

Top Down Accountability

Peer review in a multilateral context: the UPR mechanism

- How the UPR mechanism works in practice and what type of opportunities it offers for NGOs to keep governments accountable for sexual rights
- What are the mechanism's main advantages and disadvantages
- How can the UPR mechanism inform and strengthen the post-2015 accountability framework?

What is the Universal Periodic Review Mechanism?

- A process which aims to improve the human rights situation in all countries
- A unique mechanism allowing all Member States to review the human rights record of all 193 UN Member states every 4.5 years
 - Not an expert body
 - A political process of the HRC – State to State
 - UN membership criteria for review
- It highlights actions that need to be taken by countries in relation to fulfilling their human rights obligations
 - State required to respond to recommendations made to it across all HR issues
- At the end of March 2012, all Member States had been reviewed once under this process

How the UPR works

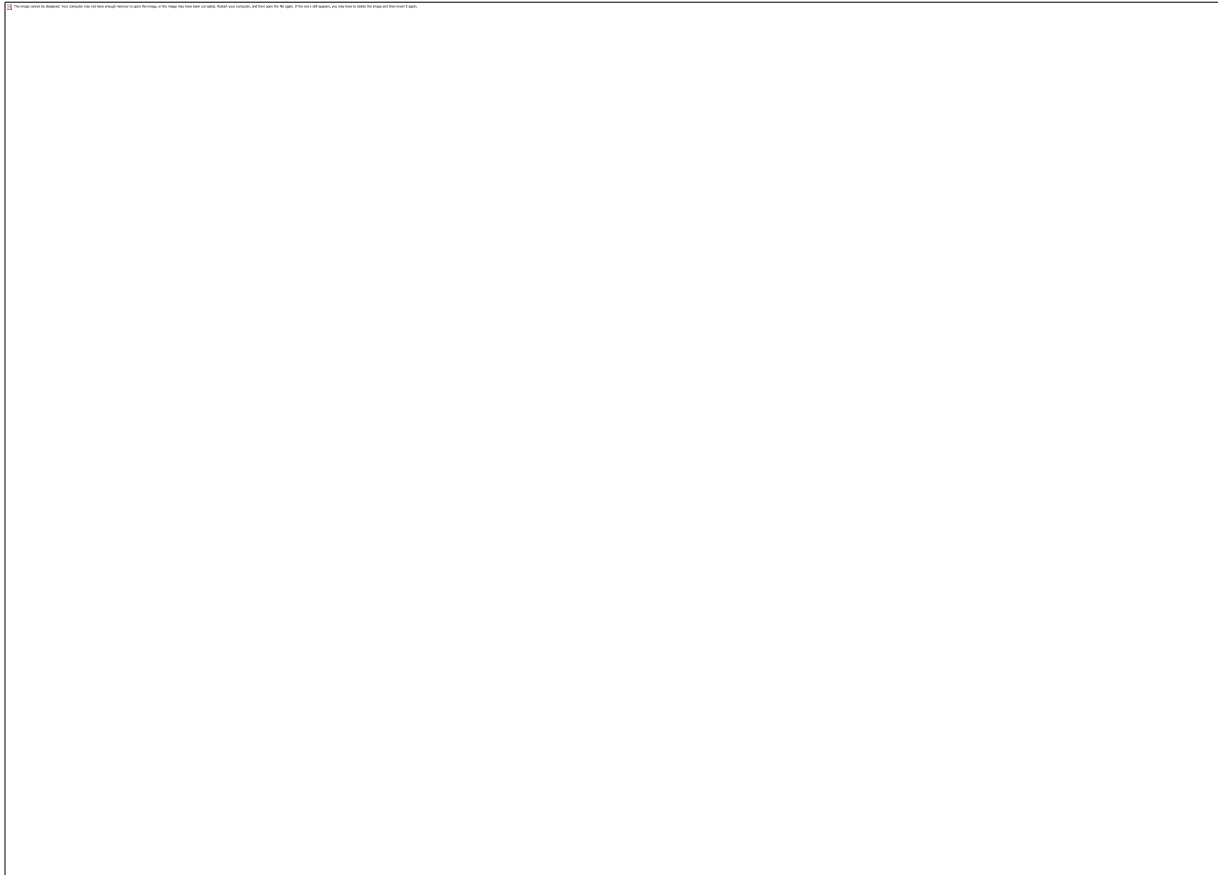


TABLE 9

Number of recommendations made for each SRHR issue during the first cycle of the UPR

