**Change Story 6:**

**Using the Universal Periodic Review for Improving the Human Rights of LGBT People**

**The Problem**

In many countries, addressing the needs and human rights of LGBTI people can be difficult or even dangerous. In 71 states, same-sex sexual relations are still outlawed, of which 8 use the death penalty as a form of punishment. 19 States in North Africa and the Middle East (and Tanzania) ‘morality’ laws or ‘promotion’ laws actively target public promotion or expression of same-sex and trans realities and in 25 states, there are barriers to the formation, establishment or registration of sexual orientation-related NGOs. These laws and policies form obstacles for LGBTI human rights defenders (HRDs) to address human rights violations to their government and push for policy and legal change. In these cases, the United Nations can provide opportunities to give visibility to issues, voice needs and put pressure on governments to dialogue with LGBTI people and address their human rights situation. The Universal Periodic Review (UPR) is one of the most popular ways for HRDs to address issues and put pressure on their government to implement changes that promote and protect the human rights of LGBTI people on the ground. COC’s regional and country partners indicated that there was a need for support in engagement with and training on UN human rights mechanisms (HRMs), such as the UPR.

**The Activities**

To address this need, and following the inside-out principle, COC organised 5 regional trainings on UN HRMs in Latin-America, Africa, the Caribbean and South/South-East Asia over the period 2014-2017, building the capacity of a total of 86 activists. In addition, COC facilitated 4 shorter workshops during international conferences (such as ILGA World) to over 130 activists to give more visibility to the UPR and other HRMs and guide activists in engagement. During these trainings and workshops, HRDs learned to translate their issues into human rights language, such as how a lack of investigation and prosecution of cases of violence or discrimination is a violation of the Right to State Protection as outlined in the Yogyakarta Principles plus Ten.

Each organisation was then supported to write a UPR Stakeholder report, containing human rights issues that deserve attention and recommendations or questions they would like to see for their government to address.

2. The inside-out principle is a guideline for COC stating that the communities or organisations we work with decide on their needs and priorities which COC tries to fit our support to.
3. [yogyakartaprinciples.org/principle-30-yp10/](http://yogyakartaprinciples.org/principle-30-yp10/)

**Photo:** Coc Nederland

**Bridging the Gaps is an international HIV programme with a focus on the health and rights for LGBT people, sex workers and people who use drugs, currently operating in fifteen countries. For more information on the programme, visit [www.hivgaps.org](http://www.hivgaps.org).**
The Vietnam UPR review took place in early 2019, but there have already been some notable outcomes for the LGBTI community.

“During this cycle, Vietnam received 7 SOGI recommendations and 4 advance questions. [These addressed] the law on gender affirmation, the legalization of same-sex marriage, and legislation against discrimination on the grounds of sexual orientation and gender identity. We are currently trying to plan a briefing session with our government to get them to accept the recommendations! Another thing that is notable is the increased engagement. Human rights are a bit of a touchy topic in Vietnam so it is both incredible and inspiring. Other human rights organisations have also been more aware and inclusive of sexual orientation and gender identity in their advocacy.”

– Linh Hoang, NextGen Hanoi

SOGIESC recommendations made to a state under review are never the ultimate goal of UPR work: it is implementation of those recommendations as laws, policies and practices that will actually improve the situation of LGBTI persons in the country. Besides the capacity and alliance building, and the engagement with the UPR process itself leading to recommendations, UPR engagement is aimed at achieving legislative, social and policy changes. Change is a long-term process and it is hard to measure that engagement by HRDs with the UPR itself was the main reason for these changes. In 2014, UPR Info asked CSOs to report on implementation of recommendations. From that study came that 33% of all SOGIESC recommendations have been at least partially implemented.\textsuperscript{14}

“The government has always been avoiding the LGBTI+ situation, especially during international events. Until recently, and thanks to the advocacy work we’ve done, it was possible to put the light on the cruel and degrading treatment of the government towards the LGBTI+ community. The government spoke for the first time about the situation, and made public promises to change things.”

– Human rights defender, Ukraine

LESSONS LEARNED

One of the biggest learning points that COC had in support to HRDs for UPR engagement is the need to focus on follow-up in-country to increase the impact and outcomes of the UPR process. This remains challenging, as follow-up is very context dependent and resource heavy in providing strategic and meaningful support. All organisations used the recommendations accepted by their government on many occasions and meetings with government, embassies, civil society, press release and media statements.

The UPR process is by its very nature a very public process, since everything submitted to the UN is made public. Stakeholder reports cannot be anonymous, although there is a possibility to form an alliance that hides which specific organisations and people are part of that alliance. COC always discusses with partners who submits the report to mitigate the risk of backlash for addressing LGBT and SOGIESC issues. The content of the report is very strategically chosen. Often HIV/AIDS or broader health issues and use of more general terms such as key populations or sexual minority rather than LGBTI can decrease the risk of backlash and can increase the chance of acceptance and change.

THE CHANGES

This Change Story illustrates how LGBTI human rights defenders (HRDs) have used the UPR to push for change by their government to implement policies that promote and protect the human rights of LGBTI people on the ground, and how COC has supported LGBTI HRDs to effectively use the UPR.

Through engagement in Geneva, HRDs came in contact with other NGOs from their country. In some cases this led to a dialogues and even deeper contact when returning to their country, through which broader human rights organisations gained more knowledge and understanding of human rights (violations) of LGBTI people and started to work more inclusive themselves (Objective M2). A number of activists praise the support by COC because it has given them access to the international movement and inclusion in strategic conversations.