Equal Rights For All

Factors Influencing the Effectiveness of the Universal Periodic Review regarding LGBTI Rights

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Abstract

Homosexuality is still criminalized in over a third of the countries of the world. Five of these countries enact the death penalty for homosexuality. The United Nations has made efforts to achieve equal rights for LGBTI (lesbian, gay, bisexual, transgender and intersex) persons through multiple organs. Through the General Assembly, the Human Rights Council and the Security Council, statements and resolutions were made aiming to improve the human rights situation for LGBTI persons. However, via a specific mechanism of the Human Rights Council, the Universal Periodic Review (UPR), human rights are evaluated amongst Member States and through the peer review character recommendations are made to improve human rights.

The effectiveness of the UPR has been studied and evaluated by several researchers. The results show that the mechanism is effective to improve human rights. Several features of the mechanism contribute to its effectiveness, such as the possibility for NGOs to be involved, its dialogic approach, its naming and shaming character and its repetitive character. Empirical evidence has shown that the involvement of NGOs indeed is effective to improve human rights. Furthermore, studies also show that cultural relativism also plays a role in the effectiveness of the UPR just like politicization. This thesis aims to examine what factors have an influence on the effectiveness of the UPR regarding LGBTI rights.

Two cycles of the UPR were completed at the time of the thesis which resulted in both cycles being analyzed. Two cross-sectional studies are carried out to analyze these cycles. It is expected that cultural relativism, NGO involvement and democracy have an influence on the effectiveness of the UPR regarding LGBTI rights. Specifically, it is expected that cultural relativism has a negative influence on LGBTI rights; a bigger NGO involvement leads to better LGBTI rights; politicization in terms of salience influences LGBTI rights; and higher levels of democracy lead to better LGBTI rights. In addition, the thesis controlled for development levels and the action levels of UPR recommendations. A binary logistic regression analysis is carried out to study both cycles. The results show that cultural relativism and democracy only influence the effectiveness in the first cycle. Specifically, cultural relativist countries seem less likely to accept recommendations about LGBTI rights while democratic countries are more likely to accept LGBTI recommendations. In the second cycle only salience had an influence on the effectiveness. NGO involvement had no influence at all. Of the control variables, only action level had an influence in the second cycle. Several research and policy recommendations are made based on these results.

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1. Introduction

In modern day society, 76 states still criminalize homosexual behavior of which five countries still enact the death penalty: Iran, Mauritania, Sudan, Saudi Arabia and Yemen and some parts of Somalia and Nigeria as well ("*LGBT Rights: Frequently Asked Questions*", n.d.). Even though progress has been made in human rights, specifically LGBTI rights, homophobia and transphobia still exist in large parts of the world. This thesis examines how LGBTI rights can be improved through the Universal Periodic Review (UPR) which is a mechanism of the Human Rights Council (HRC) of the United Nations (UN).

LGBTI persons have a non-heterosexual sexual orientation or a non-traditional gender identity – together these persons have an uncommon Sexual Orientation and Gender Identity (SOGI). 'Sexual orientation' is a person's physical, romantic and emotional attraction towards other people. Lesbian women and gay men are both attracted to the same sex while bisexual people are attracted to both the opposite sex and same sex. 'Gender identity' refers to the felt and experienced sense of someone's own gender. Typically, a person's gender identity is consistent with their biological sex. When a person's gender identity is not consistent with their biological sex, they are transgender. Transgender, also known as 'trans', is used to describe a range of identities, including transsexual, transwomen and transmen. A transsexual person is a person who transitioned from one sex to another. A transwoman is a person who identifies as female but was classified as a male at birth. A transman is a person who identifies as male but was classified as a female at birth. In addition, an intersex person is born with a set reproductive organs, chromosome patterns or a sexual anatomy that do not match with the typical definition of male or female. However, intersex status has no link with sexual orientation or gender identity. Intersex persons have the same range of sexual orientations or gender identities as people who are not intersex ("*LGBT Rights: Frequently Asked Questions*", n.d.).

Although more and more countries emphasize equal rights for all, in many parts of the world homophobia and transphobia still exist. Homophobia is the irrational fear of, aversion or hatred towards lesbian, gay and bisexual people. Transphobia is the irrational fear of, aversion or hatred towards all transgender people ("*LGBT Rights: Frequently Asked Questions*", n.d.). These phobias typically lead to discrimination of the LGBTI community and result in violations of human rights. On a macro level, people of this community suffer from a range of discrimination that varies between physical and mental violations of human rights, typically with existing national laws that criminalize LGBTI persons. Often the protection of LGBTI persons fails and these people are discriminated in the workplace, housing, healthcare and

more. Minors who identify as a member of the LGBTI community may be thrown out of their homes or could be forced into psychiatric institutions. Furthermore, trans persons are occasionally denied papers by their governments that reflect the gender they identify with. The lack of these papers makes it impossible for trans persons to work, travel, open bank accounts, and to participate fully in society and more (*"LGBT Rights: Frequently Asked Questions"*, n.d.).

On a micro level, homophobia and transphobia occur as well. It can vary from psychological bullying to physical assault. Additionally, lesbian women are victims of sexual violence because of 'corrective' rapes, in which lesbian women are raped by men with the intent to 'cure' these women of their homosexuality and the notion that these women "need to be with a real man". One of the characteristics of anti-LGBT crime is the matter of brutality. Often, murder victims which are homosexual, bisexual or transgender are found with signs of mutilation, such as castration. LGBTI persons are not safe in places of detention either. It has been documented that LGBTI people may be targeted by police officers, prison guards or other inmates (*"Homophobic and transphobic violence"*, n.d.).

The UN has paid wide attention to human rights since its foundation. This included equal rights for LGBTI persons. There have been several events in the UN regarding equal rights for LGBTI persons. One of the UN organs that focuses solely on human rights and thus LGBTI rights, is the HRC. Within the council, there is a main mechanism to monitor the human rights situation of each Member State: the UPR. It was created one year after the establishment of the HRC – which was founded in 2006. The assessment of the human rights violations is evaluated based on different kinds of sources, such as the UN Charter, the Universal Declaration of Human Rights, the human rights treaties that are ratified by the regarding State, any voluntary pledges and commitments the Member State made and any applicable form of international humanitarian law (*"Basic facts about the UPR"*, n.d.).

The process in which the UPR conducts reviews of a Member State consists of an interactive discussion and dialogue between the Member State under review, also known as the State under Review (SuR), and all other Member States. It occurs during a meeting of the UPR Working Group. During this discussion, any state can pose a question, make a comment or make a recommendation to the SuR. The troika (a group of three Member States that have been chosen by a lottery system and lead the Working Group) groups questions or issues that will be shared with the SuR to ascertain that the interactive dialogue will take place in an orderly manner. The duration of the Working Groups differed in the cycles: in the first cycle a review was three hours for each Member State, while from the second cycle on reviews were extended to three-and-a-half hour each. (*"Basic facts about the UPR"*, n.d.).

According to *Institution-building of the United Nations Human Rights Council*, the UPR would promote the universality, interdependence, indivisibility and interrelatedness of all human rights. The mechanism would be based on objective and reliable information and on an interactive dialogue between Member States. In principle, it should be conducted in an objective, transparent, non-selective, non-confrontational, constructive and non-politicized manner. The objectives of the UPR are to improve the human rights situation on the ground in a Member State. Additionally, the UPR aims to ascertain that Member State's fulfill their human rights obligations and commitments and to assess positive developments and challenges that the State faces. Furthermore, through the UPR there is the objective that a State can enhance its capacity and that best practices are shared among States and other relevant stakeholders (United Nations Human Rights Council, 2007).

All reviews are based on a diversity of documents, such as national reports which consist of information provided by the State that is under review, information from the Special Procedures which are reports of independent human rights experts and groups, human rights treaty bodies and other UN organs, and information from all other relevant stakeholders including the human rights institutions on a national level and non-governmental organizations (NGOs) ("*Basic facts about the UPR"*, n.d.).

The central aim of the UPR is to be a depoliticized mechanism where each state is treated equally and has the same accountability with regards to human rights. This strong preference of the HRC for depoliticization stems from the fact that the predecessor of the HRC, the United Nations Commission of Human Rights, was heavily politicized. The UPR was thus given the task to promote universality, interdependence, indivisibility and interrelatedness of all human rights. This was to be done through an intergovernmental process that would be transparent, non-selective, non-confrontational, constructive and non-politicized (Davies, 2010).

The UPR has received a lot of appraisal the past ten years. Numerous studies have been conducted on the UPR and its effectiveness regarding improving human rights situations. All these studies concluded that the UPR is indeed effective in improving human rights and making Member States comply (Matiya, 2010; Cowan & Billaud, 2015; Etone, 2017; Voeten & Terman, 2018). In addition to this, a variety of studies also have been carried out to identify and examine factors that might influence the effectiveness of the UPR (Lilliebjerg, 2008; McMahon, 2010; Moss, 2010; McMachon & Ascherio, 2012; Higgins, 2015; McGaughey, 2017; Patel, 2017). However, no comprehensive analysis has been made to analyze these factors within one study. In addition, there is a very small amount of studies that focused on

the UPR and the area of SOGI. The studies that have been conducted are mostly based on qualitative data and were carried out early in the process. (Cowell & Milan, 2012). In other words, no quantitative studies have been conducted specifically on the impact of UPR on LGBTI rights.

In sum, a lot of progress regarding LGBTI rights has not been made yet even though efforts have been made by the UN, the HRC and the UPR. Discrimination and violence against LGBTI persons still happen on a global scale as more than a third of the Member States still criminalizes homosexual behavior. The UPR has been one of the effective mechanisms within the UN to ensure that human rights are not violated and it has had success as a mechanism overall. The dialogic approach of the UPR offers an alternative to what could be a confrontational process of trying to enforce politically and culturally controversial human rights norms. LGBTI human rights defenders even considered the UPR to be one of the most useful UN mechanisms as it is seen to provide the most space for sexual orientation and gender identity issues than any other international mechanism (Karsay, 2014). Based on the success of the UPR, it has been chosen as the central human rights monitoring mechanism in this thesis.

In addition, it is interesting and useful to carry out a quantitative study to LGBTI rights and the UPR as there have not been many quantitative studies carried out with this specific aim. Furthermore, as the second cycle of the UPR has ended, there is the possibility to analyze both UPR cycles and thus more data to analyze than before.

1.1 Aim and problem statement

This thesis aims to find out whether the recommendations made in the UPR regarding LGBTI rights are accepted or rejected, under certain circumstances and under which circumstances this occurs. In other words, there might be factors at play that determine whether a Member State will accept a recommendation regarding this topic. Additionally, the thesis aims to contribute to the small body of knowledge there is on the effectiveness of the UPR and the human rights situation of LGBTI persons. Hence, the following central research question will be addressed in thesis:

Which factors influence the effectiveness of the Universal Periodic Review regarding LGBTI rights?

1.2 Sub-questions

Several sub-questions have been formulated with the purpose to help answer the central research question and are addressed as well:

1. What progress has been made in the UN regarding LGBTI rights?
2. What evidence is there on the factors that explain the effectiveness of UN human rights treaties?
3. What evidence is there on the factors that explain the effectiveness of the Universal Periodic Review?
4. Which factors can be expected to have an influence on the effectiveness of the Universal Periodic Review?
5. How are the variables operationalized?
6. What are the outcomes of the analysis?

1.3 Approach

To answer the first sub-question, key documents such as resolutions and reports of the UN General Assembly and HRC are consulted to provide an overview of what progress has been made in the field of human rights of LGBTI persons from the first time the notion of equal rights for LGBTI persons was mentioned until now. Journalistic reports are consulted as well to provide more perspectives on this aspect. A historical description is provided in which focus events in the history of the UN regarding LGBTI rights is elaborated on.

To answer the second sub-question, an extensive literature review is carried out. Peer-reviewed and journal published academic articles that made statistical analyses on the effectiveness of UN human rights treaties are consulted and serve the basis of this part. Statistical analyses are important to serve as the basis as this thesis is solely based on a quantitative analysis. Thus, the results of the quantitative analyses of these studies can be generalized towards this study and serve as a theoretical footing.

To answer the third and fourth sub-questions, an extensive literature review is carried out as well. Peer-reviewed and journal published academic articles are the core of this review. These articles are collected through an extensive search on the effectiveness of the UPR, within the Erasmus University Rotterdam online library. First, the theoretical basis of the structure of the UPR is explained. Second, extensive studies about the UPR that have been conducted is discussed to present the evidence of the effectiveness of the UPR and what factors explain this

effectiveness. Third, factors that are expected to play a role in the effectiveness of the UPR are elaborated on.

The quantitative data that is used to answer the research question, is based on the recommendations made in the first two cycles of the UPR. The first cycle dates from 2008 until 2011 and the second cycle dates from 2012 until 2016. The non-profit NGO UPR Info has a database of all recommendations made and received in the first and second cycle of the UPR. Their database of recommendations on LGBTI issues is used as a dataset in this thesis. A quantitative analysis of these recommendations is carried out to answer the research question. Specifically, the effectiveness of the UPR is defined in terms of accepted recommendations because of the controversy of the issue and the dialogic approach of the review mechanism. In total, 1460 recommendations have been made regarding Sexual Orientation and Gender Identity – this is how the UPR defines any recommendation regarding equal rights for LGBTI persons. Only 528 of these 1460 recommendations have been accepted without any comment whatsoever by the Member State in question. To analyze whether any factors have played a role in this, different indicators are used to quantify these factors.

1.4 Societal relevance

The societal relevance of this thesis is to contribute the improvement of human rights of LGBTI persons. Furthermore, it aims to contribute to the elimination of violence and discrimination against LGBTI persons. Policy makers and equal rights advocates could benefit from knowing the relevant factors that influence the effectiveness that are identified and contribute to the UPR and the recommendations made by the Member States by paying more attention to these factors. Efforts of all relevant stakeholders such as NGOs and other civil society organizations can be improved by focusing time and resources on these factors and thus increasing the efficiency and effectiveness of their efforts to achieve equal rights.

1.5 Scientific relevance

The scientific relevance of this thesis lies in the fact that the existing body of knowledge is relatively thin and does not sufficiently provide quantitative analyses. In addition, it adds to the knowledge of effectiveness in the UPR. Specifically, it adds to the knowledge of how to effectively improve human rights for LGBTI persons throughout the world. Besides, not many studies have focused on SOGI in the context of UPR. The only known study that did focus on this topic is the study of Cowell & Milan (2012) which focused on the decriminalization of

sexual orientation through the UPR. However, this study was carried out six years ago and only included the first cycle of the UPR. To my knowledge, this is the only study that specifically focused on improving LGBTI rights through the UPR. Additionally, the study was conducted on a qualitative small-N basis examining only a few cases. Thus, this thesis contributes to the current knowledge by adding the second cycle of the UPR and by focusing on factors that have an influence through a quantitative analysis.

1.6 Outline

The structure of this thesis is as follows: the first chapter of this thesis served as an introduction to the topic of human rights for LGBTI persons and the lack of equal rights. It focused on the problem statement which was followed by a research question and seven additional sub-questions.

The second chapter consists of an overview of the UPR, an extensive literature review and a theoretical argument in which the four sub-questions are answered. It starts with a description of the UPR and its features. Then a section on what progress has been made in the UN regarding LGBTI rights is provided, followed by a section on what evidence there is regarding the effectiveness of UN human rights treaties on the human rights situation in countries. Then it moves on to answering which theories explain the structure of the UPR. Following this is the theoretical in which the evidence of the effectiveness of the UPR is discussed and what factors explain the effectiveness of the mechanism. The chapter will conclude by presenting factors that have an influence on the UN and UPR effectiveness in general and possibly play a role in the effectiveness of the UPR regarding LGBTI rights as well. The chapter concludes by the formulation of hypotheses.

The third chapter addresses the research design and the conceptualization and operationalization of the variables used in this analysis and thus answers the fifth sub-question. In addition, this chapter presents what data will be used for the analysis. The fourth chapter presents the results found in the analysis accompanied by all the statistics and in turn answers the sixth sub-question. The fifth and final chapter consists of a discussion of the results, provides an answer to the sub-questions and the central research question and offers a conclusion. Additionally, limitations of the thesis are identified, suggestions for future research are made and some policy implications are elaborated upon.

2. The UPR, Literature Review and Theoretical Argument

This chapter aims to answer the first four sub-questions. First, a brief description of the UPR and it features is provided. Second, an extensive literature review is elaborated on. In this literature review, an overview of all progress that has been made within the UN regarding LGBTI rights is provided. Then a review of quantitative studies that examined the effects of human rights treaties on human rights in countries and what factors explain this effectiveness is elaborated on. Following this is empirical evidence on the effectiveness of the UPR. The chapter concludes with the theoretical argument and the formulation of hypotheses.

2.1 The UPR

In this thesis, UPR effectiveness is defined solely on the acceptance of recommendations. Accepting recommendations is a signal of political commitment. (Gilmore et al., 2015). Additionally, using accepted recommendations has an advantage: it is possible to include the second cycle of the UPR in the analysis. The implementation of recommendations can only be reported in the next cycle, e.g. the implementation of the accepted recommendations in the first cycle will be reported on in the second cycle.

As stated before, the UPR is a mechanism in which the human rights situation of each Member state is evaluated. During each session of the mechanism, an assessment of human rights is made based on a variety of sources: the UN Charter, the Universal Declaration of Human Rights, the human rights treaties that have been ratified by the SuR any voluntary pledges and commitments the Member state made and any applicable form of international humanitarian law. A typical UPR session consists of an interactive discussion and dialogue between the SuR and all other Member States. During such a discussion, any Member states can ask a question make a comment on or make a recommendation to the SuR. The troika groups questions and issues that will be shared with the SuR to make sure that the discussion will go over smoothly. Each review is based on a variety of documents, such as national reports of the SuR, information from the Special Procedures and information from all other relevant stakeholders, such as NGOs ("*Basic facts about the UPR*", n.d.).

