



Unzip

the Lips

A space for unheard voices



Unzipping the
Universal Periodic Review

FOR **KEY AFFECTED
WOMEN AND GIRLS**
IN THE HIV EPIDEMIC
IN ASIA AND THE PACIFIC





Unzipping the Universal Periodic Review

Through this guide, **Unzip the Lips** aims to promote the engagement of **Key Affected Women and Girls, (KAWG)** community networks and NGOs with the **Universal Periodic Review (UPR)** process. The goal is to strengthen advocacy for the needs and rights of these groups, and to ensure that their sexual and reproductive health and rights are respected, protected and fulfilled.

WHAT WILL YOU LEARN IN THIS GUIDE?

In this guide, you will learn about the role of the **UPR process** in advancing sexual and reproductive health and rights. You will also learn about why and how to engage with this important human rights review mechanism.

This guide provides concrete information regarding State obligations under the UPR process; it also explains your rights and how to claim them at a national level.

Since national laws don't automatically ensure the realization and respect of women and girls' rights, KAWG community networks and NGOs play an important role by advocating for positive change. This includes: legal reforms, developing gender-responsive policies to end discrimination, and defending the rights of women and girls. One entry point for pushing advocacy goals forward is the UPR process, which can bring attention to key concerns that may otherwise be missed in reports submitted by the State under Review.

HOW DOES UNZIP THE LIPS DEFINE KEY AFFECTED WOMEN AND GIRLS (KAWG)?

Unzip the Lips defines KAWG as including: women and girls who are living with HIV, female sex workers, women and girls who use drugs, transgender people, mobile and migrant women, female prisoners, women with disabilities, women in serodiscordant relationships as well as intimate female partners of men who engage in behaviours that put them at a higher risk of HIV infection.

UPR AND KEY AFFECTED WOMEN & GIRLS

WHY ENGAGE IN THE UPR PRO(ESS)?

Gender inequality and all forms of gender-based violence can increase vulnerability to HIV, and result in higher rates of HIV among women and girls. Punitive laws and policies also lead to stigma and discrimination, and can increase social exclusion, thereby limiting access to HIV services and other sexual and reproductive health services.

Countries in the Asia-Pacific region have committed to comprehensively address the needs of those most at risk of HIV; however, the vulnerabilities, needs, and rights of Key Affected Women and Girls remain largely neglected in national and regional policy, as well as in program discussions. The UPR is a **review process**, designed to strengthen the State's **accountability for human rights standards and principles**, and to ensure their application in national laws and policies. The UPR goes beyond ratified treaties. All States can be reviewed in relation to any human rights issue, regardless of the ratification status of the relevant treaty.

WHY SHOULD KAWG NGOS BE INVOLVED IN THE UPR PRO(ESS)?

“The UPR is largely considered a successful mechanism for its ability to bring to the fore human rights concerns in each country to empower civil society, **including marginalized and excluded groups**, to claim their human rights, and to bring substantial pressure to States to meet their human rights obligations. Due to its comprehensive scope covering the full range of human rights, the **UPR provides a valuable opportunity to contribute to the realization of sexual and reproductive health and rights (SRHR)**.” (UNFPA)

Engaging with the Universal Periodic Review process presents a unique opportunity for KAWG to express their views on the challenges and gaps they are facing, claim their rights and hold their government accountable.

This process has proven to be a **powerful tool**, especially in **holding governments accountable for sexual rights violations** and **locating sexual rights as a crosscutting issue in human rights law**.

The UPR is an effective vehicle for generating change; 48% of UPR recommendations have triggered government action within three years of review (according to the 165 mid-term reports published by UPR Info).

“Past reviews have successfully brought attention to the criminalization of abortion, sexuality education, reproductive rights, violence and discrimination based on sexual orientation and gender identity, criminalization of sex work, among many other issues globally.” (UPR Info)

KAWG NGOs have a critical role to play in urging their governments to respect, protect and promote all human rights, including the rights of women and girls who are living with, affected by and at higher risk of HIV.

