

# GLOBAL PERSPECTIVES OF AFRICA: HARNESSING THE UNIVERSAL PERIODIC REVIEW TO PROCESS SEXUAL AND GENDER- BASED VIOLENCE IN SADC MEMBER STATES

DT Vollmer  
BA (Denver) LLB LLD (Stellenbosch)  
Associate, Resilient LLP, Ontario  
SC Vollmer  
BEng (McMaster) MSc (UOIT)  
PhD student and CGS-D researcher (York University, Canada)

---

---

## Abstract

*This article examines the responsiveness of the African human rights system to sexual and gender-based violence (“SGBV”) from a collaborative framework combining both legal and computational methodologies. This alternative lens is proposed to address the need for urgent attention to the increasing SGBV and other human rights violations of persons based on their real or perceived sexual orientation, gender identity and expressions, and/or sex characteristics (“SOGIESC”), as current research has not yet fully understood the reasons for the enduring gap between the norms and their implementation. Primarily, the focus of this research provides an intersection of the (un)responsiveness of the African human rights system to SGBV and the (in)adequacy of state responses to SGBV, including laws and practices that exacerbate SGBV, with a focus on the Southern African Development Community (“SADC”).*

*The Universal Periodic Review (“UPR”), under the auspices of the United Nations Human Rights Council, was used to determine to what extent African states recognise and articulate positions on SGBV – results of which were used to assess further support through human rights mechanisms under the African human rights system. This article considers the international human rights record of African states on the issues of SGBV SOGIESC-based discrimination and violence. Through a systematic evaluation of the UPR record, the work presented here provides a framework for developing recommendations and/or observations for an integrated approach to advancing SOGIESC rights under the African human rights system. An artefact of the work is the development of a preliminary computational software program that was demonstrated to have captured trends in the aforementioned information with increased efficiency, potentially lowering costs and increasing accessibility.*

**Keywords:** *sex and gender-based violence, Maputo Protocol, Universal Periodic Review, African human rights system, natural language processing, data mining, pattern recognition*

## 1 Introduction

Quantifying and assessing the extent of human rights violations remains a challenge for human rights defenders, legal professionals, and other individuals and organisations seeking to hold states accountable. Difficulties are encountered in both the breadth of infringements and the resources required to track and analyse such violations. Developing tools that can be used to identify and track instances of violations more easily, including improvements or regressions, is increasingly important in the age of data. Violations of the rights of women and girls,<sup>1</sup> as well as sex and gender-based violence (“SGBV”) perpetrated on the basis of sexual orientation, gender identity and expressions, and/or sex characteristics<sup>2</sup> (“SOGIESC”), remains high across the globe.<sup>3</sup> The Special Rapporteur on the Rights of Women in Africa, recognising the effects of the COVID-19 pandemic, recently stated that women “continue to suffer from gender inequality, discrimination and all forms of gender-based violence including Female Genital Mutilation and early and unwanted pregnancies which have been exacerbated during the advent of COVID-19”<sup>4</sup>

The Universal Periodic Review (“UPR”), established along with the Human Rights Council (“HRC”) in 2006,<sup>5</sup> remains a unique mechanism for tracking global progress on the realisation and protection of human rights by United Nations (“UN”) Member States. Under the auspices of the HRC, the UPR, currently undertaking its third cycle, is a peer review mechanism to “prompt, support, and expand the promotion and protection of human rights on the ground”,<sup>6</sup> by reviewing the human rights records of every UN member state during each four- and half-year cycle. Reviews are conducted through a meeting of the UPR Working Group, consisting of the current members of the HRC, with discussions, questions, comments, and recommendations open to all UN Member States. The UPR Working Group reviews: (i) information provided by the state under review; (ii) reports provided by independent human rights experts and groups; and (iii) information from stakeholders, including national human rights institutions and non-governmental organisations.<sup>7</sup>

<sup>1</sup> The authors explicitly intend for the “woman” and “women” signs to include all persons whose gender identity and expression includes identifying as a “woman” or “girl”.

<sup>2</sup> Please note the authors’ intentional use of “SOGIESC”, “SOGI” and/or “SOGIE” is context-specific and meant to correspond with the use or non-use of the respective terms by reviewed and reviewing states during the UPR cycle.

<sup>3</sup> Note that SGBV is used throughout this paper and includes references to gender-based violence, VAW, violence against girls, and all violence based on sex or gender.

<sup>4</sup> Honourable Commissioner Maria Teresa Manuela, Special Rapporteur on the Rights of Women in Africa, “Statement of the Special Rapporteur on the Rights of Women in Africa on the occasion of Pan African Women’s Day” (31 July 2021).

<sup>5</sup> The Human Rights Council was established by UNGA Res 60/251 (15 March 2006) UN Doc A/RES/60/251. The UPR was created as a standalone mechanism by the HRC through the institution building resolution HRC Res 5/1 (18 June 2007) UN Doc A/HRC/RES/5/1 with further articulation of the basis, principles and objectives of the UPR and its processes through HRC Dec 6/102 (27 September 2007) HRC/Dec/6/102, HRC Res 16/21 (25 March 2011) UN Doc A/HRC/RES/16/21, and HRC Dec 17/119 (17 June 2011) UN Doc A/HRC/DEC/17/119.

<sup>6</sup> HRC “Basic facts about the UPR” (undated) *United Nations Human Rights Council* <<https://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx>> (accessed 30-06-2021).

<sup>7</sup> HRC “Basic facts about the UPR” (undated) *United Nations Human Rights Council*.

The UPR assesses human rights obligations and adherence to the UN Charter,<sup>8</sup> the Universal Declaration of Human Rights,<sup>9</sup> human rights treaties ratified by the state, voluntary human rights pledges and commitments made by the state, and applicable international humanitarian law. Every state is subject to a review of its human rights record and, unlike UN treaty bodies, the UPR process allows for a uniquely broad assessment and overview of the entirety of human rights obligations of UN Member States in a mechanism that is arguably more equal and equitable.

