



# **Sexual Orientation and Gender Identity Rights in the Universal Periodic Review**

*By*

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**SOA- 3902**

*A dissertation submitted in partial fulfilment for the degree:  
Master in Human Rights Practice*

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**Spring 2013**

The work I have submitted is my own effort. I certify that all the material in the Dissertation which is not my own work has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

Signed *Mari Dahl Schlanbusch* Date *23.5.2013*

## **Acknowledgements**

I would like to thank my supervisor, associate professor Jorun Bræck Ramstad, for enthusiasm and good cooperation throughout the process. I would also like to thank associate professor Marcus Buck for invaluable advice on the statistical part of my analysis. In addition, I would like to thank KVINNFORSK at the University of Tromsø for financial support.

I would not have been able to write this thesis without the experience I gained from working with the UPR both on an international level in Geneva, and with the national follow-up in Norway. I would therefore like to thank my former colleagues at the Permanent Mission of Norway in Geneva for allowing me to gain knowledge and interest in the UPR in the first place. I would also like to thank Cathrine Halsaa, Baard Hjelde, Monica Furnes and Anne Merchant in the Norwegian Ministry of Foreign Affairs for encouraging conversations and helpful comments on the topic. A special thanks to Maria Philippa Rossi for moral support.

Furthermore, I would like to thank Roland Chauville and Jean-Claude Vignoli of the UPR Info for sharing their expertise as well as for maintaining the UPR Info website whose database is a veritable treasure trove for anyone interested in quantitative research and the UPR. I owe my sister Reidun, my father Tor, Christopher Wilson, Geir Øvensen, Joseph Anderson and Lovisa Johansson great thanks for valuable comments on the draft.

Finally, I am grateful to my fellow students of the Human Rights Practice Programme for professional and academic input, as well as for being the fixed points in my life over the past two years. It would not have been the same without you, and I wish you all the best of luck with your futures.

## **Abstract**

The subject of this research is human rights related to Sexual Orientation and Gender Identity in the Universal Periodic Review (UPR) of the United Nations. The UPR is a unique peer review mechanism which reviews all UN member states in a universal manner, but also a source of politicisation along regional lines. This politicisation has a detrimental effect on the universality of the process, especially in relation to controversial issues, such as human rights challenging of traditional perceptions about gender.

The aim of this dissertation is to quantify and understand how states of different regional belonging accommodate for recommendations related to Sexual Orientation and Gender Identity. This is realised through a quantitative study including logistic regression and a simple multilevel analysis. The findings are explored within the theoretical framework of the debate between universalism and relativism linked with a feminist perspective on cultural relativism in order to illuminate specific characteristics of human rights related to gender norms.

The study reveals that tendencies toward politicisation along regional lines are fortified in relation to the issue of Sexual Orientation and Gender Identity, challenging the universality of human rights. Furthermore, the level of economic and social development in the State under Review and the phrasing of the recommendations also influence states' actions on these rights in the UPR.

**Key Words:** Sexual Orientation and Gender Identity, Universal Periodic Review, UN Human Rights Council, regional alliances, relativism.

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## **List of Acronyms**

AFRICA – African group

ASIA – Asia-Pacific Group

ECOSOC – United Nations Economic and Social Council

EEG – Eastern European Group

EU – European Union

GRULAC – Latin American and Caribbean Group

HDI – Human Development Index

HRC – Human Rights Council

ILGA – International Lesbian and Gay Association

ISHR – International Service for Human Rights

LDC – Least Developed Country

LGBT– Lesbian, Gay, Bisexual, Transgender, Transsexual

NGO – Non-Governmental Organisation

OHCHR – Office of the High Commissioner for Human Rights

OIC – Organisation of Islamic Cooperation

OLS – Ordinary Least Squares

RS – Recommending State

SOGI – Sexual Orientation and Gender Identity

SuR – State under Review

UDHR – Universal Declaration of Human Rights

UN – United Nations

UPR – Universal Periodic Review

WEOG – Western European and Others Group

# **1 Introduction**

The Universal Periodic Review (UPR) is a mechanism of the United Nations Human Rights Council (HRC) that systematically reviews the human rights situation in each of the UN member states. It is the only UN body where states are reviewed by other states in a universal manner. During the reviews, states give recommendations that are rejected or accepted by the state concerned. The idea is that this will give states practical feedback on how to improve their human rights situation, while pressuring non-compliant states into changing their behaviour. In the long run, this should contribute to a convergence around universally accepted human rights norms and standards.

However, a relativist perspective on human rights is critical of universal norms and standards, and this perspective asserts itself in the UPR through pronounced regional differences. Former High Commissioner for Human Rights, Louise Arbour, argued that the UPR is the only logical answer to the criticism of selectiveness and double standards that delegitimized the predecessor of the HRC, the Human Rights Commission. Therefore, the UPR has large impacts for the UN system in general and great expectations are attached to its functioning (Terlingen 2007, 172).

This dissertation will provide a study of UPR recommendations covering a specifically controversial set of rights, namely rights regarding Sexual Orientation and Gender Identity (Brett 2009, 8). The aim of this research is to explore how states of different regional belonging accommodate for these recommendations, in order to illuminate the role of regionalism and relativism in the UPR.

My interest in regionalism and the UPR derives from work experience. As a representative of Norway in Geneva spring 2011, I attended the 10<sup>th</sup> and 11<sup>th</sup> session of the first cycle of the UPR. I was surprised by the tendencies toward politicisation and the role of regional alliances in the review, which inspired me to explore these tendencies in a systematic way. Later, as a consultant to the Norwegian Ministry of Foreign Affairs, I had the opportunity to draft Norway's mid-term report on the follow-up to the UPR. Consequently, I am familiar with the process on the national as well as the international level.

## **1.1 Approach**

The dissertation is a quantitative study of all recommendations related to Sexual Orientation and Gender Identity in the first cycle of the Universal Periodic Review. It will provide insight

into the relationship between states' actions related to SOGI rights in the UPR and their regional belonging, development level as well as the phrasing of the recommendations.

In chapter two, the concept of SOGI rights as well as the UPR will be thoroughly explained. The research question is outlined in chapter three and the analytical framework as well as a review of the relevant literature is presented in chapter four. Chapter five accounts for the methodology: The research design, the data set and the outline of the analysis. The findings will be presented in chapter six, and finally, chapter seven contains the concluding remarks as well as recommendations for policy and further research.

## 2 Conceptual Clarifications

This chapter first presents the UPR and then explains what rights related to Sexual Orientation and Gender Identity is, as well as why they are relevant for this research.

### 2.1 What Is the Universal Periodic Review?

The Universal Periodic Review is a unique process which involves a review of the human rights records of all UN member states on a regular basis. In addition, the UPR represents the most substantial change introduced in the mandate of the HRC when it replaced its heavily politicised predecessor, the Human Rights Committee in 2005 (Redondo 2008, 721; Terlingen 2007, 167; Blackburn 2011, 7). According to former UN Secretary-General Kofi Annan:

The Commission's capacity to perform its tasks [had] been increasingly undermined by its declining credibility and professionalism. In particular, States [...] sought membership of the Commission not to strengthen human rights but to protect themselves against criticism or to criticize others. As a result, a credibility deficit [...] developed, which [cast] a shadow on the reputation of the United Nations system as a whole. (Annan 2005, para. 182)

Especially, tendencies toward politicisation revolved along regional lines and cleavages between the 'developed' and the 'developing' world. The UPR is an important tool to address politicisation in the UN human rights regime.

The objectives of the UPR, as established by HRC Resolution 5/1, include:

improvement of the human rights situation on the ground; assessment of achievements and challenges in the fulfilment of human rights obligations and commitments; recommendations of technical and capacity building measures; sharing of best practices; and promotion of cooperation with other human rights treaty bodies. (Human Rights Council 2006, para. 2.4).

The basis of the UPR is not restricted to the human rights treaties to which States under Review are parties, but include documents such as the Charter of the United Nations, the Universal Declaration of Human Rights (UDHR), voluntary pledges and commitments made by states and applicable international humanitarian law (Human Rights Council 2006, para. 1 of Annex 1A). The UPR consequently has a larger focus than the treaty-based mechanism and is in a class of its own among the UN human rights institutions.

### **2.1.1 The Function and Modalities of the UPR**

The UPR is a three stage process starting with a review by UN member states, followed by the implementation of the recommendations received during the review, and finally by an assessment of the implementation during the next review. The first cycle of the UPR began in April 2008 and was concluded in 2011. During this, all UN member states were reviewed, and over 21 000 recommendations were given. The second cycle started in 2012 and the focus of this and subsequent cycles is the follow-up of already accepted recommendations (UPR Info 2012a).

The review is based on three reports: One is written by the state itself, one by different stakeholders such as non-governmental organisations (NGOs) and National Human Rights Institutions, and one is a compilation report containing information from different UN agencies.

A defining feature of the UPR is its numerous channels for participations for stakeholders. In addition to giving NGOs a chance to report on the human rights situation before the review, they can attend the reviews and make statements at the regular sessions of the HRC, when the outcomes of the reviews are considered (OHCHR 2012a). States are also encouraged to involve civil society in the preparation of their national report. Finally, many NGOs hold parallel sessions where they focus on particular issues and encourage states to raise recommendations related to these issues during the review (Abebe 2009, 26–27). Therefore, the UPR is open for a high level of civil society participation.

The actual review takes the form of an interactive dialogue where the State under Review (SuR) receives recommendations from other states. Then, a report is prepared by a randomly chosen troika of states. This report includes the position of the SuR on the given recommendations, and these form the ‘follow up’ to the review (Brett 2009, 8). As far as international soft law goes, states are obliged to act on the recommendations they accept.

### **2.1.2 State Behaviour and Lessons Learned during the First Cycle**

Although little information exists concerning the success of the process in terms of follow-up and implementation, the UPR can be described as a success in that no states opted out of the process. Beyond the shame attached to non-cooperation, there are no sanctions for opting out, and to a large degree, states cooperated with the process<sup>1</sup>. Although the SuR is free to accept

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<sup>1</sup> Israel suspended its relations with the Human Rights Council in May 2012 after the Council’s decision to investigate the Israeli settlement policy on the West Bank. Consequently, it did not hand in its report for the

or reject the recommendations given, 73% of recommendations were in fact accepted, and only two states, North Korea and South Africa, refused to accept any of the recommendations they received (UPR Info 2013).

In relation to the success of the process in terms of improvement of human rights on the ground, Brett (2009) notes that the value of the UPR process is dependent on the State under Review, as well as of the commitment of other states. She points to the challenges of time constraints and that for the review to be effective, due attention must be given to the follow-up.

The membership of the HRC is organised in five different regional groups<sup>2</sup>, and tendencies toward politicisation often follow these regional lines. Each of these groups have a certain number of seats in the HRC in order for the Council to represent real world dynamics (UN General Assembly 2006). Therefore, the expectation that regional belonging influences the positions of states and consequently the decisions of the Council, are embedded in the institutional framework of the organisation. The different regional groups tend to coordinate opinions and voting patterns and often present their view in consortium. This creates a positive feedback loop that reinforces the importance of regional identity for states' positions. The unfortunate effect of this is that differences between regions become entrenched and it is difficult for states to go against the dominant position within their region.

Tendencies toward politicisation were present in the modalities of the UPR as well. During the first cycle, states signed themselves up on the speakers list on a 'first come – first serve' basis, which resulted in many of the reviews being dominated by allied states holding statements praising the efforts of the SuR, thus taking up the time for more neutral analysis and recommendations. As an example, I once arrived to sign Norway on the speaker's list for one Asian state, only to realise that the SuR had invited all delegates from its own region for an exclusive breakfast before office hours. The speaker's list had been passed around so delegates like me arriving at opening hours were already too late. For the second review, the

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second review and was absent from the review that was scheduled for January 2013. The Council reacted by rescheduling the review of Israel to November 2013. Israel has communicated to the Council that it will 'continue the dialogue' on this matter (UPR Info 2013). If Israel does not resume cooperation with the UPR and the Council, this creates an unfortunate situation as it is not clear what sanctions are available to the Council in case of non-cooperation with the UPR.

<sup>2</sup> The five regional groups are: the African Group (AFRICA), the Asia-Pacific Group (ASIA), the Eastern European Group (EEG), the Group of Latin American and Caribbean States (GRULAC), and the Western European and Others Group (WEOG), as defined by article 7 of the General Assembly resolution 60/251.

first speaker on the list is randomly drawn and then the countries speak in alphabetical order, so as to avoid the UPR becoming a ‘pat-on-the-back exercise’ (Human Rights Council 2011).

## **2.2 What Is Sexual Orientation and Gender Identity?**

According to the Corsini Encyclopaedia of Psychology, ‘sexual orientation’ refers to ‘the erotic-love-affectionate partners a person prefers’. ‘Gender identity’ refers to ‘*a person’s deeply felt sense of belonging to a gender and the sense of conformity or non-conformity between their gender and their biological sex*’ (Saiz 2004, 68). Furthermore, there is no clear relationship between the gender identity or sexual orientation of a person and their biological sex, as ‘*one’s inner conviction of sexual identity may or may not mirror the outwards physical appearance, the gender role society imposes, or the role one develops and prefers*’ (Weiner and Craighead 2010, 1578).

Consequently, SOGI related rights are understood as human rights concerning a person’s intimate partners and how a person understands and expresses their gender. SOGI rights concern a person’s ability to (subject to the requirement of consent) express them self sexually and emotionally and to form relationships regardless of sexual orientation and gender identity. These are not separate rights, but concern the application of human rights to various sexual minorities. One example is the right to be free from discrimination because of one’s sexual orientation, or because one’s gender identity differs from one’s biological sex. But this category also includes positive rights, such as the right to marry and to form a family, or the right to change the sex appearing on one’s identification papers after sex reassignment surgery.

Although heterosexuality must be understood as a sexual orientation in the same way as homosexuality or bisexuality are, human rights violations are more often directed towards sexual minorities than towards the heterosexual majority. Just to give a few examples, homosexuality is forbidden in 76 states and punishable with the death penalty in seven of them<sup>3</sup>. Only eight countries recognise same sex marriage on a national level<sup>4</sup> (ILGA 2012; Human Rights Watch 2012). Therefore, in the field of human rights, SOGI rights are often framed as ‘rights of LGBT people’. LGBT is short for lesbian, gay, bisexual, transgender and transsexual (Bamforth 2005, 227).

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<sup>3</sup> Iran, Saudi Arabia, Yemen, United Arab Emirates, Sudan, Nigeria, Mauritania.

<sup>4</sup> Argentina, Canada, Iceland, Mexico, Norway, South Africa, Spain, Sweden.

These issues are related to and sometimes overlapping with issues such as women's rights and sexual rights in general, but SOGI rights are specifically concerned with violations or abuses that are provoked by a person's non-conformity with the heteronormative female-male binary. Therefore, although women's rights are clearly related to both biological sex and social gender, they will not be discussed under the category of SOGI rights<sup>5</sup>.

### **2.2.1 Development of SOGI as a Human Rights Issue**

Although relatively new as a human rights issue, several UN treaty bodies have endorsed SOGI rights as part of the Universal Human Rights Regime (Lau 2004, 1699; Saiz 2004). The Human Rights Council adopted its first resolution on SOGI rights in June 2011. On the 7<sup>th</sup> of March 2012, UN Secretary-General Ban Ki-Moon addressed the HRC, stating that discrimination based on Sexual Orientation and Gender Identity is against international law (UN Webcast 2012).

However, although these examples as well as developments in case law are pointing towards an increasing acceptance of Sexual Orientation and Gender Identity as part of the international human rights regime, these rights remain disputed. And although the treaty bodies and various independent experts of the UN have been engaging with the issue of sexual orientation, the political organs of the UN, such as the HRC, have been slow to follow up (Saiz 2004). These organs are governed by states, and some states argue that sexual orientations and gender identities diverging from the heteronormative female-male binary are at best contrary to their culture or even pathological and dangerous.