“A large proportion of the SRHR-related recommendations pertain to human rights instruments, gender equality, gender-based violence and women's human rights. Fewer recommendations have been made on a number of other SRHR issues, including contraception and family planning, early pregnancy, sex work and sexuality education, among others.” (UNFPA)

KAWG NGOs are an important link between communities, individuals and governments; as such, they are essential to the process of informing and shaping national reports submitted by the State. **KAWG NGOs can provide detailed analysis on how intersecting forms of discrimination impact different KAWG groups**. As advocates for KAWG's issues, and as representatives of the KAWG community, NGOs are best equipped to inform on key areas of concern, particularly at the national level.

KAWG NGOs are the most suitable organizations for providing **national-level information** on the status of their specific issues. Their engagement is therefore essential to upholding government accountability and advocating for KAWG rights.

WHAT IS THE UPR?

The **Universal Periodic Review** is a unique peer review mechanism, established by the United Nations General Assembly in 2006. This mechanism allows all 193 UN Member States to review the fulfilment of each other's human rights obligations and commitments. The central objective of the UPR is to tangibly **improve the human rights situation on the ground**.

During the UPR process, recommendations are made to the State under Review (SuR), by a group of Reviewing States. The outcome of this review process is a set of recommendations, subsequent responses to each recommendation and any voluntary commitments that may be made by the SuR during the review.

WHAT DOES THE UPR PROCESS AIM TO ACHIEVE?

The UPR process evaluates the extent to which States fulfil their **human rights obligations** as enshrined in the:

- › Universal Declaration of Human Rights
- › UN Charter
- › Human rights instruments ratified by the State party (e.g. Convention on the Elimination of all forms of Discrimination Against Women [CEDAW])
- › Voluntary pledges and commitments made, including national human rights policies
- › Applicable international humanitarian law

Human rights are the basic rights and freedoms to which all human beings are entitled. They are universal and inalienable, which means that **all States are responsible for respecting, protecting and fulfilling them**. Doing so includes addressing any and all violations.

HOW DOES THE UPR WORK?

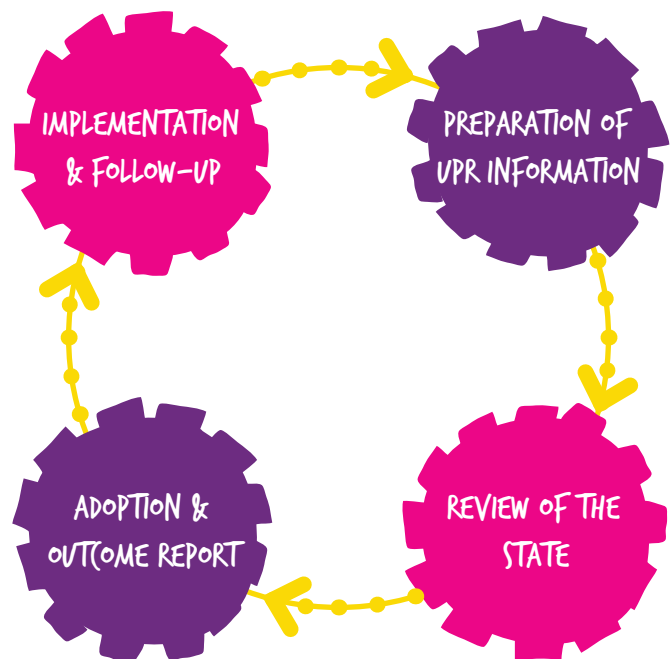
With the full involvement of the State under Review, the UPR is a **cooperative mechanism** that:

- › **Examines the human rights** in the country
- › **Addresses violations**
- › **Provides recommendations** for respecting, protecting and fulfilling human rights
- › **Provides technical assistance** in order to enhance the capacity of each government to deal with human rights challenges and share best practices

Although recommendations made under the UPR are not legally binding, they highlight human rights violations on the international stage, and indicate country-specific challenges. This process intends to name and shame the SuR on key issues, creating pressure for the country to make the required changes.