In the African context, where states have ratified the African Charter on Human and Peoples Rights (the “ACHPR”),<sup>10</sup> the Protocol to the ACHPR on the Rights of Women (the “Maputo Protocol”),<sup>11</sup> and the Southern African Development Community (“SADC”) Protocol on Gender and Development (the “SADC Protocol”),<sup>12</sup> these human rights instruments are further sources of obligations under the UPR. Article 4 of the Maputo Protocol offers a point of departure for analysing SGBV against women.<sup>13</sup> Article 4(1) of the Maputo Protocol provides that every woman shall be entitled to respect for her life and the integrity and security of her person. Articles 4(2)(a), (b), and (c) provide that state parties are to enact and enforce laws to prohibit and eradicate all forms of violence against women (“VAW”) and to identify the causes and consequences of VAW and to take appropriate measures to prevent and eliminate such violence. The protection against violence on the basis of SOGIESC continues to find expression in Resolution 275 adopted by the African Commission on Human and Peoples’ Rights in 2014.<sup>14</sup> Resolution 275 recognises the intersecting issues associated with countering violence based on SOGIE, and urges states to “end all acts of violence and abuse ... including those targeting persons on the basis of their imputed or real sexual orientation or gender identities”.<sup>15</sup> Resolution 275 identifies the need to end acts of violence and abuse and to enact and apply laws and accountability measures for perpetrators of violence. The UPR review provides an effective means to broadly consider whether laws targeting SGBV, inclusive of violence on the basis of SOGIESC, have been enacted in African member states and potentially consider whether such laws are effective in reducing the incidence of such violence.

<sup>8</sup> Charter of the United Nations (adopted 24 October 1945) 1 UNTS XVI.

<sup>9</sup> Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 (III).

<sup>10</sup> African Charter on Human and Peoples’ Rights (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217.

<sup>11</sup> Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women (adopted 11 July 2003, entered into force 25 November 2005) CAB/LEG/66.6.

<sup>12</sup> SADC Protocol on Gender Development (adopted 17 August 2008, entered into force 22 February 2013) as amended by the Agreement Amending the SADC Protocol on Gender and Development (adopted 31 August 2016, entered into force 20 August 2018).

<sup>13</sup> See DT Vollmer *Queer families: An Analysis of Non-heteronormative Family Rights under the African Human Rights System* LLD dissertation, Stellenbosch University (2017) 244 and 267 where Vollmer argues that Art 3 of the Maputo Protocol can be used to advance the rights of, *inter alia*, trans women.

<sup>14</sup> African Commission on Human and Peoples’ Rights “Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity” (adopted at the 55th Ordinary Session, 28 April-12 May 2014) (“Resolution 275”).

<sup>15</sup> Resolution 275.

## 2 Methodology and limitations

### 2.1 Computational methodology

Natural language processing<sup>16</sup> (“NLP”) is a computational methodology within the artificial intelligence (“AI”) framework. NLP systems are specifically developed to extract meaning from, and identify the patterns of, language in a similar way to which a human mind uses and understands vocal and textual manifestations of language. In carrying out the analysis introduced under section 1, an existing toolkit was customised and trained to read the formal documents of the UPR’s digital library.<sup>17</sup> Selected texts were obtained through the authors’ own automated computational program that downloaded a selection of publicly available UPR documents of interest from SADC states,<sup>18</sup> and using the developed NLP system, extracted meaningful information on SOGIESC-related SGBV. The process by which an NLP system “understands” the available text is through the structuring of unstructured data. By assigning, or tagging, the text into constituent parts through entity identification or word patterns,<sup>19</sup> the system is able to identify selected keywords, patterns, context, tense, and, depending on the internally defined code-structures,<sup>20</sup> a number of additional complex linguistic methods of natural language understanding.

### 2.2 Categorisation of document text

The keywords indicated in Table 1 below were used to guide the research and focus the report summaries generated by the model. A number of keyword substitutions were first assigned to generalise the system such that variations in terminology were considered within the same context, such as documents where hyphens are used or where alternative wording is presented. Further, condensing the keywords list to SGBV and adjacent contexts provided a consistent basis to evaluate the UN Member States of interest using a common baseline.

<sup>16</sup> Not to be confused with neuro-linguistic programming.

<sup>17</sup> The Natural Language Toolkit (“NLTK”) is an open-source Python library for natural language processing. Required reference: S Bird, E Klein & E Loper “Natural Language Processing with Python” (2009) *O’Reilly Media Inc.* <<http://nltk.org/book>> (accessed 10-01-2022).

<sup>18</sup> Web Scraping is a software tool or program designed to gather massive amounts of data from digital sources.

<sup>19</sup> Such as parts of speech (verb, noun etc.), suffixes and prefixes, and stemming and lemmatisation for word roots.

<sup>20</sup> The NLP system itself is built or further customised from a number of mathematical or statistical methodologies depending on the desired context of use – for example, *Markov* Chains assist in parts-of-speech tagging and recurrent neural networks assist in generating appropriate responses.

*Table 1: List of each keyword and its subset*

<b>Keywords</b>	<b>Includes</b>
women	women(s), woman(s), female(s), girl(s)
violence	violence, assault(s)(ed)(ing), attack(s)(ed)(ing), abus(e)(es)(ed)(ing)
bisexual	bisexual(s)
gay	gay(s)
gender-based	gender-based, gender based, based on gender
gender-identity	gender-identity, gender identit(y)(ies), gender orientation(s)
homosexual	homosexual(s)(ity), homophobia
intersex	intersex, inter-sex,
lesbian	lesbian(s)
lgbti	lgbti, lgbt, lgb, lgtbi, lgtb
same-sex	same-sex, same sex
sexual-orientation	sexual-orientation(s), sexual orientation(s), sexual identit(y)(ies)
trans	transgender(ed), trans-gender, transsexual(s)

## 2.3 Summary reports

In total, five primary summary reports were generated for each state and UPR cycle and further refined to highlight any SGBV focus found within the UPR Working Group documents. Excerpts from the preliminary *Botswana Working Group Cycle 1 Reports* are provided below as sample sections for each type of report. First, a unique “subset keywords” list is generated based on which of the aforementioned keywords are represented in the document. The total count of each occurrence is also tracked. Documents that either contain no keywords or where the keywords are referred to in a non-SGBV context, were disregarded.

