people's lives. Remember, you are the expert on the laws, policies and practices that impact on people's sexual rights in your country.

Why should I advocate to States?

Due to the high volume of stakeholder submissions, every issue may not be included in the summary documents compiled by the OHCHR or brought to the attention of States. Advocacy with States helps ensure your issues are raised during the UPR.

Tip

You can partner with other organizations that have experience in conducting advocacy with Governments at the national level and also at the Human Rights Council. For example, the SRI has partnered with over 40 stakeholders to facilitate and support advocacy with UN Member States at the Human Rights Council.

When should I start my advocacy with States?

Most countries begin working on their recommendations two to three months before the review. Aim to begin your advocacy at this time and no later than one month before the review as most recommendations will likely be finalized by then.

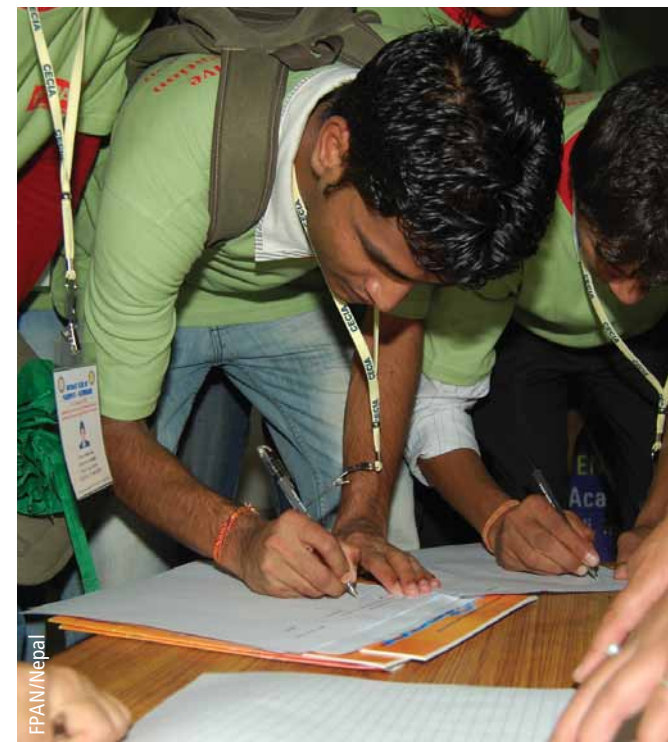
What documents should I prepare for my advocacy with States?

A one-page version of your stakeholder submission that includes the executive summary and recommendations is a useful document to give to delegates. Reports and additional documentation is unlikely to read by delegates unless specifically requested.

Examples

[Click here for document](#)

Examples of advocacy brief from Trinidad and Tobago is available in the Resources folder on the main disc menu.



Youth volunteers advocating for comprehensive sexuality education.

How do I know which States to contact?

You want to contact those States you think will most likely raise your issue. A good indication of whether a State is friendly to your issue is if they have ever made recommendations on the same issue to your country before or to another country. For example, Denmark, Sweden, Netherlands, Spain, Germany and Luxembourg have made recommendations to States to revise their abortion laws and would therefore be promising countries to approach if you are working on the same issue.

Advocacy with UN Member States

It can also be helpful to consider:

- Does a State have a strong interest in these issues?
- Is the State a donor of development aid and do they fund programmes and projects on these issues?
- What is the law in the State's country relating to this issue?
- Has the State made any previous commitments or statements on this issue?
- Does the State have good relations with your country and thus are they more likely to be listened to by your government?

Countries that have made the most recommendations after 10 sessions

Rank	Recommending State	Total Recommendations
1.	Canada	732
2.	Mexico	561
3.	Brazil	542
4.	France	541
5.	Norway	538



Tip

When deciding which countries to approach, consider targeting those that have a history of raising similar recommendations in earlier UPR sessions. The website www.UPR-info.org has information on the recommendations raised by each country.