Each UN Member State comes under review once **every four and a half years**.

The **UPR Cycle** is structured around 4 main phases:



UPR AND KEY AFFECTED WOMEN & GIRLS

HOW TO ENGAGE IN THE UPR PROCESS?

THE UPR PROCESS

Although the review takes place at the Human Rights Council (HRC) in Geneva, Switzerland, the longest and **most important part of the mechanism takes place at the national level.**

WHAT IS THE HUMAN RIGHTS COUNCIL?

Established by the UN General Assembly in 2006, the **Human Rights Council (HRC)** has the responsibility of promoting universal respect for the protection of all human rights and fundamental freedoms.

One of the **key mandates** of the Council is to **undertake the Universal Periodic Review** and ensure equal treatment among Member States.

The Review of each State occurs during the sessions of the UPR Working Group, through an **interactive discussion** between the SuR and other UN Member States – the Reviewing States.

WHAT ARE THE UPR WORKING GROUP AND TROIKAS?

The **UPR Working Group** is composed of 47 members of the HRC, and is chaired by the President of the Human Rights Council. Other relevant stakeholders, such as NGOs, National Institutions and UN agencies can attend the sessions of the UPR Working Group. UN Member States – or Reviewing States – provide recommendations.

Each State review is assisted by a group of three states called the **Troika**, who act as **rapporteurs during the review process**. Troikas are selected randomly by a drawing of lots.

After the review, the SuR holds the primary responsibility for **implementing the UPR outcomes**. However, it may do so with the assistance of the United Nations (UN) system and the participation of Civil Society (CS), National Human Rights Institutions (NHRIs) and other relevant stakeholders.

WHAT ARE THE STEPS OF THE REVIEW PROCESS?

THE REVIEW

The UPR Working Group

Any UN Member State can pose advanced questions, comments and/or make recommendations to the State under Review. In contrast to the recommendations, these questions don't have to be responded to by the SuR.

The review comprises three documents:

- ▶ A **National Report** prepared by the SuR
- ▶ A Compilation of UN Information consisting of an **Independent Information Report**, prepared by the Office of the High Commissioner for Human Rights (OHCHR)
- ▶ A Summary of '**Other Stakeholders' Information Report**', which is a 10-page summary of all the information provided by NGOs and NHRIs that is also prepared by the OHCHR

The Troikas may group issues or questions to be shared with the State under review to ensure that the interactive dialogue takes place in a smooth and orderly manner.

The reviewed State has the opportunity to make preliminary comments on the recommendations, choosing to either accept or note them. Both accepted and noted recommendations are included in the report

The HCR Plenary Session

A plenary session gives the **SuR** an opportunity to respond to recommendations that were raised by other States during the review process.

THE ADOPTION

Following the plenary, the Working Group releases an **Outcome Report**, containing the questions, comments and **Recommendations** made for the State under Review.

The Outcome Report is adopted at the following HRC Plenary Session, which takes place approximately 4-5 months from the time of review.

During the adoption, other Member States, National Human Rights Institutions and NGO observers can deliver **Oral Statements** commenting on the Outcome Report and the SuR's response to recommendations.



RECOMMENDATIONS AND IMPLEMENTATION

To date, Asia has been identified as the region with the lowest implementation rate for existing UPR recommendations (*UPR, 2014a*).

Furthermore, HIV-related human rights issues were not reflected in the first UPR recommendations of several countries in the Asia Pacific region (*UPR 3*).

However, in the first cycle of the UPR, women's rights issues are among the most raised, and represent the overall highest number of recommendations that triggered action on the ground.

Moreover, recommendations concerning HIV/AIDS constituted the highest percentage of implementation (*UPR, 2014a*).