*Report 1: A generated list of identified keywords*

### **Sample Report 1**

```
{ "gay": 1, "lesbian": 1, "violence": 4, "sexual": 9, "violence-sexual": 5, "violence-domestic": 12, "same-sex": 9, "women": 28, "homosexual": 3, "sexual-orientation": 5, "sex": 1, "violence-against-women": 1 }
```

*Report 2: A generated shortlist of found keywords and occurrences*

Sample Report 2			
#date	:	20210815	
#country	:	BOTSWANA	
#generated by	:	WG1.pdf	
#notes	:	SGBV keyword counts and scores	
=====			
Root Word	Root Count	Sentence Score	
	=>SGBV Keywords		
=====			
sex	1	51	
	sex lgbti same-sex sexual	sexual-orientation	
=====			
violence-domestic	12	48	
	violence-domestic violence-domestic	violence-domestic violence-domestic	

The second report generated was used to track which keyword first appears in a paragraph determined of interest. Then, a shortlist of any additional and extended keywords found within the immediate text was generated. A parallel and simplistic ranking system was used to sort the summary content where each additional keyword increases the ranking of the paragraph and where “person keyword”<sup>21</sup> found within the same context as “violence keyword”<sup>22</sup> further increased the ranking. This assisted in sorting the content numerically and textually, where only keywords are identified along with their relative overall presence in the document as ranked comparatively.

*Report 3: A generated list of ranked articles and sentences of interest*

Sample Report 3	
#date	: 20210815
#country	: BOTSWANA
#generated by	: WG1.pdf
#notes	: Sentences of interest in UPR Documents
=====	
Score	Sentence
=====	
45	18. botswana indicated that it is constructing new prisons and exploring alternative measures to imprisonment. the delegation confirmed that the law in botswana criminalizes <b>same-sex sexual</b> activities; however it allows for the registration of civil society organizations that are not set up to advocate for the rights of <b>lesbians gays</b> and <b>bisexuals</b> to nonetheless advocate for the rights of such groups.
40	90. on <i>gender</i> issues botswana is currently reviewing its policy on <i>women</i> in development and it also enacted the <b>violence-domestic</b> act of 2008 and has conducted <i>gender</i> mainstreaming activities within a number of ministries.
40	11. strengthen the application of the <b>violence-domestic</b> bill and the abolition of the marital power act (united kingdom); establish a specific timeline for the implementation of the amendment in the marriage act (norway); take measures to eliminate the persistence of traditions harmful to the rights of <i>women</i> including <b>early contract marriage</b> and polygamy (argentina); and to elevate penal responsibility to the level of international standards and delete the marital prerogative in customary and religious marriage (cameroon).
29	15. regarding marital <b>violence-sexual</b> it was noted that there are deficiencies in the existing legislation and this may require the enactment of legislation after due consultation to prevent <b>violence-domestic</b> the government has embarked on a rigorous public education campaign that includes radio television print media and kgotla meetings to educate and sensitize members of the public also on the provisions of the <b>violence-domestic</b> act the botswana police service has started to employ social workers to provide counselling and to be responsive to the needs of victims.

<sup>21</sup> Note “person keyword”: eg, women, transgender, sexual-orientation.

<sup>22</sup> Note “violence keyword”: eg, domestic violence, rape, assaulted.

Next, the generated shortlist of localised context-dependent keywords from the second report was used to populate an associated ranked summary of the fully expanded paragraphs in which the SGBV keywords are found to provide a greater level of detail and context. This is summarised by sample Report 3.

The fourth report is a temporally ordered list of paragraphs within the document that contain at least two keywords and provides a greater sense of a UN Member State's overall focus on sexual and gender-based language. In addition to paragraphs highlighting SGBV, the fourth report also includes those paragraphs where LGBTI language is indicated.<sup>23</sup> Report 4 follows the original order of discussion from the source UPR document rather than list ranked excerpts generated by the model as shown in Reports 2 and 3.

*Report 4: A generated list of tagged articles of interest in order of appearance*

**Sample Report 4**

```
#date      : 20210815
#country   : BOTSWANA
#generated by : WG1.pdf
#notes     : logfile: sentences and root words
=====
*****
-----
      keywords:
          violence-domestic => [violence-domestic women]
-----
11. strengthen the application of the violence-domestic bill and the abolition of the marital power act (united kingdom); establish a specific timeline for the implementation of the amendment in the marriage act (norway); take measures to eliminate the persistence of traditions harmful to the rights of women including early contract marriage and polygamy (argentina); and to elevate penal responsibility to the level of international standards and delete the marital prerogative in customary and religious marriage (cameroon).
-----
*****
-----
      keywords:
          violence => [violence sexual women violence-sexual]
-----
13. continue to incorporate the provisions of the convention on the rights of the child and the african charter on the rights and welfare of the child into national legislation (cuba); take further measures to adopt legislation ensuring the implementation of the convention in particular in the area violence prevention and sexual exploitation of children (czech republic argentina) and ensure women are protected from violence-sexual (argentina).
-----
*****
-----
      keywords:
          homosexual => [homosexual same-sex sexual-orientation same-sex]
-----
23. decriminalize homosexual relations and practices/consensual same-sex activities between adults (spain netherlands slovakia czech republic canada); and outlaw discrimination on the basis of sexual-orientation (netherlands)
-----
*****
```

<sup>23</sup> LGBTI is used in the paper to correspond with its use in the UPR. The authors note the limiting use of LGBTI which may not necessarily include all non-heteronormative SOGIESC.