The SRI website www.sexualrightsinitiative.org also has a database of recommendations specific to sexual rights. This data can help you make an effective 'target list'. For example, during the first three years of the UPR, the countries below made recommendations on the following subjects⁶:

Country	Sexual Orientation and Gender Identity	Minorities	HIV/AIDS	Women's rights	Right to health
Algeria	0	16	3	75	11
Bangladesh	0	14	8	38	16
Brazil	3	13	4	88	5
Canada	34	26	8	118	5
Czech Republic	41	18	9	54	0
Mexico	3	16	2	80	3
Ghana	0	8	0	28	3
Netherlands	40	16	2	81	3
New Zealand	4	5	0	39	4
South Africa	0	3	1	18	6
Sweden	21	8	0	45	2
Venezuela	0	4	0	7	4

6. www.UPR-info.org

Advocacy with UN Member States

How do I know which individual to contact?

Once you have a list of countries you would like to talk to, contact their embassies in your country and try to arrange a meeting with the person responsible for preparing the UPR. Remember that governments will often prepare their UPR statement in consultation with its embassy in the country, its Mission in Geneva, and relevant officials in its foreign ministry. So, you should also consider requesting the contact details for the person responsible for UPR in their foreign ministry and in their embassy in Geneva.

Contact

Contact details for all embassies in Geneva can also be found here: [Link to embassies](#)

What should I say during my meetings/ correspondence with UN Members States?

Briefly explain what sexual rights violations you wish to highlight, your experience and knowledge of the harmful impacts, highlight that State's previous recommendations or anything else you know about the country's laws, policies or positions that could help persuade them to raise your issue and finally ask them to make the recommendations you have set out in your submission and one page advocacy document.

Should I follow up?

Yes, always follow up with any correspondence and meetings. Thank them for their time and consideration of your issue and let them know you can provide them with any further information.

Do I need to go to Geneva to advocate with States directly?

No, you do not have to go to Geneva to advocate with States. You can meet with embassy officials in your country and correspond with officials in their foreign ministry and Geneva by email, fax or telephone. If you and/or your organization have the time and financial resources to send a representative to Geneva it can be helpful to meet directly with the people responsible for delivering the recommendations but it is not strictly necessary. You may also choose to collaborate with an organization based in Geneva that would be willing to advocate with States on your behalf. The Sexual Rights Initiative regularly engages in UPR advocacy and would be pleased to support sexual and reproductive health and rights organizations in raising issues for the UPR of their country.

Advocacy in Geneva

UN Missions in Geneva are generally receptive to NGO input and will (in most cases) be willing to meet to discuss your concerns and recommendations before a country is reviewed. Often this is because UN Mission staff need to make submissions for a large number of countries so cannot be expected to be an expert on the human rights situation in each. Hence, they are willing to meet with civil society who have real knowledge of the national context and have the time to explain the situation first hand.

Examples

[Click here for document](#)

Example of a template letter to UN Missions is available in the Resources folder on the main disc menu.



Tip

A State's embassy to the UN is called a "Mission". The diplomats who work at the UN are called "delegates".



Ebony Johnson, Civil Society Task Force representing UNAIDS Programme Coordinating Board (PCB) NGO delegation 2011.

Advocacy with UN Member States

When should you go to Geneva to advocate with UN Member States?

States will usually start working on the recommendations for the State under Review two to three months before the review. To ensure that your advocacy can feed into the State's preparations, you should plan to travel to Geneva at least one month before your country is due to be reviewed.

Practical advice for advocating in Geneva

- If you want to meet the delegates in the Human Rights Council building you will need to be accredited to an organization that has a special UN status known as "ECOSOC Status" in order to gain entry to the UN buildings. Information on accreditation can be found [here](#).
- Try to make links with other advocates that are also in Geneva who might be able to introduce you to delegates
- Try to schedule meetings with delegates before you arrive so that you can use your time efficiently
- If you would like to meet delegates from a particular country but have been unable to secure a scheduled meeting, go to the main conference room where the Human Rights Council sits (Room XX) and look for delegates sitting in front of that country's name plate. **The country names are listed alphabetically in French with Members of the Council sitting in the front rows**



Tip

Remember, although your recommendations may be deemed very useful by the Mission staff you meet in Geneva, the final say on which recommendations will be raised when a state is reviewed, will be by Government officials in the country. Therefore, urge the Mission staff to relay your recommendations to "capital" for consideration as soon as possible.