It is, therefore, crucial for KAWG NGOs in the Asia and the Pacific:

- › To **lobby** for the inclusion of the KAWG issues into the recommendations formulated
- › To **monitor** and report the implementation of the recommendations

BY RAISING YOUR VOICE CHANGE CAN HAPPEN

An example of how recommendations can be effective in driving positive change is from Thailand, where the country Thailand did **accepted recommendations relating to access to health services for sex workers**. (Recommendation n°174 by Finland stated: "Apply a comprehensive sexual and reproductive health and rights approach to guarantee access of all sex workers, as well as their clients and clients' spouses and partners, to adequate health services and sexual education", recommended by Finland) Thailand and has since developed policies to facilitate access to services for sex workers, ("such as allowing for reimbursement of VCCT check-up fees (two times/year) which is under the National Health Security Office's programme"), (*UPR, 2*).

Several recommendations have also led to concrete actions promoting and protecting SOGI (Sexual Orientation and Gender Identity) rights. For example, in Nepal, the government amended the regulation on citizenship to provide **citizenship to third-gender citizens with their identity indicated in the passport**.

To learn more about the recommendations made to your country, please visit the [UPR Info's Database of UPR recommendations and voluntary pledges](#)¹.

One of the key challenge for KAWG community networks is to raise awareness on their specific and crosscutting issues. In this perspective, media attention can be critical to advocate for further national investment.

¹ All hyperlinks are numbered, and corresponding web addresses are listed on the final page of this document.

TAKE ACTION STEP BY STEP

UPR SCHEDULE & REPORTING DEADLINES

- › **Find out when your country review is due** by referring to the Calendar of Reviews provided on the Office of the High Commissioner for Human Rights (OHCHR)-UPR website.(2)
- › **Establish contact with government representatives or departments** that are involved in preparing your national report.

PRIOR TO THE REVIEW

Preparation (at least 18 months before the review)

- › **Build an advocacy network** with government bodies, media, and KAWG NGOs
- › **Establish advocacy outreach with networks** that have engaged with the UPR in the past
- › **Take part in National Consultations** held in your country (or the State under Review)
- › **Develop policy briefs/memos** for Reviewing States, urging them to address your specific KAWG human rights issues by engaging with the appropriate diplomats
- › **Find out about the recommendations relevant to your specific area of concern and the Reviewing States** responsible for producing them. (Please refer to UPR Info's database (3) and search by filling the related key word(s))
- › **Lobby in your country, via the relevant Embassies**
Please note that this lobbying must be done **3 to 4 months before the date of review**, mainly because information must subsequently be sent to the capital, and then to the mission in Geneva

Reporting (reports are released 6 weeks prior to review)

National report

- › **Monitor the preparation of the National Report** and urge your government to liaise with KAWG NGOs to **include your specific issues in the report**. Media attention at this phase can be critical to success
- › Find out if your government (or UNDP; the Sexual Rights Initiative (SRI), UPR Info) is organizing **specialized UPR training workshops for NGO engagement**, and register to attend

Stakeholder Reports

In addition to providing **information on the status of KAWG human rights** in the country, Stakeholder Reports also **provide information on what can be done to improve the status** of the issues discussed. The report not only discusses the status of human rights, but also compares it to the commitments made by the government – discussing what can be done to strengthen implementation and accountability.

Independent Report

- › **Convene a consultation meeting** with your NGO's coalition in order to list concrete recommendations
- › **Engage with UN agencies** such as UNDP, **share reports** (e.g. CEDAW) regularly and **urge them to include your specific views** in the report. (Please note that this compilation of UN Information is a short, five-page report).

Other Stakeholder Reports

Another possibility is to **submit information to OHCHR (6-8 months before the review session)**. Please follow [OHCHR Technical guidelines](#).⁽⁴⁾

An NGO can make only one individual submission but can be part of as many joint submissions as wanted.