The final generated report is a numerical output of keyword counts for each SADC state. Included in Report 5 are “total counts” across individual keywords for each UPR cycle. The format allows easy identification of the incidence of SGBV and LGBTI content as compared to other states.<sup>24</sup>

*Report 5: A generated list of keyword counts for each cycle*

**Sample Report 5**

BOTSWANA				
Keyword	Cycle 1	Cycle 2	Cycle 3	TOTAL
bisexual	0	1	7	8
gay	1	1	7	9
gender-based	0	3	0	3
gender-identity	0	0	9	9
homosexual	5	1	1	6
intersex	0	0	7	7
lesbian	1	1	7	9
lgbti	0	0	0	0
same-sex	13	12	7	32
sexual-orientation	6	3	8	18
transgender	0	1	10	11
violence-against-women	1	8	3	12
violence-domestic	14	9	1	24
violence-gender-based	0	12	19	31
violence-sexual	6	10	30	46
TOTAL	46	61	116	223

**2 4 Limitations**

This work is limited in scope by analysing the keywords identified as indicators of SOGIESC-related SGBV in the UPR record. The summary reports are limited to SGBV and LGBTI<sup>25</sup> content in UPR Working Group documents.<sup>26</sup> In addition, the limitation of adequate data analysis suggests that there is a substantial amount of content that can be analysed in numerous ways, in addition to the methods considered herein. As a preliminary report, a conservative computational approach was chosen such that all SADC states

<sup>24</sup> In addition to the five generated reports, a sixth report for mathematical analysis was compiled for isolating general trends across SADC members in SGBV keyword tracking across all cycles of the UPR.

<sup>25</sup> The authors use of the term “LGBTI” is only meant to correspond with the use of that term in the UPR.

<sup>26</sup> UPR documents used include those found within each reporting cycle under the section “Outcome of the Review” and entitled “Report of the Working Group”, including any and all Addendum(s) and/or Corrigendum(s).

could be reviewed within the length constraints of the article. Further, a case study approach to individual states or a much larger and depth-driven trend analysis across all SADC, African and UN Member States may also be warranted. At the time of writing, cycle 3 (“C3”) of the UPR was still in progress and therefore comparable analysis for all member states may not be reflected herein.<sup>27</sup>

### 3 Global perspectives: UPR comments and recommendations for SADC states

#### 3 1 Introduction

This section analyses the SGBV and LGBTI keywords of SADC states, as perceived by the broader global community and UN Member States. This is done by counting and analysing comments and recommendations made by reviewing states during each cycle of the UPR. For each SADC state, a table is provided to quantify the references to the keywords, as tracked over the three cycles. An integrated assessment of the data and excerpts generated by the NLP system identified the relative frequency of specific issues as they relate to the keywords, as well as provided a method to track what, if any, progress had been made on key issues between UPR reviews. In addition, all keywords that identified violence in the context of SGBV were tallied as an *overall* SGBV count for each evaluation.

#### 3 2 SADC states

##### 3 2 1 Angola

Angola ratified the Maputo Protocol on 30 August 2007, prior to its first review, and has ratified the SADC Protocol. Angola has completed three cycles of review under the UPR. A review of the excerpts indicates that the SGBV issues in Angola received widespread recognition throughout the review process of the three UPR cycles. LGBTI keywords were almost non-existent until the third cycle where a relatively high frequency can be observed. The incidence of comments are as follows:

*Table 2: Angola*

Keyword	Cycle 1	Cycle 2	Cycle 3
SGBV	45	46	59
Lesbian	0	0	5
Gay	0	0	5
Bisexual	0	0	5
Transgender	0	0	4
Intersex	0	0	4

<sup>27</sup> At the time of publication, two of the three remaining states completed C3 of the UPR. The authors note that identified trends presented in this article remain consistent.

Same-sex	1	0	3
Sexual orientation	0	0	9
Gender identity	0	0	4
Homosexuality	1	0	0

During cycle 1 (“C1”) , numerous states noted widespread SGBV while also commending Angola for actions taken to combat such violence, including a national strategy regarding domestic violence.<sup>28</sup> Italy, Ireland, Slovenia, Norway, and the Netherlands all recommended that Angola enact domestic violence legislation that was before parliament. Stakeholders commented on the lack of specific legislation regarding domestic violence, with the African Commission noting that VAW “is quite widespread”.<sup>29</sup> During cycle 2 (“C2”), Angola was commended for adopting and ratifying international human rights instruments and enacting legislation to combat VAW, as recommended in the first cycle. Angola was also recognised for measures taken, since the first cycle, on gender equality and addressing gender-based violence (“GBV”). Recommendations by Canada and the Netherlands indicated a need to fully implement enacted domestic violence legislation. Lacking, in the reports of the first two cycles, are any mentions of the intersecting and specific violence perpetrated against trans individuals. The C3 report is significant for an exponential increase in awareness, responses, comments, and recommendations with respect to SOGI.<sup>30</sup> Specifically, there was increased awareness of violence against LGBTI individuals by Honduras, Ireland, and Norway, each recommending guaranteeing the rights of LGBTI individuals and implementing measures to investigate violence perpetrated on the basis of SOGI, including by investigating allegations and implementing a national action plan to address violence and discrimination based on SOGI.<sup>31</sup> In addition, numerous states welcomed the progress made in combating SGBV. It is noteworthy that the C3 review occurred after Angola amended its penal code to criminalise discrimination based on sexual orientation, commensurate with recommendations in C1.

### 3 2 2 Botswana

Botswana has completed three cycles of review under the UPR but is not currently a signatory to the Maputo Protocol; however, on May 10, 2017, prior to its third review, acceded to the SADC Protocol. SGBV issues received extensive comments and recommendations during Botswana’s three reviews. In addition, Botswana received a relatively higher incidence of comments and recommendations on trans issues. A review of the excerpts extracted by

<sup>28</sup> HRC Report of the Working Group on the Universal Periodic Review (24 March 2010) UN Doc A/HRC/14/11.

<sup>29</sup> HRC Summary of Stakeholder’s Information (6 November 2009) UN Doc A/HRC/WG.6/7/AGO/3.

<sup>30</sup> The use of “SOGI” corresponds to its use in the UPR.