2.1.1 Features of the Universal Periodic Review

The UPR has been discussed by a variety of researchers and has been the topic of many studies. It has had its fair share of success regarding effectiveness in terms of accepted recommendations and there are several features that have contributed to this. Additionally, there are also features of the mechanism that might have a negative influence on the effectiveness. This section provides an overview of the most important features of the mechanism.

In the past ten years, the UPR has received a lot of appraisal. It is the first international human rights mechanism that has a 100% voluntary participation of all 193 Member States (Voeten & Terman, 2018). It is unique because it combines the right to criticize and the obligation to improve human rights conditions (Matiya, 2010). It can have added value for the implementation of human rights improvements if Member States retain the perception that it is a cooperative tool of harmonizing human rights (Dominguez-Redondo, 2012). It gives the opportunity to transform the discourse, because it brings a distinctive environment that stimulates policy diffusion (De La Vega & Lewis, 2012). It operates in parallel to all other human rights monitoring mechanisms (Carraro, 2017). It is entirely based on cooperation and dialogue and is fully controlled by states themselves, which gives it a unique character among all human rights mechanisms (Etone, 2017). The UPR shows what can and cannot be done in terms of behavior without engaging in risky behavior and resulting in risking partnerships. This in turn could drive compliance. (Voeten & Terman, 2018). It has the potential to evolve into an effective and cooperative mechanism to monitor the implementation of human rights and this is highlighted by the increasing relevance and precision of the recommendations and the ability of the UPR to reinforce treaty body recommendations (Etone, 2017). The mechanism of the UPR is universal at its core. On the one hand, it is universal because of its universal coverage and the universal applicability of the process. In other words, all Member States of the UN will be held accountable for their actions under the same procedure. On the other hand, its universality is also applied to all human rights (Patel, 2017). The UPR is viewed as a mechanism where the notion of learning is present at the core – Member States learn from each other by exchanging best practices (Cowan & Billaud, 2015). Additionally, the UPR, the recommendations and the adopted outcomes can be used by civil society and other relevant stakeholders as advocacy tools to stimulate policy dialogue and social change (Gilmore, Mora, Baragues & Krogh Mikkelsen, 2015).

2.1.1.1 NGO Involvement

One of the main features of the UPR is the involvement of NGOs in the process. Studies have shown that NGOs are influential in the UPR process. One of the key documents of the UPR preparation consists of information provided by all other relevant stakeholders, such as NGOs. Because of this fact, one can expect NGOs to play a role (Lilliebjerg, 2008). NGOs are relevant and important because they can influence Member States as they prepare their reports. The information that is provided by NGOs is published in documents which are published on the website of the OHCHR, thus making it easy to provide access to information on all Member States (Higgins, 2015). NGOs can also play a crucial role in the process because they also have the possibility to balance out the information provided by a Member State in its own report. The possibility that states avoid or misrepresent issues in their reports is always present. However, NGOs can present the other side of the issue through their own reports. Even though NGOs may not have the possibility to make recommendations to states in the review process, they are effective during the informal lobbying moments outside of the HRC meetings (Lilliebjerg, 2008).

2.1.1.2 Dialogic approach

Another feature of the UPR is the dialogic approach of the mechanism. Within the UPR, Member States are not restricted in the subject matter of the reports or the recommendations and thus make it possible to create a space and forum for a discussion on all kinds of human rights. Additionally, within the UPR, there is the possibility to assess positive developments in the field of human rights and to stimulate the sharing of best practices (Higgins, 2015). Moreover, Member States are more likely to accept as much recommendations as possible, possibly because either they agree with the usefulness of the recommendations or they are worried about their reputation if they do not accept a large amount of recommendations (McMahon, 2010). Additionally, the peer-review character of the mechanism gives it a dialogue approach, which can stimulate a more open and honest report on different kinds of issues. This dialogic approach also contributes to the receptiveness of Member States to recommendations because it is a signal of a cooperation instead of confrontation. Furthermore, the interactive dialogue makes it possible for common themes to emerge that are not included in the work of the treaty bodies (Higgins, 2015).

2.1.1.3 Naming and shaming

Furthermore, the UPR is a peer-review mechanism in which 'naming and shaming' is a characteristic. This naming and shaming character could be a possible explanation of why the UPR is an effective mechanism. Naming and shaming is one of the first tools used in international human rights bodies. The power and effectiveness of this technique lies in the publicity of certain actions and that shaming on specific countries will result in those countries changing their practices. Most of the UN human rights tools are largely based on a confrontational approach, specifically using a naming and shaming approach. A Member State that would not appear for the UPR would obviously lose face and thus is pressured to participate in the process to maintain its reputation. The same applies for not implementing the recommendations it has accepted (Dominguez-Redondo, 2012). Numerous quantitative studies have been conducted in which the effectiveness of naming and shaming on improving human rights were examined. These studies showed that naming and shaming is indeed an effective way to improve human rights. These studies looked at naming and shaming by NGOs and by UN organs (Hendrix & Wong, 2012; Murdie & Davis, 2012; Krain, 2012; DeMeritt, 2012).

2.1.1.4 Repetitive character

Moreover, the repetitive character of the UPR also contributes to its success. Repeated 'games' among the same 'players', the review process and Member States in this case, stimulate more cooperative behavior among these players only because there is the possibility for a future reward or punishment for current behavior. The shadow of the future makes players behave better. Another reason why the UPR is effective is because 'discursive entrapment'. In other words, states say certain things and make certain commitments to 'get off the hook' but in doing so, they 'trap' themselves into accepting recommendations or socializing into international norms, purely because they want to decrease the domestic and international pressures against them (Milewicz & Goodin, 2016).

2.1.1.5 Politicization

Nevertheless, the UPR has also received criticism. Even though its whole existence was dedicated to being depoliticized, many argue that the politicization remains an issue. In accepting recommendations, states need to factor in the political context because the acceptance or rejection of a recommendation reveal different signals. For instance, in a politicized context, criticism by enemies would probably be interpreted as just an effort to

negatively influence the reputation of the state that is under review. However, a recommendation made by an ally is a different signal (Voeten & Terman, 2018).

2.2 Literature Review

In this section, a literature review is provided with the aim to answer the first and the second sub-question. Specifically, the progress that has been made within the UN regarding LGBTI rights is discussed. Then the effectiveness of human rights treaties is discussed. Following this are several theories that explain the effectiveness of the UPR.

2.2.1 United Nations and LGBTI rights

The first sub-question to be answered is what progress has been made within the UN regarding LGBTI rights. Progress has been made in the field of LGBTI rights, accompanied by resistance from opposing states as well. Equal rights for LGBTI persons was not discussed by the UN until 1995. During the 1995 Beijing Platform for Action at the fourth World Conference on Women sexual orientation became the topic of debate in negotiations. However, even though the term 'sexual orientation' was dropped from the final text of the conference, it was the very first time that state governments discussed the topic of sexual orientation ("*Resolution on Sexual Orientation and Human Rights"*, n.d.).

Then at the Commission on Human Rights in 2003, the Brazilian delegation proposed a resolution in which it condemned discrimination based on sexual orientation. However, as there was resistance, the resolution was tabled in 2004. Despite the efforts of the Brazilian delegation, in 2004 the resolution was eventually rejected because of opposition of the Vatican and members of the Organization of The Islamic Conference, e.g. Pakistan (Kollman & Waites, 2009).

Two years later, in 2006, gender identity was included to the discussion when the Norwegian government issued a joint statement on human rights violations based on SOGI at the Commission on Human Rights on behalf of a total of 54 States. Within this statement, Member States expressed their concern regarding the ongoing human rights violations and that the principles of universality and non-discrimination call for immediate attention to these violations. The purpose of this statement was to show their support of achieving equal rights for LGBTI persons and to pursue these issues (Permanent Mission of Norway, 2006).In 2008, another joint statement was made, this time presented by the Argentinian delegation at the General Assembly. The statement was on behalf of 66 Member States and once again called

for attention to violations of human rights based on SOGI. Specifically, within this statement, Member States called upon all states to take all necessary measures to ascertain that under no circumstances SOGI is the basis of criminal penalties. Again, Member States showed their support of this topic by issuing the statement ("*Joint statement on human rights, sexual orientation and gender identity*", 2008). Both statements were mostly supported by European and Latin American states.

However, in 2010 the UN resolution on arbitrary executions included a reference to sexual orientation but caused opposition from members of the Organisation of Islamic Cooperation (IOC) which took out the reference. The reference was later reintroduced in the resolution because of pressure from other states. But it is an example of how there are states that oppose discussing equal rights for LGBTI persons.

In 2016, a severe attack on the LGBTI community took place when 49 people were killed and 53 injured during the shooting in the club Pulse on the 12th of June 2016 in Orlando, Florida. The UN Security Council issued a statement in which it stated that the Council condemned in the strongest way the terrorist attack in Orlando. The fact that LGBTI language was included in this statement of the Security Council signals a change in the discourse of the UN regarding equal rights for this community. (Sarai, 2016).

2.2.1.1 The Human Rights Council and LGBTI Rights

The abovementioned cases are illustrations of how organs like the UN General Assembly and Security Council have acted to make progress in striving for equal rights even though there has been some opposition as well. However, one significant UN organ that has made the most efforts regarding LGBTI rights is the HRC. In 2006, the Human Rights Council was created by the UN General Assembly. During the sixtieth session of the General Assembly on the 15th of March 2006, it was decided that the HRC would be created as a replacement of the Commission on Human Rights and would serve as a subsidiary organ of the General Assembly. The HRC would be responsible for the promotion of universal respect for the protection of human rights and fundamental freedoms. Furthermore, the HRC would address situations of violence and discrimination of human rights, including but not limited to gross and systematic violations. The HRC would also promote an effective coordination and mainstreaming of human rights within the whole UN system. The HRC would promote human rights education, serve as a forum for dialogue, make recommendations to the General Assembly, promote the full implementation of human rights obligations, undertake a universal

periodic review, contribute towards preventing human rights violations and work closely with all relevant stakeholders in the field of human rights (United Nations General Assembly, 2006). The HRC adopted a resolution on human rights, sexual orientation and gender identity during its seventeenth session on the 14th of July 2011. This resolution requested the commissioning of a study to register all discriminatory laws and practices, and to document all acts of violence against persons based on their sexual orientation and gender identity (United Nations Human Rights Council, 2012).

In December 2011, the commissioned report that documented violence and discrimination based on SOGI was published. The report included a series of recommendations made by the High Commissioner. The report included obligations such as that all Member States should investigate all killings and other serious incidents against persons based on their SOGI, hold these perpetrators accountable for their crimes and establish a reliable system in which these incidents can be recorded and reported. Moreover, Member States should prevent torture of LGBTI persons and ascertain that anyone who fled persecution based on their SOGI is not returned to the place where the freedom of these persons is threatened. Additionally, Member States should repeal any law that criminalizes any person based on same-sex sexual relations and the age of consent for heterosexual and homosexual behavior should be harmonized. Furthermore, Member States are recommended to make sure that discrimination based on SOGI is combated and that this is added in the mandates of each national human rights institution. Lastly, it was recommended in the report that Member States should facilitate the legal recognition of the preferred gender of transgender individuals and provide arrangements to grant relevant identity documents to be reissued and reflecting the preferred gender and name of the transgender person (United Nations Human Rights Council, 2011).

Additionally, during its thirty-second session in 2016, the HRC reconvened on human rights, sexual orientation and gender identity. During this session another resolution was adopted, calling for even more action. Specifically, an independent expert on the protection against violence and discrimination based on SOGI was appointed for three years. The Independent Expert should assess how existing international human rights laws and instruments are enforced regarding overcoming violence and discrimination against people based on their SOGI. The Expert must also raise awareness of these topics and identify the biggest cause of violence and discrimination. Additionally, the Independent Expert should engage in a dialogue with States and other relevant actors regarding this topic. The Expert also must work together with States to implement measures and contribute to protecting all persons against violence and discrimination. The Independent Expert should report annually to the

HRC on its findings and progress. Furthermore, during this HRC session, all Member States and other relevant stakeholders were called upon to cooperate fully with the Independent Expert (United Nations Human Rights Council, 2016). However, on the 8th of September 2017 the Independent Expert issued a letter to the HRC in which he resigned from his position effective on the 31st of October due to personal circumstances. By the time of his resignation, only two reports were published and a successor has not been named yet (Thapa, 2017). Thus, even though it was a promising achievement, the work of the Independent Expert is not substantial enough yet to be used to achieve equal rights for LGBTI persons because of the lack of reports and no successor having been appointed.

In conclusion, several events took place which lead to positive results for the human rights situation of LGBTI persons, such as the joint statements made ten years ago, the statement of the Security Council and the work of the HRC. This showcases the progress that has been made by the UN regarding LGBTI rights.

2.2.2 Human rights treaties and effectiveness

The second sub-question that is answered is what evidence there is on the effectiveness of UN human rights treaties on the human rights situation in countries and what factors could explain this. With regards to treaties, effectiveness is defined as the ratification of but also the actual compliance with human rights treaties.

The effectiveness of UN human rights treaties has been studied and evaluated extensively to conclude whether they have an actual effect on the human rights situation in countries. There have been studies that examined the effects of human rights treaties on state behavior and found that there were some improvements (Simmons, 2009; Lupu, 2013; Hafner-Burton, 2013). A study conducted by Glen & Murgo (2003) looked at whether international human rights law has had a positive impact on human rights. Their results showed positive trends in the protection of human rights. Countries that ratify UN treaties are more likely to be free in terms of civil and political rights. Additionally, the authors believed that countries that improved their human rights did this because of the ratification of at least one UN human rights treaty. The authors came to this conclusion by selecting the countries that had an improved category score in the Freedom House, which is an indicator on the democracy level of countries, during the 28 years that were examined in this study. Then the authors examined whether these countries had ratified a UN human rights convention from 2000 until 2003. They

found that at least 60% of the countries with an improved category score had ratified a human rights treaty.

In addition, Hathaway (2002) conducted a study in which human rights treaty ratification was examined and whether it had an improvement on actual human rights records. The results showed that treaty ratification in fully democratic countries were associated with a better human rights record than in countries that were not or less democratic. Even though caution with interpreting these results is advised, as there is no clear definition of what encompasses a full democracy, it is still noteworthy that there is an association with a better human rights record. Neumayer (2005) examined whether international human rights treaties improve respect for human rights. The findings of this study showed that civil society plays a strong role. Specifically, the stronger the civil society of a country is, defined in terms of the participation of citizens in international NGOs, the more beneficial treaty ratification is. Additionally, Neumayer's findings also reinforce the notion that the more democratic a country is, the higher the benefits of treaty ratifications are. Furthermore, the study showed that the interaction between civil society and treaty ratification mattered the most. In the absence of a (strong) civil society, the ratification of human rights treaties often made no difference.

Furthermore, Hafner-Burton (2013) carried out a study on the effectiveness of human rights treaties as well. In this study, the conclusion was made that international laws must be transposed into domestic law and be taken up by the local actors for them to be effective. The treaties can thus be a valuable tool for supporting domestic mobilization. Domestic politics play a role in whether a country will comply with a human rights treaty. This happens through three different ways: the set-up of domestic agendas, through an increase in possibilities for litigation in domestic courts and via an influence of the chances of successful mobilization. Additionally, Krommendijk (2015) carried out three case studies in which the domestic effectiveness of international human rights monitoring in established democracies was examined. The results showed that the effectiveness of human rights treaties can mostly be explained by the presence of domestic actors, such as civil society. These domestic actors pressed and persuaded their governments to act upon the treaties. The results of this study are relevant for this thesis in terms of participation of civil society, such as NGOs. The involvement of NGOs will be discussed in a later section.

More importantly, Landman (2008) summarized the general findings of different quantitative studies on treaty ratification and state behavior. His review showed that there is a variety of results on the impact of international human rights treaties. One part of the findings shows that the domestic regime type has an influence on state behavior. Furthermore, the gap

between ratification and human rights protection narrows over time, meaning that the human rights situation in a country gets better over time. In addition, if countries are members in international governmental organizations, they will be more likely to participate in human rights regimes. Participation in such regimes was defined as treaty ratification in this study.

Other findings in Landman's review show that the presence of international NGOs also has an influence on the participation in human rights regimes: the more international NGOs that are present in a country, the more likely a country is to participate in a human rights regime. However, there is one important contextual characteristic to these findings: the positive relationships disappear as soon as studies control for independent effects of other variables such as democracy. The ratification of human rights treaties has an impact on state behavior and the human rights situation with the presence of other variables such as democracy (Landman, 2008).

Goodliffe & Hawkins (2006) conducted a study in which the commitment of states to treaties was examined with the case of the Convention against Torture. Within this study, the authors mostly looked at commitment in terms of treaty ratification. Their findings suggest that states committed themselves to the treaty because of regional and global norms. Basically, states commit themselves to a treaty because they observe other states and do what these other states do. This shows the importance of norms and the constructivist character of state interactions but it does not say anything about the improvement of the human rights. However, ratification is still a first step and thus norms play an important role.

Altogether, studies have shown that countries do indeed ratify and comply with human rights treaties. First, there is interaction between the governance type of a country and the ratification of human rights treaties. Specifically, democracies participate more in human rights regimes and ratify treaties more. Second, the presence of a (strong) civil society, defined in terms of NGOs, also has an influence on the ratification of treaties. Specifically, the stronger a civil society is in a country, the higher the likelihood of treaty ratification. Third, norms also have a strong influence on treaty ratification. The commitment to a treaty stems from states observing that other states commit themselves to human rights norms.

2.2.3 Theories on the UPR

There are several theories and factors that explain why the UPR is an effective mechanism. In this section, effectiveness is defined in terms of the improvement of human rights including both accepting recommendations and implementing them. Several authors

have examined the UPR through different theories. This sub-section provides a summary of the theories that have been found to explain the effectiveness of the UPR the best.