An example of this was seen in December 2010, when a reference<sup>6</sup> to sexual orientation was taken out of the UN resolution on arbitrary executions because of pressure from members of the Organisation of Islamic Cooperation (OIC). Another example is the murder of LGBT activist David Kato in Uganda in 2011. Kato was murdered after having appeared in a newspaper article inciting hate crime towards members of the Ugandan LGBT community. Sexual Orientation and Gender Identity therefore remains a controversial issue related to social, cultural and political conventions within states and in the international community. SOGI rights are therefore related to cultural relativism.

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<sup>5</sup> Rights related to sexual orientation and gender identity are often understood as a sub-category of sexual rights, see for example Sexual Rights Initiative (2013).

<sup>6</sup> This reference was later reintroduced after pressure from other coalitions.



### **3 Research Question**

The aim of this dissertation is to explore how states of different regional belonging accommodate recommendations relating to SOGI rights. The importance of regional alliances and cultural relativism in the UPR has already been noted (Abebe 2009; Blackburn 2011; Redondo 2008; UPR Info 2012a; McMahon 2010; 2012), and it is thus interesting to explore these dynamics in relation to the emerging and culturally sensitive issues of SOGI rights. The research question is therefore:

*What is the relationship between states' actions on recommendations related to SOGI rights in the UPR and their regional belonging?*

My expectation is that the tendencies identified by previous research on the UPR in general will be amplified in relation to SOGI rights because of the controversy of the issue. Furthermore, as SOGI rights are an issue that follow regional and cultural cleavages, I expect to find tendencies toward politicisation along regional lines in relation to SOGI rights.

#### **3.1 Justification of the Research**

There is a research gap to be filled on the UPR process in general and specifically concerning its implications for human rights relating to Sexual Orientation and Gender Identity. This study can provide insights on how sexual orientation and gender identity is considered within the UPR. In addition to this, the study also gives an idea of how contentious issues are handled by states in the UPR.

## 4 Analytical Framework

This section will provide a theoretical framework for the research question and a literature review of the existing research on the UPR as well as on human rights in relation to Sexual Orientation and Gender Identity.

### 4.1 The Universality of Human Rights and Its Relativist Critique

The main assumption associated with human rights is that they are universal, or applicable to all individuals at all times. Yet, this universality remains contested, and after the cold war, the debate regarding human rights theory has been dominated by the difference between universalists and cultural relativists (Freeman 2010, 120).

According to Goodhart (2005, 354), the universalism of human rights can be understood in three ways, either in relation to their validity, their status under international law, or their general applicability. The discussion of the validity of human rights has been at the centre for the debate between universalism and relativism, with the unfortunate outcome that the other aspects of universalism have been neglected.

The question of validity refers to the moral significance of a theory of rights that originated (at least according to some scholars) within a European context of the Enlightenment. Universalists argue against cultural relativists who emphasise that moral truth is dependent on cultural context and consequently, human rights cannot be valid universally.

The debate on universalism and relativism has also been central within the work of the United Nations, which was traditionally based on universal aspirations as set forth in the Universal Declaration of Human Rights. However, relativist views have increasingly been manifested in the UN. For example, the Vienna Declaration and Programme of Action adopted by the UN World Conference in Vienna in 1993 confirms that ‘the universal nature of these [human] rights is beyond question’, and that their promotion and protection ‘*is the duty of States, regardless of their political, economic and cultural systems*’ (Cerna 1994, 741). However the Bangkok Declaration adopted by the Asian states in preparation for the Conference stated that:

while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical and cultural and religious backgrounds (Cerna 1994, 743).

The relativist position, both in theory and practice, argues that the concept of human rights is Western in origin and that the 'West' remains a hegemonic actor in the production, diffusion and interpretation of human rights (Freeman 2010, 121). Even while the UDHR was being drafted, Jacques Maritain concluded that although one might be able to reach a consensus on the content of the Declaration, a consensus on the justification of human rights would not be possible because of the philosophical diversity in the world (Freeman 2010, 64). Similarly, in their 1947 statement submitted to the Commission of Human Rights in relation to the drafting of the UDHR, the American Anthropological Association argued that respect for an individual requires the respect for that individual's culture, as the personality is shaped within a specific cultural context. Furthermore, standards and values are specific to the culture they derive from, and consequently, drawing up a universal document of values is futile and should be avoided (Executive Board, American Anthropological Association 1947, 542).

Rana explores the power relations within human rights discourse by analysing them in terms of psychological decolonisation. He holds that the universality of human rights "*sets [them] apart from all other ideas and gives it a most distinctive position in modern times – dismissing every cultural and ideological diversity argument against it*" (2007, 371). The argument is that resistance to the universal human rights discourse has been silenced through Western ideological hegemony. This bias towards Western thought is also present in the third world, where the psychological consequences of colonisation maintain western hegemony in discourses and mindsets (Rana 2007, 370). The UN, NGOs, and scholars engage in a process of persuasion in order to uphold the hegemony of the West, because psychological dominance through persuasion is more effective than the direct dominance of colonisation. According to Rana, the international human rights regime is therefore nothing but colonialism in disguise.

For example, Iran states in their national report to the UPR that '*Iran's human rights situation has consistently been used as a political tool to apply pressure and to advance certain ulterior political motives of some Western countries*' (Blackburn 2011, 20). It is interesting to note however, that the states with the most aggressive cultural relativist discourse, like Iran and Cuba for example, apply this relativism as an excuse on the international level, but rarely apply the relativist approach in dealing with their own national minorities (Blackburn 2011, 35).

By contrast, Freeman (2010, 126) argues that human rights universalism is egalitarian, not imperialistic in its nature. The problem therefore does not seem to be the justification for human rights as rights, but the way in which human rights can be used as a political tool, either to gain political influence over others, as the 'West' is often accused of, or to preserve

harmful practices and unequal power relations in the name of tradition. Both universalist and relativist perspectives can and are used to promote states' self-interest rather than human rights.

Cultural relativism has been criticised for assuming that cultures are homogenous (Goodhart 2005, 354) and consequently failing to distinguish between the interests of different actors within the same culture, such as states, governments, communities and individuals (Freeman 2010, 123). In addition, the argument of value dominance and epistemic hegemony has its weaknesses. International human rights institutions have in general agreed that principles of human rights should be interpreted differently in different cultural contexts. The question remains where to draw the limits for cultural variation in the implementation of human rights. For example, should discrimination against individuals belonging to sexual minorities be tolerated because their lifestyles are contrary to that of the traditional nuclear family?

#### **4.1.1 Bridging the Gap between Relativism and Universalism**

However large the differences between the two perspectives seem, attempts have been made to bridge the gap between relativism on the one hand and universalism on the other. Donnelly (2007, 287) argues that the norms of human rights are 'relatively universal' in that they are almost universally endorsed by states, but that the concept itself first developed in Europe as an answer to the special issues that arose with the creation of a capitalist market and a modern bureaucratic state. In this sense, their western origin should not be problematic as human rights are being universally accepted by the international community today and the context under which they arose is globally present today. Goodhart (2008) argues that human rights are 'neither relative nor universal', but that international human rights law provides protection against threats posed to individuals by states and consequently becomes a way for people to challenge power. This argument emphasises a legal universalism under international human rights law, established by the widespread adherence to international human rights instruments, together with the principles of customary international law. Consequently, there is no need for an incontrovertible consensus on the philosophical and moral grounds of human rights. Rather, international law and widespread acceptance of human rights principles can form the foundation for an alternative form of universalism achieved through cross-cultural political dialogue (2005, 355–356).

Goodhart agrees with Donnelly to a certain extent, but rejects a binary opposition between relativism and universalism, arguing that this legal universality is relative to a certain

group (states) and to time (2008, 198). Furthermore, he identifies rights as a matter of substantive, not conceptual universality. This means that the current conception of human rights is 'relatively universal', not that human rights can be universally justified (Goodhart 2008). Even though they have different views the nature and application of universal human rights, both Goodhart and Donnelly identify an overlapping consensus around human rights and can therefore be considered as universalist scholars (Dembour 2009).

The idea of legal universalism has been supported by research. In an analysis of practice that has developed in the Human Rights Treaty Bodies, Addo (2010) argues that a legal approach has enabled the various treaty committees to avoid an overly politicised debate. In the committees, the reviews are undertaken by independent experts and not by delegates acting in their national capacity. This certainly contributes to their success in overcoming the politicisation issue. By contrast, other dynamics must be expected in the UPR, where the review is performed by states and not by experts without national interests. The UPR is an inter-governmental mechanism, and unlike the expert-driven treaty-based monitoring mechanisms, a profoundly political undertaking (Abebe 2009, 8). This analysis will highlight how regional alliances are major forces in the review process and how that represents a challenge to its functioning.

#### **4.1.2 Feminism, Cultural Relativism and Universal Human Rights**

Feminist scholarship also provides a critique of universal human rights. Although some feminist approaches see gender as 'women' and thus fail to include other categories, their arguments are transferable to a broader understanding of gender and are therefore relevant for the issue of sexual orientation and gender identity. These perspectives (because there is not one feminist perspective) have a common denominator in their focus on the exclusion of gender in legal institutions and on how international human rights law, with its focus on the political and public sphere, fails to provide protection for vulnerable groups. However complex this critique may be, its common denominator is that it attacks universalism for being gender blind. It argues that by seeing 'the human' as a (white) man, universalism excludes the perspectives of other genders.

The main argument of feminist analytical perspectives is related to the division of the private and the public. Rosaldo (1974) notes how the asymmetry between the genders is a near-universal characteristic of any human society and relates this to an equally universal opposition between the private and the public sphere. This reduces violations committed in the private spheres, such as rape within marriage and widow burning, to a question of

deplorable cultural practice and not of human rights. Binion uses the example of apartheid versus the purdah, a system of segregation that imprisons women in their home without the right to participate in the public sphere. Victims of the latter are considered voluntary participants in their own culture, whereas the former, although culturally grounded, is considered a human rights abuse (Binion 1995, 251).

Therefore, the feminist and the relativist critique of human rights have often been opposed to each other. Cultural relativism has been accused of accepting discriminatory practices against women in the name of culture, and cultural relativists have argued that the universalist feminist view of gender equality is a product of Western thought.

However different the two approaches may be, there are important similarities and parallels between them. Brems (1997) argues that the opposition between feminism and cultural relativism is false and that there is in fact common ground to be found between the two approaches. Both approaches argue that the liberal concept of rights is problematic because it was developed by a dominant group, and both argue that in order for the system to treat all genders and all cultures equally, it must not be blind to neither gender nor culture. By virtue of focusing on one form of dominance, each approach risks becoming absolutist or essentialist, ignoring the dominance inherent in other perspectives (Brems 1997, 155).

The two approaches have similar political implications. They both demand inclusion of substantial issues into the human rights system: gender and culture. The feminist critique of human rights argues that human rights are a product of male (white) domination, and consequently do not take into account the needs or experiences of other genders. In the same way, the cultural relativist critique argues that the universal approach fails to take into account the perspectives of 'the people of the South' (Brems 1997, 142). In the question of SOGI rights, the subject of this dissertation, these two perspectives stand against each other, a feminist relativism arguing for including the rights of sexual minorities and people of diverging gender identities, and a cultural relativism arguing that this is an attack on tradition.

## **4.2 Human Rights and Sexual Orientation and Gender Identity**

The international controversy around SOGI rights should be viewed in relation to the debate on universality and cultural relativism because diverging Sexual Orientations and Gender Identities are perceived as a challenge to family patterns deeply rooted in culture and religion. Resistance against these rights is connected to a relativist discourse, especially in terms of individualism and private rights. First, the liberal concept of individualism, the abstractness of

human rights, and the concept of rights itself are perceived as specifically western and foreign to non-western cultures, where the community is often set before the individual (Brems 1997, 145). Second, human rights governing the private spheres, such as rights related to family and marriage, or the rights of women and children, are governed by traditional and religious laws in many states (Cerna 1994, 746).

As an example, the rejection of SOGI rights is frequently portrayed as a defence of nationalism and traditional authenticity against Western cultural imperialism. In an analysis of the interrelation of race, sexuality and globalization, Hoad (2007a) links the debate on homosexuality in the African subcontinent to economic development and representations of traditionalism and modernity. The development of a movement related to Sexual Orientation and Gender Identity in Southern Africa is often portrayed as a ‘threatening imperialist import’. Hostility towards the LGBT movement on the African subcontinent has been expressed in nationalist terms (Hoad 2007a, 71), displaying homosexuality as ‘otherness’ brought to Africa by the ‘West’. Homosexuality is portrayed as a white, urban thing.

In the international discourse on human rights, the rejection of sexual minorities is also done in defence of ‘traditional values’. Headed by the Russian Federation, several states are seeking to incorporate the concept of ‘traditional values’ in the dialogue on human rights and make human rights dependent on them, against the will of many Western states that see this as an attempt to escape responsibility. They fear that making human rights dependent on the concept of ‘traditional values’ will threaten sexual and other minorities who risk to have their rights stripped if they are not deemed ‘traditional enough’ (Murphy 2013).

### **4.3 The Universal Periodic Review**

Although the UPR is a relatively new process, some literature has been produced on the topic. Research has primarily focused on evaluating the UPR through its mandate (Chauville 2010; Draluck 2010; Sweeney and Saito 2009; Gaer 2007; Brett 2009; Bernaz 2009; Redondo 2008; Sen, Vincent, and Cochran 2011), exploring the role of politicisation within the review (Blackburn 2011; Smith 2011; Abebe 2009; Terlingen 2007) and the extent to which the UPR brings added value to the UN system. Some of the most recent research on the UPR process has focused on the new challenges in the second cycle, which started in May 2012 (Frazier 2011; UPR Info 2012a).

### 4.3.1 Politicisation along Regional Lines in the UPR

The role of politics and regional alliances in the context of the UPR has been explored by quite a few authors. Terlingen (2007) notes that the change from a Human Rights Commission to a Human Rights Council altered the political dynamics of the UN human rights regime but did not end politicisation. The regional distribution of the new Human Rights Council has in fact given African and Asian states a comfortable majority<sup>7</sup> over the Western states in the Council, which changes dynamics in terms of voting (Terlingen 2007, 171).

A few analyses suggest that there are differences in how the regional groups deal with the UPR. In his analysis of the interactive dialogue of ‘cultural relativist states’, Blackburn (2011) identifies two positions in the interactive dialogue, the states that condemn human rights violations in states and express clear, specific recommendations, versus states that commend the SuR for their efforts. Western states most often falls into the first group, whereas development states fall into the second one. In the case of China, Smith (2011) notes some of the same pattern. Neighbouring states of China that were allotted speaking time<sup>8</sup> during China’s review gave unanimously positive statements, praising China’s efforts to improve its human rights record. Most of the recommendations that were rejected by China came from Western states.

Abebe (2009) critically examines the participation of eight African states reviewed during the first two sessions of the UPR and notes that African states engaged with the UPR in a different way than their Western colleagues. African states made few actual recommendations during the first two sessions. The recommendations they made were directed either to Western states or were what Abebe calls ‘friendly recommendations’ to third world states that suggested asking for technical assistance etc. (2009, 16). Western states seemed less concerned with alliances when making recommendations, and made substantial and sometimes critical recommendations including to their allies.

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<sup>7</sup> The reorganisation of the seats from the Commission to the Council gave the Asian group and the Eastern European group (EEG) each one additional seat (and vote), whereas the African Group lost two votes. The Latin American and Caribbean Group (GRULAC) and Western European and Other Group (WEOG) lost three seats each. Now, 13 seats in the HRC are filled by African states, 13 by Asian states, five by EEG, eight by GRULAC and seven by WEOG (Terlingen 2007, 171).