<sup>31</sup> HRC Report of the Working Group on the Universal Periodic Review (Angola) (11 December 2019) UN Doc A/HRC/43/11 para 146.69, comments of Ireland.

the NLP system indicates that three of them were not linked to other LGBTI keywords, suggesting increased attention to trans rights by reviewing states. The NLP system indicates that the use of “transgender” is not limited to broad comments and recommendations on the typically expressed recommendations to prohibit discrimination based on SOGI as it has a higher frequency than “lesbian” or “gay”. This indicated a need to further consider the third cycle excerpts to better understand the focus on trans issues during this cycle. The incidence of comments are as follows:

*Table 3: Botswana*

<b>Keyword</b>	<b>Cycle 1</b>	<b>Cycle 2</b>	<b>Cycle 3</b>
SGBV	21	39	53
Lesbian	1	1	7
Gay	1	1	7
Bisexual	0	1	7
Transgender	0	1	10
Intersex	0	0	7
Same-sex	13	12	7
Sexual orientation	6	3	9
Gender identity	0	0	9
Homosexuality	5	1	1

During the first review, numerous states welcomed action on addressing SGBV, including creating a criminal offence for domestic violence. The United Kingdom noted the limited capacity of law enforcement to adequately respond to domestic violence, with Ireland and the Centre for Human Rights of the University of Pretoria further noting that domestic violence continues to be “pronounced” in Botswana.<sup>32</sup> The rights of LGBTI individuals was considered by several countries and stakeholders,<sup>33</sup> with several noting that homosexuality remained criminalised with corresponding recommendations to decriminalise consensual same-sex relations and prohibit discrimination based on SOGI. During the second review, Botswana remarked on the implementation of SGBV legislation, public education initiatives, and the establishment of an SGBV referral system to support collaboration among service providers for survivors and perpetrators.<sup>34</sup> The only mention of “transgender” occurred from the recognition of the continued and widespread violence against the LGBTI community.<sup>35</sup> The third review provides a positive

<sup>32</sup> HRC Report of the Working Group on the Universal Periodic Review (Botswana) (13 January 2009) UN Doc A/HRC/10/69 and HRC Summary Prepared by the Office of the High Commissioner for Human Rights (Botswana) (15 September 2008) UN Doc A/HRC/WG.6/3/BWA/3.

<sup>33</sup> HRC Summary Prepared by the Office of the High Commissioner for Human Rights (Botswana).

<sup>34</sup> HRC Report of the Working Group on the Universal Periodic Review (Botswana) (22 March 2013) UN Doc A/HRC/23/7

<sup>35</sup> See comments by the Netherlands in HRC Report of the Working Group on the Universal Periodic Review (Botswana) (22 March 2013).

development for trans rights in Botswana, as the increased frequency of the keyword “transgender” followed a court decision enabling trans individuals to change the listed gender on their national identification documents.<sup>36</sup> Other recommendations and comments on trans rights included those of other LGBTI individuals, calling for their protection by prohibiting discrimination based on SOGI and decriminalising same-sex relations.

### 3 2 3 Comoros

Comoros ratified the Maputo Protocol on 18 March 2004, prior to its first review under the UPR, and is not a party to the SADC Protocol. The below table denotes an increase in recommendations and comments on SGBV issues over the three cycles. Mentions of “trans” issues evidently correspond with broader comments on LGBTI individuals. Comoros has completed three cycles of review under the UPR. The incidence of comments are as follows:

Table 4: Comoros

Keyword	Cycle 1	Cycle 2	Cycle 3
SGBV	7	25	62
Lesbian	0	0	2
Gay	0	0	2
Bisexual	0	0	2
Transgender	0	0	2
Intersex	0	0	2
Same-sex	1	0	2
Sexual orientation	0	3	6
Gender identity	0	2	2
Homosexuality	0	2	0

During the first review, France and the Netherlands recommended that Comoros take further steps to address SGBV and provide awareness campaigns and policies to prevent violence and protect victims. Comoros indicated that homosexuality was a “taboo” subject, but it was not condemned by the courts except in cases of rape.<sup>37</sup> The Czech Republic recommended that Comoros review the criminalisation of consensual same-sex activity and promote tolerance. During the second review, there was an increase in the frequency of SGBV keywords, with a portion attributable to progress made by Comoros, including adopting SGBV legislation.<sup>38</sup> However, it was noted that levels of

<sup>36</sup> See comments of Canada and the United States in HRC *Report of the Working Group on the Universal Periodic Review* (Botswana) (11 April 2018) UN Doc A/HRC/38/8.

<sup>37</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Comoros) (3 June 2009) UN Doc A/HRC/12/16 para 56 (translated from the original French). Note that the authors are unable to determine whether “l’homosexualité n’est pas condamnée par la justice” indicates *de facto* decriminalisation of homosexuality or non-enforcement of criminal penalties by the courts.

<sup>38</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Comoros) (7 April 2014) UN Doc A/HRC/26/11.

SGBV remained high and victim protections continued to be lacking. With respect to the rights of LGBTI individuals, France recommended repealing all provisions which discriminated based on SOGI. Comoros indicated that homosexuality remained criminalised under its penal code and there lacked a legislative majority supportive of decriminalisation. In this regard, Spain recommended initiating a debate on decriminalisation. It can be inferred that the recommendation from the Czech Republic during the first cycle was not acted upon. During the third review, there was a noticeable increase in the frequency of the SGBV keywords. Significantly, the third review provides the first comments and recommendations on trans specific rights. Chile, in the context of violence and discrimination, recommended that Comoros strengthen measures to prevent violence and discrimination against members of the LGBTI community.