2.2.3.1 Deliberative theory

The first theory that explains the effectiveness of the UPR is the deliberative theory. Milewicz & Goodin (2016) compared this theory to the mechanism of the UPR itself and found that it was a comprehensive theory in explaining the UPR. According to Milewicz & Goodin (2016), the UPR has the possibility to bring about cooperative deliberation across the international system. This claim finds its foundation in deliberative theory. This theory states that actors can learn more about each other's position and perspective, desires and constraints purely by conversing with each other. Political systems can be assessed in terms of deliberative capacities, by looking at two elements: 1) the capacity for 'high quality deliberation' to take place that is related to inputs and 2) the capacity for the deliberation to have effects outside itself, relating to outputs. For a political system to have a high-quality deliberation, four criteria need to be met. The first criterion is **inclusiveness**, which entails that the deliberation in the system must be open to all parties that which to participate. Second, the system should be **authentic,** which means that the deliberation stimulates actors to have authentic expressions. Third, there must be a **public space**, which encompasses the existence of an open arena that makes it possible for civil society to get involved. Fourth, a **discursive discipline** should be present, which means that there are mechanisms in place that ensure all participants are able to engage with each other non-coercively. Besides deliberations being of high quality, they also need to have actual effects on improving human rights norms. For a system to have effect, three additional criteria need to be met. First, there must be an **empowered space**, which requires an arena to be present in which decisions are made that have practical effects. The second criterion is **transmission**, which means that there should be a mechanism to make it possible for the public space to influence the empowered space. Third, a **feedback loop** is required, which means that there is a mechanism that ensures the empowered space reports back to the original public space. Taken together, the central aim of deliberation is to improve the implementation of human rights norms. Put simply, the emphasis is on how states can learn more about each other's positions, desires, ambitions and preferences 'just' by talking together.

In the study of Milewicz & Goodin (2016), the UPR as a political system was assessed alongside these seven criteria. The UPR has the possibility to produce high-quality deliberation as it meets the four criteria of this assessment. First, the UPR is open and inclusive, especially

regarding all Member States of the UN and all recognized human rights organizations. Second, there have been cases of the UPR in which Member States express genuine views, even though international politics is characterized by having a strategic element to it. Third, the UPR has a public space for NGOs to be representatives of civil society, as the HRC stated all contributions of domestic NGOs had to be in accordance with the Paris Principles – which is a mandate that provides criteria against which national human rights institutions will be held. Fourth, all states under review during the UPR process have the possibility to make commitments willingly and voluntarily. Additionally, the UPR is a system which can produce effects on human rights as it also meets the following three criteria. First, there is the case of an empowered space as Member States are held accountable for their actions in terms of human rights performance during the Interactive Dialogue at the Palais des Nations. Second, NGOs and other civil society actors have the chance to lobby, influence and converse with Member States. Third, the feedback loop takes form through NGOs engaging with their governments in a constructive dialogue to evaluate the results of the review process and see how recommendations could be implemented.

The deliberative theory has similarities with the dialogic approach of the UPR in terms of Member States learning more about the positions each of them has regarding certain human rights topics or issues. By doing so, the effectiveness in terms of accepting recommendations could increase.

2.2.3.2 Constructivism

The second theory that can explain the effectiveness of the UPR is the theory of constructivism. The UPR is a mechanism that supports improving human rights extensively because it has a socializing influence – it is a constructivist mechanism. From a constructivist perspective, states are viewed as social creatures that value prestige, status and self-image, in addition to material rewards and punishments. Constructivists explain the UPR through the fact that norms, such as respecting universal human rights, diffuse via peer pressure. Conforming to universal human rights results in praise, an increase in social worth and esteem whilst at the same time violation of human rights results in shame, disapproval and isolation. As states conform to human rights, they might come to internalize these norms as a part of their identities. Naturally, before norms can be internalized, they must be accepted. In other words, if states accept norms through accepting recommendations, they make the first step in conforming with human rights (Voeten & Terman). Greenhill (2010) carried out a study in

which the international socialization effects on human rights norms were examined. The socialization effect is an effect where actors change their behaviors because of changes in their interests which are in turn caused by the interaction with other states. They learn from or copy certain behaviors of these states. Thus, states come to respect human rights because of a certain 'logic of appropriateness' (Greenhill, 2010). The effectiveness of norm socialization was confirmed other authors as well, such as Finnemore & Sikkink (1998). Moreover, constructivists see the UPR as a powerful mechanism because it is exactly the social environment in which states learn about shared expectations of certain behavior and might face the (social) consequences for their ability, or inability, to live up to these expectations (Voeten & Terman, 2018).

2.2.3.3 Cultural relativism

Another theory through which the effectiveness of the UPR can be explained, is cultural relativism. Universality is one of the principles of the UPR. This can be interpreted in multiple ways. One way is that it is universal in terms of that each Member State is obliged to participate in the process. However, a second interpretation aligns with the notion of universalism which states that human rights should be equal in all countries. This stems from the fact that human nature is universal and thus human rights ought to be universal as well. The implementation of international human rights should surpass any form of cultural boundaries according to universalism (Donnelly, 1998). However, universalism is strongly opposed by cultural relativism. This school of thought has an important notion at its core: it is believed that values and moral beliefs are culturally specific, meaning that cultures have different opinions on what values these cultures should uphold. In other words, cultural relativism states that human rights are not universal because moral value judgments are relative to different cultural contexts. What one culture sees as a fundamental human right, another culture might perceive as not important at all (Patel, 2017). From the perspective of cultural relativism, ideas of what is right and what is wrong differ per culture and thus the definitions of human rights differ as well (Carroll, 2013). Universal human rights are being resisted because of several reasons. This resistance is grounded in a cultural relativist view. Individualism, the abstractness of human rights and the idea of rights itself are seen as specifically western and thus foreign to all cultures that are non-western in which individualism is not present (Brems, 1997).

The debate between universalism and cultural relativism is also visible through the work of the UN itself as universalist human rights norms have been embedded in the Universal

Declaration of Human Rights while simultaneously cultural relativist stances have been appearing more and more. One example is the Bangkok Declaration that was adopted by Asian states, which states that human rights must be considered in the context of international norm-setting and that national and regional cultures and backgrounds must be kept in mind (Cerna, 1994). Additionally, the institutional construction of elements of the UN make it possible for cultural relativism to remain. Members of the HRC are grouped in such a way that they reflect their regional grouping. There are five different regional groups and it is often observed that any form of politicization is in accordance with these regional groups. Furthermore, the HRC is constructed in such a way that it reflects real world dynamics, by each group having a specific number of seats. Thus, one can expect that this regional grouping has an impact on the positions of states purely based on the institutional framework. (Schlanbush, 2013). This regional distribution has resulted in African and Asian states getting a majority over Western states in the HRC (Terlingen, 2007). Looking at the numbers, together the Asian and African states compose 26 members of the 47 members in total (Rathgeber, 2013).

In sum, deliberative theory, constructivism and cultural relativism can explain the effectiveness of the UPR. Deliberative theory and constructivism are examples of how the UPR can be positively influenced while cultural relativism has a negative influence on the acceptance of recommendations.

2.3 Theoretical argument

This section provides the theoretical argument of the thesis. First, an overview of the empirical evidence on the UPR is provided. In this overview, several factors that play a role in the effectiveness of the UPR are identified based on empirical studies. Following this is the formulation of the hypotheses that will be tested in this thesis, based on the discussed empirical evidence. In addition, this section answers the third and fourth sub-question. The third sub-question focusses on what evidence there is on the factors that could explain the effectiveness of the UPR. The fourth sub-question focusses on factors that are expected to have an influence on the effectiveness of the mechanism.

2.3.1 Empirical evidence on the UPR

A lot of empirical studies have examined the mechanism of the UPR and its effectiveness. This sub-section provides different aspects of empirical evidence on the effectiveness of the UPR. It starts with empirical evidence on the effectiveness of the mechanism in general. Then it moves on to a detailed description of empirical evidence on the role of cultural relativism in the UPR and how this influences the effectiveness of the mechanism. Following this, empirical evidence on the existence of politicization is elaborated on which aligns with the statements made about cultural relativism. Then an elaboration on the role of NGOs and the effectiveness of the UPR is provided.

2.3.1.1 UPR effectiveness

There is empirical evidence that backs up the positive claims of the UPR. Looking only at the numbers, in the first cycle a total of 21,355 recommendations were made of which 15,634 were accepted. During the second cycle a total of 36,331 recommendations were made of which 26,694 recommendations were accepted (UPR-Info, 2018). The study of Matiya (2010) presented evidence that various states that were reviewed up until that moment undertook specific commitments to strengthen the cooperation with special procedures, ratified human rights instruments of which they were not a member yet and took initiatives to implement human rights at the domestic level. In addition, Frazier (2011) measured whether individual recommendations had been fully, partially or not implemented at all from the beginning of the UPR up until when he conducted his study. The main conclusion of his study was that the UPR encouraged countries of all development levels to protect human rights leading to the acceptance of recommendations. Moreover, the more developed countries were, the more successful they were at implementing a higher percentage of the accepted recommendations. The study of Higgins (2015) on advancing the rights of minorities and indigenous peoples showed that Member States seemed to take the UPR and the process quite seriously. Higgins came to this conclusion because it was apparent that Member States engaged fully in the process and provided reports on their progress of their human rights situation. This engagement has resulted in light being shed on problematic human rights situations. Furthermore, the statement that countries seem to take the UPR seriously also comes from the fact that over time there had been an increase in accepted recommendations.

2.3.1.2 Cultural relativism

Empirical evidence on the presence and influence of cultural relativism in the UPR has been found as well. Within the HRC, there is the concept of regional grouping, as mentioned before. This regional grouping has resulted in some form of politicization as states from the same regional grouping praise each other's achievements instead of providing each other of critical comments on their human rights situation, such as China praising its neighboring states (Smith, 2011) or African states giving each other 'friendly recommendations' (Abebe, 2009). This regional politicization is related to cultural relativism in the sense that Member States of the same regional group have similar cultures and thus have similar values regarding human rights. This is also attested by a study Rathgeber (2013) conducted and he found that Asian and African Member States present most of their recommendations to other Member States of their own regional groupings. Additionally, the recommendations these states make consist mostly of appraisals for what these states already have done. Furthermore, in a recent study of Patel (2017), cultural relativism in the UPR was examined. Results showed that the argument of cultural relativism is often used in situations where the issues at stake are controversial and have a certain relationship with the culture of a country, either positive or negative. These results are backed up by the study of Carraro (2017), which also showed that countries use the argument of cultural relativism instrumentally in the review process as a reason why a certain recommendation is not accepted or implemented.

Additional studies have presented evidence as well that cultural relativism does indeed play a role in the UPR process (McMahon, 2010; McMahon & Ascherio, 2012). There are examples of Member States refusing to change domestic law with regards to human rights of LGBTI persons during the UPR process because of culture. Cowell & Milan (2012) carried out several case studies in which they analyzed the decriminalization of sexual orientation through the UPR. Member States such as Togo and the Republic of Gambia refused to change their legislation regarding the human rights of LGBTI persons because of their cultural values. However, there are also examples of Member States that do change their domestic laws because of the UPR, such as the Member State São Tomé and Principe which showed its full commitment to decriminalize and stated during its session in 2011 that criminalizing sexual orientation was no longer applied in their country and that their new Penal Code would repeal this 'criminal offence' (Cowell & Milan, 2012).

Based on the evidence, culture does seem to play a role with regards to accepting recommendations in human rights and specifically LGBTI rights. Culture has been the number one argument against the recognition of SOGI from the beginning. At the Beijing 1995 World

Conference on Women where the idea of SOGI was first mentioned immediately resulted in certain Member States refusing to acknowledge it based on the notion that it was a 'Western' concept which offended their religious and cultural morals and values (Carroll, 2013). Another example of Member States strongly opposing LGBTI rights was in 2001 when the Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions provided a report in which she included information and facts on sexual minorities. This resulted in some Member States strongly objecting and urging that this report should be renewed without any reference to sexual minorities at all (Carroll, 2013). LGBTI rights are frequently rejected with the argument that these rights go against the nationalist and traditional culture of a country. This can be seen through the analysis of Hoad (2007) in which the debate of homosexuality and the LGBTI movement in general was analyzed in Africa. The main conclusion of this study was that the rejection of and hostility towards LGBTI rights was based on nationalistic views and that it was created by the 'West' (Schlanbusch, 2013). This is attested by Murphy (2013) who concluded that the whole idea of LGBTI rights are not in line with 'traditional values' and that these values have to be included in the human rights discussion as well and even make human rights dependent on these values.

There are other examples of SOGI being a controversial issue in countries which refuse to recognize it because it is not in line with their culture, e.g. at the 11th session of the HRC in 2009 a draft resolution was introduced by the Russian Federation in which 'traditional values of human kind' were promoted. Shortly after, this draft was being supported by Islamic States, the Vatican, China and Cameroon which all had some notion of preserving their traditions from a cultural relativist perspective (Carroll, 2013).

Altogether, SOGI seems to be a controversial issue for countries with a cultural relativist perspective and which are opposed to acknowledge LGBTI rights as human rights.

2.3.1.3 Politicization

Aside from the regional politicization, which is can be linked to cultural relativism, this sub-section will elaborate more on politicization in general. Empirical studies have revealed that politicization indeed is present in the UPR. Matiya (2010) found that countries with close ties praise each other on the positive human rights records instead of focusing on the aspects that are still problematic in the regarding state and that the state that is reviewed can decide which issue will be discussed, how it will operate and sometimes even the outcomes, which was partly discussed in the previous sub-section. Voeten & Terman (2018) carried out a study

in which they examined the politicized character of the UPR and whether it indeed was influential during the process. Their results showed that states are indeed more lenient towards their strategic partners. Strategic allies will less likely condemn each other very harshly and they spare each other's strategic partners in the review process. States always behave to further their own (material) interests and are dependent on other states in this process and thus strive to avoid alienating the states they are dependent on. These strategic relations influence the way states interact with each other in the international community. However, results also showed that even though allies might praise each other, allies criticizing each other take the recommendations much more seriously. Recommendations have a higher chance of being accepted when they are made by strategic allies and are less likely to be shrugged off. In accepting recommendations, states need to factor in the political context because the acceptance or rejection of a recommendation reveal different signals. Carraro (2017) also carried out a study regarding the politicization of the UPR. Results showed that politicization was indeed present in the UPR but she also concluded that politicization does have some positive characteristics to it. The political element proves to increase the willingness of Member States to seriously commit to the review and accept recommendations and prevent loss of face with its political allies. When a Member State accepts a certain recommendation, the recommendation becomes a political commitment. Thus, Member States are also politically motivated to implement recommendations to uphold their reputation.

2.3.1.4 NGO Involvement

Several studies on the role of NGOs on the effectiveness of the UPR have been carried out as well. An example of how effective NGOs really are in the process of the UPR, is found in the case of Lebanon. Before Lebanon had its review in the first cycle of the UPR, several civil society stakeholders such as NGOs cooperated with the Office of the UN High Commissioner for Human Rights (OHCHR) and the Friedrich-Ebert-Stiftung – a political foundation that promotes a free society and a democratic governance in countries. This resulted in a coalition of NGOs that presented its report during a conference in Beirut with the aim to get media and public attention. The NGOs involved the Lebanese parliament as well. As a preparation for the UPR session, this coalition lobbied several embassies located in Beirut. During the review itself, the NGO coalition arranged a side event in which the Lebanese government delegation was also present. Additionally, the coalition lobbied the government in its home country to ensure that the government accepted 14 recommendations. After the UPR

session, the NGO coalition arranged a follow-up meeting in which the UPR recommendations were highlighted and how the implementation of the accepted recommendations should be carried out. All of this shows how effective NGOs can be outside the formality of the UPR itself (Rathgeber, 2013).

Furthermore, NGOs carry out power by referring to accepted recommendations in their domestic work (McGaughey, 2017). Moss (2010) carried out a study in which it was identified that the UPR presented several opportunities for NGOs. First, NGOs had the possibility to engage with HRC members in Geneva. Second, NGOs used the UPR as a lobbying tool on a domestic level. Additionally, McGaughey (2017) also carried out a study in which the role of NGOs was identified in the process of the UPR. The results showed that the UPR had created closer working relationships between different key actors. Specifically, the working relationship between the state that is under review and NGOs typically becomes closer because of the requirement that states must report on their consultation with NGOs which gives NGOs a status in the process. It pushes NGOs and governments to sit down together to discuss the issues at hand. Furthermore, the UPR has made it possible for international NGOs (INGOs) and domestic NGOs to improve their relationship. Specifically, some INGOs that are in Geneva play a role in giving support and facilitating domestic NGOs to interact with UN human rights mechanisms, such as the UPR. There have been cases in which INGOs acted as the spokesperson on behalf of some domestic NGOs and thus formed a coalition. These are especially important when there are countries that do not make it possible for domestic NGOs to criticize their governments.

In addition, the involvement of NGOs is also related to the perspective a country has on human rights. In a study conducted by Abebe (2009), results showed that cultural relativist states had a different view on the role of NGOs than universalist states. Specifically, evidence was found that African states wanted to restrict the involvement of stakeholders such as NGOs while Western states highlighted the importance of NGOs.

2.3.2 Hypotheses

Based on the discussed empirical evidence this sub-section provides multiple hypotheses that aims to answer the central research question. As both UPR cycles have been completed and are analyzed in this thesis, the following hypotheses are for both UPR cycles.

The first hypothesis is based on the role of culture. The notion that cultural relativism plays a role in the UPR has consequences for the phenomenon this thesis aims to analyze: the factors that influence the effectiveness of the UPR regarding LGBTI rights. Equal rights for

and the human rights in general of LGBTI persons are seen as a controversial issue in a wide range of countries, attested by the numerous examples given in the section on the progress the UN made and in the section on cultural relativism. Thus, it is expected that countries in which there is a non-universalist culture present are less likely to accept recommendations regarding the human rights of LGBTI persons. The definition of what entails a universalist and a cultural relativist country will be provided in the operationalization section of chapter three. The hypothesis is as follows:

H1:   Countries with cultural relativist perspective on human rights are less likely to accept SOGI recommendations.