<sup>8</sup> Russia, Bhutan, Pakistan and Myanmar.



McMahon (2010; 2012) identifies regional patterns in the UPR process and concludes that these reflect the polarisation of the international community. In a paper that examines a database of 6077 UPR recommendations made in the first five UPR sessions, McMahon (2010) identifies regional patterns in the UPR process and concludes that these reflect the polarisation of the international community on human rights questions in general, or the debate on universalism versus relativism. In an analysis of the entire first cycle, McMahon (2012) concludes that there are regional differences in the UPR. His main finding is that Asian and African states have a 'softer' approach to human rights issues among themselves than in their recommendations to other groups. McMahon further suggests that Latin American and Eastern European countries play a mediating role by taking the middle position between the Asian and African states on the one hand and the 'Western European and others Group' (WEOG) on the other. He concludes that slightly over two thirds of all recommendations are accepted and that the acceptance rates are lower for more specific and action-oriented recommendations. These findings will be further explored in the analysis chapter.

Differences between the regional groups that constitute the Human Rights Council have also been noted in the implementation of UPR recommendations generally (UPR Info 2012a). ASIA has the lowest implementation rate, with 19% of recommendations partially or fully implemented. The African Group implemented 40%, followed by WEOG (47%) and Group of Latin American and Caribbean states (GRULAC) (58%). The Eastern European Group (EEG) implemented or partially implemented a total of 65 % of the recommendations (UPR Info 2012b, 11–12). These findings are very interesting as they diverge from the regional pattern of giving and accepting recommendations, suggesting that the WEOG is better at accepting recommendations than actually implementing them. However, it is hard to measure implementation and it cannot be excluded that the results are inflated by some regions receiving less specific recommendations than others or applying less strict criteria on how to consider whether a recommendation was implemented or not. An analysis should therefore also account for the differences in specificity between the recommendations.

Abebe (2009) is concerned that the UPR might end up as a mutual praise exercise instead of a forum for genuine human rights dialogue, and argues that the dominance of group alliances is a challenge both for the HRC in general and for the UPR. In an analysis of the role of African states when the UPR was negotiated, Abebe suggests that African states played an important role in trying to limit the influence of Western states on the process and to limit the possibility to challenge state sovereignty through the UPR. For example, African states

argued for a limited role of the Office of the High Commissioner for Human Rights (OHCHR)<sup>9</sup> in the UPR, as this organ is influenced by the West, and lobbied against including independent experts in the process. The African group argued that only the national report should form the basis for review and numerous African states were also against webcasting the reviews (Abebe 2009, 13). African states insisted that rejected recommendations should only be ‘noted’ in the outcome report, whereas other states, many of these western, argued that all recommendations should be included in the same section of the report (Abebe 2009, 15). It was also important for African states that the report state which delegations had made what recommendations, arguing that it would be a violation of state sovereignty if the final report presented the recommendations as if they came from a unified Council and not from various states. This idea was widely accepted, not least because it would be an easier way to handle sensitive recommendations, such as those regarding sexual orientation (Abebe 2009, 16).

Finally, African states and the West had divergent views on the role played by NGOs and other stakeholders. Western states emphasised the importance of stakeholders as watchdogs and collaborators, whereas the African group wanted to limit the participation of other stakeholders to the preparation of the reports for the review (Abebe 2009, 29). Some of the initiatives from the African group clearly display a wish to limit the transparency of the process and can be seen in relation to a tendency of Asian and African to be less open to critique than states from the ‘West’. This could also be seen as scepticism against universal initiatives indicating a relativist approach to human rights.

In the same vein, Blackburn (2011) examines cultural relativism in the UPR and argues that two different categories of radical cultural relativism based on revolutionary discourse and radical Islamism can be distinguished in the UPR. Analysing the various UPR reports of countries identified as ‘cultural relativist’, he concludes that China, Vietnam and Cuba fall into the first category of radical cultural relativists, whereas Yemen, Iran and Pakistan falls into the second one. One problem with this analysis is that Blackburn does not provide any explanations for the cases he chooses other than that they have been identified as ‘cultural relativist’ by other scholars. Additionally, all the cases belong to groups representing

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<sup>9</sup>The OHCHR receives about one third of its funding from the United Nations regular budget and two thirds from voluntary contributions from Member States and other donors (OHCHR 2013b). In 2010, the top 15 donor countries were WEOG member states, and only one African State (Morocco) was on the top 20 list of donors (OHCHR 2013c).

the 'global South'. Although WEOG and EEG states are known to endorse the universality of human rights, it would have been interesting to look at traits of cultural relativism within these groups as well. Finally, the basis of the analysis varies between the national reports and states' behaviour during their own and other reviews. The analysis is therefore not very systematic, but provides a set of interesting examples and findings.

#### **4.3.2 The Development Factor**

The connection between development and respect for human rights has been made in various contexts. For example, Abouharb and Cingranelli (2007) argue that respect for human rights promotes economic development, thus establishing a mutually reinforcing relationship between development and rights. A quantitative study produced by Frazier (2011) concludes that the degree of implementation of recommendations correlates positively with the level of development of the SuR. The study compares the implementation rate of three developed countries, three developing countries and three of the least developed countries (LDCs) and found a significant difference of 15 % between developed and developing countries. A further 4% decrease was found for the LDCs. The author suggests this difference could be due to the fact that developed countries have the financial means to implement more recommendations, in addition to the fact that higher levels of development are usually associated with democracy and perhaps a higher acceptance of human rights. These findings are interesting, however the analysis does not take into account potential differences in the wording or requirements of the different recommendations. Thus, it would be interesting to control for the specificity of each recommendation, in order to see if this could explain some of the variation in implementation rate. This will be further researched in this analysis.

#### **4.3.3 Sexual Orientation and Gender Identity in the UPR**

Very little research has focused on Sexual Orientation and Gender Identity in the UPR. UPR Info (2011) conducted an issue analysis on 'lesbians, gays, bisexuals and transsexuals' based on the eight first sessions from the first cycle of the review. The analysis concluded that LGBT rights are not a major issue in the UPR, and are most often raised by countries from the WEOG or EEG group, such as Canada, the Czech Republic, Sweden and the United Kingdom. Recommendations on the issue were divided between recommendations calling for reform of national law or the decriminalisation of homosexuality, questions and recommendations concerning protection from discrimination, questions and recommendations that concern providing human rights education, training and campaigning and other questions

and recommendations that included different issues. The large majority of the recommendations concerning LGBT rights focused on legal reform and decriminalisation.

Sexual Rights Initiative (2012), an NGO working with the promotion of various sexual rights, including those related to sexual orientation and gender minorities, have published a UPR Toolkit to help organisations working on sexual rights engage with the process. The toolkit argues that the UPR is a particularly useful method for promoting sexual rights as it is the only mechanism in the world where all member states are engaging in debate on their human rights records and all states can give each other recommendations regardless of size or political influence (Sexual Rights Initiative 2012, 9). In addition, the UPR is the only UN process that is open to all credible civil society actors and not only those with ECOSOC accreditation. This is all the more important for organisations working with sexual rights, as research made by the International Service for Human Rights suggests that organisations working on sexual orientation, women's rights and reproductive rights are among those most frequently denied ECOSOC status (ISHR 2013).

## **5 Methodology**

This chapter presents the analysis and the research design of the dissertation. First, the research design and dataset will be explained. Second, a model of the assumed relationship between the variables in the dataset will be presented and finally, a brief outline of the analysis will be given.

### **5.1 Research Design**

As the aim of the research is to quantify and understand the tendencies associated with SOGI rights in the first cycle of the UPR, a quantitative analysis was chosen to include as many observations as possible. Analysis of conversations and impressions from my experience with the UPR will supplement the quantitative analysis where appropriate and will be used sporadically, not systematically. These experiences have guided my understanding of the UPR and consequent methodological choices. Therefore, they can contribute to the understanding of the research.

The analysis will be based on secondary sources of data. The advantage of this is that high quality data on the review is available leaving more time for the actual data analysis. In addition, reliability, or absence of measurement error in the dataset, should be high when using trusted data sources. Also, analyses based on publicly available data are easy to replicate. Lack of familiarity with the data should not be a problem as I have been familiarised with the database through my former work experience. The main source of data for this analysis is a database of all recommendations given in the UPR, maintained by UPR Info, a Geneva-based NGO that works with raising awareness and providing capacity-building tools to the different actors of the UPR. The analysis will be performed in the statistical software STATA (StataCorp LP 2011).

### **5.2 Scope and Limitations of the Study**

The analysis will be limited to the first cycle of the UPR. Several scholars have already underlined the need for an evaluation of the first cycle (Frazier 2011; Chauville 2010; McMahon 2010). The first cycle recently ended, and since the modalities have changed, it is likely that other dynamics will be produced in the second cycle. Therefore, it makes sense to look at them separately. However interesting the question of implementation is, it is too early to analyse the implementation of all recommendations given in the first cycle, as all data would not be available within the timeframe of this dissertation.

### 5.3 Data

During the first cycle, 135 states received 501 recommendations<sup>10</sup> related to SOGI rights, out of which 180 recommendations were accepted by 70 states. The dataset consequently consists of 501 recommendations that form the units. The variables are presented in table 1:

**Table 1: Summary of the Dataset**

<b>Variable name</b>	<b>Label</b>	<b>Measurement level and operationalisation</b>	<b>Example</b>
SuR	State under Review	Categorical variable with 180 different values.	Albania
Rgrp_sur2	Regional group of the SuR	5 values organised as an ordinal variable where AFRICA = 1 ASIA = 2, GRULAC = 3, EEG = 4 and WEOG = 5. The ranking is based on the expected attitudes towards SOGI-recommendations per state. Western states have high values as they are expected to be more progressive in their views on SOGI rights.	EEG
RS	Recommending State	Categorical variable with 39 different values.	Czech Republic
Rgrp_rs2	Regional group of RS	4 values organised as an ordinal variable where ASIA = 1, GRULAC = 2, EEG = 3 and WEOG = 4. The ranking is based on the expected attitudes towards SOGI-recommendations per state.	EEG
Accepted	Answer to the recommendation	Dummy variable: 1 = accepted 0 = rejected.	1
Action	Action category level, indicating the specificity of the recommendation	Ordinal variable with values ranging from 1 to 5. Specific recommendations have high value.	5
HDI	Human Development Index of the SuR	Continuous variable ranging from 0 to 1, where 1 indicates high human development.	.7391239644

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<sup>10</sup> Out of the 501 recommendations concerning SOGI, seven were voluntary pledges made by the SuR itself, whereas 494 were recommendations given by a total of 180 states. All are included in the analysis.

## 5.4 Operationalisation

Validity is related to the relevance of the data for the research question (Hellevik 2002, 183). Consequently, good operational definitions are critical in order to increase validity so that the analysis actually measures the relevant concepts. A word on operationalisation is therefore necessary.

The centre of the analysis is the relationship between a state's regional group and its actions on recommendations related to SOGI rights. The primary action taken by states during the first review were making and accepting recommendations. The recommendation and acceptance rate will therefore be the indicators for this variable. A disadvantage with this focus is that it downplays the actual content of each recommendation, which also contains information about how states relate to SOGI rights. However a content analysis falls out of the scope of this dissertation and will be left for future research.

The first independent variable, the regional belonging of the SuR, is operationalised as it is described in the institution-building package of the Human Rights Council. While other ways of grouping regions would be possible, this operational definition is used because membership in the Council is based on these groups and the groups generally coordinate their position and often speak in unison in the HRC. Therefore, this categorisation has specific connotations within the framework of the HRC. For the analysis, all regions are ranked with numbers ranging from one to five, where regional groups that are assumed to be supportive of SOGI rights have high values, and groups supposed to be against the inclusion of SOGI into universal human rights norms have low values.

The second independent variable is 'action category'. This variable describes the specificity of the recommendations. For the division of recommendations into levels of specificity, this dissertation will use the 'action categories' invented by Professor McMahon of the University of Vermont. This analytical tool is based on a categorisation of the primary action verb in each recommendation (McMahon 2012, 6). The ranking ranges from 'one' to 'five', where category 1 includes recommendations requiring 'minimal action', category 2 includes recommendations requiring states to 'continue' a certain action, category 3 recommendations require states to 'consider' a certain action, category 4 recommendations request states to undertake a general action, and finally category 5 recommendations ask for specific action from states (McMahon 2012). The primary action verb of the recommendation is a useful operationalisation because it is the verb, not e.g. the type of action recommended that determines what level of action is expected from the SuR. For example, two

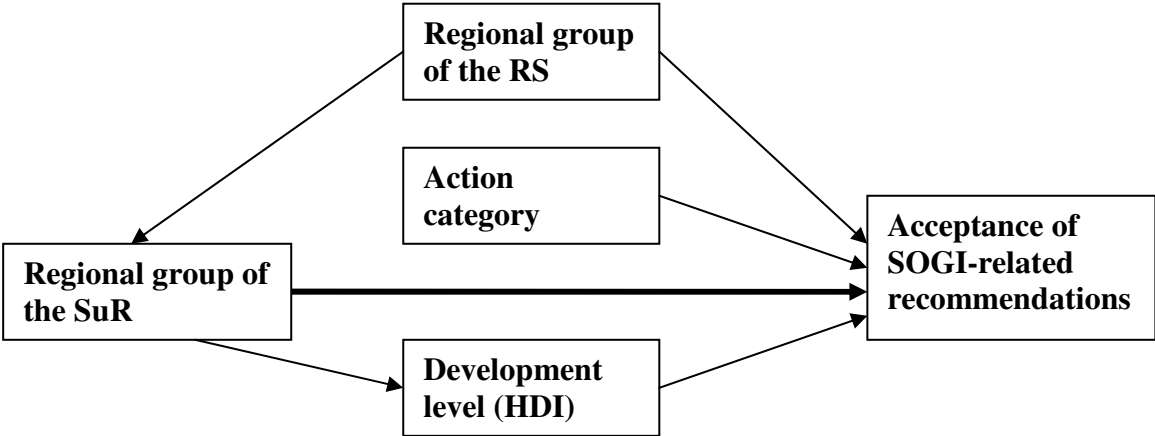
recommendations can be related to the same action (decriminalising consensual same-sex activities between adults), but the verb used defines whether the SuR is requested only to ‘consider’ the action or to complete it. For instance, the Czech Republic recommended Angola to *”Decriminalize consensual same-sex activity between adults”*, which is a category 5 recommendation, whereas a recommendation made by Belgium asking Benin to *”Consider decriminalizing homosexual activities between consenting adults”*, is only a category 3 recommendation.

The third independent variable is ‘development’ and is measured by the Human Development Index (HDI) (2011). This index is calculated by the United Nations Development Programme and combines indicators of life expectancy, educational attainment and income. As any other indicator of development, the HDI has weaknesses and it is debateable whether it can capture all the complexities of the concept of ‘development’. However, this index is chosen because it combines economic and social aspects of development. It is assumed that development is associated with acceptance of SOGI related rights not only because the recommendations have financial implications, but because higher development generally is associated with more robust democracy and a greater concern for human rights.

### 5.5 The Model

Figure 1 shows a causal model for the discussed variables:

**Figure 1: Multivariate Model**



The model includes one dependent and four independent variables. The arrows indicate the assumed relationships between them, the thickness represents their assumed effect on the



outcome. The main relationship to be explored is the relationship between the regional group of the SuR and acceptance of SOGI recommendations. The hypothesis indicates a strong relationship between these two. It is also assumed that the action category of the recommendations, the HDI and the region of the recommending state influence the acceptance rate.