### 3 2 4 *Democratic Republic of Congo*

The Democratic Republic of Congo ratified the Maputo Protocol on 9 June 2008, prior to its first review, and is a signatory to the SADC Protocol. The below table indicates an extremely high frequency of SGBV issues. The incidence of SGBV is the highest out of all SADC states examined. A review of the excerpts generated by the program indicates that comments and recommendations were linked to widespread SGBV in relation to ongoing armed conflicts, as well as recognition of progress to eliminate SGBV and hold perpetrators accountable. The table also indicates that there was an increase in recommendations and comments on LGBTI issues by C3. The incidence of comments are as follows:

*Table 5: Democratic Republic of Congo*

<b>Keyword</b>	<b>Cycle 1</b>	<b>Cycle 2</b>	<b>Cycle 3</b>
SGBV	88	120	82
Lesbian	0	0	1
Gay	0	0	1
Bisexual	0	0	1
Transgender	0	0	1
Intersex	0	0	0
Same-sex	1	0	1
Sexual orientation	0	0	3
Gender identity	0	0	3
Homosexuality	0	0	0

A review of the excerpts from C1 indicates that comments and recommendations regarding SGBV include support for legislation on sexual violence and an announced zero-tolerance policy towards sexual violence, with several countries remarking on the lack of enforcement and implementation

of existing legislation.<sup>39</sup> Of note is the sole mention of a non-heteronormative keyword in the Czech Republic’s recommendation to decriminalise consensual same-sex activities as mentioned in the list of recommendations that were not supported by the Democratic Republic of Congo.<sup>40</sup> The Democratic Republic of Congo’s second review lacks any mention of non-heteronormative keywords but shows an increase in the frequency of SGBV keywords. The second report indicates that the Democratic Republic of Congo implemented an action plan to reduce SGBV, which had been recommended during the first review.<sup>41</sup> As a result of the continued high levels of SGBV, many reviewing states recommended an increase in efforts to combat SGBV and ensure that perpetrators were held accountable. C3 provides greater recognition of efforts by the Democratic Republic of Congo to combat SGBV.<sup>42</sup> The third cycle also provides a return to raising issues affecting the LGBTI community. Uruguay, Chile, and Iceland all explicitly recommended criminalising discrimination based on SOGI,<sup>43</sup> and Argentina recommended adopting measures to prevent and punish acts of violence against LGBTI individuals. The Democratic Republic of Congo noted these recommendations but did not support them, a position commensurate with its previous rejection of the recommendation to decriminalise consensual same-sex activities during the first cycle.

### 3 2 5 Eswatini

Eswatini ratified the Maputo Protocol on 5 October 2012, after its first review, and has ratified the SADC Protocol. The below table indicates a relatively high increase in the frequency of SGBV keywords from C1 to C2, as well as a clear decrease in the raising of LGBTI issues. Eswatini has completed two cycles of review under the UPR. The incidence of comments are as follows:

Table 6: Eswatini

Keyword	Cycle 1	Cycle 2
SGBV	11	38
Lesbian	1	0
Gay	1	0

<sup>39</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Democratic Republic of Congo) (4 January 2010) UN Doc A/HRC/13/8, for examples see comments and recommendations by Canada, Belgium, Belarus, Denmark.

<sup>40</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Democratic Republic of Congo) (4 January 2010) para 97.10. The summary of comments by the Czech Republic provides that recommendations were made in the area, *inter alia*, of right to privacy and non-discrimination without explicitly stating the recommendation for decriminalisation.

<sup>41</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Democratic Republic of Congo) (7 July 2014) UN Doc A/HRC/27/5.

<sup>42</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Democratic Republic of Congo) (5 July 2019) UN Doc A/HRC/42/5.

<sup>43</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Democratic Republic of Congo) (5 July 2019). See recommendations of Uruguay, Chile, and Iceland. Chile’s recommendation includes reference to gay, lesbian, bisexual, and transgender.

Bisexual	1	0
Transgender	1	0
Intersex	0	0
Same-sex	4	3
Sexual orientation	7	2
Gender identity	3	2
Homosexuality	1	0

During the first review, Eswatini indicated that a draft bill on GBV was pending. As a result, numerous states recommended expediting the enactment of the legislation.<sup>44</sup> The rights of LGBTI individuals were supported by the United States, Spain, and Portugal, each recommending decriminalising same-sex relations and preventing discrimination based on SOGI.<sup>45</sup> Although each recommendation was rejected, Eswatini did indicate it would examine the United States' recommendation to implement measures to combat violence against the LGBTI community. The second review indicates an increase in attention to SGBV by reviewing states, with many states again recommending the enactment and implementation of proposed SGBV legislation.<sup>46</sup> Concerning LGBTI issues, Eswatini indicated that same-sex relations remained criminalised but consensual same-sex relations were not prosecuted.<sup>47</sup> Interestingly, Eswatini stated its support for recommendations on prohibiting discrimination based on SOGI, as it considered them already implemented or in the process of being implemented.<sup>48</sup>

### 3 2 6 Lesotho

Lesotho ratified the Maputo Protocol on 26 October 2004, prior to its first review, and has ratified the SADC Protocol. The below table indicates a gradual increase in the frequency of SGBV keywords, as well as all non-heteronormative keywords. Lesotho has completed three cycles of review under the UPR. The incidence of comments are as follows:

*Table 7: Lesotho*

Keyword	Cycle 1	Cycle 2	Cycle 3
SGBV	48	66	86
Lesbian	1	2	6
Gay	1	2	6

<sup>44</sup> HRC Report of the Working Group on the Universal Periodic Review (Swaziland) (12 December 2011) UN Doc A/HRC/19/6.

<sup>45</sup> HRC Report of the Working Group on the Universal Periodic Review (Swaziland) (12 December 2011). See recommendations of the United States of America, Spain, and Portugal.

<sup>46</sup> HRC Report of the Working Group on the Universal Periodic Review (Swaziland) (13 July 2016) UN Doc A/HRC/33/14.

<sup>47</sup> Para 68.

<sup>48</sup> Para 68. See recommendations of Slovenia and Spain.