Young people from around the world tell the UN Security Council what the greatest challenges to peace and security are for their generation.

2. During the review phase

When your country is scheduled to be reviewed, representatives from your country's government (usually a Minister of a Department) will participate in a 3.5 hour meeting at the Human Rights Council during what is called the **working group session**. In this meeting, any UN member State can ask the State under Review questions on particular human rights situations in the country and make recommendations. States can submit written questions in advance of the Working Group Session or ask them orally during the session itself. The State under Review is expected to answer these questions during this 3.5 hour meeting. Questions and recommendations from Member States are drawn from information contained in the State's national report, a summary of all recommendations and observations from UN bodies and mechanisms and information provided by civil society and National Human Rights Institutions.

Representatives of civil society may attend the working group session but are not permitted to ask questions or make statements during the working group sessions.

VIDEO

Role of State under Review

Watch past reviews

<http://www.unmultimedia.org/tv/webcast/c/universal-periodic-review.html>

Practical advice if you decide to travel to Geneva for the review:

- Members of civil society are entitled to attend UPR working group sessions at the Human Rights Council, however, they are not entitled to make statements or ask questions during the review
- You will need to be accredited to an ECOSOC organization in order to gain entry to the UN buildings. Information on accreditation can be found [here](#).
- You may want to contact your own Government's Mission in Geneva to let them know that you are in Geneva advocating on the UPR. The Mission may be holding a reception for civil society attending the UPR or they may be organizing a side event or you may ask to have a meeting with staff to ask further questions on the issues the State plans to address. In addition, since there can be very senior diplomats or even Ministers who are part of a government's delegation, you may have an opportunity to meet with somebody very senior in your government while they are in Geneva. It might even be an official to whom you might not normally have access in your own country

- Most countries will have finalized their recommendations at this stage but it may be helpful to meet with the delegates in person that you have corresponded with to thank them for considering your suggestions, reiterate the importance of your issues and to ask them if they will be making a recommendation on your particular issues. In rare cases, some Missions in Geneva have greater scope for decision-making and therefore more flexibility in accommodating last-minute recommendations

- Civil society members may also organize a side-event in the Human Rights Council (called an "Information Meeting on the UPR process"), to highlight and share information and best practices, including to highlight the issues raised in the UPR submission. Information on organizing a side event can be found [here](#).

If you are in your country during the review phase, you can watch the review live on

<http://www.unmultimedia.org/tv/webcast/c/universal-periodic-review.html>

Tip

Whether in Geneva at the Human Rights Council or watching the live webcast you can use social media while the review is taking place to inform your supporters of the recommendations made and your government's response.

2. During the review phase

Within two working days after the meeting where the country is reviewed, a report is prepared by three Member States (known as the “troika”) with the involvement of the State under Review and assisted by OHCHR. This report, known as the “outcome report” or, more formally, “the report of the UPR working group”, provides a summary of the actual discussion that took place during the review meeting. It contains a summary of what the State under Review presented and what other Governments said, including questions and comments as well as the responses by the reviewed State. It ends with a list of recommendations made by States to the country under review. When this report is released two days after the review, the State under Review may have already stated which recommendations it accepts or rejects. It may also defer deciding on all or particular recommendation until the report is adopted at a subsequent session of the Human Rights Council (which usually takes place within 6 months from the “working group session”). As a general rule, this is ideal as it allows time for the State under Review to conduct dialogue with civil society at the national level before it decides on a recommendation. All recommendations, including those rejected by the State under review, are included in the outcome report. At least two days after the working group session, the outcome report is adopted by the working group. **NGOs are not permitted to make statements during the adoption of the outcome report by the working group.**

After the review phase and the States have made their recommendations but before the outcome report is adopted by the Human Rights Council, you can still engage in advocacy to influence your Government’s positions on the issues raised.