The second hypothesis is based on the role of NGOs. Studies have concluded that NGOs play a role regarding human rights treaties in general. In addition, there are also studies that have shown that NGOs play a role in the UPR process specifically. Thus, based on these results it is expected that the involvement of NGOs will have an influence on SOGI recommendations. The hypothesis is as follows:

H2:   The higher number of NGOs that engage in the UPR process in a Member State, the more SOGI recommendations are accepted.

The third hypothesis refers to the role of democracy on the effectiveness of the UPR. Democracy seemed to play a role in the ratification of human rights treaties. As such, it is expected that democracy will play a positive role with regards to the effectiveness of the UPR on the acceptance of SOGI recommendations. The hypothesis is as follows:

H3: The more democratic a Member State is, the higher the chance is of accepting a SOGI recommendation.

The fourth hypothesis focuses on the role of politicization on the effectiveness of the UPR. As stated before, there is evidence on the role of politicization in the UPR. Previous studies have regarded politicization from a negative perspective. However, studies have shown that there is an increase of accepting recommendations when Member States receive a recommendation from a Member State that is in the same region. Based on this evidence, it is expected that receiving a SOGI recommendation from a Member State within the same region

will have a positive effect on the effectiveness of the UPR on the acceptance of SOGI recommendations. The hypothesis is as follows:

H4: Receiving a SOGI recommendation from a Member State of the same regional group will lead to a higher chance of accepting a SOGI recommendation.

3. Research Design

This chapter provides a detailed description of the research design that is used in this thesis. Additionally, information about the population and sample, the operationalization of the independent, dependent and control variables and reliability and validity are provided. The purpose of this chapter is to answer the fifth sub-question: how are the variables operationalized? The chapter starts with a description of the research design. Then it moves on to a section on the population and the sample of observations used in the analysis. Following this is an elaborative overview of all the variables that is used in this research. This overview includes the operationalization of the independent, the dependent and the control variables. Following this is a conceptual model of the hypotheses and control. Then an overview on what empirical method is used to test the hypotheses is elaborated on. The chapter concludes with a section on reliability and validity and how these are achieved in this thesis.

3.1 Research design

This thesis is focused on identifying which factors influence the effectiveness of the UPR with regarding LGBTI rights. It is thus trying to establish causality because the central goal is to ensure that the factors that are identified do indeed influence the UPR effectiveness. Causal relationships can be identified with the use of an experimental research design. Within an experimental research design, the independent variable is controlled to conclude whether a causal relationship exists between the independent variable and dependent variable. Experimental designs can make statements about the independent and dependent variable without these variables being influenced by the presence of a confounding variable (Kellstedt & Whitten, 2013). However, all the independent variables identified in this thesis are purely observable and thus impossible to control or manipulate. Therefore, it is impossible to use an experimental design. Nonetheless, it is still possible to try to establish a causal relationship between variables using an observational research design. As Kellstedt & Whitten (2013) stated: "observational studies are not experiments, but they seek to emulate them."

To establish a causal relationship, some assumptions regarding causality need to be met. These are also known as the four causal hurdles: four different theoretical assumptions about causal relationships that are necessary to cross if one wishes to establish a causal relationship. The first causal hurdle can be crossed by the fact that previous studies have established a causal relationship between the independent variables used in this thesis and the dependent variable. The second causal hurdle can be crossed by the fact that there is no reverse

causality as all variation in the independent variables happens before the observed variation in the dependent variable. The third causal hurdle can be crossed by analyzing the covariation in the statistical analysis. The fourth causal hurdle can be crossed by controlling for identified control variables in the statistical analysis (Kellstedt & Whitten, 2013).

The research in this thesis has a cross-sectional research design. Cross-sectional research designs focus on multiple units on a single moment in time (Kellstedt & Whitten, 2013). Because all the variables across all UN Member States that participated in the UPR will be examined, a cross-sectional research design is applied in this research. In addition, because two UPR cycles will be analyzed, two cross-sectional analyses are applied. After the first cycle, some modalities and characteristics of the UPR changed, such as the duration of a session and the procedural rules, which could have led to a different dynamic in the second cycle of the UPR. Therefore, it is appropriate to look at the two cycles separately.

3.2 Population and sample

The central aim of this thesis is to analyze all UN Member States as all of them participate in the UPR process. However, as this thesis also looks at a specific category of recommendations, it is not possible to analyze the whole population. In both the first and second cycle of the UPR, some Member States have not received any SOGI recommendations at all. As the unit of analysis in this thesis is the acceptance rate of SOGI recommendations per Member State, only those Member States that received recommendations will be analyzed. For the first cycle, only 135 Member States received recommendations. For the second cycle, 156 Member States received SOGI recommendations.

3.3 Operationalization

Answering the central research question requires the use and measurement of several concepts. However, for a concept to be measurable, it must be operationalized in measurable and quantitative terms (Bryman & Bell, 2011). This section answers the fifth sub-question: how will the concepts analyzed in this thesis operationalized? First an operationalization of the dependent variable is provided. Following this is a sub-section on the operationalization of the independent variables and of the control variables is elaborated on. The section concludes with an overview of all variables in a table.

3.3.1 Dependent variable

3.3.1.1 UPR Effectiveness

UPR effectiveness is operationalized in terms of the acceptance rate of SOGI recommendations per Member State. To detect whether the independent variables cause any variation in the dependent variable, the amount of accepted recommendations is divided by the amount of given recommendations to a Member State.

From a theoretical perspective, equal rights for LGBTI persons remain a controversial issue in many Member States. Because it is still sensitive, an accepted SOGI recommendation is already an achievement for a Member State that might have not recognized LGBTI rights before. As mentioned before, the acceptance of a recommendation shows political commitment from a Member State (Gilmore et al., 2015). However, the implementation of accepted recommendations in the second cycle cannot be reported on because the third cycle is still in process. Thus, in this analysis the variable 'UPR effectiveness' will be defined in the acceptance rate on the issue of 'Sexual Orientation and Gender Identity' from the dataset of the NGO UPR Info.

3.3.2 Independent variables

3.3.2.1 Cultural relativism

Cultural relativism is operationalized in the form of the regional grouping that exists within the HRC which is based on the institution building package of the HRC. This institution building package divided all UN Member States into five different regional groups. These groups consist of: the Africa group, the Asia-Pacific group, the Eastern European Group (EEG), the Group of Latin America and Caribbean Countries (GRULAC) and the Western European and Others Group (WEOG). In appendix I, a list of all countries categorized per regional group is included. As stated in the previous chapter, the regional grouping in the HRC has resulted in some form of regional politicization in terms of countries of the same regional grouping having a similar culture and norms regarding human rights. Based on the empirical evidence that demonstrated this, it is believed that operationalizing cultural relativism through the existing regional grouping is of the most use in this thesis because membership in the HRC, which is the organ responsible for the UPR, is based on this regional grouping. However, 'regional grouping' is not sufficient to be included in the multiple regression analysis in its

current form as it is a categorical variable. However, the creation of a dummy variable makes it possible for the variable to be included in the analysis.

3.3.2.2 NGO Involvement

NGO involvement is operationalized in terms of the number of submitted reports by NGOs that are concerned with LGBTI rights per UPR session per Member State. There is a variety of ways an NGO can be involved in the UPR process of a Member State. However, the number of submitted reports is believed to be of the most use as it is a quantitative measure and is the most official way a NGO can play a role in the process. The number of submissions can either consist of individual NGOs that have submitted a report, NGOs that have come together to submit a joint report or both. For each cycle, all stakeholder information from the UPR itself was consulted to count the amount of submissions per Member State. In total, 193 NGO reports of the first cycle and 193 NGO reports of the second cycle were consulted to collect the data. In addition, there are NGOs that are not officially involved with LGBTI rights in their mandate but might strive for equal rights for LGBTI persons or might discuss LGBTI rights in their reports. To include these NGOs as well, in all reports keywords relating to LGBTI rights, such as 'gay', 'homosexuality', 'LGBTI' and 'SOGI', were used to search for NGOs that discussed LGBTI rights as well. Thus, NGO involvement is quantified by the number of reports LGBTI NGOs have submitted per Member State per UPR cycle while adding reports by reports submitted by other NGOs that discussed LGBTI issues in their reports.

3.3.2.3 Democracy

Democracy is operationalized by using data from the Freedom House. The rationale of this choice is based on that previous studies discussed in this thesis also used data from the Freedom House as a measurement of democracy. The Freedom House presents data on the civil liberties and political rights of a country based on a scale from 1 to 7. On this scale, 1 corresponds with 'most free' and 7 with 'least free'.

The data from the Freedom House is based on an annual report on the political rights and civil liberties of each country. It is composed of numerical rating and descriptive texts for each country. The methodology is largely based on the Universal Declaration of Human Rights with regards to the notion that all the standards in the declaration apply to all countries without the exception of location, religious or ethnic composition or economic development. The

central assumption is based on the idea that freedom for all peoples is best achieved in liberal democracies (Freedom House, n.d).

This analysis uses two Freedom House datasets. Both datasets consist of the average of the civil liberties scale and the political rights scale, which also known as the 'Freedom Rating'. This scale has the same values as the two scales mentioned before: 1 corresponds with 'most free' and 7 corresponds with 'least free'. The dataset used in the analysis of the first cycle is obtained from the Freedom in the World report of 2008, which is the same year the first cycle commenced. The dataset used in the analysis of the second cycle is obtained from the report of 2012, which is the year the second cycle started.

3.3.2.4 Salience

Politicization will be operationalized in terms of the proportion of received recommendations that were given by Member States of the same regional grouping as the state under review. However, this operationalization is not in correspondence with the definition of politicization. As such, it is referred to as 'salience'. As stated before, evidence has shown that Member States of the same regional group are more likely to accept the recommendations given to each other. To quantify this, the amount of SOGI recommendations that were given to a Member States from Member States of the same regional group was divided by the total of SOGI recommendations that were given to that Member State. The data of this variable was obtained through the database of UPR Info for the first and the second cycle of the UPR.

3.3.3 Control variables

Even though several hypotheses have been formulated to answer the central research question, this thesis does not have an experimental research design, meaning confounding variables may have an influence on the results. In other words, because the analysis will only be based on observations, there are always variables that cause unwanted influences. Thus, variables that are expected to have an influence but do not serve a purpose in this thesis, must be controlled for. This sub-section identifies several control variables that are expected to have some sort of influence on the dependent variable, UPR effectiveness in terms of accepted recommendations, and are controlled for during the analysis.

The first control variable in this thesis is the level of development. Development also has a link with human rights. It has been argued that having respect for and encouraging the improvement of human rights results in a stimulation of economic development (Abouharb &

Cingranelli, 2007). Frazier (2011) conducted a study in which the connection between development and human rights was one of the aspects examined. The results showed that there was a positive correlation between the level of development of the reviewed Member State and the degree of implemented recommendations. Thus, development will be controlled for, because implemented recommendations are accepted recommendations as well, naturally.

The second control variable is the specificity of a recommendation. Within the UPR system, a categorization of 'action levels' has been constructed. This action level is based on the primary verb that is used in each recommendation. This action level is divided into five different types, ranked on a scale from 1 to 5 in which 1 corresponds with 'minimal action', 2 with 'continue doing', 3 with 'to consider', 4 with 'general action' and 5 with 'specific action'. Rathgeber (2013) carried out a study in which 21,353 recommendations from the first cycle of the UPR were analyzed. The results showed that the more specific a recommendation was, the lower the acceptance rate became. In addition, the study of Voeten & Terman (2018) also found evidence regarding the specificity of recommendations. States are more likely to accept recommendations that are formulated either vaguely or congratulating than to accept recommendations that involve specific demands. Thus, this thesis will also control for action level.

3.3.3.1 Development

Development is operationalized by using data on GDP per capita obtained from the World Development Indicators. The GDP per capita is measured in current US dollars. Development is assumed to have a relationship with accepting SOGI recommendations because accepting UPR recommendations in general has financial consequences. In addition, previous studies have shown there is a reciprocal relationship between the economy and respect for human rights: a better economy leads to more respect for human rights and more respect for human rights seem to have an influence on stimulating the economy of a country as well.

In this thesis, two datasets of the World Development Indicator are used. The analysis of the first cycle uses the data on GDP per capita from 2008, which is the same year the first cycle of the UPR commenced. The analysis of the second cycle uses the data on GDP per capita from 2012, which is the year the second cycle started.

3.3.3.2 Action level

Action level is operationalized in terms of the score each recommendation is given on the action level scale. Action level is based on the primary verb that is used in a recommendation. It is divided into five different types ranked on a scale from 1 to 5. A score of 1 corresponds with 'minimal action', 2 corresponds with 'continue doing', 3 corresponds with 'to consider', 4 corresponds with 'general action' and 5 corresponds with 'specific action'. The data of this action level has been retrieved from UPR Info which have assessed each recommendation ever made and scored them on this scale. However, as the unit of analysis in this thesis is one Member State while the unit of analysis of UPR Info regarding the action level scale is based on one recommendation, the average of action level scores of received recommendations per Member State will be used.

3.3.4 Operationalization Table

Dependent variable	Measures	Measurement level	Time span	Source
UPR Effectiveness	Acceptance rate: Accepted SOGI recommendations / Received SOGI recommendations	Ratio	First cycle (2008-2011) & second cycle (2012-2016)	UPR Info
Independent variables	**Measures**	**Measurement level**	**Time span**	**Source**
Cultural relativism	Dummy coding	Ratio	First cycle (2008-2011) & second cycle (2012-2016)	Human Rights Council
NGO Involvement	Number of submitted reports per Member State per session	Ratio	First cycle (2008-2011) & second cycle (2012-2016)	Universal Periodic Review
Democracy	Average of political rights and civil liberties ranging from 1 (most free) to 7 (least free)	Interval	2008 & 2012	Freedom House
Salience	Proportion of recommendations received from the same regional group	Ratio	First cycle (2008-2011) & second cycle (2012-2016)	UPR Info
Control variables	**Measures**	**Measurement level**	**Time span**	**Source**
Development	GDP per capita	Ratio	2008 & 2012	World Development Indicator
Action level	Average of action level of all received recommendations per Member State	Interval	First cycle (2008-2011) & second cycle (2012-2016)	UPR Info

3.4 Conceptual model

This sub-section consists of a visual representation of all independent and control variables that are expected to have a relationship on the dependent variable in this thesis. See figure 1 for this conceptual model. The independent variables are colored in black while the control variables are colored in blue.
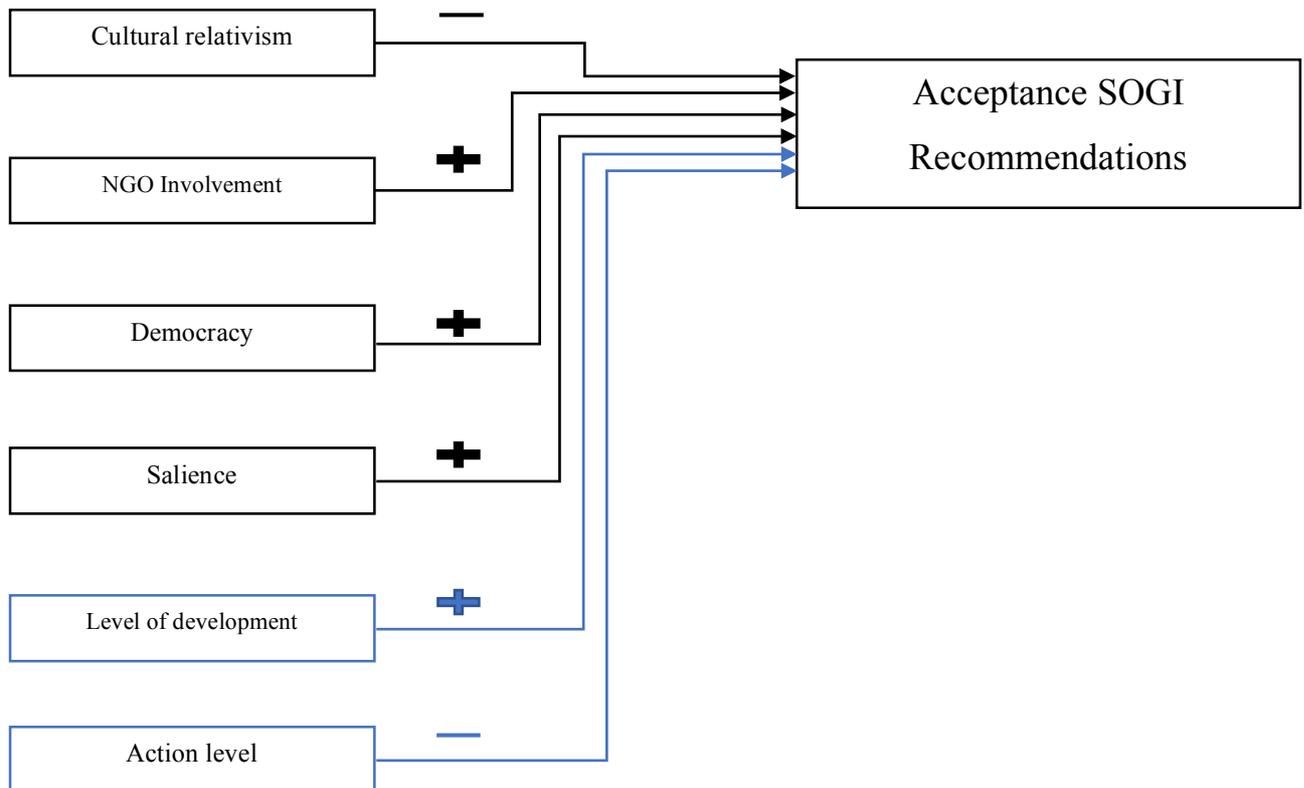
Figure 1. Conceptual model of the hypotheses.