Bisexual	1	2	6
Transgender	1	2	6
Intersex	0	1	6
Same-sex	2	1	5
Sexual orientation	0	2	7
Gender identity	0	2	7
Homosexuality	3	2	0

During the first review, comments and recommendations were focused on persistent and increasing incidences of SGBV and the need to enact specific legislation in this regard.<sup>49</sup> With respect to LGBTI rights, the Netherlands indicated that sexual relations between consenting adult men remained illegal, and recommended, along with Australia and France, the decriminalisation of homosexuality.<sup>50</sup> Australia also recommended introducing policies to end discrimination based on SO. Lesotho did not support any of these recommendations. During the second review, Lesotho indicated that it had adopted a national plan on ending GBV and had engaged in government and civil society capacity building and noted that draft SGBV legislation had been referred for further consultation.<sup>51</sup> Many recommendations by reviewing states encouraged the adoption and enactment of the draft legislation. Lesotho also indicated that LGBTI individuals had not been prosecuted and that the government was engaged with the issue. Lesotho did not support any recommendations on decriminalising consensual same-sex relations or enacting measures to combat discrimination based on SOGI.<sup>52</sup> During the third review, Lesotho noted the persistent nature of SGBV and indicated that progress had been made on addressing SGBV, including the development of specific legislation.<sup>53</sup> Lesotho was again encouraged to decriminalise consensual same-sex relations and enact legislation prohibiting discrimination based on SOGI. In this regard, Lesotho supported the recommendation of Costa Rica to take steps to combat SOGI-based discrimination but did not accept recommendations seeking the decriminalisation of homosexuality and specific legislative protections against SOGI-based discrimination.<sup>54</sup> In addition, Lesotho did not support the recommendation of Honduras to criminalise homophobia and transphobia as a means to prevent violence against LGBTI individuals. It is noteworthy that Lesotho supported the

<sup>49</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Lesotho) (16 June 2010) UN Doc A/HRC/15/7.

<sup>50</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Lesotho) (16 June 2010). See comments and recommendations by the Netherlands.

<sup>51</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Lesotho) (13 April 2015) UN Doc A/HRC/29/9.

<sup>52</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Lesotho) (13 April 2015). See recommendations from Slovenia, Australia, Canada, Argentina, Netherlands, and Chile.

<sup>53</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Lesotho) (18 March 2020) UN Doc A/HRC/44/8.

<sup>54</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Lesotho) (18 March 2020). See noted recommendations of Iceland, Mexico, New Zealand, Australia, and Germany.

recommendation of Costa Rica, recognising the need to combat discrimination while paradoxically rejecting recommendations to prohibit same. This may suggest an encouraging erosion of resistance to promoting and protecting LGBTI rights over the three UPR cycles and the importance of consistently raising SGBV and SOGIESC issues.

### 3 2 7 Madagascar

Madagascar signed but not ratified, the Maputo Protocol on 28 February 2004, and has signed the SADC Protocol. The table below indicates a gradual increase in the frequency of comments and recommendations on SGBV and a very minimal increase for LGBTI keywords. The excerpts indicate that the increase of SGBV recommendations and comments is attributable to encouraging the adoption of SGBV legislation. Madagascar has completed three cycles of review under the UPR. The incidence of comments are as follows:

*Table 8: Madagascar*

Keyword	Cycle 1	Cycle 2	Cycle 3
SGBV	46	78	100
Lesbian	0	0	1
Gay	0	0	1
Bisexual	0	0	1
Transgender	0	0	1
Intersex	0	0	1
Same-sex	0	0	0
Sexual orientation	0	0	2
Gender identity	0	0	2
Homosexuality	0	0	0

During the first review, Madagascar indicated that it had included all forms of VAW in its criminal code, after adopting a national policy for the promotion of women.<sup>55</sup> In this regard, CEDAW and Australia made specific observations on the high prevalence of SGBV. There were no recommendations or comments on the rights of LGBTI individuals and, therefore. During the second review, Madagascar indicated that it intended to further monitor SGBV and adopt a national SGBV action plan.<sup>56</sup> It is noteworthy that several African states made recommendations on SGBV, which may indicate increased attention on the issue at the regional level, and arguably supporting the notion of “action” on SGBV under the African human rights system. There were no specific recommendations or comments regarding LGBTI issues. During the third

<sup>55</sup> HRC Report of the Working Group on the Universal Periodic Review (Madagascar) (26 March 2010) UN Doc A/HRC/14/13.

<sup>56</sup> HRC Report of the Working Group on the Universal Periodic Review (Madagascar) (23 December 2014) UN Doc A/HRC/28/13.

review, Madagascar indicated that legislation on SGBV had been submitted for adoption, with many states supporting steps taken to address SGBV.<sup>57</sup> Recommendations from reviewing states that were supported by Madagascar included increased efforts to combat SGBV through the implementation of a national strategy and the adoption of the proposed SGBV legislation. Madagascar noted but did not support any of the recommendations with respect to the rights of LGBTI individuals or prohibiting SOGI-based discrimination.<sup>58</sup>

### 3 2 8 Malawi

Malawi ratified the Maputo Protocol on 20 May 2005, prior to its first review, and has ratified the SADC Protocol. The below table indicates an increase in the frequency of SGBV keywords as well as an increasing frequency of LGBTI keywords over each of the three cycles. Malawi has completed three cycles of review under the UPR. The incidence of comments is as follows:

*Table 9: Malawi*

Keyword	Cycle 1	Cycle 2	Cycle 3
SGBV	34	74	100
Lesbian	1	10	13
Gay	6	10	13
Bisexual	1	10	13
Transgender	1	9	14
Intersex	0	7	13
Same-sex	11	12	9
Sexual orientation	15	7	6
Gender identity	7	5	6
Homosexuality	16	1	0

During the first review, Malawi indicated that perceived increases in SGBV were a result of increases in reporting and not necessarily an increase in the overall prevalence of SGBV. Several states recognised and supported the adoption of specific SGBV legislation.<sup>59</sup> Malawi indicated that it did not intend to decriminalise homosexuality and specifically noted that there was no homophobia or incitement against gay people. In addition, Malawi did not provide any support for recommendations to prohibit discrimination based on SOGI or to decriminalise same-sex relations, including a recommendation by the United Kingdom to review legislation that discriminates against

<sup>57</sup> HRC Report of the Working Group on the Universal Periodic Review (Madagascar) (17 December 2019) UN Doc A/HRC/43/13.

<sup>58</sup> HRC Report of the Working Group on the Universal Periodic Review (Madagascar) (17 December 2019). See recommendations from Australia, Chile, and Iceland.