IPPF/Switzerland/2011

UPR Working Group Sessions at the Human Rights Council.



Tip

The working group session tends to attract interest from the media at the national level. Consider issuing a press release to highlight the issues that were addressed. [Click here for an example of a press release](#) issued by the IPPF Member Association in Ireland issued immediately after the working group session.

Sample press release is available in the Resources folder on the main disc menu.

2. During the review phase



IPPF staff photo/ Switzerland/2011

Participants of SRI & IPPF workshop on UPR, inside the Human Rights Council, Geneva.

Scenario 1 – Recommendations are accepted

If your recommendations are raised by the UN Missions you have approached, it is clearly good news, especially if they are **accepted** by your government. This will allow you to hold your government to account for ensuring the recommendation(s) is/are implemented and to monitor their action closely. Media coverage of the fact that other Governments were concerned about particular issues in your country can be very powerful. Moreover, media coverage of the acceptance of the recommendations can help ensure your government enacts its commitments. Also consider advocating for your government to formulate a national plan of action to implement the UPR recommendations it has accepted.

Scenario 2 – Recommendations are deferred

If the recommendations are deferred or rejected, advocacy capital can still be made. If the recommendations are **deferred** until the next session of the Human Rights Council, a time-sensitive window of opportunity is created in which to build additional support (for example, among the media and the general public) for the government to accept the recommendations. Increased pressure on the government during this window is vital to ensure it recognizes that other governments are watching its actions closely and are encouraging the government to accept the recommendations. Consider advocating for your government to hold consultations with civil society organizations or a debate within Parliament on whether it accepts or rejects the recommendations it has deferred.

Scenario 3 – Recommendations are rejected

If the recommendations are **rejected** by your government it means that increased long-term advocacy is vital. Although there is no obligation on countries to accept recommendations, it is important to remind your government that the issue at hand will not simply disappear because they have rejected the recommendations on this occasion. If human rights treaty-bodies or Special Rapporteurs have made similar recommendations to your country, you might want to remind your government that they are obligated to implement international human rights standards even if they have rejected the recommendations. Ensuring that supportive and additional Member States raise these recommendations during the next review is important as a way of exerting pressure on your government to make the necessary changes.

Scenario 4 – Recommendation not raised

If your issue has not been raised during the working group review, consider advocating for your government to make a “voluntary commitment” to address your issue when it appears before the Human Rights Council to have its outcome report ultimately adopted.



UN Photo/Jean-Marc Ferré

3. Outcome Report adoption phase

Six months after the working group session, the Outcome Report for your country's UPR will be formally adopted by the Human Rights Council. This is largely a procedural decision of the Human Rights Council where the State under Review explains which recommendations are accepted and which are rejected, including the reasons why they are rejected. Member States then have an opportunity to make brief statements and then representatives of civil society are permitted to make brief statements (approximately two minutes).

This phase of the UPR is the only opportunity for civil society to make an oral statement to the Human Rights Council during the entire review. At this stage, the Government has already decided which recommendations it will accept and reject and therefore the statement cannot influence the content of the Outcome Report. However, this small window of time can be useful in highlighting the recommendations the government chose to reject and to ask the State under Review how the government plans to implement the recommendations it accepted and how civil society will participate in this process. Keep in mind that 20 minutes are allocated to 10 NGOs to deliver a two minute oral statement on the review, during the adoption of the UPR Outcome Report on a given country by the Human Rights Council.

Once again, keep in mind that there can be very senior officials who are part of a government's delegation for this outcome report adoption by the Human Rights Council. So, if you do go to Geneva for final outcome report adoption by the Human Rights Council, look out for these individuals as you may have an opportunity to meet with somebody very senior in your government while they are in Geneva.