3.5 Empirical method

The empirical method that is used in this research is a multiple linear regression analysis. A multiple linear regression analysis is a statistical method in which multiple predictor variables, also known as the independent variables, are used to predict the values in an outcome variable, also known as the dependent variable. This thesis aims to analyze which factors have an influence on the effectiveness of the UPR regarding LGBTI rights. In other words, the wish is to use different predictor variables (the factors) to determine the outcome variable (UPR effectiveness in LGBTI rights in terms of the acceptance rate of SOGI recommendations). The unit of analysis in this thesis is the acceptance rate of SOGI recommendations per Member state.

The general formula for a multiple regression analysis is as the following:

$$y_i = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + ... \beta_p X_p + \varepsilon$$

In this formula, y stands for the dependent variable, x for the independent variables, β_0 for the intercept, βp for the regression coefficient, p for the number of independent variable and ε for the error term. Applying this formula to all variables in this thesis leads to the following two formulas:

1. $RATE_1 = \beta_0 + \beta_1 REG + \beta_2\ LGBTI\_NGO_1 + \beta_3 DEM_1 + \beta_4 POL_1 + \beta_5 DEV_{2008} + \beta_6 ACT_1$
    $+ \varepsilon$

2. $RATE_2 = \beta_0 + \beta_1 REG + \beta_2 LGBTI\_NGO_2 + \beta_3 DEM_2 + \beta_4 POL_{2+} \beta_5 DEV_{2013} + \beta_6 ACT_2$
    $+ \varepsilon$

in which β_0 stands for the intercept, β_p for the regression coefficient, p for the number of the independent variable (p = [1...5]) and ε for the error term. Furthermore, the dependent, independent and control variables have the following acronyms:

$RATE_1$	Acceptance rate of SOGI recommendations in the first cycle
$RATE_2$	Acceptance rate of SOGI recommendations in the second cycle
REG	Regional grouping of a Member State
$LGBT\_NGO_1$	LGBTI NGO involvement in the first cycle
$LGBT\_NGO_2$	LGBTI NGO involvement in the second cycle
DEM_1	Democracy measured in 2008 at the first cycle
DEM_2	Democracy measured in 2013 at the second cycle
POL1	Proportion of SOGI recommendations received from the same region in the first cycle
POL2	Proportion of SOGI recommendations received from the same region in the second cycle
DEV_{2008}	Development measured in 2008 at the first cycle
DEV_{2013}	Development measured in 2013 at the second cycle
ACT_1	Action level in the first cycle
ACT_2	Action level in the second cycle

3.5.1 Ordinary Least-Squares

The most commonly used method to estimate parameters in a regression model is known as the ordinary least-squares (OLS) regression. However, the OLS method holds several assumptions that need to be met for the method to make accurate predictions. All variables must be measured on an interval or ratio level. Categorical variables can be included in a regression analysis as well through the creation of a dummy variable. This creation transforms a categorical variable into one or multiple dummy variables. In addition, the size of the sample must be larger than the number of independent variables included in the analysis. The rule of thumb is that per each independent variable, the regression analysis requires at least 20 observations. Another assumption that should be met, is the fact that all variables and the error must be normally distributed. Additionally, multicollinearity must be prevented. One speaks of multicollinearity when the independent variables correlate with each other and thus an exact linear relationship occurs between the independent variables and the dependent variable. Another assumption that needs to be met, is the presence of homoscedasticity. This means that the variance of the error term of different observations within a variable must be equal across all cases. Lastly, there should be a case of parametric linearity, which means that the relationship between the independent variable and the dependent variable must be linear (Kellstedt & Whitten, 2013).

These assumptions are evaluated and reported on in the following chapter, which also provides all the results found in this analysis.

3.6 Reliability and validity

To ensure the quality of the research, it is important to establish the reliability and validity of the research design, the variables and the method.

3.6.1 Reliability

Reliability encompasses the notion that a measure should produce the same results after conducting the same study over multiple times. The consistency of these results is thus known as the reliability of a measure. One aspect of reliability is stability. If a measure is stable, and thus also reliable, there should be little variation over time in the results of the repeated studies (Bryman & Bell, 2011).

The reliability of the analysis in this thesis is ensured by the fact that for the data of all variables are secondary datasets that were collected from different trusted organizations. The

data of the dependent variable, UPR effectiveness, the politicization variable and of the action level variable are obtained from the organization UPR Info. The data on the NGO involvement was obtained from the UPR itself. The data of the democracy variable is obtained from the Freedom House and the data on the GDP per capita is obtained from the World Development Indicator.

3.6.2 Validity

The basic notion of validity, also known as measurement validity, refers to whether the measure of a variable really measures a certain concept. In other words, does it measure what it claims it measures? Validity and reliability are closely linked because reliability is precondition for validity: a measure can never be valid if it is not reliable (Bryman & Bell, 2011). UPR effectiveness is operationalized in terms of the acceptance rate of SOGI recommendations per Member State. The validity of this variable is ensured by using the secondary dataset of UPR Info and the measurement of the proportion of accepted SOGI recommendations in relation to the amount of given SOGI recommendations. In addition, the measurement validity of all other variables is ascertained by using secondary datasets obtained from trusted organizations such as UPR Info, Freedom House and the World Development Indicator. The measurement validity of salience is ascertained through calculating the proportion of SOGI recommendations that were received from Member States of the same region. As previous research showed, Member States are more likely to accept recommendations in general if they are received from a country of the same regional group. The validity of NGO involvement is believed to be high as well because all NGO reports of the first and second cycle were consulted and the data was obtained through counting the number of LGBTI NGOs that submitted a report and adding the number of NGOs that discussed LGBTI issues.

Furthermore, it is important to establish whether this research has an internal and external validity and how this can be ensured as well. The internal validity of a study refers to the causality of a study, specifically whether there is a causal relationship between the independent variable(s) and the dependent variable. Normally causality is a difficult with a cross-sectional research design (Bryman & Bell, 2011). However, as this research focusses on the outcome of a UPR session in terms of the acceptance rate of SOGI recommendations and the extent of a cultural relativist character of a Member State on these recommendations, whether NGOs had an effect, if higher politicization leads to a higher acceptance rate and if democratic countries accept SOGI recommendations more than non-democratic countries, it is

easier to establish a causal relationship. Furthermore, to ensure the internal validity of this research, and thus whether there is a causal relationship, it is important to identify and control for confounding variables. This has been achieved through the identification and the operationalization of the control variable development because past research has shown that development plays a role in the magnitude of effects on human rights. In addition, the action level of a recommendation is also considered as a control variable because studies have presented evidence for it to have an influence in the UPR. Thus, these both variables will be controlled for.

The external validity of a research relates to whether the results can be generalized beyond the specific context of that research (Bryman & Bell, 2011). One can argue about whether this research has a high external validity or not. On the one hand, it is a high external validity because it analyzes the whole population of UN Member States that were involved in SOGI recommendations and all completed UPR cycles. On the other hand, the external validity could be seen as low because of the issue a hand: sexual orientation and gender identity – which can be seen as a controversial topic and thus makes it more difficult to generalize the results of this research to other topics discussed in the UPR.

4. Analysis

This chapter aims to answer the sixth sub-question: what are the outcomes of the analysis? First, a description of the descriptive statistics of all variables is provided. Then the chapter moves on to discuss whether the assumptions of the model are met. Following this is the selection of the model that is used to run the analyses. The section after this provides the results of the analyses. The chapter concludes with a summary of the results.

4.1 Descriptive Statistics

The first step that is taken in any statistical analysis is reporting the descriptive statistics. The descriptive statistics give important information about the mean, the standard deviation, the skewness and kurtosis and more.

Table 2. Descriptive statistics of all variables in the first cycle

Variables	Countries	Missing	Mean	Median	SD	Skewness	Kurtosis	Min.	Max.
Acceptance Rate	135	58	.42	.25	.45	.31	-1.76	0	1
NGO Reports	135	58	1.70	1	1.94	1.03	.28	0	8
Democracy	192	1	3.26	3	1.95	.35	-1.21	1	7
Salience	135	58	.17	0	.32	1.78	1.67	0	1
Development	190	3	15199.07	4495.63	25781.02	3.39	15.64	196.25	192989.20
Action Level	135	58	4.23	4.33	.69	-1.09	1.03	2	5

The descriptive statistics for the first cycle of the UPR can be seen in Table 2. A few observations can be made based on this information. First, not all variables have the same number of observations. The acceptance rate variable only has 135 observations because 58 Member States did not receive any SOGI recommendations in the first cycle. The democracy and development variable both have missing observations because of the lack of data of the Freedom House and World Development Indicator respectively. The action level and politicization variables both have 135 observations for the same reason as the acceptance rate variable.

Comparing the mean and the median to each other is helpful in deciding whether a variable is normally distributed or not, because within a normal distribution the mean and the median will be identical to each other. Looking at the data only DEM_1 and ACT_1 have a mean

and median that lie closely to each other while the other variables do not. The skewness and kurtosis are both indicators of how normal a variable is distributed. Perfect normal distributions require both the skewness and kurtosis to have a value of 0 (Kellstedt & Whitten, 2013). Looking at the data, none of the variables have a perfect normal distribution. Any missing values were excluded from the analysis.

Table 3. Descriptive statistics of all variables in the second cycle

Variables	N	Missing	Mean	Median	SD	Skewness	Kurtosis	Min.	Max.
Acceptance Rate	156	37	.43	.29	.44	.31	-1.70	0	1
NGO Reports	156	0	1.04	0	1.42	1.41	1.38	0	6
Democracy	193	0	3.32	3	1.98	.31	-1.28	1	7
Salience	156	37	.20	0	.36	1.53	.96	0	1
Development	188	5	15008.15	6031.63	23136.46	3.16	13.99	282.76	173528.20
Action Level	156	37	4.38	4.5	.55	-1.63	3.90	2	5

The descriptive statistics for the second cycle of the UPR can be seen in Table 3. A few observations can be made based on this information. First, not all variables have the same number of observations. The acceptance rate variable only has 156 observations because 37 Member States did not receive any SOGI recommendations at all in the first cycle. The development variable has missing observations because of the lack of data of the World Development Indicator. The action level and politicization variable both have 156 observations for the same reason as the acceptance rate variable.

As was the case for the first cycle, there are a few variables in the second cycle which have a mean and median that lie closely to each other. Looking at the skewness and kurtosis, none of the variables have a skewness or kurtosis of exactly 0, meaning that none of the variables have a perfect normal distribution. The normality of all variables will be discussed more in the next section when all assumptions of the Ordinary Least Squares model will be discussed.

4.2 Assumptions

In the previous chapter, several assumptions of the Ordinary Least Squares model were stated when the selected model was discussed. This section consists of the results whether the assumptions are met.

4.2.1 Normality

There are multiple ways to check for normality of variables. The first way to check the normality is to inspect the skewness and kurtosis of the variables which are both reported in Tables 1 and 2. Both statistics must be zero to have a perfect normal distribution. As can be seen in in Table 2, none of the variables have a perfect normal distribution.

The second way to check for the normality of the variables is to look at the histogram of each variable and plot it against a normal distribution. Looking at the histograms generated in SPSS, the conclusion can be made that there is no perfect normal distribution. Some variables do resemble some sort of normality while others do not at all. All histograms can be found in appendix II.

Based on the values of the skewness and kurtosis of all variables and the histograms of all variables, it is safe to conclude that none of the variables are normally distributed. However, it is possible for these variables to obtain a more normal distribution by transforming them. The transformation of a variable means that all observations within a variable go through the same mathematical equation. There are different transformations possible, such as a square root or log transformation (Gujarati & Porter, 2008).

The histograms on the dependent variable show that a lot of Member States either accept all recommendations they received or rejected all recommendations – see Figure 2 and 3. To obtain a more normal distribution for this variable, it is transformed into a dummy variable. All observations from .00 through .50 receive a score of 0 and all observations from .51 through 1.00 receive a score of 1. This transformation has implications on the model that is used in the analysis: a binary logistic regression analysis is carried out to explain the odds of the acceptance rate. This will be discussed in depth in a later section on model selection.
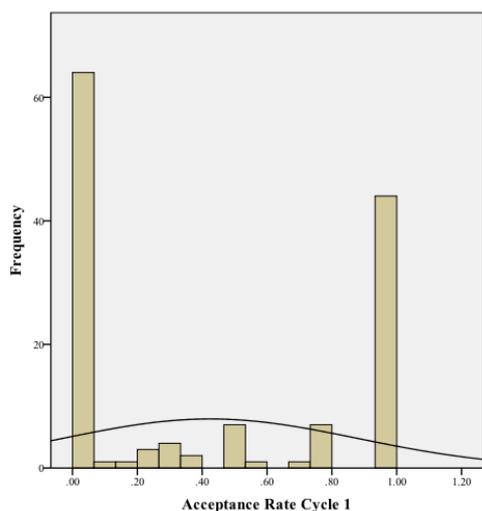
Figure 2. Histogram for acceptance rate in the first cycle.   *Figure 3. Histogram for acceptance rate in the second cycle.*
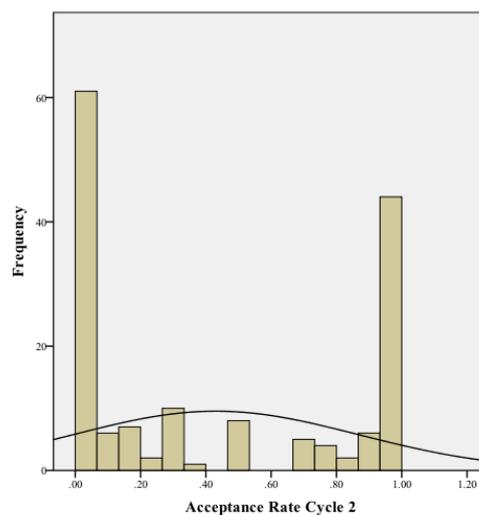
Several transformations were performed on the variables, such as a power transformation and a natural logarithmic transformation. However, these transformations did not improve the normality of the variables. Thus, the NGO involvement, democracy, politicization and action level variables are all included in the analysis in their original form. This decision was made because the binary logistic regression analysis does not hold a strong assumption on normality. However, a natural logarithmic transformation did improve the normality of the development variable in both cycles. Thus, this variable was included in the analysis after the transformation. The transformation of the acceptance rate and development variables of both cycles can be found in Table 4.

Table 4. Transformations, skewness and kurtosis for the new variables in both cycles.

Variable	N	Old skewness	Old kurtosis	Transformation	New skewness	New kurtosis
Acceptance Rate First Cycle	135	.31	-1.76	Dummy coding: .00 through .50 = 0; .51 through 1.00 = 1	.45	-1.82
Acceptance Rate Second Cycle	156	.31	-.170	Dummy coding: .00 through .50 = 0; .51 through 1.00 = 1	.45	-.95
Development 2008	190	3.39	15.64	$Ln(DEV_1)$	.11	-.87
Development 2013	188	3.16	13.99	$Ln(DEV_2)$	.02	-.82

As can be seen in Table 4, the transformations improved the skewness and kurtosis of both development variables. However, this was not the case for the skewness and kurtosis of the acceptance rate of both cycles.

4.2.2 Measurement level

Another assumption that would have to be met for the OLS model, is the fact that all variables must be measured at an interval or ratio level. However, the dependent variable has been transformed into a dichotomous variable, automatically implicating that the Ordinary Least Squares model is not appropriate anymore. Therefore, a binary logistic regression analysis will be carried out.

4.2.3 Sample size

A sufficient sample size is also an assumption that must be met to perform a regression analysis. The rule of thumb is that per independent variable, the multiple regression analysis requires at least 20 observations. As there are four independent variables (regional grouping, NGO involvement and democracy) and two control variables (development and action level scoring), a minimum of 120 observations is needed for both analyses. The first cycle has a sample of N = 135 and the second cycle has a sample of N = 156. This shows that the sample size assumption for both regression analyses has been met.

4.2.4 Multicollinearity

Multicollinearity occurs when the independent and control variables are significantly correlated with each other. A multiple regression analysis requires the absence of multicollinearity. Even though the OLS model will not be used anymore, the binary logistic regression analysis also requires the absence of multicollinearity. One way to identify any multicollinearity is by analyzing all correlations between the independent and control variables. The rule of thumb is that multicollinearity becomes a problem when a correlation between independent variables is more than .80 ($r > .80$) (Gujarati & Porter, 2008).

Table 5. Correlation matrix of all independent variables in the first cycle.

	NGO Reports	Democracy	Salience	Development	Action Level
NGO Reports	1				
N	*135*				
Democracy	**.14**	1			
N	*135*	*135*			
Salience	**-.21***	**-.34****	1		
N	*135*	*135*	*135*		
Development	**-.16**	**-.47****	**.51****	1	
N	*135*	*135*	*135*	*135*	
Action Level	**.17**	**.04**	**-.00**	**-.03**	1
N	*135*	*135*	*135*	*135*	*135*

**. Correlation is significant at the .01 level (2-tailed).

The correlations between all transformed independent and control variables in the first cycle can be found in Table 5. As can be observed, there are no correlations that exceed the limit of .80. Thus, the assumption of no multicollinearity in the first cycle is met.

Table 6. Correlation matrix of all independent variables in the second cycle.

	NGO Reports	Democracy	Salience	Development	Action Level
NGO Reports	1				
N	*156*				
Democracy	.02	1			
N	*156*	*156*			
Salience	.06	-.43**	1		
N	*156*	*156*	*156*		
Development	-.03	-.49**	.54**	1	
N	*156*	*156*	*156*	*156*	
Action Level	-.19*	.21**	-.23**	-.15	1
N	*156*	*156*	*156*	*156*	*156*

*. Correlation is significant at the .05 level (2-tailed).