*** Develop an individual submission**

Please note that an NGO individual submission is limited to 2815 words, excluding footnotes and annexes.

*** Develop a joint submission or multiple joint submissions**

A joint submission is presented by a coalition of NGOs – comprising two or more NGOs – and can reach 5630 words.

- › **Organize a KAWG NGO coalition and set a deadline for completing your NGO Stakeholder Report**
- › **Organize a Capacity-Building Session to build engagement of members among your KAWG community networks; consider collaborating with the *Sexual Rights Initiative* or the *UPR Info Office* in your country/region for this purpose. [Further information is available here](#) (5)**
- › **Reach out to national or regional KAWG NGOs that have previously engaged in UPR advocacy for participation in the capacity-building event**
- › **Reach out to your National Human Rights Commission Institution (NHRI) for co-hosting your capacity-building session**
- › **Convene a consultation meeting with your NGO coalition to list concrete recommendations**
- › **Compose your KAWG NGO Stakeholder Report and remain mindful of KAWG issues that may have been missed or not adequately addressed by your government**
- › **Register on the OHCHR's website**
- › **Review and complete your NGO Stakeholder Report**
- › **Submit your NGO Stakeholder Report to the [OHCHR, through their new online system](#) (6)**
- › **Ensure that your KAWG NGO Stakeholder Report is online on the OHCHR-UPR website**
- › **Disseminate your Stakeholder Report widely, making use of social media networks and reaching out to the local media**

THE REVIEW

- › **Lobby representatives from countries that support your respective issues**
Please consider arriving **at least one month before the date of review**. To increase efficiency, make sure to contact the diplomat who is in charge of the UPR or the Human Rights Council. See the [contact details of all missions](#) (7)
To facilitate NGO lobbying, UPR Info organises “**Pre-sessions**” in Geneva **between NGOs and Permanent Missions**. [More Information on pre-sessions can be found here](#) (8)

- › **Obtain accreditation/registration** for your KAWG NGO to attend your country’s Review Session in Geneva, and submit the names of the KAWG representatives who will attend the meeting
- › If your KAWG network is not in consultative status with ECOSOC (The Economic and Social Council is the United Nations’ central platform for reflection, debate, and innovative thinking on sustainable development) write to OHCHR to **seek accreditation status** at least two weeks prior to the meeting
- › **Attend the review**
Please note that Civil Society Organisations are not allowed to participate in delivering a speech during the review but they can be present in the room
- › **Try to meet with the State representatives present** and discuss how you would like the specific KAWG rights issue to be advanced throughout the review process
- › **Hold information sessions in parallel** to the Working Group in order to highlight KAWGs human rights violations, or hold debriefing sessions directly after, in order to review the government response
- › Each review is “webcasted”, which means that it is filmed by the UN and made accessible, both live and in the UN’s online archive
- › **Organise a screening of the webcast in your home country** and invite civil society, the media, parliamentarians, the opposition, UN agencies, etc.
- › **Hold a press conference** and/or issue **press statements** sharing your assessment of the review

BETWEEN REVIEW AND THE ADOPTION

(A FEW MONTHS APART)

- › **Contact the HRC ‘NGO Participation’ page in order to be included on the list of speakers** to deliver an Oral Statement at the HRC Outcome Document Adoption Plenary. This is held **one week before the HRC session starts**. [The procedure is detailed here](#) (9)
- › **Have hard copies** of your report on-hand
- › **Lobby the State under Review to accept as many recommendations as possible and ensure that your Government submits an addendum to the Human Rights Council**. This addendum should contain clear and detailed responses to each recommendation received

THE ADOPTION

AT THE HRC PLENARY SESSION

The adopted **Outcome Report** from the review is crucial for **calling attention to the KAWG issues faced in your country**. These observations should be widely publicized in order to leverage advocacy for your KAWG. Doing so creates space for your work to influence national policy. [Click here for more Information](#) (10)