The model assumes that development is an intervening variable<sup>11</sup> between the regional group of the SuR and acceptance of SOGI-related recommendations. Since development level varies between groups, one could imagine that some of the variance in acceptance rate between regional groups is in fact explained by differences in development level.

Finally, it is assumed that the regional group of the RS influences both the regional group of the SuR (states choose if and to whom they give recommendations), and the acceptance rate. This assumption is backed by research concluding that regional alliances influence the outcome of the UPR (McMahon 2010; 2012; Abebe 2009; Blackburn 2011).

Having formulated a research question and a model, some hypotheses are made:

- 1) *A regional variation pattern can be observed in states' reactions to SOGI-related recommendations in the UPR. 'Western' states are more positive to SOGI-related recommendations than states representing 'the global south'.*
- 2) *More specific recommendations have lower acceptance rates.*
- 3) *More developed states have higher acceptance rates.*

## **5.6 Outline of the Analysis**

The analysis will first focus on the covariation between the independent variables and states' actions with regards to recommendations related to SOGI rights in the UPR. All along, patterns in the dataset will be compared to the patterns in the UPR in general, in order to explore whether the results are specific to SOGI rights or if they simply reflect general engagement in the UPR as such<sup>12</sup>. Second, a full correlation analysis will be done including all the variables in order to establish potential correlations. Third, these correlations will be further explored in a logistic regression analysis, and finally, a simple multilevel analysis of

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<sup>11</sup> An intervening variable is affected by one variable and has causal impact on another one (Bryman 2008, 695).

<sup>12</sup> For example, South Africa, not having answered to any of their UPR recommendations would get an acceptance rate equal to zero. However, this can hardly be blamed on their attitudes to SOGI rights but rather on a disinterest in the UPR.

the relationship between HDI and regional groups of the SuR will be made in order to explore the relationship between the two and to check for collinearity.

Logistic regression analysis is preferred over ordinary least squares (OLS) regression, because the dependent variable is dichotomous. When this is the case, the relationship between the independent and the dependent variable is rarely linear, and there is no constant variation between the residuals (heteroscedasticity) (Eikemo and Clausen 2007, 83). This violates the conditions for OLS regression, although logistic regression analysis can still be used.

The disadvantage with logistic regression is that the results of the analysis are harder to interpret. This is because effects are measured in relative, not in absolute values, as with ordinary linear regression (Skog 2004, 398). Logistic regression does not predict the value of the dependent variable, but the probability of a certain value on the dependent variable. This probability is expressed in odds ratios.

The odds ratio is the odds of an event occurring in one group compared to the odds of the same event occurring in another group. Odds are an expression of relative probability, telling how much lower or higher the probability that an event will happen is, relative to the probability that it will not happen (Skog 2004, 363, 365). In this case, the odds ratio represents the odds of acceptance divided by the odds of rejection and therefore provides the change in the likelihood for acceptance for each group compared to the reference category, or for each unit change in the independent variable. If the odds ratio = 1, the independent variable has no effect on the acceptance rate. An odds ratio of <1 indicates a negative relationship and an odds ratio >1 indicates a positive relationship.

## **6 Findings**

This chapter will present the results of the analysis as outlined in the preceding chapter. Only the main findings with relevance for the research question will be discussed. For a full log of the quantitative analysis, please refer to the appendix.

### **6.1 A Marginal Issue**

A quick overview shows that SOGI rights are a marginal issue in the UPR. A total of 21956 recommendations were given during the first cycle and only 501 of those concerned Sexual Orientation and Gender Identity. In other words, only 2.3% of all recommendations given concerned SOGI rights. The 501 recommendations were made by 39 different states, suggesting that some states are specifically concerned with the issue of SOGI rights, however many states remain silent on the subject. This indicates that the question of Sexual Orientation and Gender Identity rights is less endorsed by states than other human rights issues in general, in line with the conclusions made by the issue analysis made by UPR Info (2011).

Also, SOGI recommendations are less frequently accepted than other recommendations. The overall acceptance rate for all recommendations given in the first cycle of the UPR was 73%, however only 36% of the recommendations related to SOGI rights were accepted. This suggests that rights related to Sexual Orientation and Gender Identity are more controversial than human rights in general. In this regard, the UPR confirms a well-known pattern in the UN human rights regime.

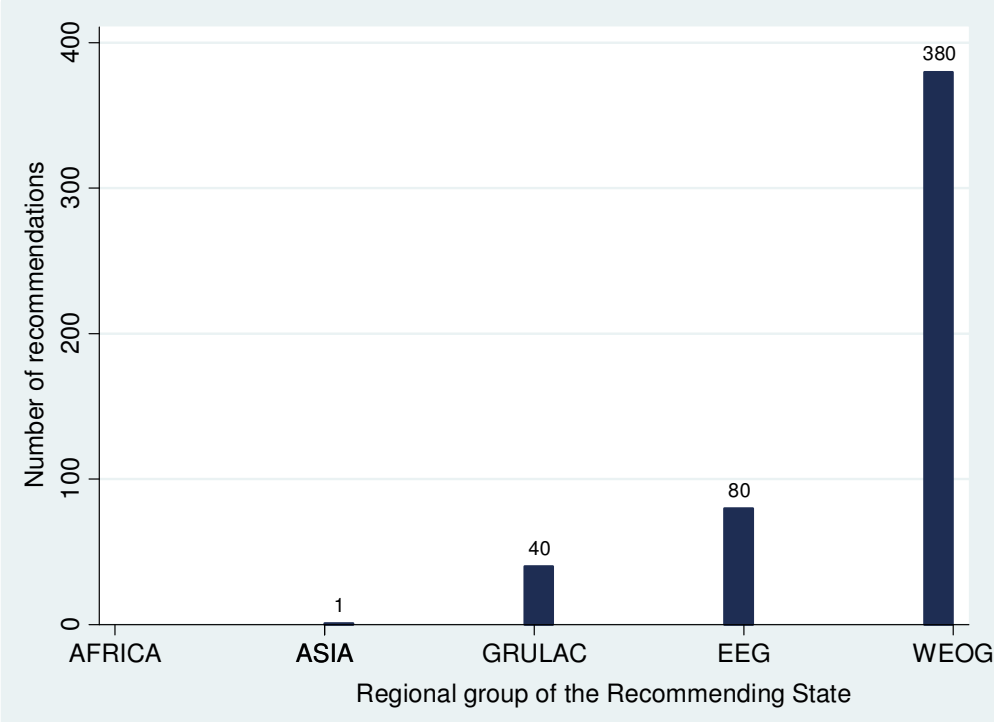
### **6.2 The Regional Aspect: Making Recommendations**

The large majority of SOGI recommendations came from the ‘West’. Figure 2 provides an overview of states who gave SOGI-related recommendations during the first cycle of the UPR, sorted by regional group.

First, WEOG states gave the vast majority of recommendations, almost 76% of the SOGI recommendations came from WEOG states, and 22 of its 28 members made recommendations related to SOGI rights. The Eastern-European group made 16 % of the SOGI recommendations; however 75 of the 80 recommendations made by the EEG were made by either the Czech Republic or Slovenia. This means that the results for the EEG are inflated by these two states. Moreover, both the Czech Republic and Slovenia are members of the European Union (EU). The EU is also a strong bloc within the UN, because of their

common foreign and security policy and this could suggest that groups other than the ones examined in this dissertation influence the regional dynamics in the UPR.

**Figure 2: SOGI Recommendations by Regional Group of the Recommending State**



GRULAC made 8% of recommendations related to SOGI rights. Within this group, six states were making recommendations: Argentina, Brazil, Chile, Colombia, Mexico and Uruguay. The African group did not make a single recommendation related to SOGI rights and only one recommendation came from the Asia-Pacific group. However, this recommendation was against SOGI rights. The recommendation was given by Bangladesh to Tonga and read: *‘Continue to criminalize consensual same sex [sic], which is outside the purview of universally accepted human rights norms, according to Tonga's national legislation’*. The recommendation was rejected together with three recommendations suggesting that Tonga decriminalise same-sex sexual activity.

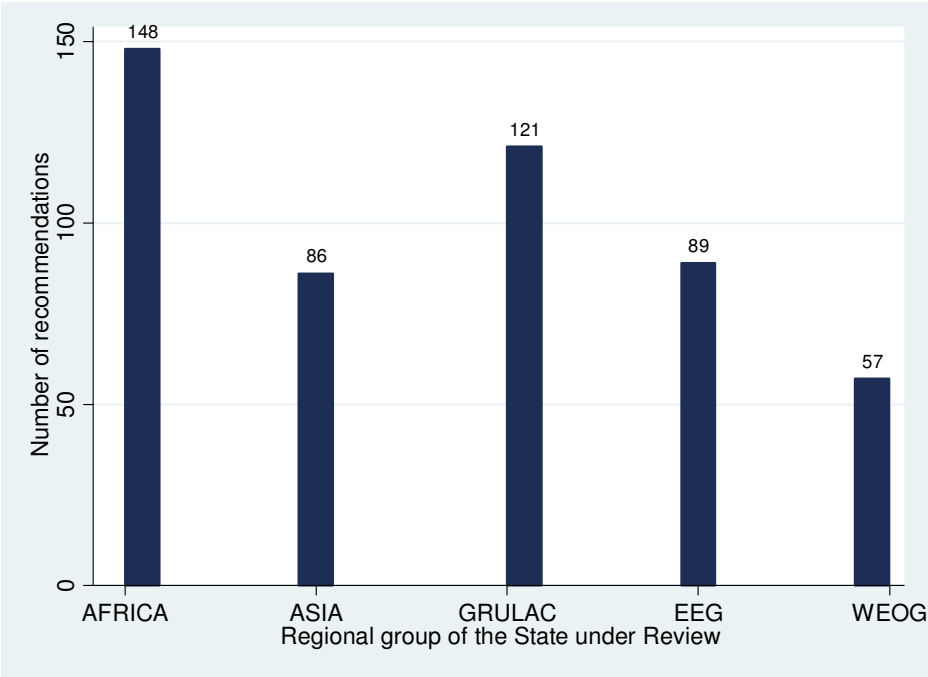
This recommendation is a pertinent example of how the UPR can be used by states to pursue their own self-interest, sometimes in direct contrast to human rights norms and principles. The recommendation also illustrates how states who are against SOGI rights engage with this issue within a UN context. Even those opposing SOGI rights do not oppose them directly, but rather by claiming that the question of sexual orientation does not belong in a human rights context. This could be seen as an indication of a developing norm on the

international level. Although many states oppose SOGI rights, few are ready to do it explicitly in international fora.

### 6.3 The Regional Aspect: Receiving Recommendations

A regional pattern is also visible when analysing the states that received recommendations. Figure 3 shows that the African group received the majority of recommendations, while WEOG received fewest, although this group is accountable for 76% of the recommendations given. The African group received more recommendations than any other group, nearly 30% of the total recommendations, but did not make a single recommendation related to SOGI rights. ASIA received 17% but made only the one recommendation discussed above. The second most number of recommendations (24%) was received by GRULAC, however they made only 8% of them. Interestingly, the EEG is the only regional group where the recommendations made and received was fairly evenly distributed. EEG received around 18% of the recommendations and made 16% of them. Compared to each group's share of the UPR recommendations in general, EEG and GRULAC received more SOGI recommendations than expected, whereas the other groups received shares that were similar to their share of the UPR recommendations in general.

**Figure 3: SOGI Recommendations by Regional Group of the SuR**



### 6.4 The Regional Aspect: Joint Distribution of Making and Receiving Recommendations

Table 2 is a cross tabulation of the regional distribution of recommendations by the region of the Recommending State and the State under Review. Interestingly, the African group received most of its SOGI related recommendations from the ‘West’ (EEG and WEOG). Out of the 40 recommendations made by GRULAC, the majority (35%) were made within its own group. The EEG gave the majority of its recommendations to the African group, and made a fairly equal number of recommendations to its own group and GRULAC. WEOG is the only one who gave the fewest recommendations to its own group.

**Table 2: Regional Group of the SuR by Regional Group of the RS**

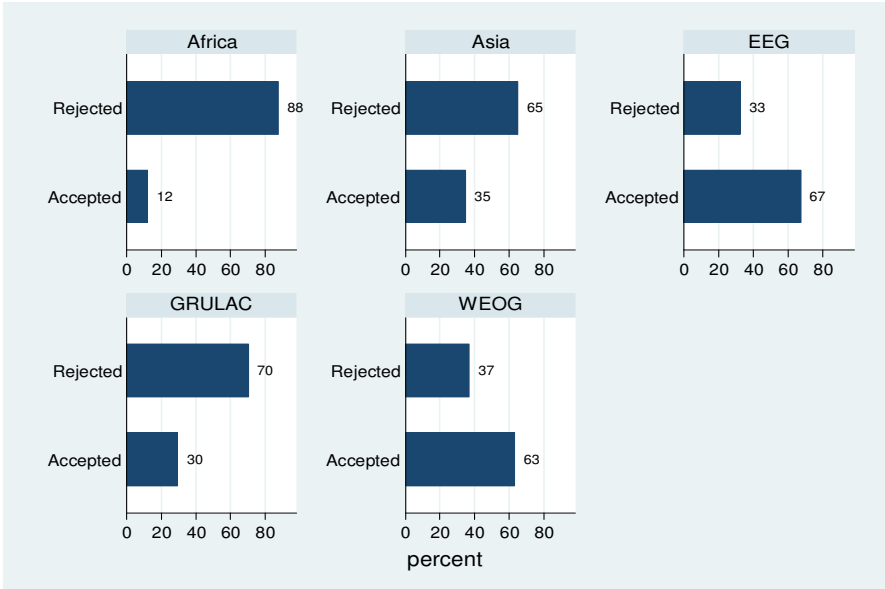
Regional Group of the SuR	Regional Group of the RS					
	AFRICA	ASIA	GRULAC	EEG	WEOG	TOTAL
<b>AFRICA</b>	0 (0.0)	0 (0.0)	12 (30.0)	24 (30.0)	112 (29.5)	<b>148</b> <b>(29.5%)</b>
<b>ASIA</b>	0 (0.0)	1 (100)	5 (12.5)	14 (17.5)	66 (17.4)	<b>86</b> <b>(17.2%)</b>
<b>GRULAC</b>	0 (0.0)	0 (0.0)	14 (35.0)	18 (22.5)	89 (23.4)	<b>121</b> <b>(24.2%)</b>
<b>EEG</b>	0 (0.0)	0 (0.0)	4 (10.0)	17 (21.3)	68 (17.9)	<b>89</b> <b>(17.8%)</b>
<b>WEOG</b>	0 (0.0)	0 (0.0)	5 (12.5)	7 (8.8)	45 (11.8)	<b>57</b> <b>(11.4%)</b>
<b>Total</b>	<b>0(100%)</b>	<b>1 (100%)</b>	<b>40 (100%)</b>	<b>80 (100%)</b>	<b>380 (100%)</b>	<b>501 (100%)</b>

In general, the majority of recommendations concerning SOGI rights are going from the ‘West’ to the ‘global South’. This could support the ‘West against the rest’ - argument as made by Rana (2007), however it could also be that the WEOG group gets fewer recommendations on this issue because sexual minorities enjoy a larger set of rights in this part of the world. This could also be the reason why so many states focus their recommendations on the African group, where tolerance towards sexual minorities is generally low (Hoad 2007b).

Figure 4 shows the acceptance of recommendations by regional group. WEOG and EEG share a similar pattern, each group rejecting some 30% and accepting some 60% of the SOGI recommendations. The African group, ASIA and GRULAC all rejected more recommendations than they accepted. ASIA and GRULAC rejected 65 and 70% respectively, and the African group stood out by rejecting a total of 88% of the recommendations made concerning SOGI rights. From this we can conclude that there is a cleavage between the

WEOG and the EEG on one hand and the African and the Asian states on the other, whereas GRULAC occupies a middle position.