Category	Number of recommendations	Category	Number of recommendations
International human rights instruments ²⁷	1530	Gender perspective in policies, programmes	37
Gender equality	1501	Abortion	37
Violence against women/gender-based violence	732	Violence on the basis of gender identity	35
Women's and/or girls' rights	635	Gender perspective in the UPR process	33
Domestic violence	463	Content inconsistent with human rights	33
Sexual exploitation/slavery	410	Forced marriage	32
Discrimination based on sexual orientation	232	"Honour" crimes	28
Sexual violence	227	Sexual harassment	25
Women's participation	221	Polygamy	18
Female genital mutilation/cutting (FGM/C)	211	Others	18
Criminal laws on same-sex sexual practices	207	Sex work	16
HIV/AIDS	168	Forced sterilization	15
Discrimination based on gender identity	143	Sexuality education	15
Same-sex desiring persons	139	Right to privacy	13
Trafficking in women and/or girls	138	Family planning	9
Sexual abuse	125	Human rights defenders	8
Harmful practices based on cultural/ traditional values	102	Early pregnancy	7
Maternal health/morbidity/mortality	92	Contraception	6
Training for State personnel on SRHR Issues	87	Right to marry	5
Transgender person's rights	80	Age of consent for sexual activity	3
Early marriage	63	Sexually transmitted infections (STI)	3
Marital rape	51	"Adultery"	2
Violence on the basis of sexual orientation	48	Pornography	2
Empowerment of women	47	Adolescent sexual activity	0
Birth registration	45	Intersex persons' rights	0
Marginalized groups of women	45	Negative portrayal of women and girls (gender stereotyping)	0
Sexual and/or reproductive rights and/or health broadly	39	Sex selection	0

Strengths of the UPR

1. Open to raising of any HR issue
2. Holds state accountable for their actions , violations etc
3. Recommendations taken seriously
4. States take more seriously substance of TMB COs if raised in UPR rather than TMB review
5. Treaty ratification not required to be reviewed
6. Open to CSO advocacy
7. No need for CSOs to have ECOSOC status
8. Much easier to have NGO recommendations raised
9. Transparency - Easy to monitor state positions on different issues
10. High Level representatives in attendance
11. Empowering element for civil society in smaller countries
12. Actual successes seen!

Weaknesses of the UPR

1. Highly political process
2. Non-binding
3. Lack of recommending states willingness to follow up
4. Weak follow-up mechanism
5. States often do not accept "controversial" recommendations
6. Many SRHR issues neglected
7. Some states limit number of recommendations they make to 2
8. Poor quality and manipulation of recommendations
9. Less time for UPR reviews than TMB reviews = less depth and breadth of review
10. Growing tendency of states to try and manipulate the process (Israel, Russia, India etc)
11. Varying levels of State engagement in the process
12. No accountability mechanism to hold states responsible for non-implementation of accepted recommendations (States can address non-implementation during the subsequent review, through comments, questions and further recommendations)

How can the UPR mechanism inform and strengthen the post-2015 accountability framework?

- States can raise Post-2015 related recommendations during the reviews
- Important to look to outcomes from other processes and develop national focal points :
 - ❖ Commission on the Status of Women
 - ❖ Commission on Population and Development
 - ❖ Third Committee
 - ❖ ICPD Review process
 - ❖ Beijing Review process etc...
- Can help strengthen accountability for those agreements with weaker human rights accountability systems