- › **Deliver an Oral Statement** commenting on the Outcome Report and the SuR's response to the recommendations. Keep it short and crisp, highlighting human rights issues your government is falling short on. Please note the time limit for NGO statements is a maximum of 2 minute
- › **Submit a written statement** (Please be aware that written statements have less impact than oral ones)
- › **Try to meet with the State representatives present** to discuss the **outcomes** of the review, and how they plan to **follow up** throughout the implementation and monitoring process
- › **Obtain the UPR Working Group's Outcome Report** and disseminate it among your KAWG networks, affiliated partners, and local media – this report can be found online
- › **Draft an analysis** of what is missing, and what has progressed, for your KAWG constituency issues; consider publishing an immediate report to build awareness of the lack of attention to KAWG issues
- › **Participate in workshops organised by civil society organisations** that are designed to build capacity of CSO to develop an action plan and M&E strategies

IMPLEMENTATION AND FOLLOW-UP

States have to implement the recommendations they have accepted and the voluntary pledges they have taken. The UPR doesn't end with the session; it is a continuous action.

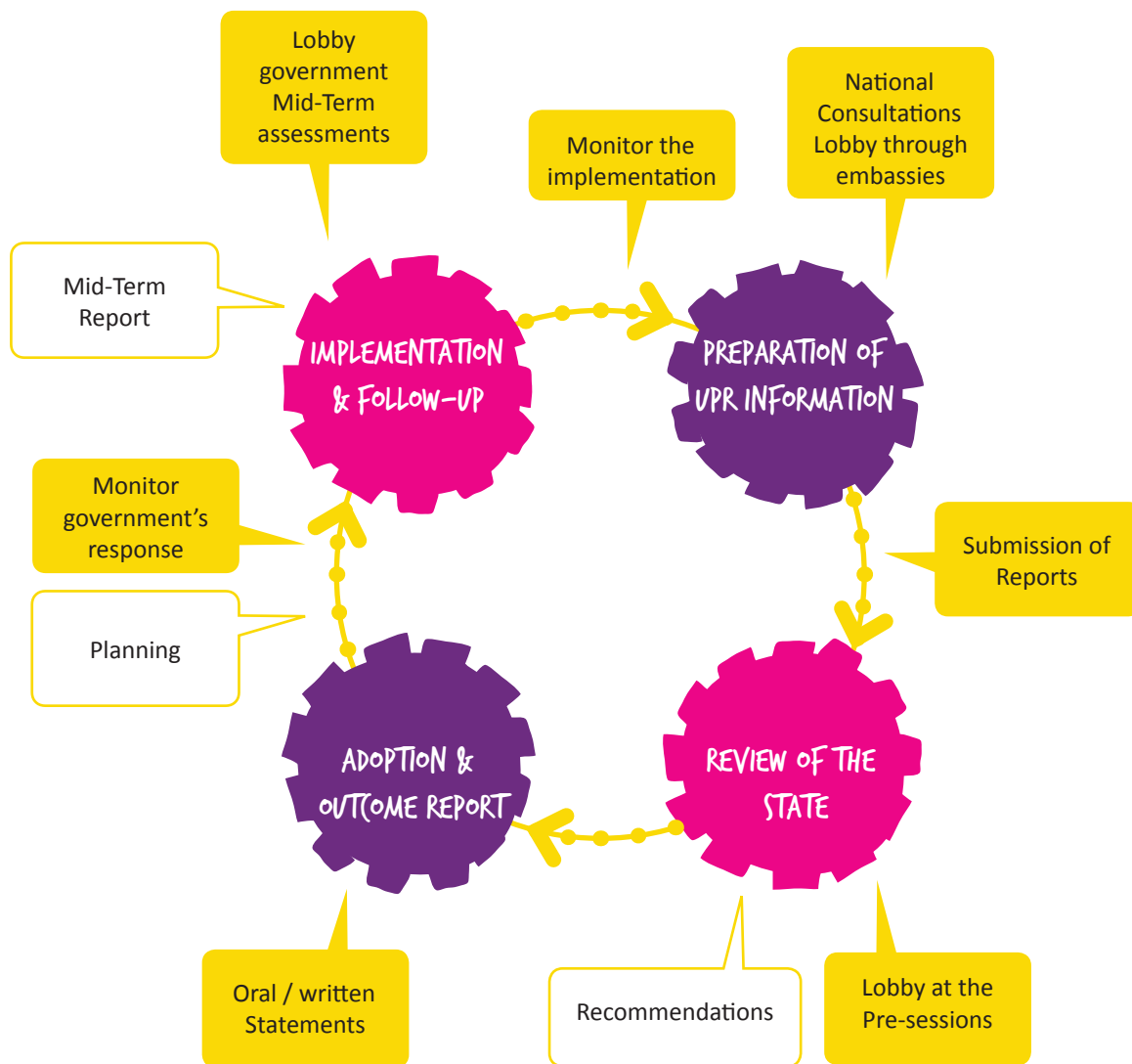
- › Over the next 18 months to 2 years, **monitor your government's actions** as they implement the recommendations accepted from the Outcome Report. Monitor how