**Figure 4 Acceptance Rate by Regional Group of the State under Review**

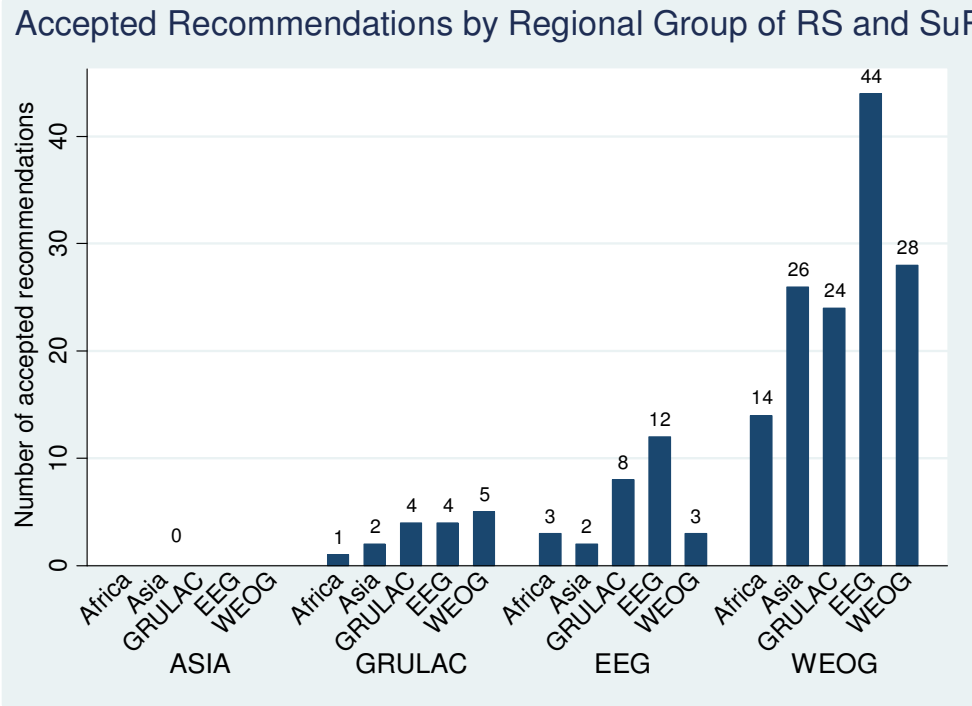


This coincides with the results found by McMahon (2012) for all recommendations in general. Accordingly, there is some basis for arguing that at least some of the dynamics in the UPR in general are reflected in the recommendations on SOGI rights. The African and Asian states did not make any recommendations advancing SOGI rights and were also among the groups who rejected most of the SOGI recommendations they received. GRULAC states made recommendations related to SOGI rights but rejected 70% of the ones they received themselves. This could suggest different views within GRULAC as a group or a lower tendency of acting as a block than in some of the other groups.

Figure 5 shows the number of accepted recommendations given and received by different regional groups. As seen from the figure, Africa is not included among the recommending states as no member of the African Group made any recommendations related to SOGI rights. The Asia-Pacific group made only one recommendation, which was rejected, hence the zero. Of the remaining groups, each had between 35-40% of the recommendations they gave accepted. It can be noted that the majority of the accepted recommendations from the EEG were accepted by states of the same regional group. No such pattern can be identified for GRULAC, where most of the accepted recommendations were shared between WEOG, EEG and GRULAC itself. The majority of the accepted recommendations that came from

WEOG states were accepted by EEG states, perhaps an indication of close cultural and political ties between these two groups.

**Figure 5: Number of Accepted Recommendations by Regional Group of RS and SuR**



**6.5 The Importance of Being Specific**

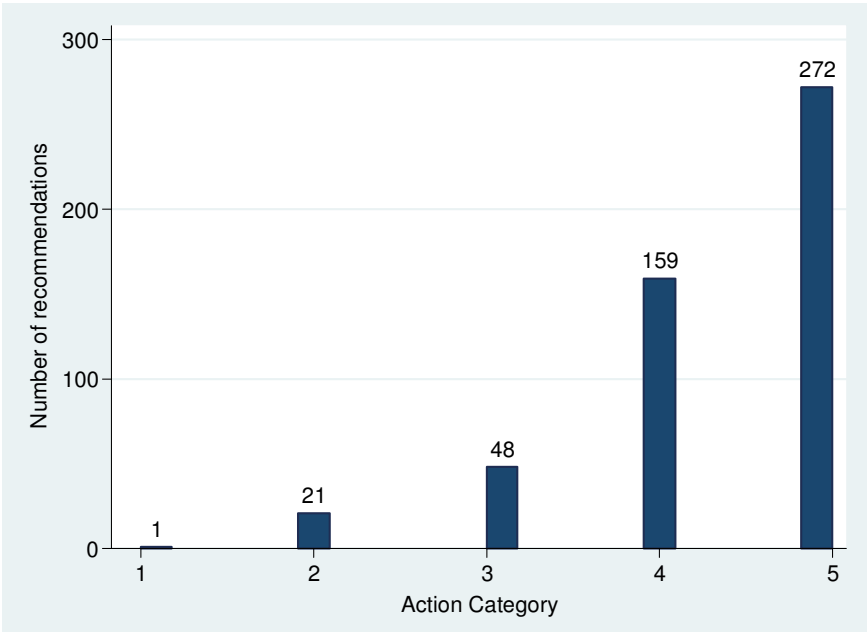
Specific recommendations are more frequent than vaguer ones. Category 4 and 5 recommendations together account for 86% of the recommendations related to SOGI rights, and only one category 1 recommendation concerning SOGI rights was given<sup>13</sup>. SOGI-related recommendations given in the first cycle were more specific compared to recommendations given in the first cycle in general. For all recommendations in general, category 2 recommendations were more frequently made than category 3 and category 4 was more frequent than category 5, whereas for the recommendations concerning SOGI rights, the relationship was continuously increasing, as seen from figure 6. Consequently, when states make recommendations concerning SOGI rights, they recommend more specific actions than what they recommend in the UPR in general.

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<sup>13</sup> This recommendation was given by the UK and asked Sweden to ‘Share national best practice and policies on ensuring nondiscrimination, including proposals such as to include sexual orientation in the Constitution, with States and relevant international organizations’ (UPR Info 2013). The recommendation was accepted.



**Figure 6: SOGI Recommendations Given by Action Category**



One reason for this could be the fact that SOGI rights are controversial to the point that same-sex consensual relationships are forbidden in several countries, and consequently a considerable amount of the recommendations concerned the abolition of laws criminalising same sex relationships. The implementation of anti-discrimination laws and the follow-up of those also seem to be a high priority for states making SOGI-related recommendations. Recommendations requiring legal reform are quite specific by nature, and would fall into category 4 or 5, depending on the verb used to describe the action<sup>14</sup>. My discussion with Norwegian diplomats has suggested that focusing on the legal framework and the protection of basic individual rights for LGBT people is a political strategy, as anti-discriminatory laws are seen as a first step before changing attitudes and tolerance in society. In short, demands for the individual safety of persons regardless of their sexual preferences is easier to promote than initiatives that might be interpreted as ‘pro-gay’, such as information campaigns or positive rights, e.g. the right to marry. This strategy is reflected in the work of the UN for

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<sup>14</sup> An example of a category 4 recommendation is “*Protect gender identity and expression under anti-discriminatory laws and policies*”, given by Norway to Belgium (the recommendation was accepted). An example of a category 5 recommendation is “*Decriminalize consensual sexual acts between adults of the same sex*”, given by Slovenia to Barbados (the recommendation was rejected)(UPR Info 2013). The verb ‘protect’ give the state some room for manoeuvre with regards to policy development, whereas the verb ‘decriminalize’ imply a change of laws.

sexual orientation and gender minorities in general. For example, during the 2010 General Assembly of the UN, a reference to sexual orientation was voted out of the resolution on extrajudicial and arbitrary killings. Considerable diplomatic effort was needed to reintroduce it. In an environment where negotiations are needed to establish that LGBT people should have the right to not be arbitrarily deprived of their life, it seems like a long way to go for more advanced rights, such as the right to marry and to found a family. The approach of Norway is to first focus on the most basic rights, and my impression based on observations from working on the issue is that other states also keep this in mind when making recommendations.

Also in terms of the specificity of recommendations, regional differences can be identified. Table 3 show the relationship between the regional group of the RS and the action category. Some 57% of the recommendations from both EEG and WEOG were action category 5, whereas only 20% of the recommendations made by GRULAC belonged to this category. GRULAC states distributed their recommendations fairly evenly among category 2 to 5, whereas states belonging to the EEG made a fairly equal number of category 3 and 4 recommendations. WEOG was the only group that made any category 1 recommendations, however 74% of the recommendations made by this group were category 4 or 5 recommendations. Again, the difference between the WEOG and EEG on one hand, and ‘the South’, here represented by GRULAC, is notable. McMahon notes that for all recommendations in general, the different preferences for action categories reflect the fundamental difference in attitudes between the ‘West’ and the ‘South’ (2012, 17).

**Table 3: Action Category by Regional Group of the Recommending State**

	Regional Group of the RS					
Action category	Africa	Asia	GRULAC	EEG	WEOG	TOTAL
<b>1</b>	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	1 (0.3)	<b>1</b> <b>(0.2%)</b>
<b>2</b>	0 (0.0)	1 (100.0)	9 (22.5)	2 (2.5)	9 (2.4)	<b>21</b> <b>(4.2%)</b>
<b>3</b>	0 (0.0)	0 (0.0)	13 (32.5)	15 (18.8)	20 (5.3)	<b>48</b> <b>(9.6%)</b>
<b>4</b>	0 (0.0)	0 (0.0)	10 (25.0)	17 (21.3)	132 (34.7)	<b>159</b> <b>(31.7%)</b>
<b>5</b>	0 (0.0)	0 (0.0)	8 (20.0)	46 (57.5)	218 (57.4)	<b>272</b> <b>(54.3%)</b>
<b>Total</b>	<b>0</b>	<b>1</b> <b>(100 %)</b>	<b>40</b> <b>(100%)</b>	<b>80</b> <b>(100%)</b>	<b>380</b> <b>(100%)</b>	<b>501</b> <b>(100.00%)</b>

### 6.6 Correlations

A correlation analysis will provide information about how the different variables covariate with each other, without identifying any relations of causality. The correlation analysis varies between -1 and 1. If the correlation between two variables is 0, the values on the two variables occur completely independently of each other. A positive number indicates that high values on one variable is associated with high values on the other one, and opposite in the case of negative correlation; high values on one variable is associated with low values on the other. Table 4 gives a pairwise<sup>15</sup> correlation analysis of all the variables discussed. A \* marks the correlations that are significant on a 5% level.<sup>16</sup>

It seems like the regional pattern identified for recommendations related to SOGI rights in this analysis roughly overlaps with the regional patterns identified by McMahon (2010; 2012) in his analyses of the recommendations given in the first cycle of the UPR. This suggests that states that are open and cooperative with the UPR in general also are positive towards SOGI rights.

**Table 4: Pairwise Correlation Analysis**

	Acceptance rate	Action Category	Regional gr. of the SuR	Regional gr. of the RS	HDI
Acceptance rate	1.000				
Action Category	-0.2209*	1.000			
Regional gr. of the SuR	0.3977*	-0.1474*	1.000		
Regional gr. of the RS	-0.0096	0.3183*	0.0135	1.000	
HDI	0.3581*	-0.0730	0.8171*	0.0358	1.000

The analysis is supportive of the hypotheses. The correlation between acceptance and regional group of the State under Review is 0.40, which indicates a relatively strong positive relationship between the regional group of the SuR and acceptance rate. There is also a high positive relationship between HDI and acceptance, at 0.36. This coincides with the results found by Frazier (2011), suggesting that more developed states have higher acceptance rates.

<sup>15</sup> Pairwise correlation is preferred in order to keep as many observations as possible in the analysis. In pairwise correlation analysis, as opposed to listwise correlation analysis, a pair of data points is only deleted if one or both contain missing values. This ensures that as much information as possible is kept in the analysis.

<sup>16</sup> A 5% chance that the relationship found in the sample is not representing the population in general is tolerated. In other words, there is a 95% chance that the conclusions drawn are not representative.

Finally, there is a significant positive relationship of 0.32 between the regional group of the RS and the action category, suggesting that Western states have a tendency to give more specific recommendations than states belonging to 'the Global South'. This is in line with my own observations as well as the studies discussed by Abebe (2009), Smith (2011) and others. All these correlations support their respective hypotheses.

However, the most sensational correlation in the table occurs between regional group of the SuR and HDI. This relationship is 0.82, which is a very strong correlation. This could support the hypothesis that 'development' is an intervening variable between 'regional group of the SuR' and 'acceptance of SOGI recommendations'.

There is a negative relationship of -0.15 between action category and regional group of the SuR. Interestingly, this suggests that states from the 'Global South' have received weaker recommendations than 'Western' states, however the correlation is not very strong. This could be evidence for the tendency described by Blackburn (2011) and Abebe (2009) that specifically African and Asian states tend to give less specific recommendations to their allies, using the UPR as a way of supporting each other rather than a forum for constructive criticism.

The only relationship that is not significant is a very weak negative correlation between HDI and action category, where no correlation was expected.

## **6.7 Regression Analysis**

The regression analysis further explores the covariations identified by the correlation, but expands the analysis by exploring causal relationships between the variables defined. First, bivariate models exploring the relationship between one independent variable and the dependent variable, acceptance of the recommendations, will be explored for all four independent variables: The regional group of the SuR, the regional group of the RS, the action category and the HDI. Second, all variables will be analysed in a multivariate model and the explanatory power of the model will be discussed. Finally, a simple multilevel analysis will explore the relationship between HDI and regional group of the SuR.

### **6.7.1 Bivariate Regression**

Table 5 summarises the bivariate regression analysis of the regional group of the SuR, RS, action category and HDI respectively, on the acceptance of recommendations.

**Table 5: Bivariate Regression Analysis**

	Odds Ratio	% change	Z	P>  z	N. of obs	LR Chi2	Prob> chi2	Pseudo R2	Log Likelihood
<b>Regional Group of SuR</b>					501	98.82	0.0000	0.1510	-277.74677
<b>Africa</b>	.0807692	-92	-6.76	0.000					
<b>Asia</b>	.3125	-69	-3.27	0.0001					
<b>GRULAC</b>	.2470588	-75	-4.12	0.000					
<b>EEG</b>	1.206897	+20	0.53	0.597					
<b>WEOG</b>	1	(ref)							
<b>Regional Group of RS</b>					500	0.32	0.8539	0.0005	-326.55116
<b>Asia</b>	1(empty)								
<b>GRULAC</b>	1.196078	+19	0.53	0.598					
<b>EEG</b>	.9660633	-3	-0.13	0.893					
<b>WEOG</b>	1	(ref)							
<b>Action Category</b>					500	59.33	0.0000	0.0910	-296.465
<b>1</b>	1(empty)								
<b>2</b>	13.00373	+1200	4.47	0.000					
<b>3</b>	.8051846	-19	-0.57	0.571					
<b>4</b>	3.514522	+250	5.92	0.000					
<b>5</b>	1	(ref)							
<b>HDI10</b>	1.732084	+73	7.45	0.000	490	68.54	0.0000	0.1071	-285.67255

The variables ‘regional group of SuR’ and ‘regional group of RS’ are ordinal<sup>17</sup> variables. Therefore, the analysis is done with category 5, ‘Western European and Others Group’ (WEOG) as a reference category. This group is chosen because the foregoing analysis has

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<sup>17</sup> Ordinal variables can be rank ordered, but the distances between the different values are not equal across the range (Bryman 2008, 321). For example, the difference between ‘Africa’ and ‘Asia’ is not the same as the difference between ‘EEG’ and ‘GRULAC’. The regional group of the SuR and RS are actually nominal variables, but are made into ordinal variables by the ranking of the different values informed by the former analysis, my experiences and the assumptions following from the analytical framework.

identified members of WEOG as the most positive to SOGI rights in the UPR. Similarly, since the ranking of the values for the variable ‘action category’ is based on a categorisation of the primary action verb in each recommendation (McMahon 2012, 6), this variable is also ordinal, and the highest action category level (=5) is used as a reference category. Being a continuous variable, the HDI does not need a reference category.