**. Correlation is significant at the .01 level (2-tailed).

Table 6 shows the correlations between the transformed independent and control variables in the second cycle. Once again, the limit of .80 has not been exceeded and thus the assumption of multicollinearity is also met for the second cycle.

4.2.5 Homoscedasticity

Homoscedasticity of data is another assumption that must be met when conducting a multiple regression analysis. However, the fact that the dependent variable is now dichotomous has implications for this assumption: the data is heteroscedastic. But, as stated before, the OLS is not the appropriate model anymore because of this dichotomy in the dependent variable. Thus, the assumption of homoscedasticity is dropped and will not be tested for.

4.2.6 Linearity

As stated before, the dependent variable has been transformed into a dichotomous variable. This has resulted in a change in the model used to test the hypotheses: a binary logistic regression. However, linearity is not a mandatory assumption of the binary logistic regression. Thus, the assumption of linearity has been dropped and will not be tested for.

4.3 Model Selection

The transformation of the variables, including the dependent variable, has resulted in the fact that the OLS model is not an appropriate model to use in this analysis. In addition, the assumptions of the OLS model would not have been met. Thus, the binary logistic regression model is chosen as the appropriate model to be used to test the hypotheses.

The binary logistic regression model does have implications for interpreting the results of the analysis: the measurement of the effects is in relative values. It cannot predict the value of a dependent variable, but the probability of a value on the dependent variable, which is expressed in odds ratios. The odds ratio is the odds of a phenomenon happening compared to the odds of a phenomenon not happening. If the odds ratio has a value of < 1, then this means there is a negative relationship. If the odds ratio has a value of 1, this means there is no relationship at all. If the odds ratio has a value of > 1, then this means there is a positive relationship.

The binary logistic regression model does have several assumptions that must be met. These are: a) the dependent variable must be dichotomous; b) there cannot be any outliers in the data; c) there cannot be multicollinearity between the independent variables; d) the sample size needs to be large enough. Based on the information in section 4.1 and 4.2, these assumptions have been met.

4.4 Results

Two binary logistic analyses have been carried out: one for each cycle with the three independent variables and the two control variables. The results of both analyses can be found in Table 8 and Table 9. First, the odds ratio (OR) for all variables are reported in the table with the corresponding significance levels. The OR can be expressed in terms of percentages by subtracting 1 from the OR and multiply it by 100. In mathematical terms this can be described as follows:

$$(OR - 1) \times 100$$

4.4.1 Results of the first cycle

Table 7. Model results of the first cycle.

	Model 1	Model 2	Model 3	Model 4
Africa	**.04****	**.04****	**.07***	**.04****
	< .01	*< .01*	*.02*	*< .01*
Asia	**.16***	**.16***	**.29**	**.16**
	.01	*.02*	*.15*	*.10*
EEG	**.83**	**.84**	**1.11**	**.76**
	.81	*.83*	*.90*	*.77*
GRULAC	**.28**	**.29**	**.32**	**.17**
	.09	*.11*	*.15*	*.10*
NGO Reports		**.97**	**.96**	**.96**
		.79	*.72*	*.73*
Democracy			**.71***	**.72***
			.03	*.03*
Salience				**.40**
				.37
Development	**.92**	**.93**	**.84**	**.84**
	.67	*.72*	*.43*	*.45*
Action Level	**.74**	**.75**	**.72**	**.71**
	.29	*.33*	*.28*	*.25*
Constant	**20.11**	**17.77**	**92.85**	**182.72**
	.25	*.27*	*.12*	*.08*
Omnibus Test				
Model	**30.53*****	**30.61*****	**35.87*****	**36.70*****
	< .001	*<. 001*	*< .001*	*< .001*
Df	*6*	*7*	*8*	*9*
Block	**30.53*****	**.08**	**5.27***	**.83**
	< .001	*.78*	*.02*	*.36*
Df	*6*	*1*	*1*	*1*
Nagelkerke R^2	**.28**	**.28**	**.32**	**.32**
N	**135**	**135**	**135**	**135**

*. Significance at < .05.

**. Significance at < .01

***. Significance at < .001

Table 7 shows the model results for the binary logistic regression analysis that has been run for the first cycle. Table 5 and 6 showed there are significant strong correlations between some variables. Even though the assumption on multicollinearity was met, the decision was made to use a stepwise method to see which model can predict the variance in the dependent variable the best. The variables were added based on the order of the hypotheses and the control variables, development and action level, were added in all models. The first model consists of the regional group variable and the control variables. The regional group variable is a dummy and the WEOG group is chosen as the reference category. In the second model, the NGO involvement variable was added. In the third model, the democracy variable was added. In the fourth model, the politicization variable was added. The choice of selecting the best model is based on the significance of the variables and the change in chi-square of the Omnibus Test, which is known as 'Block' in the table. This statistic indicates whether adding the variable leads to a better model. A significant chi-square change entails that adding the variable results in a better model.

Based on the results of the several models, the third model is chosen as the best model to predict the variance in the dependent variable. The only added variable that is significant, is the democracy variable. Additionally, Africa significantly differs from WEOG in this model. The Nagelkerke R^2 is a pseudo-r^2 value that is used on logistic regression analyses to give an indication of how much of the model explains the variance in the dependent variable. Like the Omnibus Test model statistic, adding more variables automatically leads to more variance explained. Thus, it is logical that the Nagelkerke R^2 increases in each model. The Nagelkerke R^2 for the third model is .32, which means 32% of the variance in the dependent variable can be explained by this model.

In this model, from the four regional groups, only Africa differs significantly from WEOG. Specifically, Africa has a significant OR of .07 which means that African states are 93% less likely to accept more than half of the SOGI recommendations received in the first cycle compared to WEOG states. Previous studies have shown that African states are viewed as cultural relativist. Thus, cultural relativist groups of states are less likely to accept more than half of the SOGI recommendations received. This was expected and thus the first hypothesis is accepted for the first cycle.

The NGO involvement variable has a OR of .96, which means that an increase of an NGO report variable results in a 4% decrease in odds of accepting more than half of the SOGI recommendations that Member state has received in the first cycle. However, the variable is not significant in this model. In other words, there is an insignificant negative relationship

between NGO involvement and the acceptance rate of SOGI recommendations, which was not expected. The second hypothesis for the first cycle is rejected.

The democracy variable has a significant OR of .71 which indicates a negative relationship between democracy and the odds of accepting more than half of SOGI recommendations received. In other words, an increase in the democracy score, which is equal to a less free country, results in a 28% decrease in odds of accepting more than half of the SOGI recommendations received in the first cycle. These findings were expected and thus the third hypothesis for the first cycle is accepted.

The salience variable was not included in this model and thus no relationship can be established between salience and accepting SOGI recommendations. Thus, the fourth hypothesis for the first cycle is rejected.

The development variable has an OR of .84 but has been transformed. This means that an increase of the natural logarithm of one unit in this variable, which can be interpreted as a one percentage increase in GDP per capita because of the transformation, leads to a 16% decrease in odds of accepting more than half of the SOGI recommendations received in the first cycle. However, this variable is not significant in this model. Thus, there is an insignificant negative relationship between development and the acceptance rate of SOGI recommendations, which was not expected based on the previous research on this control variable.

The action level variable has an OR of .72 which means that an increase of one unit results in a 28% decrease in odds of accepting more than half of the SOGI recommendations received. In other words, the higher the action level and thus the specificity of a recommendations, the greater the odds of rejecting more than half of the SOGI recommendations in the first cycle. However, this variable is not significant either. Thus, there is an insignificant negative relationship between action level and the acceptance rate of SOGI recommendations. This was not expected as previous research on this control variable showed a significant negative relationship.

4.4.2 Results of the second cycle

Table 8. Model results of the second cycle.

	Model 1	Model 2	Model 3	Model 4
Africa	**.25**	**.30**	**.35**	**2.16**
	.17	*.24*	*.32*	*.58*
Asia	**.41**	**.46**	**.54**	**3.33**
	.22	*.29*	*.44*	*.32*
EEG	**3.23**	**3.52**	**3.81**	**18.31***
	.14	*.11*	*.10*	*.01*
GRULAC	**.86**	**.92**	**.96**	**2.45**
	.83	*.90*	*.96*	*.31*
NGO Reports		**1.15**	**1.16**	**1.21**
		.60	*.31*	*.20*
Democracy			**.90**	**.89**
			.46	*.40*
Salience				**9.44***
				.04
Development	**1.29**	**1.34**	**1.29**	**1.31**
	.24	*.18*	*.25*	*.24*
Action Level	**.35****	**.37***	**.38***	**.40***
	< .01	*01*	*.01*	*.02*
Constant	**9.13**	**4.25**	**6.07**	**.80**
	.40	*.60*	*.53*	*.94*
Omnibus Test				
Model	**45.92*****	**46.81*****	**47.37*****	**51.92*****
	< .001	*<. 001*	*< .001*	*< .001*
Df	*6*	*7*	*8*	*9*
Block	**45.92*****	**.90**	**.55**	**4.56***
	< .001	*.34*	*.46*	*.03*
Df	*6*	*1*	*1*	*1*
Nagelkerke R^2	**.35**	**.36**	**.36**	**.39**
N	**156**	**156**	**156**	**156**

*. Significance at < .05.

**. Significance at < .01

***. Significance at < .001

Table 8 shows the model results for the binary logistic regression analysis that has been run for the second cycle. Similarly, to the analysis of the first cycle, in the second cycle the choice was made to adding the variables via a stepwise method. The first model consists of the regional group variable and the control variables. In the second model, the NGO involvement variable was added to this. The democracy variable was added to this in the third model and in the fourth model the politicization variable was added.

Based on the results of the several models, the fourth model is chosen as well as the best model to predict the variance in the dependent variable. The salience and action level variables are both significant in this model. The Nagelkerke R^2 is .39, which means 39% of the variance in the dependent variable can be explained by this model.

In this model, from the four regional groups, only EEG differs significantly from WEOG. Specifically, EEG has an OR of 18.31 which means that it is 1731% more likely to accept SOGI recommendations than WEOG. As there is no significant difference between the cultural relativist groups of states and WEOG, the first hypothesis for the second cycle is rejected.

The NGO involvement variable has a OR of 1.21, which means that an increase of an NGO report variable results in a 21% increase in odds of accepting more than half of the SOGI recommendations that Member state has received in the second cycle. However, the variable is not significant in this model. These results were not expected. The second hypothesis for the second cycle is rejected.

The democracy variable has a OR of .89 which indicates a negative relationship between democracy and the odds of accepting more than half of SOGI recommendations received. In other words, an increase in the democracy score, which is a decrease in democracy because a higher score on this scale is equal to a lower freedom, results in a 11% decrease in odds of accepting more than half of the SOGI recommendations received in the second cycle. In addition, this variable is not significant in this model. These results were not expected. The third hypothesis for the second cycle is rejected.

The salience variable has a significant OR of 9.44 which indicates a positive relationship between salience and the odds of accepting more than half of SOGI recommendations received. Specifically, an increase in salience leads to an 844% increase in odds of accepting more than half of the SOGI recommendations received in the second cycle. These results were expected and thus the fourth hypothesis for the second cycle is accepted.

The development variable has an OR of 1.31 but has been transformed. This means that an increase of the natural logarithm of one unit in this variable, which can be interpreted as a

one percentage increase in GDP per capita because of the transformation, leads to a 31% increase in odds of accepting more than half of the SOGI recommendations received in the second cycle. However, this variable is not significant in this model. These results were not expected based on the previous research on this control variable.

The action level variable has a significant OR of .40 which means that an increase of one unit in action level results in a 60% decrease in odds of accepting more than half of the SOGI recommendations received. In other words, the higher the action level and thus the specificity of a recommendations, the greater the odds of rejecting more than half of the SOGI recommendations in the second cycle. These results are in line with previous research.

Based on the information above, it seems that there are differences between the first and second cycle of the UPR in terms of significant relationships. Regional grouping and democracy seem to be significant in the first cycle while salience and action level seem to be significant in the second cycle. Naturally, all relationships differ from each other in terms of strength and direction.

In addition, a test for robustness has been carried out as well. Specifically, an ordinal logistic regression has been used to test for robustness. Aware of the fact that the transformation from a continuous variable to a dichotomous variable is a severe transformation, the original continuous variable was also transformed to an ordinal variable. Values from 0 to .25 received a value of .25, .26 to .50 a value of .50, .51 to.75 a value of .75 and .76 to 1 a value of 1. All variables were included in the analysis. The results of both ordinal logistic regression analyses were similar to the results of the binary logistic regression analyses: only Africa significantly differed from WEOG and democracy was the only significant variable in the first cycle while in the second cycle EEG differed significantly from WEOG and the salience and action level variable were significant.

4.5 Summary of Results

Based on the results of both analysis, some conclusions can be drawn. For the first cycle, it is apparent Africa is significantly less likely to accept SOGI recommendations compared to WEOG. Additionally, democratic countries are more likely to accept SOGI recommendations. The remaining independent variables did not have a significant relationship with the acceptance rate of SOGI recommendations. This was not expected and thus the second and fourth hypothesis for the first cycle are rejected. Development and action level did not seem to have a significant relationship.

For the second cycle, the findings show a significant positive relationship between salience and accepting SOGI recommendations, as was expected. This means that countries are more likely to accept SOGI recommendations if the recommendation is given from a country of their own regional group. Additionally, a significant negative relationship was found between action level scores and accepting SOGI recommendations, which was expected. In other words, the more specific a recommendation, the less likely a country is to accept the recommendation. For the cultural relativism, NGO involvement, democracy and development variable, no significant relationships were found. Thus, the first, second and third hypotheses are rejected. The fourth hypothesis is accepted. Additionally, the findings are not in correspondence with the expectations about development. Only the expectations about action level were confirmed.

5. Conclusion

This chapter answers the sub-questions and the central research question based on the findings of the previous chapters. Additionally, this chapter also provides an overview of the limitations of this thesis. Then suggestions for future research are made, partly based on the limitations in the previous section. The chapter concludes with several policy implications based on the findings.

5.1 Sub-questions and Central Research question

In the first chapter of this thesis, several sub-questions were formulated to help answer the central research question. The first sub-question was about what progress has been made in the UN regarding LGBTI rights. As was detailed upon in the second chapter, there has been a lot of progress regarding LGBTI rights. These rights were first mentioned at the 1995 Beijing Platform for Action at the fourth World Conference on Women ("*Resolution on Sexual Orientation and Human Rights"*, n.d.). Through the years, several events occurred such as Member States providing joint statements at the UN with the aim to improve LGBTI rights (Permanent Mission of Norway, 2006; "*Joint statement on human rights, sexual orientation and gender identity*", 2008). In addition, the Security Council also made a statement on LGBTI rights after the events of the shooting at the night club Pulse in Orlando, Florida (Sarai, 2016). The HRC made efforts to improve LGBTI rights by ordering the submission of reports on violence and discrimination against LGBTI persons (United Nations Human Rights Council, 2011). At another HRC meeting, an Independent Expert on the protection of LGBTI rights was appointed. This Expert provided two reports before stepping down due to personal circumstances (United Nations Human Rights Council, 2016).

The second sub-question concerned what evidence there is on the factors that explain the effectiveness of UN human rights treaties. Studies have shown that countries do ratify and comply with human rights treaties. However, there are factors that interact with ratification and compliance. Democratic countries seem to ratify and comply with treaties more than non-democratic countries (Landman, 2008). In addition, domestic actors such as civil society seem to positively influence the effectiveness of human rights treaties (Hafner-Burton, 2013; Krommendijk, 2015). Furthermore, norms are related to treaty ratification as well in terms of that states seem to commit themselves to treaties because they find regional and global norms important (Goodliffe & Hawkins, 2006).

The third sub-question regarded what evidence there is on the factors that explain the effectiveness of the UPR. Several studies have been conducted that analyzed the UPR and its effectiveness. First, cultural relativism has a strong relationship with the effectiveness of the UPR in terms of that cultural relativist countries are not always as open to accept recommendations as universalist countries (Hoad, 2007; Abebe, 2009; McMahon, 2010; Smith, 2011, Cowell & Milan, 2012; McMahon & Ascherio, 2012; Carroll, 2013; Murphy, 2013; Rathgeber, 2013; Schlanbusch, 2013; Carraro, 2017; Patel, 2017). Second, NGO involvement also has relationship in the UPR process and its effectiveness. Studies have shown that NGOs play a positive role in accepting and implementing recommendations (Moss, 2010; Rathgeber, 2013; McGaughey, 2017) Third, development has a positive relationship with successfully implementing accepted recommendations (Frazier, 2011). Fourth, politicization also played a role in the UPR. Specifically, countries that have an alliance with each other praise each other on accomplishments instead of focusing on situations that need to be improved. In addition, Member States that have alliances with each other and criticize each other, are more likely to listen and change the situation. (Matiya, 2010; Carraro, 2017; Voeten & Terman, 2018).

The fourth sub-question was about which factors are expected to have an influence on the effectiveness of the UPR. Specifically, the sub-question was in terms of which factors were expected to have an influence in this thesis. Based on the empirical evidence, cultural relativism, NGO involvement, politicization and democracy were expected to have an influence. In addition, development and action level categories were identified as control variables.

The fifth sub-question focused on how the variables are operationalized in the research. The dependent variable was operationalized in terms of the acceptance rate of SOGI recommendations. The data of this variable was obtained from the organization UPR Info. The independent variables were cultural relativism, NGO involvement, politicization and democracy. Cultural relativism was operationalized in terms of the regional grouping in the HRC. NGO involvement was operationalized in terms of the amount of reports NGOs submitted before the review of a Member State. This data was also obtained from UPR Info. Politicization was operationalized in terms of the proportion of all received SOGI recommendations from a Member State of the same regional group. Democracy was operationalized in terms of freedom rating based on the data of the Freedom House. In addition, two control variables were included: development and action level categories. The former was operationalized in terms of GDP per capita, obtained via the World Development Indicator.