your government reacts and acts in response to the recommendations

- › **Advocate to ensure that your government takes action and implements recommendations** that address KAWG issues and needs
- › **Work with other stakeholders** including the UN system and NHRIs
- › Monitor and ensure that your government plans to submit the next report on time, and that it follows the laid down procedures
- › **Prepare information on the human rights situation** with the government, the UN system, the National Human Rights Institution and civil society

MID-TERM REPORT

- › **Encourage your government to develop a Mid-Term Report** and to do so in consultation with civil society and other national actors
- › **Develop your own Mid-Term assessments** and submit them to *UPR Info*; **use them for advocacy in your country**



NUMBERED LIST OF HYPERLINKS

1. <http://www.upr-info.org/database/>
2. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>
3. <http://www.upr-info.org/database/>
4. http://www.upr-info.org/sites/default/files/general-document/pdf/ohchr_submissions_technical_guidelines_en.pdf
5. <http://www.upr-info.org/en/how-to/role-ngos>
<http://sexualrightsinitiative.com/universal-periodic-review/collaborating-with-the-sexual-rights-initiative/>
6. http://www.upr-info.org/sites/default/files/general-document/pdf/guide_ngo_submission_online_registration_system.17.03.2015.pdf
7. <http://www.unog.ch/80256EE600582E34/%28httpPages%29/8CEC446B720477DA80256EF804CB68C?OpenDocument&expand=1&count=10000#1>
8. <http://www.upr-info.org/en/content/pre-sessions>
9. <http://www.ohchr.org/EN/HRBodies/HRC/Pages/NgoParticipation.aspx>
10. <http://www.ohchr.org/EN/HRBodies/HRC/Pages/NGOParticipation.aspx>

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- Unzip the Lips Thematic Brief: Unzipping the Policies for KAWGs [April 2015] (Unzip, 2015)
- UPR Info (UPR Info) <http://www.upr-info.org/en/how-to/role-ngos>
- UPR Project Page (UPR, 3) http://www.upr-info.org/database/index.php?limit=0&f_SUR=173&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=AI&issueFilterType=OR&searchReco=&resultMax=100&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly

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UNZIP THE LIPS SUPPORTING PARTNERS



Unzip the Lips is a safe and inclusive space and platform for communities and key stakeholders to advocate for the rights and issues of key affected women and girls (KAWG) in the context of the HIV in Asia and the Pacific.

Committed to ensure that the issues of KAWG do not get left behind in the Asia and the Pacific's HIV agenda, Unzip the Lips is composed of organisations and individuals from the region, which share Unzip's goals, objectives and values; including communities of key affected women and girls, CSO, UN and Development Partners.

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