The first column gives the odds ratios for each variable. For purposes of simplification, the odds ratio is calculated into percentage change in the next column. The likelihood ratio chi-square<sup>18</sup>, its p-value and the pseudo-R2<sup>19</sup> measure the goodness-of-fit of the model. The z and p-value ( $P > |z|$ ) in the table tells us if the analysis is significant<sup>20</sup> or not. A z-value larger than 1.96 and a p-value of less than 0.005 indicates that the analysis is significant on a 5% level.

The number of observations shows how many of the observations that the analysis is based on. All 501 units were used in the bivariate regression. The likelihood ratio chi2 of 98.82 with a p-value of 0.000 tells us that the model as a whole fits significantly better compared to an ‘empty’ model with no predictors.

#### **6.7.1.1 Regional Group of the SuR**

For the regional group of the State under Review, the z and p-value in the table show that the analysis is significant except for the case of the EEG. This means that the acceptance rate for recommendations given to the EEG does not diverge significantly from the reference group, which is the WEOG. This can be read as an indication of the reliability of the measurement and could be caused by the cultural proximity of WEOG and EEG, or by a large variation in terms of attitudes towards SOGI rights within this group. There is simply no significant variation between EEG and the WEOG, which is what we have seen from the preceding analysis as well. This suggests that the ‘West’ as a whole share a similar pattern.

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<sup>18</sup> The number in itself means that the -2LL score is reduced by 98.82 when the independent variable is introduced in the model. Since a good model is associated with a low -2LL (A perfectly fitted model has a -2LL = 0), a high LR chi2 value indicates a good fit.

<sup>19</sup> The pseudo-R2 used by STATA is ‘McFadden’s R2’. A higher number indicates a better explanation of variance.

<sup>20</sup> Statistical significance as presented by the p-value refer to the probability that the data observed in a sample is transferable to the entire population (Bryman 2008, 699). If an observation is statistically significant, it means that it is unlikely that this result would be observed by chance alone and therefore likely to be caused by the independent variable in the model.

The odds ratio shows each regional group's likelihood of acceptance compared to the WEOG. In the case of the African group, the odds for acceptance are 0.08 times the odds of the reference category, WEOG. This is equal to a 92% decrease in the likelihood of acceptance. Similarly, chances of acceptance are 69% lower for the Asian group, 75% lower for GRULAC, and 20% higher for the EEG, compared to WEOG.

The odds ratio for all groups are lower than for the reference category, except for the EEG, where the odds for acceptance are higher than for the members of the WEOG. This contrasts with the hypothesis that the WEOG group is the most progressive regional group in terms of SOGI rights. It is also interesting to see that the difference in odds ratio between the African group and the reference category is very large, and additionally, that the odds of acceptance are higher for members of the Asia-pacific group than for GRULAC, meaning that Asian states are more likely to accept SOGI-related recommendations than GRULAC states.

### **6.7.1.2 Regional Group of the RS**

When exploring the relationship between the regional group of the Recommending State and the acceptance rate in a regression analysis, the problem of separation is encountered. STATA automatically excludes one observation from the dataset, on the grounds that there is a perfect correlation occurring. This is the first value on the regional group of the RS-variable, which is Asia. As we remember, the Asian group only made one recommendation, which was rejected (Accepted = 0). In the table, the prediction for the Asian group is therefore 'rejected' in all cases (n=1). STATA automatically omits this case and continues the analysis.

Zorn (2005) notes that such quasi-complete separation is frequent in cases where the dataset is relatively small and there are strong correlations. He also suggests that this phenomenon is underreported in social sciences as researchers tend to change their data to overcome this problem without alerting their readers.

Even if Zorn suggests several ways of bypassing the issue without omitting the category where the separation occurs, some arguments for omitting must be made in this specific case. First, the case concerns only one observation, and this observation is not even very representative for the sample.<sup>21</sup> In addition, the bivariate regression model is not significant, suggesting that the regional groups of GRULAC and EEG do not differ significantly from the reference category (WEOG), with regards to the relationship between recommending states and acceptance of SOGI-related recommendations. The LR chi2 of 0.32

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<sup>21</sup> The recommendation concerned is the one asking Tonga to continue to criminalise same sex relations.

signifies a low goodness-of-fit. Finally, the pseudo-R<sup>2</sup> is very low, suggesting that the regional group of the RS has a low influence on the dependent variable. Consequently, Asia will be omitted from this model.

Although the regional group of the RS seem to have a low influence on the acceptance rate, it is still important to explore the relationship. This is because the regional group of the recommending state can be thought to influence both the independent variable ‘Regional group of the SuR’ and the dependent variable ‘Acceptance rate’. It could therefore be a confounding variable, creating a spurious relationship between the regional group of the SuR and the acceptance rate. However, this does not seem to be a problem here, as the low pseudo-R<sup>2</sup> suggests that this variable explains little of the variance.

The analysis suggests that compared to recommendations coming from WEOG states, recommendations from GRULAC have a 19% higher chance of acceptance. The chances that recommendations from EEG states are accepted are reduced with 3% compared to WEOG. In other words, GRULAC had more of its recommendations accepted than WEOG, whereas WEOG and EEG shared a similar pattern. It is also important to remember that few GRULAC and EEG states actually made recommendations, so the results may not be representative for the regional groups as a whole. More telling perhaps is the absence of Asia and Africa, a strong indication of disinterest in SOGI-related rights. This supports the hypothesis that Asian and African states engage the least with rights related to SOGI. It is also interesting to see that recommendations made by GRULAC had higher chances of acceptance than the ones that came from the regional groups representing the ‘West’ – WEOG and EEG. Further analysis is required in order to find out why this is the case, but it is likely that it is related to the specificity of the recommendations, or the states that received them.

### **6.7.1.3 Action Category**

The problem of separation is encountered again in the relationship between the Action Category of the recommendation and the acceptance rate. Category 1 predicts success perfectly because only one category 1 recommendation was made, and this recommendation was accepted. Again, the analysis will be continued without this recommendation. There is still a sufficient number of observations to be analysed (N=500), and additionally, it could be argued that category 1 recommendations are so vague it is almost impossible to hold states accountable for their implementation. Therefore, they do not necessarily represent very useful contributions to the UPR.



The LR chi2 of 59.33 and the pseudo-R2 of 0.09 suggest that this variable explains less of the variance than the regional group of the SuR.

The analysis suggests that the odds of acceptance for action category 2 recommendations were 13 times the odds for action category 5 recommendations. Similarly, the odds of category 4 recommendations were 3.5 times the odds for action category 5. However, category 3 recommendations had a 19.5% lower chance of acceptance than category 5 recommendations. This represents a deviation from the pattern described in the hypothesis, but is equal to the pattern that McMahon (2012, 18) found for all recommendations in general. In fact, McMahon suggests that although it seems counterintuitive, this pattern could be caused by a tendency of category 3 recommendations to *'contravene deeply held beliefs or policy positions of governments'*. As an example he uses recommendations to Africa from Western states to decriminalise same-sex relations. McMahon describes these recommendations as *'hyper-sensitive in political, social and/or cultural terms to many governments'* (2012, 18).

#### **6.7.1.4 HDI**

The HDI is a tricky variable because the HDI index varies between 0 and 1. However, no state has an HDI of 0 or 1; the marginal values are not realistic<sup>22</sup>. Consequently, one unit change in the HDI excludes all real values, and the odds ratio will not tell us anything about how differences in states' developmental level changes their acceptance rate of SOGI rights in the UPR.

To overcome this problem, I generated a new variable by multiplying the HDI by 10. This new variable (hdi10) allows the HDI to vary between 0 and 10 instead of 0 and 1, and consequently, the results are easier to interpret. We see that for every unit change in the new HDI variable, there is a 73% increase in the likelihood of acceptance. This indicates that higher development is associated with a strong increase in the likelihood for accepting recommendations. This is supportive of the hypothesis, and also of the results in Frazier's analysis (2011).

As the HDI variable has some missing values, this model is based on 490 observations. The Likelihood Ratio Chi2 test = 68.54, which is high, but lower than for the

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<sup>22</sup> On the 2011 index, Norway had the highest HDI of 0.943, whereas the Democratic Republic of the Congo had the lowest one, of 0.286.

regional group of the SuR. The pseudo-R<sup>2</sup> = 0.1071, indicates that the variable explains less of the variance than the regional group of the SuR, but more than the action category.

### 6.7.2 Multivariate Regression Analysis

The multivariate regression model includes all the independent variables previously discussed and is presented in table 6.

**Table 6: Multivariate Regression Analysis**

	Odds Ratio	% change	Z	P>  z	N. of obs	LR Chi2	Prob> chi2	Pseudo R2	Log Likelihood
<b>Multivariate model</b>					488	145.53	0.0000	0.2285	-245.71122
<b>Regional Group of SuR</b>									
<b>Africa</b>	.0976109	-90	-3.55	0.000					
<b>Asia</b>	.2902337	-71	-2.57	0.010					
<b>GRULAC</b>	.2182426	-78	-3.52	0.000					
<b>EEG</b>	.8729298	-13	-0.33	0.744					
<b>WEOG</b>	1	(ref)							
<b>Regional Group of RS</b>									
<b>Asia</b>	1(empty)								
<b>GRULAC</b>	.9728464	-3	-0.06	0.953					
<b>EEG</b>	1.261722	+26	0.74	0.457					
<b>WEOG</b>	1	(ref)							
<b>Action Category</b>									
<b>1</b>	1(empty)								
<b>2</b>	15.58087	+1458	3.88	0.000					
<b>3</b>	.775062	-22	-0.58	0.559					
<b>4</b>	2.986265	+ 198	4.47	0.000					
<b>5</b>	1	(ref)							
<b>HDI10</b>	1.094549	+9	0.67	0.500					

The multivariate model has the highest pseudo-R<sup>2</sup>-score (=0.228) of all the models, indicating that this model explains more of the variance than any of the bivariate regression models. This value is not a very small one in social science research. After all, it can be expected that a great deal of variables not included in this analysis influence states when they choose to accept recommendations or not. Political alliances, sensitivity and awareness of the issue in the population, and the existence of national civil organisations lobbying for the rights of sexual minorities are examples of some of the variables that can be expected to influence states' decisions in this case.

It is interesting to note that some of the odds ratios change from the bivariate models. Looking at the regional group of the SuR, the odds ratio for acceptance for all groups except Africa has decreased compared to WEOG, the reference group. The largest change was for the EEG, who went from having higher chances of acceptance than WEOG, to an odds ratio of 0.87, or a 10% lower chance of acceptance than the WEOG states. Consequently, the more complex model captures the complexities of reality better than the simpler bivariate models.

There were also changes on the 'Regional group of the RS'-variable. The odds ratio of GRULAC decreased from 1.20 to 0.77, indicating that GRULAC recommendations changed from having a higher chance of acceptance than the recommendations coming from WEOG, to having lower chances of acceptance. The odds ratio for EEG changed as well, from a 3% lower chance of acceptance, to a 26% higher chance of acceptance. Finally, the effect of development is smaller in the multivariate than in the bivariate model, observed by the reduction in odds ratio from 1.73 to 1.09. This, together with the high correlations between the Regional group of the SuR and the HDI, suggests that these two variables are measuring some of the same phenomena and that the relationship between them should be further explored.

In the multivariate regression analysis, the effects of EEG on the SuR-variable, both the EEG and the GRULAC on the RS-variable, action category 3 and the HDI are insignificant on a 5%-level.

The goodness-of-fit of the different models can be explained by looking at the log likelihood of them. The lower absolute value of the log likelihood for a model, the more of the variance it explains. As we can see by comparing the different models, the multivariate model has the lowest absolute log likelihood (= -245.7), indicating that most of the variance is explained when the model include all independent variables.

Finally, the results are tested for multicollinearity<sup>23</sup>. The correlation analysis already identified that there is a high correlation between the independent variables ‘HDI’ and ‘regional group of the SuR’, and there are other correlations between the independent variables as well. Therefore, it is important to test for multicollinearity. This is tested with the Variance Inflation Factor (VIF)<sup>24</sup>. In table 7, we see that all VIF values are <10 and all tolerance values (1/VIF) are >0.10. The test shows that multicollinearity does not seem to be a problem in this analysis.

**Table 7: Collinearity Test**

	VIF	Tolerances	R-squared
<b>Regional group of SuR</b>	3.07	0.3252	0.6748
<b>Regional group of RS</b>	1.12	0.8944	0.1056
<b>Action category</b>	1.15	0.8730	0.1270
<b>HDI</b>	3.03	0.3301	0.6699
<b>Mean VIF</b>	2.09		

However, although the statistical test is negative, the substantial findings suggest that the correlation between the regional group of the SuR and the HDI should be further explored. This is done in a simple multilevel analysis, consisting of a bivariate logistic regression analysis of HDI on acceptance within each of the regional groups. The results are shown in table 8:

**Table 8: Multilevel Analysis of the effect of HDI within Each Regional Group**

	Odds Ratio	% change	Z	P>  z	N. of obs	LR Chi2	Prob> chi2	Pseudo R2	Log Likelihood
<b>AFRICA</b>	2.19525	119	3.51	0.000	148	12.74	0.0004	0.1163	-48.412826
<b>ASIA</b>	.8921871	-11	-0.57	0.570	81	0.32	0.5690	0.0032	-50.674371
<b>GRULAC</b>	.2988155	-70	-3.13	0.002	121	10.58	0.0011	0.0718	-68.366319
<b>EEG</b>	.458709	-54	-1.81	0.070	89	3.70	0.0544	0.0329	-54.326025
<b>WEOG</b>	2.444522	144	1.95	0.051	51	4.05	0.0441	0.0656	-28.868849

We see by the odds ratios that the HDI has a strong positive effect on the African and the WEOG group; however surprisingly, the effect of HDI on acceptance rate is negative for

<sup>23</sup> Multicollinearity occurs when two or more independent variables are highly correlated, and this can affect the parameters of a regression model.

<sup>24</sup> The VIF is defined as  $1/(1-R^2)$ , and is a useful measure for collinearity (Midtbø 2012, 129)

ASIA, GRULAC and the EEG. The effect of HDI on acceptance rate for Asia and GRULAC is smaller than for the other groups, and they are not significant. Consequently, there is no basis for arguing that there is a significant effect of development on acceptance rate within these groups. The effect of development on acceptance rate for Africa and GRULAC is significant on a 5% level, and the effect for WEOG is significant on a 10% level. The effect is strongest for WEOG, where 1 unit increase in the HDI index is associated with a 144% increase in the likelihood for acceptance. This is also the best-fitted model (lowest log-likelihood), however Africa has the highest pseudo-R<sup>2</sup>, indicating that compared to the other regional groups, development explain most of the variance in acceptance rate within the African group.