The latter was operationalized in terms of the average action level score per Member State. This data was obtained from UPR Info as well.

The sixth sub-question concerned what the outcomes of the analysis in this thesis are. A cross-sectional design was chosen as the research design to carry out the analysis. A multiple regression analysis seemed inappropriate due to a dichotomous dependent variable. Thus, a binary logistic regression was chosen as the most appropriate method. The findings showed that in the first cycle, only the first hypothesis was accepted. The second, third and fourth hypothesis were all rejected Additionally, the expectations about the control variables were not met as well. The findings of the second cycle only confirmed the hypothesis on cultural relativism as well. The other three hypotheses were rejected. Furthermore, only the expectation about the action level scores was met. The expectation about development was not met.

Based on the answers of all sub-questions and the results of the quantitative analysis, the thesis aims to answer the central research question:

Which factors influence the effectiveness of the Universal Periodic Review regarding LGBTI rights?

The findings of the analyses show that there are differences between the first and second cycle regarding what factors influence the effectiveness of the UPR regarding LGBTI rights. Specifically, cultural relativism and democracy were the only two factors that influenced the effectiveness in the first cycle. NGO involvement and salience were factors that did not have an influence. Additionally, action level and development played no role in the first cycle.

In the second cycle, only salience had an influence on the effectiveness of the UPR. Cultural relativism, NGO involvement and democracy did not play a role. Additionally, action level scoring only had an influence in the second cycle while development did not. Furthermore, EEG was significantly more likely to accept SOGI recommendations that WEOG. This could be caused by the fact that EEG countries received more recommendations than WEOG countries and were more likely to accept these recommendations.

No significant relationship was found between cultural relativism and UPR effectiveness in the second cycle. A possible explanation for this phenomenon could be that the relationship established in the first cycle disappeared in the second cycle due to a bigger sample size because more Member States received recommendations.

As stated, no significant relationship was found between NGO involvement and UPR effectiveness in both cycles. One possible explanation might be the fact that for a lot of Member

States no official LGBTI NGOs or NGOs discussing LGBTI issues submitted a report which resulted in no NGO reports at all regarding SOGI recommendations. This could be caused by the fact that the process of submitting reports is not as simple as one would think. NGOs must meet requirements before their report is admissible, such as formatting and the number of words. In addition, in some cases priority was given to NGOs with UN Economic and Social Council (ECOSOC) status even though this was not a hard requirement for a report to be submitted. Additionally, some contributions of NGOs may have been excluded from the process if they were not written in UN language (McGaughey, 2017).

Democracy also did not have an influence on the UPR effectiveness regarding LGBTI rights in the second cycle. One explanation for the lack of influence in the second cycle could be caused by that non-democratic countries might have accepted more SOGI recommendations than in the first cycle.

Salience had no influence on the UPR effectiveness in the first cycle while it did in the second cycle. A possible explanation for this could be that in the first cycle Member States of the same regional group did not give each other as much recommendations as they did in the second cycle. Not receiving recommendations from the same group automatically led to a score of zero on the salience variable.

Contrary to the expectations based on previous research, development did not have a significant relationship with UPR effectiveness in relation to LGBTI rights. An explanation for this could be the fact that the studies that researched this, examined recommendations in general. SOGI recommendations are only a small part of the total of accepted UPR recommendations. The pre-established relationship might be due to non-SOGI recommendations.

A possible explanation for the difference in action level scoring might come from the fact that the second cycle had much more recommendations than the first cycle which resulted in a bigger sample in the second cycle. A bigger sample size leads to more variance in a variable which could be the reason why the relationship in the first cycle is not significant while it is significant in the second cycle.

5.2 Limitations

As no research can be carried out perfectly, this thesis has some limitations. The first and perhaps most important limitation is the definition of UPR effectiveness in this thesis. Although sound arguments have been made why the acceptance of recommendations reflects

effectiveness, it is not effective in terms of human rights improvement. The goal of the UPR is to improve the human rights situation in countries and this can only be achieved if Member State implement the recommendations they have received. In relation to this, the acceptance of recommendations can be a ritualistic act of Member States. Ritualism in the context of the UPR is simply accepting recommendations with having no intention to implement them or improve the human rights situation. In the field of human rights, rights ritualism is seen more than the outright rejection of human rights standards and institutions. It is a way to embrace the language of human rights exactly to deflect actual human rights scrutiny and to avoid being held accountable for the abuse of human rights. States do participate in the process of reports and attending meetings but are indifferent to increasing the protection of human rights (Charlesworth & Larking, 2015).

The second limitation in this thesis was the operationalization of NGO involvement. As stated in the third chapter, NGO involvement was operationalized in terms of the number of submitted reports per review session. All NGOs that officially focused on LGBTI rights and all NGOs discussing LGBTI issues were included in this operationalization. However, as this is only a quantitative measure, the quality of these NGOs was not examined. There might be countries that only had a few reports of large NGOs while other counties might have had a lot of reports from very small NGOs. The size of an NGO and subsequently its power and resources also play a role in whether it can lobby for equal rights in Member States.

5.3 Future Research

Some suggestions for future research can be made based on the findings. First, based on the limitation of the definition of UPR effectiveness, future research should focus on UPR effectiveness in terms of the implementation of SOGI recommendations. Second, it would be interesting to carry out a qualitative study while focusing on SOGI recommendations. Each recommendation is different and even though differences between these recommendations were acknowledged in terms of action level scores, it would be interesting to analyze the content of each SOGI recommendation. For example, one recommendation made by Bangladesh was about LGBTI rights but it stated that the criminalization of LGBTI people should be continued. Even though this is counted as a SOGI recommendation, it is clearly a recommendation that is not in line with equal rights. Thus, examining the content of SOGI recommendations might give more insight. Third, development did have no significant relationship at all in both cycles even though previous studies have identified such a

relationship. It would be interesting to analyze this more in-depth and look at more dimensions of development in relation to LGBTI rights.

5.4 Policy Implications

The findings of this thesis also have several policy implications. First, even though it only played a significant role in the first cycle, it is apparent that cultural relativism plays a role in relation to SOGI recommendations based on this research and previous studies. Thus, it is important to include this in future policies and efforts to improve LGBTI rights. It is believed that striving for cultural legitimacy of human rights is the aim between these two views on human rights. Cultural legitimacy is the notion that human rights norms are more likely to receive authority and support by members of a culture, if these norms are believed to be approved by the existing norms of that culture and benefit the members of the culture. An-Na'im (1990) constructed a two-step approach to implement human rights norms across cultures. The first step is to start a 'conversation' with the people of a cultural relativist culture about the human rights situation in their country and the extent of whether it is in line with international human rights norms. By doing so, individuals within the culture are stimulated to bring about change. The second step is for different cultures to engage in a 'conversation' with each other to agree to define and implement human rights at all levels. Being aware of this role of cultural relativism and the strategy of improving and implementing human rights norms across cultures might result in improvements in LGBTI rights.

Second, some previous studies have shown that countries with a cultural relativist position see LGBTI rights as something 'Western'. The findings of this thesis show a relationship between cultural relativism and LGBTI rights. Policies might focus on the aspect of cultural relativist countries viewing LGBTI rights as Western. The solution to improving LGBTI rights could lie in the language that is used. Homosexuality, transgenderism and intersex characteristics are seen as Western things, as stated. Many non-Western cultures oppose Western norms and values purely because it is Western. This applies to LGBTI rights as well: they are opposed because they view them as Western rights. However, reformulating LGBTI to SOGI might lead to a better situation. Specifically, the Yogyakarta Principles (2006) define LGBTI rights not in terms of identity but in terms of status. These rights are defined as Sexual Orientation and Gender Identity (SOGI) rights, which could be seen as a categorical description. In other words, homosexuality, transgenderism and intersex characteristics are examples of sexual orientation and gender identity like heterosexuality and cis-genderism

(having a matching gender identity and sexual characteristic) are examples of that as well. If policies would focus on no violence and discrimination based on SOGI then LGBTI rights would be improved without it being opposed because of it being Western. Thus, changing the language could be a step in the right direction.

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Appendix I – List of HRC Regional Groups

Africa Group

Algeria

Angola

Benin

Botswana

Burkina Faso

Burundi

Cabo Verde

Cameroon

Central African Republic

Chad

Comoros

Congo

Côte d'Ivoire

Democratic Republic of the Congo

Djibouti

Egypt

Equatorial Guinea

Eritrea

Ethiopia

Gabon

Gambia

Ghana

Guinea

Guinea-Bissau

Kenya

Lesotho

Liberia

Libya

Madagascar

Malawi

Mali

Mauritania

Mauritius

Morocco

Mozambique

Namibia

Niger

Nigeria

Rwanda

São Tomé and Príncipe

Senegal

Seychelles

Sierra Leone

Somalia

South Africa

South Sudan

Sudan

Swaziland

Togo

Tunisia

Uganda

United Republic of Tanzania

Zambia

Zimbabwe

Asia Group

Afghanistan	Myanmar
Bahrain	Nauru
Bangladesh	Nepal
Bhutan	Oman
Brunei Darussalam	Pakistan
Cambodia	Palau
China	Papua New Guinea
Cyprus	Philippines
Democratic People's Republic of Korea	Qatar
Fiji	Republic of Korea
India	Samoa
Indonesia	Saudi Arabia
Islamic Republic of Iran	Singapore
Iraq	Solomon Islands
Japan	Sri Lanka
Joran	Syrian Arab Republic
Kazakhstan	Tajikistan
Kiribati	Thailand
Kuwait	Timor-Leste
Kyrgyzstan	Tonga
Lao People's Republic	Turkmenistan
Lebanon	Tuvalu
Malaysia	United Arab Emirates
Maldives	Uzbekistan
Marshall Islands	Vanuatu
Federates States of Micronesia	Vietnam
Mongolia	Yemen

Latin American and Caribbean Group (GRULAC)

Antigua and Barbuda	Guyana
Argentina	Haiti
Bahamas	Honduras
Barbados	Jamaica
Belize	Mexico
Plurinational State of Bolivia	Nicaragua
Brazil	Panama
Chile	Paraguay
Colombia	Peru
Costa Rica	St. Kitts and Nevis
Cuba	St. Lucia
Dominica	St. Vincent and the Grenadines
Dominican Republic	Suriname
Ecuador	Trinidad and Tobago
El Salvador	Uruguay
Grenada	Bolivarian Republic of Venezuela
Guatemala	

Eastern European Group (EEG)

Albania	Lithuania
Armenia	Montenegro
Azerbaijan	Poland
Belarus	Republic of Moldova
Bosnia and Herzegovina	Romania
Bulgaria	Russian Federation
Croatia	Serbia
Czech Republic	Slovakia
Estonia	Slovenia
Georgia	Ukraine
Hungary	Y.R. Macedonia
Latvia	

Western European and Others Group (WEOG)

Andorra	Luxembourg
Australia	Malta
Austria	Monaco
Belgium	Netherlands
Canada	New Zealand
Denmark	Norway
Finland	Portugal
France	San Marino
Germany	Spain
Greece	Sweden
Iceland	Switzerland
Ireland	Turkey
Israel	United Kingdom
Italy	United States of America
Liechtenstein	

Appendix II – Normal Distributions

Cycle 1
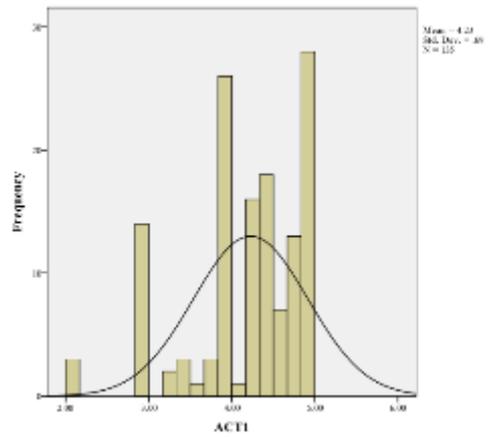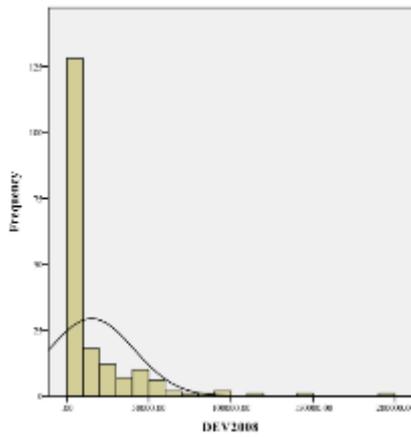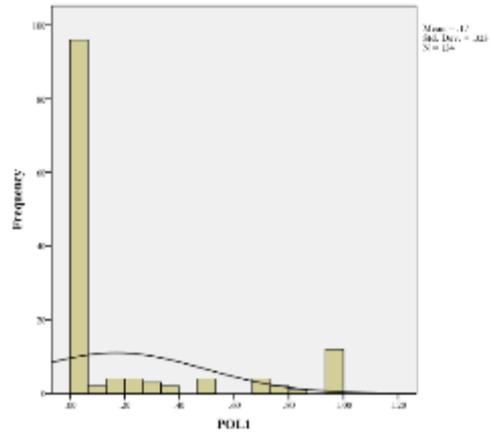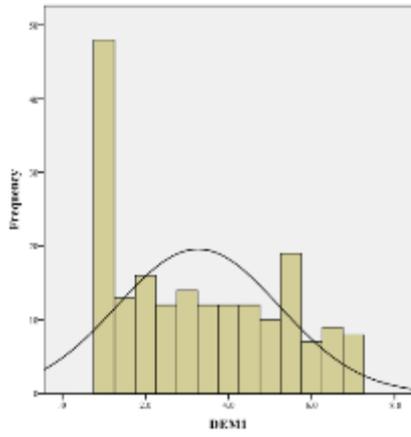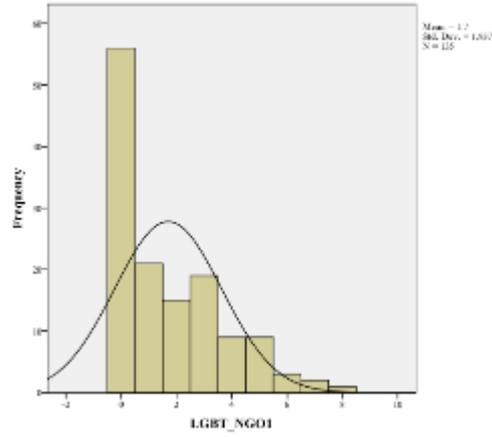
Cycle 2
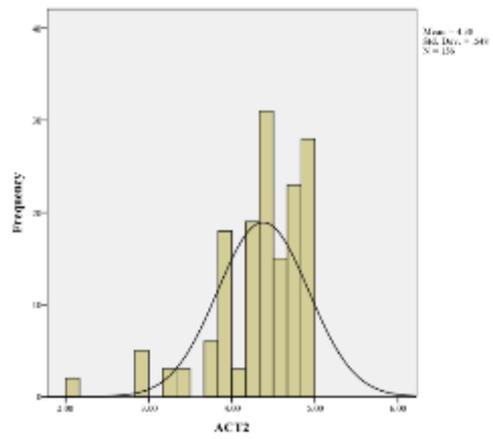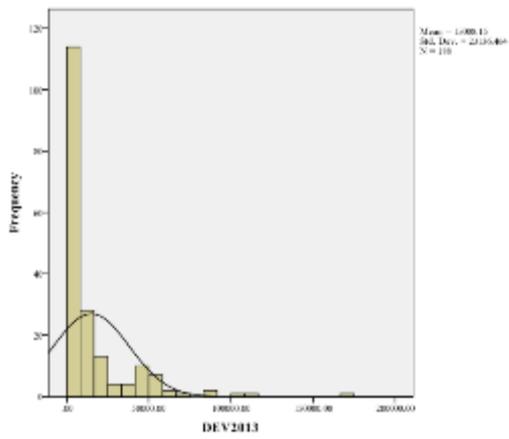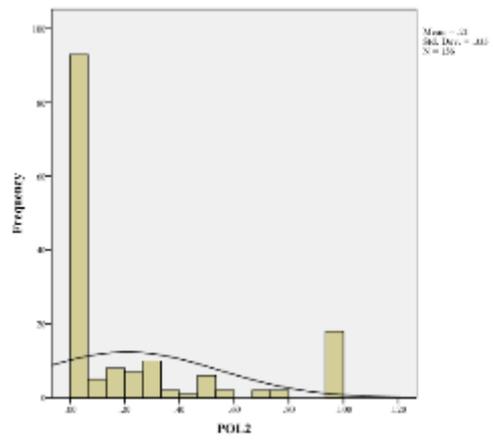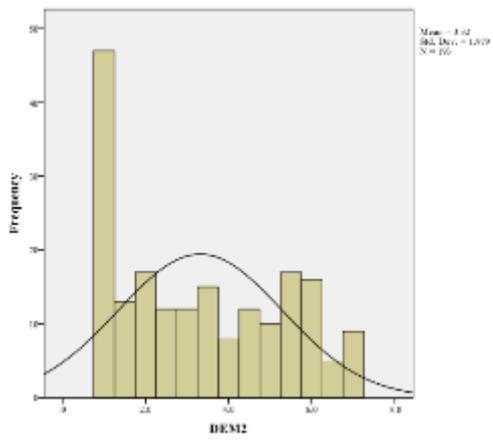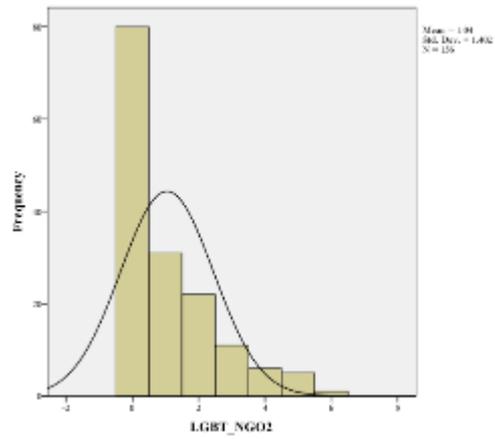
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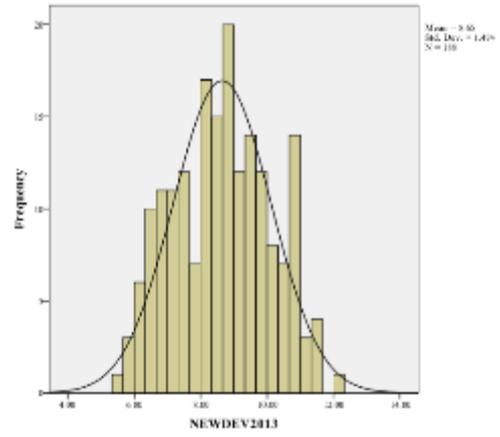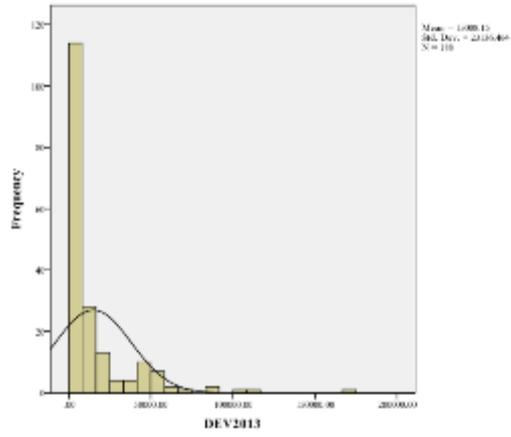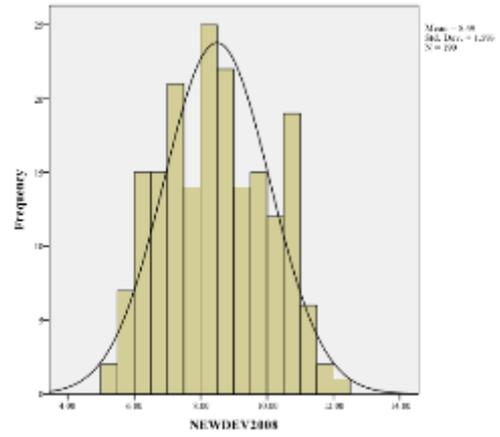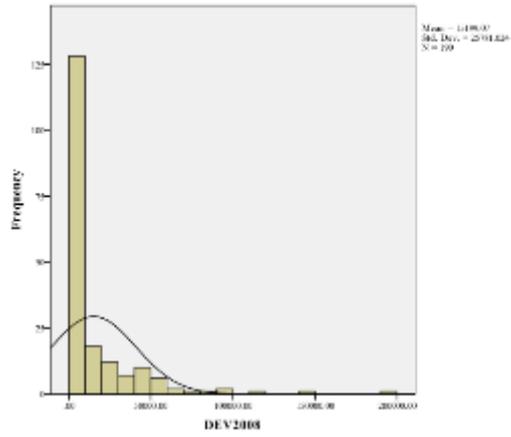
Appendix III – Results First Cycle