Other suggestions for advocacy during this phase include:

- Disseminate the Outcome Report and your Government's responses to recommendations to parliamentarians, civil society partners and the media
- Issue a press release and work with interested media to highlight the Outcome Report

Tip

If you are unable to travel to Geneva for the adoption of the Outcome Report, consider partnering with an NGO with ECOSOC status that will be attending the Human Rights Council session and ask them to deliver a statement on your organization's behalf. The SRI is usually in attendance during most Human Rights Council sessions and would be pleased to partner with sexual rights advocates to deliver an oral statement.



Demonstration to include sexual and reproductive health programmes and policies for young people.

4. Implementation phase

Arguably, this can be the most important phase of the entire review as this is when laws and policies can begin to change. However, civil society must consistently monitor the Government's progress on and advocate for the implementation of the accepted recommendations over the next four and a half years to ensure accountability.



International Women's Day in Liberia protest gender-based violence at the Supreme Court. Monrovia, Liberia.

Suggestions for advocacy during this phase include:

- Continuing to work with other members of civil society to share information, prepare advocacy strategies and document any progress on implementation
- Advocating for your Government to conduct wide consultations with civil society on how to implement the UPR recommendations
- Advocating for your Government to table its UPR Outcome Report in Parliament so that there is Parliamentary oversight and scrutiny of how the UPR recommendations are going to be implemented
- Advocating for your Government to develop a UPR implementation action plan and a mid-term report on its progress
- Translating the UPR Outcome Report and your Government's responses into local languages so that organizations working on a more local level are better equipped to engage in advocacy in support of the national implementation of UPR recommendations
- Strategizing how to deal with inappropriate UPR recommendations that your Government has accepted or important UPR recommendations that your Government has rejected
- Celebrating and publicizing achievements that will contribute to the implementation of the recommendations
- Beginning preparing for the next UPR cycle

Holding your Government accountable

Additional important aspects of UPR monitoring and advocacy include:

- Holding your Government accountable for their UPR statements when other countries are being reviewed to ensure that your government participates in UPR in a meaningful way and helps rights-holders in other countries. Consider the following questions:
 - > Have they simply praised the country?
 - > Have they only asked a question or made a comment?
 - > Have they made a redundant recommendation?
 - > Have they approached an issue in an appropriate manner?
 - > Have they based the recommendation(s) on the recommendations of independent experts (e.g. human rights treaty-bodies or Special Rapporteurs)?
 - > Have they made a sufficiently specific recommendation?
 - > Have they reflected issues that were raised by civil society in the State under Review?

Also, it is ideal to look at the substance of what your Government is recommending to other countries. If your country has made recommendations in particular areas to another country, it should also be taking further action domestically in those areas

Chapter five

Useful resources

Useful resources



UN Photo/Jean-Marc Ferre

Useful resources

Resources from the Office of the High Commissioner for Human Rights

- [Schedule for States UPR Review 2012-2016](#)
- [UPR Technical Guidance for Stakeholders](#)
- [The Human Rights Council: A Practical Guide for NGO Participants](#)
- [Working with the United Nations Human Rights Programme: A Handbook for Civil Society](#)

Websites

- Office of the High Commissioner for Human Rights – UPR Section
www.ohchr.org/EN/HRBodies/UPR/Pages/UPRmain.aspx
- International Planned Parenthood Federation
www.ippf.org
- Sexual Rights Initiative
www.sexualrightsinitiative.org
- UPR-INFO
www.upr-info.org
- International Service for Human Rights
www.ishr.ch
- Your Rights Right Now
www.rightsnow.ie/

Publications

- [Sexual Rights: An IPPF Declaration](#)
- [Exclaim! Young people's guide to 'Sexual Rights an IPPF declaration'](#)
- [From evidence to action: advocating for comprehensive sexuality education](#)
- [Sexual and reproductive health and rights of people living with HIV](#)

Examples of UPR Advocacy Tools

(The following materials can be accessed via the links, or in the Resources folder on the disc.)

- UPR submissions
 - [India](#)
 - [Ireland](#)
 - [Kyrgyzstan](#)
- [Advocacy letter to UN Member States](#)
- [Press release](#)
- Advocacy briefs for UN Member States
 - [Thailand](#)
 - [Trinidad & Tobago](#)