These patterns were confirmed by the correlation and the regression analysis. The most influential of the independent variables explored by this analysis is the regional group of the State under Review. Action category and HDI also influence the acceptance rate for SOGI rights, but the regression analysis suggests that these relationships are weaker than the one for regional group of the SuR. It is especially interesting to see that the influence of the HDI changes a lot and becomes almost trivial compared to the effect of regional group of the SuR in the multivariate analysis. This suggests a high level of collinearity between the variables regional group of the SuR and HDI. A basic multilevel analysis of the effects of development showed that there were large variations in this relationship; for WEOG and Africa, high development was associated with a high acceptance rate, as the hypothesis predicted, whereas in the case of GRULAC, high development was associated with a low acceptance rate.

## **6.8 Summary of the Findings**

The issue of SOGI rights is marginal in the UPR. It is not often raised, and when it is, the recommendations are rejected to a much higher extent than recommendations in general, reflecting the controversy around this issue.

The quantitative analysis has to a large extent confirmed the hypotheses related to the dataset. First, regional patterns can be noted in terms of who gives and receives recommendations, and who accepts them. Most notably, there is a gap between the African and the Asia-Pacific group on the one hand, and the EEG and WEOG on the other. GRULAC seems to occupy a middle ground. A relativist approach to human rights in the African and Asia-Pacific regions could be an explanation for these differences.

76% of SOGI-related recommendations were given by WEOG states, suggesting that it is mostly in this part of the world that Sexual Orientation and Gender Identity is considered a human rights issue. This is also the only group where a substantial number of the members participated, indicating that within these groups, SOGI rights are universally endorsed. In both the EEG and GRULAC, only a small group of states engaged with SOGI rights by making recommendations concerning them in the UPR. Consequently, it looks like SOGI rights are only partially endorsed by these two groups.

All five regional groups received recommendations related to SOGI rights, however the majority of recommendations were made to the African group, the Asian group and GRULAC. Consequently, recommendations concerning SOGI rights are going from the 'West' to the 'Global South'. This could support the idea of a Western hegemony in the construction of human rights norms, however it could also be an indication of where SOGI rights are perceived to be frequently violated.

Also when it comes to acceptance of SOGI-related recommendations, there is a gap between the WEOG and the EEG, who accepted more recommendations related to SOGI rights than they rejected, and AFRICA, ASIA and GRULAC who rejected more recommendations than they accepted.

The findings of this analysis correspond with the analysis of regionalism in the UPR in general made by McMahon (2010; 2012) and others. However, the regional patterns seem to be fortified in the case of SOGI rights, especially noticeable by the complete absence of African and Asian states among the recommending states and their reservation to accept recommendations concerning SOGI rights. This suggests that the concept of SOGI rights has not been universally accepted as a human rights issue.

In addition, the recommendations concerning SOGI rights were more specific than the recommendations given in the UPR in general. This could be because many recommendations related to SOGI rights concern legislative amendments, and consequently are specific by nature. There is a tendency for vaguer recommendations to have a higher acceptance rate than more specific ones, with the exception of category 3 recommendations which enjoy fewer recommendations than both categories 4 and 5. EEG and WEOG made more specific recommendations than GRULAC.

Finally, there is a positive relationship between the HDI and the acceptance rate, indicating that more developed states are more likely to accept recommendations related to SOGI rights. However, a multilevel analysis reveals that this is true only for the WEOG and

the African group. For the other groups, the relationship was in fact negative and the hypothesis is therefore only affirmed for the WEOG and the African group.

The logistic regression analysis revealed some interesting findings. The multivariate model had the largest explanatory power, suggesting that the model fits better once all the independent variables are taken into account. The pseudo-R<sup>2</sup> is high, suggesting that of the variables explored, regional background, specificity of recommendations, and development level are important for the acceptance rate of SOGI recommendations in the UPR. An interesting finding is that the effect of development is significantly reduced when the other independent variables are introduced. This suggests that development is indeed an intervening variable between the regional group of the SuR and the acceptance rate. A multilevel analysis showed that the effect of the HDI was highest for Africa and WEOG, and the relationship was in fact negative for the other groups. More research is therefore needed to explore this relationship.

## **7 Conclusion**

This analysis aimed at exploring states' actions in relation to SOGI rights in the Universal Periodic Review. The debate on universalism versus relativism was employed as an analytical framework, together with a feminist perspective on cultural relativism in order to illuminate the specific characteristics of rights related to gender. This theoretical framework, as well as general trends in the UPR identified by previous research and my own impressions from working with the process served as a background for a model that was explored in a quantitative analysis.

The analysis suggests that the model based on these theoretical assumptions to a large extent corresponded with the observations in the UPR. Western states are more positive to SOGI rights than states representing the 'Global South'. This suggests that SOGI rights are not universally accepted, but rather a controversial issue within the UN society of states.

However, some of the relationships explored by the model were more complex than assumed. A high level of correlation between the regional group of the SuR and the HDI was found, suggesting that these two variables overlap. A simple multilevel analysis suggests that differences in development level between the different regional groups may account for some of the differences in acceptance rate between the groups themselves. Consequently, the model does not capture all aspects related to these controversial rights.

### **7.1 Recommendations**

Based on the findings in this dissertation, some recommendations will be made. First, some suggestions relating to future research are appropriate. The model developed in this dissertation could be expanded to include more variables. Future research is recommended to focus on tendencies and dynamics within the different regional groups as well as between them, and the multilevel analysis should therefore be expanded. It is also recommended to include other groupings than the five regional groups of the HRC. Relevant groups would for example be the EU and the OIC, both large and influential political alliances that operate within the framework of the Human Rights Council. These two alliances are especially interesting as they are cross regional, the EU covering large parts of the membership in both the WEOG and the EEG, and the OIC covering Islamic states mostly in the African Group and the Asia-Pacific Group. It would therefore be interesting to see if belonging to any of these political alliances explain more of the actions related to SOGI rights than the regional groups.



Furthermore, future research could focus on implementation of the recommendations as data from the second cycle become available. After all, it is the implementation of recommendations that produce change on the ground and improve the human rights situation for individuals.

The findings have institutional as well as policy-related implications. Firstly, it is important that the institutional framework of the UPR does not promote regionalisation. The current way of selecting members to the HRC by regional groups reinforce politicisation along regional lines. It is important to limit the effect on the UPR by ensuring that the framework of the review does not further politicisation. The reform of the UPR has to a large extent solved the issue of states occupying the speaker's list and limiting critique of their own allies. However, it is crucial to develop a practice that sanctions states that refuse to cooperate with the UPR on political grounds.

Secondly and more specifically related to SOGI rights, policy makers are recommended to focus on cross regional initiatives to curb the impression that SOGI rights is a 'western' conspiracy against non-western states. Although SOGI rights increasingly are seen as a crucial human rights concern, it is still an emerging norm. Diplomatic skill and cultural sensitivity is therefore recommended when addressing controversial issues in the UPR, as it is a new process and politicisation affects its functioning negatively.

**Word count: 16972**

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## Appendix: STATA log

The output of the analysis in STATA is included to increase the replicability of the study and for anyone who would like an accurate revision of the quantitative analysis. Data was imported to STATA from the UPR Info database, available here: <http://www.upr-info.org/database/>.

```
----- (R)
 /_/_/ /_/_/ /_/_/ /_/_/ /_/_/
 /_/_/ /_/_/ /_/_/ /_/_/ /_/_/
 Statistics/Data Analysis      12.1   Copyright 1985-2011 StataCorp LP
                                     StataCorp
                                     4905 Lakeway Drive
 MP - Parallel Edition           College Station, Texas 77845 USA
                                     800-STATA-PC      http://www.stata.com
                                     979-696-4600     stata@stata.com
                                     979-696-4601 (fax)

200-user 2-core Stata network license expires 24 Feb 2014:
      Serial number: 50120558076
      Licensed to: MariDS
                  Universitetet i Tromsø

Notes:
1. (/v# option or -set maxvar-) 5000 maximum variables

. do "C:\Users\Mari\Documents\EM Human Rights Practice\Thesis\Analysis\2013\STATA
files\Analysis.do"

. ***ANALYSIS***
. *****
.
. *Definerer område
. cd "C:\Users\Mari\Documents\EM Human Rights Practice\Thesis\Analysis\2013\STATA
files"
C:\Users\Mari\Documents\EM Human Rights Practice\Thesis\Analysis\2013\STATA files

.
. *Get data file
. use ALLSOGI2.dta,clear

.
. *****
. *DESCRIPTIVE STATISTICS
. *****
.
. *describe the dataset*
. describe

Contains data from ALLSOGI2.dta
      obs:          501
      vars:           20          5 May 2013 11:19
      size:         278,556

-----
-----
variable name      storage  display  value
                  type    format   label   variable label
-----
sur                str28   %28s    state   state under review
rgrp_sur          str6    %9s     regional group of sur
org_sur           str27   %27s    membership organisations sur
recommendation    str244  %244s   recommendation
```

```

rs                str14  %14s                recommending state
rgrp_rs          str6   %9s                regional group of rs
org_rs           str27  %27s             membership organisation rs
response         str16  %16s             response
action           byte   %10.0g           action category
issue            str146 %146s           thematic issue of recommendation
session          byte   %10.0g           session of the 1st cycle
accepted         long   %16.0g           accepted  dummy of response variable
id               float  %9.0g            id variable
rgrp_id1         float  %9.0g            id variable
state_id1        float  %9.0g            id variable
case_id          float  %9.0g            id variable
hdi              double %10.0g           human development index
rgrp_sur2        long   %8.0g            rgrp_sur2
rgrp_rs2         long   %8.0g            rgrp_rs2  regional group sur
hdi10            float  %9.0g            hdi*10    regional group rs

```

Sorted by:

```

.
. *tabulation of acceptance rate for SOGI rights*
. tab accepted

```

dummy of response variable	Freq.	Percent	Cum.
Rejected	321	64.07	64.07
Accepted	180	35.93	100.00
Total	501	100.00	

```

.
. *central tendency and spread of dependent variable*
. summarize accepted

```

Variable	Obs	Mean	Std. Dev.	Min	Max
accepted	501	.3592814	.4802694	0	1

```

.
. *Tabulation of recommendations made by regional group*
. tab rgrp_rs

```

regional group of rs	Freq.	Percent	Cum.
Asia	1	0.20	0.20
EEG	80	15.97	16.17
GRULAC	40	7.98	24.15
WEOG	380	75.85	100.00
Total	501	100.00	

```

.
. /*Tabulation of recommendations received by regional
> group*/
. tab rgrp_sur

```

regional group of sur	Freq.	Percent	Cum.
Africa	148	29.54	29.54
Asia	86	17.17	46.71
EEG	89	17.76	64.47



GRULAC	121	24.15	88.62
WEOG	57	11.38	100.00
Total	501	100.00	

```

.
. /*Correlation between recommending region and region
> of the SuR*/
. tab2 rgrp_sur2 rgrp_rs2, column nokey

```

-> tabulation of rgrp\_sur2 by rgrp\_rs2

regional group sur	Asia	regional GRULAC	group EEG	rs WEOG	Total
Africa	0	12	24	112	148
	0.00	30.00	30.00	29.47	29.54
Asia	1	5	14	66	86
	100.00	12.50	17.50	17.37	17.17
GRULAC	0	14	18	89	121
	0.00	35.00	22.50	23.42	24.15
EEG	0	4	17	68	89
	0.00	10.00	21.25	17.89	17.76
WEOG	0	5	7	45	57
	0.00	12.50	8.75	11.84	11.38
Total	1	40	80	380	501
	100.00	100.00	100.00	100.00	100.00

```

. spearman rgrp_rs2 rgrp_sur2

```

Number of obs = 501  
Spearman's rho = 0.0117

Test of Ho: rgrp\_rs2 and rgrp\_sur2 are independent  
Prob > |t| = 0.7938

```

.
. /*tabulation of accepted recommendations by regional
> group of RS*/
. tab rgrp_rs if accepted==1

```

regional group of rs	Freq.	Percent	Cum.
EEG	28	15.56	15.56
GRULAC	16	8.89	24.44
WEOG	136	75.56	100.00
Total	180	100.00	

```

.
. /*Correlation between accpetance and regional group
> of the SuR*/
. tab2 accept rgrp_sur2, column nokey

```

-> tabulation of accepted by rgrp\_sur2

dummy of response variable	Africa	regional Asia	group GRULAC	sur EEG	WEOG
Total					

	Rejected	130	56	85	29	21
321						
64.07		87.84	65.12	70.25	32.58	36.84
	Accepted	18	30	36	60	36
180						
35.93		12.16	34.88	29.75	67.42	63.16
	Total	148	86	121	89	57
501						
100.00		100.00	100.00	100.00	100.00	100.00

. spearman accept rgrp\_sur2

Number of obs = 501  
Spearman's rho = 0.4004

Test of Ho: accepted and rgrp\_sur2 are independent  
Prob > |t| = 0.0000

.  
/\*Accepted recommendations by regional group of RS  
> and SuR\*/  
. tab2 rgrp\_rs rgrp\_sur if accepted==1

-> tabulation of rgrp\_rs by rgrp\_sur if accepted==1

regional group of rs	Africa	Asia	EEG	GRULAC	WEOG	Total
EEG	3	2	12	8	3	28
GRULAC	1	2	4	4	5	16
WEOG	14	26	44	24	28	136
Total	18	30	60	36	36	180

. tab2 rgrp\_rs rgrp\_sur if accepted==1, column nokey

-> tabulation of rgrp\_rs by rgrp\_sur if accepted==1

regional group of rs	Africa	Asia	EEG	GRULAC	WEOG	Total
EEG	3 16.67	2 6.67	12 20.00	8 22.22	3 8.33	28 15.56
GRULAC	1 5.56	2 6.67	4 6.67	4 11.11	5 13.89	16 8.89
WEOG	14 77.78	26 86.67	44 73.33	24 66.67	28 77.78	136 75.56
Total	18 100.00	30 100.00	60 100.00	36 100.00	36 100.00	180 100.00

.

```

. /*tabulation of accepted recommendations by regional
> group of RS*/
. correlate rgrp_rs2 rgrp_sur2 if accepted==1
(obs=180)

```

	rgrp_rs2	rgrp_s~2
rgrp_rs2	1.0000	
rgrp_sur2	-0.0562	1.0000

```

.
. *Tabulation of SOGI recommendations by action category*
. tab action

```

action category	Freq.	Percent	Cum.
1	1	0.20	0.20
2	21	4.19	4.39
3	48	9.58	13.97
4	159	31.74	45.71
5	272	54.29	100.00
Total	501	100.00	

```

. tab2 action rgrp_rs2, column nokey

```

-> tabulation of action by rgrp\_rs2

action category	Asia	regional GRULAC	group EEG	rs WEOG	Total
1	0	0	0	1	1
	0.00	0.00	0.00	0.26	0.20
2	1	9	2	9	21
	100.00	22.50	2.50	2.37	4.19
3	0	13	15	20	48
	0.00	32.50	18.75	5.26	9.58
4	0	10	17	132	159
	0.00	25.00	21.25	34.74	31.74
5	0	8	46	218	272
	0.00	20.00	57.50	57.37	54.29
Total	1	40	80	380	501
	100.00	100.00	100.00	100.00	100.00

```

.
. *Correlation between acceptance and action category*
. tab2 accept action, column nokey

```

-> tabulation of accepted by action

	dummy of response variable	1	2	3	4	5
Total						
Rejected		0	4	38	74	205
321		0.00	19.05	79.17	46.54	75.37
64.07						

```
-----+-----+-----
```