Model 1

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1	Regional Grouping			15.298	4	.004	
	RegionalGrouping(1)	-3.211	1.045	9.444	1	.002	.040
	RegionalGrouping(2)	-1.867	.763	5.986	1	.014	.155
	RegionalGrouping(3)	-.185	.771	.058	1	.810	.831
	RegionalGrouping(4)	-1.289	.759	2.880	1	.090	.276
	NEWDEV2008	-.080	.203	.155	1	.665	.921
	ACT1	-.303	.287	1.118	1	.301	.746
	Constant	3.001	2.593	1.340	1	.692	.492

Classification Table[a]

			Predicted		Percentage
			NEWRATE1		Correct
	Observed		.00	1.00	
Step 1	NEWRATE1	.00	67	14	82.7
		1.00	22	31	58.5
	Overall Percentage				73.1

a. The cut value is .500

Hosmer and Lemeshow Test

Step	Chi-square	df	Sig.
1	4.912	8	.767

Model Summary

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	149.338[a]	.204	.276

a. Estimation terminated at iteration number 4 because parameter estimates changed by less than .001.

Omnibus Tests of Model Coefficients

		Chi-square	df	Sig.
Step 1	Step	30.531	3	.000
	Block	30.531	3	.000
	Model	30.531	3	.000

Model 2

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1	Regional Grouping			13.335	4	.010	
	RegionalGrouping(1)	-3.136	1.076	8.491	1	.004	.043
	RegionalGrouping(2)	-1.807	.793	5.191	1	.023	.164
	RegionalGrouping(3)	-.169	.773	.048	1	.827	.844
	RegionalGrouping(4)	-1.249	.772	2.618	1	.106	.287
	NEWDEV2008	-.072	.205	.125	1	.724	.930
	ACT1	-.287	.292	.967	1	.325	.750
	LGBTI_NGO1	-.032	.119	.074	1	.785	.968
	Constant	2.877	2.630	1.197	1	.274	17.765

Classification Table[a]

			Predicted		Percentage Correct
			NEWRATE1		
	Observed		.00	1.00	
Step 1	NEWRATE1	.00	68	13	84.0
		1.00	22	31	58.5
	Overall Percentage				73.9

a. The cut value is .500

Hosmer and Lemeshow Test

Step	Chi-square	df	Sig.
1	5.516	8	.701

Model Summary

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	149.263[a]	.204	.276

a. Estimation terminated at iteration number 4 because parameter estimates changed by less than .001.

Omnibus Tests of Model Coefficients

		Chi-square	df	Sig.
Step 1	Step	.075	1	.784
	Block	.075	1	.784
	Model	30.606	7	.000

Model 3

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1	Regional Grouping			9.941	4	.041	
	RegionalGrouping(1)	-2.659	1.116	5.678	1	.017	.070
	RegionalGrouping(2)	-1.231	.855	2.074	1	.150	.292
	RegionalGrouping(3)	.102	.803	.016	1	.898	1.108
	RegionalGrouping(4)	-1.134	.788	2.071	1	.150	.322
	NEWDEV2008	-.174	.223	.611	1	.434	.840
	ACT1	-.325	.298	1.191	1	.275	.723
	LGBTI_NGO1	-.045	.123	.132	1	.716	.956
	DEM1	-.344	.156	3.869	1	.027	.709
	Constant	4.531	2.878	2.479	1	.115	92.852

Classification Table[a]

			Predicted		
			NEWRATE1		Percentage Correct
	Observed		.00	1.00	
Step 1	NEWRATE1	.00	65	16	80.2
		1.00	22	31	58.5
	Overall Percentage				71.6

a. The cut value is .500

Hosmer and Lemeshow Test

Step	Chi-square	df	Sig.
1	17.777	8	.023

Model Summary

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	143.997[a]	.235	.318

a. Estimation terminated at iteration number 5 because parameter estimates changed by less than .001.

Omnibus Tests of Model Coefficients

		Chi-square	df	Sig.
Step 1	Step	5.266	1	.022
	Block	5.266	1	.022
	Model	35.872	8	.000

Model 4

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1	Regional Grouping			10.202	4	.037	
	RegionalGrouping(1)	-3.362	1.383	5.915	1	.015	.035
	RegionalGrouping(2)	-1.929	1.176	2.690	1	.101	.145
	RegionalGrouping(3)	-.269	.915	.086	1	.769	.764
	RegionalGrouping(4)	-1.770	1.083	2.668	1	.102	.170
	NEWDEV2008	-.170	.222	.584	1	.445	.844
	ACT1	-.337	.296	1.299	1	.254	.714
	LGBTI_NGO1	-.044	.123	.125	1	.723	.957
	DEM1	-.331	.156	4.489	1	.034	.718
	POL1	-.921	1.031	.799	1	.372	.398
	Constant	5.208	2.982	3.049	1	.081	182.720

Classification Table[a]

			Predicted		Percentage Correct
			NEWRATE1		
	Observed		.00	1.00	
Step 1	NEWRATE1	.00	65	16	80/2
		1.00	23	30	56.6
	Overall Percentage				70.9

a. The cut value is .500

Hosmer and Lemeshow Test

Step	Chi-square	df	Sig.
1	8.865	8	.354

Model Summary

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	143.165[a]	.240	.324

a. Estimation terminated at iteration number 5 because parameter estimates changed by less than .001.

Omnibus Tests of Model Coefficients

		Chi-square	df	Sig.
Step 1	Step	.832	1	.362
	Block	.832	1	.362
	Model	36.704	9	.000

Ordinal Logistic Regression Cycle 1

Model Fitting Information

Model	-2 Log Likelihood	Chi-Square	df	Sig.
Intercept Only	284.350			
Final	246.390	37.960	9	.000

Link function: Logit

Goodness-of-Fit

	Chi-Square	df	Sig.
Pearson	388.081	390	.518
Deviance	246.390	390	1.000

Link function: Logit

Pseudo R-square

Cox and Snell	.247
Nagelkerke	.280
McFadden	.133

Link function: Logit

Parameter Estimates

		Estimate	Std. Error	Wald	df	Sig.	95% Confidence Interval Lower Bound	95% Confidence Interval Upper Bound
Threshold	[ORDRATE1 = .25]	-4.387	2.597	2.853	1	.091	-9.477	.704
	[ORDRATE1 = .50]	-3.862	2.591	2.222	1	.136	-8.939	1.216
	[ORDRATE1 = .75]	-3.660	2.588	2.000	1	.157	-8.733	1.413
Location	LGBT_NGO1	-.111	.109	1.048	1	.306	-.324	.102
	Democracy2008	-.249	.133	3.512	1	.061	-.510	.011
	POL1	-.542	.931	.339	1	.561	-2.367	1.284
	NEWDEV2008	-.064	.190	.113	1	.737	-.435	.308
	ActionLevelCycle1	-.312	.266	1.371	1	.242	-.833	.210
	[RegionalGrouping=Africa]	-2.850	1.219	5.466	1	.019	-5.239	-.461
	[RegionalGrouping=Asia]	-1.814	1.064	2.905	1	.088	-3.901	.272
	[RegionalGrouping=EEG]	-.790	.832	.902	1	.342	-2.419	.840
	[RegionalGrouping=GRULAC]	-1.508	.986	2.341	1	.126	-3.440	.424
	[RegionalGrouping=WEOG]	0			0			

Link function: Logit

Appendix IV – Results Second Cycle

Model 1

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1	Regional Grouping			13.291	4	.010	
	RegionalGrouping(1)	-1.372	1.010	1.846	1	.174	.254
	RegionalGrouping(2)	-.905	.742	1.488	1	.222	.405
	RegionalGrouping(3)	1.71	.787	2.213	1	.137	3.227
	RegionalGrouping(4)	-.156	.720	.047	1	.828	.855
	NEWDEV2012	.254	.214	1.410	1	.235	1.289
	ACT2	-1.048	.390	7.229	1	.007	.351
	Constant	2.211	2.639	.702	1	.402	9.128

Classification Table[a]

			Predicted		Percentage Correct
			NEWRATE2		
	Observed		.00	1.00	
Step 1	NEWRATE2	.00	79	15	84.0
		1.00	25	35	58.3
	Overall Percentage				74.0

a. The cut value is .500

Hosmer and Lemeshow Test

Step	Chi-square	df	Sig.
1	4.741	8	.785

Model Summary

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	160.002[a]	.258	.350

b. Estimation terminated at iteration number 4 because parameter estimates changed by less than .001.

Omnibus Tests of Model Coefficients

		Chi-square	df	Sig.
Step 1	Step	45.918	6	.000
	Block	45.918	6	.000
	Model	45.918	6	.000

Model 2

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1	Regional Grouping			12.654	4	.013	
	RegionalGrouping(1)	-1.209	1.025	1.391	1	.238	.299
	RegionalGrouping(2)	-788	.751	1.102	1	.294	.455
	RegionalGrouping(3)	1.257	.796	2.496	1	.114	3.515
	RegionalGrouping(4)	-0.88	.725	.015	1	.903	.916
	NEWDEV2012	.291	.219	.1.776	1	.183	1.338
	ACT2	-1.005	.394	6.510	1	.011	.366
	LGBTI_NGO2	.137	.144	.902	1	.342	1.147
	Constant	1.448	2.776	.272	1	.602	4.254

Classification Table[a]

			Predicted		Percentage Correct
			NEWRATE2		
	Observed		.00	1.00	
Step 1	NEWRATE2	.00	78	16	83.0
		1.00	24	36	60.0
	Overall Percentage				74.0

a. The cut value is .500

Hosmer and Lemeshow Test

Step	Chi-square	df	Sig.
1	8.124	8	.421

Model Summary

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	159.106[a]	.262	.355

a. Estimation terminated at iteration number 4 because parameter estimates changed by less than .001.

Omnibus Tests of Model Coefficients

		Chi-square	df	Sig.
Step 1	Step	.896	1	.344
	Block	.896	1	.344
	Model	46.814	7	.000

Model 3

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1	Regional Grouping			11.401	4	.022	
	RegionalGrouping(1)	-1.051	1.052	.999	1	.318	.439
	RegionalGrouping(2)	-.614	.792	.601	1	.438	.541
	RegionalGrouping(3)	1.339	.809	2.739	1	.098	3.813
	RegionalGrouping(4)	-.041	.730	.003	1	.955	.959
	NEWDEV2012	.257	.226	1.299	1	.254	1294
	ACT2	-.977	.393	6.163	1	.013	.377
	LGBTI_NGO2	.149	.145	1.040	1	.306	1.160
	DEM2	-.101	.136	.551	1	.458	.904
	Constant	1.804	2.836	.404	1	.525	6.073

Classification Table[a]

			Predicted		
			NEWRATE2		Percentage Correct
	Observed		.00	1.00	
Step 1	NEWRATE2	.00	77	17	81.9
		1.00	24	36	60.0
	Overall Percentage				73.

a. The cut value is .500

Hosmer and Lemeshow Test

Step	Chi-square	df	Sig.
1	3.015	8	.933

Model Summary

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	158.552[a]	265	.359

a. Estimation terminated at iteration number 4 because parameter estimates changed by less than .001.

Omnibus Tests of Model Coefficients

		Chi-square	df	Sig.
Step 1	Step	.554	1	.457
	Block	.554	1	.457
	Model	47.368	8	.000

Model 4

Variables in the Equation

		B	S.E.	Wald	df	Sig.	Exp(B)
Step 1	Regional Grouping			13.509	4	.009	
	RegionalGrouping(1)	.771	1.398	.304	1	.581	2.161
	RegionalGrouping(2)	1.202	1.208	.990	1	.320	3.326
	RegionalGrouping(3)	2.907	1.136	6.551	1	.010	18.311
	RegionalGrouping(4)	.897	.888	1.019	1	.313	2.451
	NEWDEV2012	.268	.227	1.389	1	.239	1.307
	ACT2	-.945	.411	5.290	1	.021	.389
	LGBTI_NGO2	.189	.147	1.645	1	.200	1.208
	DEM2	-.116	.138	.709	1	.400	.890
	POL2	2.245	1.105	4.125	1	.042	9.436
	Constant	-.224	3.059	.005	1	.942	.799

Classification Table[a]

			Predicted		
			NEWRATE2		Percentage Correct
	Observed		.00	1.00	
Step 1	NEWRATE2	.00	79	15	84.0
		1.00	22	38	63.3
	Overall Percentage				76.0

a. The cut value is .500

Hosmer and Lemeshow Test

Step	Chi-square	df	Sig.
1	3.130	8	.926

Model Summary

Step	-2 Log likelihood	Cox & Snell R Square	Nagelkerke R Square
1	153.997[a]	.286	.388

b. Estimation terminated at iteration number 4 because parameter estimates changed by less than .001.

Omnibus Tests of Model Coefficients

		Chi-square	df	Sig.
Step 1	Step	4.555	1	.033
	Block	4.555	1	.033
	Model	51.923	9	.000

Ordinal Logistic Regression Cycle 2

Model Fitting Information

Model	-2 Log Likelihood	Chi-Square	df	Sig.
Intercept Only	343.776			
Final	273.144	70.631	9	.000

Link function: Logit

Goodness-of-Fit

	Chi-Square	df	Sig.
Pearson	476.893	450	.184
Deviance	273.144	450	1.000

Link function: Logit

Pseudo R-square

Cox and Snell	.368
Nagelkerke	.412
McFadden	.205

Link function: Logit

Parameter Estimates

		Estimate	Std. Error	Wald	df	Sig.	95% Confidence Interval Lower Bound	Upper Bound
Threshold	[ORDRATE2 = .25]	-.840	2.703	.097	1	.756	-6.139	4.458
	[ORDRATE2 = .50]	-.076	2.702	.001	1	.978	-5.373	5.220
	[ORDRATE2 = .75]	.205	2.702	.006	1	.939	-5.091	5.502
Location	LGBT_NGO2	.153	.132	1.338	1	.247	-.106	.412
	Democracy2012	-.109	.121	.822	1	.365	-.346	.127
	POL2	2.258	.992	5.176	1	.023	.313	4.203
	NEWDEV2012	.214	.198	1.166	1	.280	-.175	.603
	ActionLevelCycle2	-.895	.366	5.975	1	.015	-1.612	-.177
	[RegionalGrouping=Africa]	.214	1.237	.030	1	.863	-2.210	2.637
	[RegionalGrouping=Asia]	1.039	1.071	.940	1	.332	-1.061	3.138
	[RegionalGrouping=EEG]	3.008	1.024	8.627	1	.003	1.001	5.016
	[RegionalGrouping=GRULAC]	970	.794	1.149	1	.222	-.587	2.256
	[RegionalGrouping=WEOG]	0			0			

Link function: Logit