180	Accepted	1	17	10	85	67
35.93		100.00	80.95	20.83	53.46	24.63

```
-----+-----+-----
```

501	Total	1	21	48	159	272
100.00		100.00	100.00	100.00	100.00	100.00

```
. spearman accept action

Number of obs =      501
Spearman's rho =     -0.2328

Test of Ho: accepted and action are independent
    Prob > |t| =      0.0000
```

```
.
. *****
. **CORRELATION ANALYSIS**
. *****
.
. *pairwise correlation
. pwcorr accepted action issue rgrp_sur2 ///
> rgrp_rs2 hdi, sig star(5) obs
(issue ignored because string variable)
```

```
-----+-----+-----+-----+-----+-----
```

	accepted	action	rgrp_s~2	rgrp_rs2	hdi
accepted	1.0000				
	501				
action	-0.2209*	1.0000			
	0.0000	501			
	501	501			
rgrp_sur2	0.3977*	-0.1474*	1.0000		
	0.0000	0.0009	501		
	501	501	501		
rgrp_rs2	-0.0096	0.3183*	0.0135	1.0000	
	0.8310	0.0000	0.7632	501	
	501	501	501	501	
hdi	0.3581*	-0.0730	0.8171*	0.0358	1.0000
	0.0000	0.1066	0.0000	0.4290	490
	490	490	490	490	490

```
-----+-----+-----+-----+-----+-----
```

```
.
. *****
. **REGRESSION ANALYSIS**
. *****
.
. **Bivariate regression analysis**
. logit accepted ib(last).rgrp_sur2, or

Iteration 0:  log likelihood = -327.15482
Iteration 1:  log likelihood = -278.9771
Iteration 2:  log likelihood = -277.7481
Iteration 3:  log likelihood = -277.74677
Iteration 4:  log likelihood = -277.74677
```

```

Logistic regression
Log likelihood = -277.74677
Number of obs = 501
LR chi2(4) = 98.82
Prob > chi2 = 0.0000
Pseudo R2 = 0.1510

```

accepted	Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]
rgrp_sur2					
1	.0807692	.0300744	-6.76	0.000	.0389315 .167568
2	.3125	.1111847	-3.27	0.001	.1555966 .6276246
3	.2470588	.0837596	-4.12	0.000	.1271218 .4801541
4	1.206897	.4293334	0.53	0.597	.6009927 2.423655
_cons	1.714286	.4707168	1.96	0.050	1.00082 2.936366

```
. logit accepted ib(last).rgrp_rs2, or
```

```

note: 1.rgrp_rs2 != 0 predicts failure perfectly
      1.rgrp_rs2 dropped and 1 obs not used

```

```

Iteration 0: log likelihood = -326.7091
Iteration 1: log likelihood = -326.55123
Iteration 2: log likelihood = -326.55116
Iteration 3: log likelihood = -326.55116

```

```

Logistic regression
Log likelihood = -326.55116
Number of obs = 500
LR chi2(2) = 0.32
Prob > chi2 = 0.8539
Pseudo R2 = 0.0005

```

accepted	Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]
rgrp_rs2					
1	1 (empty)				
2	1.196078	.4066983	0.53	0.598	.6142266 2.329114
3	.9660633	.2489303	-0.13	0.893	.5830051 1.600807
_cons	.557377	.0596453	-5.46	0.000	.4519198 .6874432

```
. logistic accepted ib(last).action
note: 1.action != 0 predicts success perfectly
      1.action dropped and 1 obs not used
```

```

Logistic regression
Log likelihood = -296.465
Number of obs = 500
LR chi2(3) = 59.33
Prob > chi2 = 0.0000
Pseudo R2 = 0.0910

```

accepted	Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]
action					
1	1 (empty)				
2	13.00373	7.454518	4.47	0.000	4.22774 39.99703
3	.8051846	.3077862	-0.57	0.571	.3806441 1.703224
4	3.514522	.7462187	5.92	0.000	2.318117 5.328403
_cons	.3268293	.0459929	-7.95	0.000	.2480481 .4306317

```
. logistic accepted hdi
```

```

Logistic regression                               Number of obs   =       490
                                                  LR chi2(1)      =       68.54
                                                  Prob > chi2     =       0.0000
Log likelihood = -285.67255                    Pseudo R2      =       0.1071

```

accepted	Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]	
hdi	243.0462	179.3169	7.45	0.000	57.2376	1032.04
_cons	.0131262	.0069508	-8.18	0.000	.0046494	.0370579

```
. logistic accepted hdi10
```

```

Logistic regression                               Number of obs   =       490
                                                  LR chi2(1)      =       68.54
                                                  Prob > chi2     =       0.0000
Log likelihood = -285.67255                    Pseudo R2      =       0.1071

```

accepted	Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]	
hdi10	1.732084	.1277913	7.45	0.000	1.498884	2.001565
_cons	.0131262	.0069508	-8.18	0.000	.0046494	.0370579

```

.
. *Effect of other independent variables on HDI*
. logistic accepted ib(last).action hdi10
note: 1.action != 0 predicts success perfectly
      1.action dropped and 1 obs not used

```

```

Logistic regression                               Number of obs   =       489
                                                  LR chi2(4)      =      115.36
                                                  Prob > chi2     =       0.0000
Log likelihood = -261.23684                    Pseudo R2      =       0.1809

```

accepted	Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]	
action						
1		1 (empty)				
2	11.33138	6.878099	4.00	0.000	3.448317	37.23561
3	.9411403	.3807269	-0.15	0.881	.4259034	2.079685
4	3.601488	.8288094	5.57	0.000	2.29401	5.654168
hdi10	1.677507	.1299542	6.68	0.000	1.441196	1.952566
_cons	.0094927	.0053987	-8.19	0.000	.0031138	.0289393

```
. logit accepted ib(last).rgrp_sur2 hdi10, or
```

```

Iteration 0:  log likelihood = -319.94406
Iteration 1:  log likelihood = -267.47399
Iteration 2:  log likelihood = -266.24787
Iteration 3:  log likelihood = -266.24677
Iteration 4:  log likelihood = -266.24677

```

```

Logistic regression                               Number of obs   =       490
                                                  LR chi2(5)      =      107.39
                                                  Prob > chi2     =       0.0000
Log likelihood = -266.24677                    Pseudo R2      =       0.1678

```

accepted	Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]	
rgrp_sur2						

```

      1 | .0721522 .0455775 -4.16 0.000 .0209198 .2488524
      2 | .2207741 .1020442 -3.27 0.001 .0892305 .5462393
      3 | .1922924 .0792152 -4.00 0.000 .0857646 .4311378
      4 | .9052736 .3590439 -0.25 0.802 .4160846 1.9696
      |
    hdi10 | 1.059114 .1345805 0.45 0.651 .8256219 1.358638
    _cons | 1.459684 1.666478 0.33 0.740 .1557643 13.67886
-----

```

```

. /*High correlation between regional group of the SuR
> and the HDI*/
.

```

```

. **Multivariate regression analysis**
. logistic accepted ib(last).rgrp_sur2 ib(last).rgrp_rs2 ib(last).action hdi10
note: 1.rgrp_rs2 != 0 predicts failure perfectly
      1.rgrp_rs2 dropped and 1 obs not used

note: 1.action != 0 predicts success perfectly
      1.action dropped and 1 obs not used

```

```

Logistic regression                               Number of obs   =       488
                                                  LR chi2(10)      =      145.53
                                                  Prob > chi2      =       0.0000
Log likelihood = -245.71122                    Pseudo R2       =       0.2285

```

```

-----
      accepted | Odds Ratio   Std. Err.      z    P>|z|    [95% Conf. Interval]
-----+-----
    rgrp_sur2 |
      1 | .0976109   .0640269    -3.55  0.000   .0269874   .3530494
      2 | .2902337   .1397583    -2.57  0.010   .1129439   .745818
      3 | .2182426   .0943998    -3.52  0.000   .0934881   .5094746
      4 | .8729298   .3636208    -0.33  0.744   .385842    1.974919
      |
    rgrp_rs2 |
      1 |           1 (empty)
      2 | .9728464   .4522825    -0.06  0.953   .3911247   2.419766
      3 | 1.261722   .3945135     0.74  0.457   .6836143   2.328714
      |
    action |
      1 |           1 (empty)
      2 | 15.58087  11.02418     3.88  0.000   3.893385  62.35279
      3 | .775062    .3379884    -0.58  0.559   .3297199   1.821913
      4 | 2.986265   .7306206     4.47  0.000   1.848728  4.823737
      |
    hdi10 | 1.094549   .1465294     0.67  0.500   .8419437   1.422942
    _cons | .613869    .7434138    -0.40  0.687   .0571801  6.590316
-----

```

```

. *test for multicollinearity
. collin rgrp_sur2 rgrp_rs2 action hdi10
(obs=490)

```

Collinearity Diagnostics

Variable	VIF	SQRT VIF	Tolerance	R- Squared
rgrp_sur2	3.07	1.75	0.3252	0.6748
rgrp_rs2	1.12	1.06	0.8944	0.1056
action	1.15	1.07	0.8730	0.1270
hdi10	3.03	1.74	0.3301	0.6699

Mean VIF 2.09

Eigenval	Cond Index
----------	---------------

```
-----
```

1	4.7645	1.0000
2	0.1859	5.0624
3	0.0214	14.9197
4	0.0185	16.0567
5	0.0097	22.2042

```
-----
```

```
Condition Number      22.2042
Eigenvalues & Cond Index computed from scaled raw sscp (w/ intercept)
Det(correlation matrix)  0.2894
```

```
.
. *****
. ***MULTILEVEL ANALYSIS***
. *****
.
```

```
. *groupwise logistic regression of HDI
. logistic accepted hdi10 if rgrp_sur2 ==1
```

```
Logistic regression      Number of obs   =      148
                          LR chi2(1)             =      12.74
                          Prob > chi2              =      0.0004
                          Pseudo R2                =      0.1163
Log likelihood = -48.412826
```

```
-----
```

accepted	Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]	
hdi10	2.19525	.4910918	3.51	0.000	1.416004	3.403324
_cons	.0025875	.0031731	-4.86	0.000	.0002339	.0286245

```
-----
```

```
. logistic accepted hdi10 if rgrp_sur2 ==2
```

```
Logistic regression      Number of obs   =      81
                          LR chi2(1)             =      0.32
                          Prob > chi2              =      0.5690
                          Pseudo R2                =      0.0032
Log likelihood = -50.674371
```

```
-----
```

accepted	Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]	
hdi10	.8921871	.1792196	-0.57	0.570	.6018237	1.322643
_cons	1.006893	1.356137	0.01	0.996	.0718685	14.10676

```
-----
```

```
. logistic accepted hdi10 if rgrp_sur2 ==3
```

```
Logistic regression      Number of obs   =     121
                          LR chi2(1)             =     10.58
                          Prob > chi2              =      0.0011
                          Pseudo R2                =      0.0718
Log likelihood = -68.366319
```

```
-----
```

accepted	Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]	
hdi10	.2988155	.1152603	-3.13	0.002	.1403054	.6364027
_cons	2248.229	6137.568	2.83	0.005	10.66835	473787.9

```
-----
```

```
. logistic accepted hdi10 if rgrp_sur2 ==4
```

```
Logistic regression      Number of obs   =      89
                          LR chi2(1)             =      3.70
                          Prob > chi2              =      0.0544
                          Pseudo R2                =      0.0329
Log likelihood = -54.326025
```

```
-----
```

accepted	Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]	
----------	------------	-----------	---	------	----------------------	--



```

-----+-----
      hdi10 |      .458709      .1971775      -1.81      0.070      .1975357      1.065195
      _cons |      948.5629      3235.035      2.01      0.044      1.185981      758672.6
-----+-----

```

```
. logistic accepted hdi10 if rgrp_sur2 ==5
```

```

Logistic regression                               Number of obs   =          51
                                                  LR chi2(1)      =           4.05
                                                  Prob > chi2     =          0.0441
Log likelihood = -28.868849                    Pseudo R2      =          0.0656

```

```

-----+-----
      accepted | Odds Ratio   Std. Err.      z    P>|z|    [95% Conf. Interval]
-----+-----
      hdi10 |      2.444522      1.11773      1.95  0.051      .997681      5.989576
      _cons |      .0010931      .0043052     -1.73  0.083      4.85e-07      2.46181
-----+-----

```

```
.
. *groupwise logistic regression of Action category
. logistic accepted ib(last).action if rgrp_sur2 ==1
```

```

Logistic regression                               Number of obs   =          148
                                                  LR chi2(3)      =           2.95
                                                  Prob > chi2     =          0.3997
Log likelihood = -53.307084                    Pseudo R2      =          0.0269

```

```

-----+-----
      accepted | Odds Ratio   Std. Err.      z    P>|z|    [95% Conf. Interval]
-----+-----
      action |
      2 |           6.75      9.771611      1.32  0.187      .395426      115.2238
      3 |      .3552632      .3806974     -0.97  0.334      .043492      2.90196
      4 |      .9310345      .5740504     -0.12  0.908      .2780598      3.117406
      _cons |      .1481481      .0458252     -6.17  0.000      .0807983      .2716377
-----+-----

```

```
. logistic accepted ib(last).action if rgrp_sur2 ==2
```

```

Logistic regression                               Number of obs   =           86
                                                  LR chi2(3)      =          13.48
                                                  Prob > chi2     =          0.0037
Log likelihood = -48.879594                    Pseudo R2      =          0.1212

```

```

-----+-----
      accepted | Odds Ratio   Std. Err.      z    P>|z|    [95% Conf. Interval]
-----+-----
      action |
      2 |      9.461538     11.33272      1.88  0.061      .9045245      98.96991
      3 |      .525641      .5918961     -0.57  0.568      .0578358      4.777289
      4 |           5.125      2.822179      2.97  0.003      1.741661     15.08079
      _cons |      .3170732      .1009236     -3.61  0.000      .169912      .5916908
-----+-----

```

```
. logistic accepted ib(last).action if rgrp_sur2 ==3
```

```

Logistic regression                               Number of obs   =          121
                                                  LR chi2(3)      =          16.35
                                                  Prob > chi2     =          0.0010
Log likelihood = -65.484115                    Pseudo R2      =          0.1110

```

```

-----+-----
      accepted | Odds Ratio   Std. Err.      z    P>|z|    [95% Conf. Interval]
-----+-----
      action |

```

2		11.73077	10.4484	2.76	0.006	2.047272	67.21673
3		2.010989	1.517607	0.93	0.355	.4581889	8.826221
4		4.692308	2.233902	3.25	0.001	1.845646	11.92956
_cons		.2131148	.0651018	-5.06	0.000	.1171091	.3878256

```
. logistic accepted ib(last).action if rgrp_sur2 ==4
note: 2.action != 0 predicts success perfectly
      2.action dropped and 4 obs not used
```

```
Logistic regression                                Number of obs =          85
                                                  LR chi2(2)      =           9.23
                                                  Prob > chi2     =          0.0099
Log likelihood = -49.940053                    Pseudo R2      =          0.0846
```

accepted		Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]
-----						
action						
2		1	(empty)			
3		.56	.4588682	-0.71	0.479	.1123847 2.790416
4		3.546667	1.823728	2.46	0.014	1.294568 9.716637
_cons		1.071429	.3981554	0.19	0.853	.517186 2.219625

```
. logistic accepted ib(last).action if rgrp_sur2 ==5
note: 1.action != 0 predicts success perfectly
      1.action dropped and 1 obs not used
```

```
note: 2.action != 0 predicts success perfectly
      2.action dropped and 4 obs not used
```

```
Logistic regression                                Number of obs =          52
                                                  LR chi2(2)      =           0.40
                                                  Prob > chi2     =          0.8204
Log likelihood = -34.878104                    Pseudo R2      =          0.0056
```

accepted		Odds Ratio	Std. Err.	z	P> z	[95% Conf. Interval]
-----						
action						
1		1	(empty)			
2		1	(empty)			
3		1.142857	1.488537	0.10	0.918	.0889872 14.67765
4		.7142857	.4204156	-0.57	0.568	.2253566 2.263986
_cons		1.75	.7756046	1.26	0.207	.7341474 4.171505

```
.
. *****
.
end of do-file
```