<sup>59</sup> HRC Report of the Working Group on the Universal Periodic Review (Malawi) (4 January 2011) UN Doc A/HRC/16/4.

individuals on the basis of SOGI as a means to combat violence.<sup>60</sup> During the second review, Malawi indicated that SGBV legislation was under review, while several states commented on the continued prevalence of SGBV.<sup>61</sup> Malawi also supported recommendations to take effective measures to protect “LGBTI” individuals from violence<sup>62</sup> and to guarantee access to health services for LGBTI individuals.<sup>63</sup> Malawi did not support recommendations to decriminalise homosexuality or to prohibit SOGI-based discrimination.<sup>64</sup> During the third review, Malawi was commended for efforts to protect LGBTI individuals from violence; however, concern for ongoing violence and SOGI-based discrimination was also noted.<sup>65</sup> Malawi noted, but did not support, recommendations to decriminalise the SOGIE of trans individuals, as well as recommendations to combat violence against LGBTI individuals.<sup>66</sup> This demonstrates an interesting trend, as seen with Lesotho, of both recognising and rejecting certain SOGIESC and LGBTI rights.

### 3 2 9 Mauritius

Mauritius ratified the Maputo Protocol on 16 May 2017. Mauritius remains the only SADC state not a signatory to the SADC Protocol. The below table indicates a relatively high frequency of LGBTI keywords in C1 and C3. Mauritius has completed three cycles of review under the UPR. The incidence of comments are as follows:

*Table 10: Mauritius*

Keyword	Cycle 1	Cycle 2	Cycle 3
SGBV	50	59	67
Lesbian	1	0	7
Gay	1	0	7
Bisexual	1	0	7
Transgender	1	0	7
Intersex	0	0	5
Same-sex	0	7	6

<sup>60</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Malawi) (4 January 2011). See recommendations from Canada, Germany, Sweden, Australia, United Kingdom, Austria, Italy, United States of America, Spain, Luxembourg, Ireland, France.

<sup>61</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Malawi) (20 July 2015) UN Doc A/HRC/30/5; see comments from Ireland and Canada.

<sup>62</sup> Note that the recommendation did not include “transgender”.

<sup>63</sup> Note that the recommendation did not include “transgender”. See recommendations from Austria and Honduras.

<sup>64</sup> Note that the recommendation did not include “transgender”. See recommendations from Brazil, Chile, Germany, Italy, United States of America, Slovenia, France, Australia, Norway, Argentina, Luxembourg, Netherlands, Sweden, Switzerland, Spain, and Uruguay.

<sup>65</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Malawi) (23 December 2020) UN Doc A/HRC/46/7; see comments from Mexico and the Netherlands respectively.

<sup>66</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Malawi) (23 December 2020). See recommendations from Spain, the United States of America, Canada, Chile, France, Switzerland, Iceland, Ireland, Italy, Netherlands, New Zealand, Norway, Australia, and Portugal.

Sexual orientation	10	2	10
Gender identity	2	0	8
Homosexuality	4	2	2

During the first review, recommendations to address SGBV were supported by Mauritius.<sup>67</sup> In addition, the United Kingdom commented on discrimination against LGBTI communities and the perceived inability to seek acknowledgement and compensation for discrimination and violence. Mauritius indicated that human rights training is provided to law enforcement and judicial officers concerning the protection of the human rights of LGBTI individuals. In addition, the Czech Republic commended Mauritius for supporting the 2008 joint statement on human rights and SOGI at the UN General Assembly. During the second review, Mauritius noted the enactment of legislation that prohibited discrimination on the basis of sexual orientation.<sup>68</sup> There were no comments or recommendations specific to SOGIESC-based violence; however, Canada inquired as to the status of the decriminalisation of homosexuality with Australia making recommendations on same. Mauritius supported the recommendations of numerous states for continued action on addressing SGBV.<sup>69</sup> During the third review, several reviewing states recommended Mauritius combat all forms of discrimination including on the basis of SOGI.<sup>70</sup> Brazil specifically recommended action to combat SOGI-based violence, Chile recommended that hate crimes motivated by SOGI be an aggravating circumstance, and Iceland recommended the repeal of all laws criminalising persons based on their SOGI.

### 3 2 10 Mozambique

Mozambique ratified the Maputo Protocol on 9 December 2005, prior to its first review, and has ratified the SADC Protocol. Mozambique has completed three cycles of review under the UPR. The incidence of comments is as follows:

<sup>67</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Mauritius) UN Doc A/HRC/11/28; see recommendations from Malaysia, Germany, Palestine, Pakistan, and Mexico.

<sup>68</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Mauritius) (26 December 2013) UN Doc A/HRC/25/8.

<sup>69</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Mauritius) (26 December 2013). See recommendations from Tunisia, Senegal, Rwanda, Ecuador, Malaysia, Netherlands, Singapore, Spain, United Kingdom, Canada, and the Czech Republic.

<sup>70</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Mauritius) (27 December 2018) UN Doc A/HRC/40/9; see recommendations from Italy, Honduras, Uruguay, Argentina, France, Netherlands, Australia, Belgium, Canada, Ireland, and Argentina.

Table 11: Mozambique

Keyword	Cycle 1	Cycle 2	Cycle 3
SGBV	27	41	88
Lesbian	1	2	4
Gay	1	2	4
Bisexual	1	2	4
Transgender	1	2	4
Intersex	0	2	3
Same-sex	2	3	0
Sexual orientation	8	8	7
Gender identity	3	5	7
Homosexuality	3	1	0

During the first review, Canada encouraged Mozambique to eliminate SOGI-based discrimination.<sup>71</sup> Spain recommended decriminalising homosexuality and ensuring the right to association of LGBTI individuals and, along with the Netherlands, recommended enabling the registration of NGOs working on and specialising in SOGI issues. In this regard, Mozambique noted that its constitution made no reference to sexual orientation, that homosexuality is not criminalised, and there are no restrictions on freedom of association. During the second review, Denmark commented on the new penal code decriminalising homosexuality, with Sweden commenting that it did not prohibit SOG-based discrimination;<sup>72</sup> interestingly, this appears inconsistent with Mozambique's remarks during the first review. Australia, Chile, and Sweden all made recommendations for Mozambique to adopt legislation specifically prohibiting SOGI-based discrimination. Argentina recommended specific measures to protect LGBTI individuals, with Canada recommending ensuring non-discrimination for applications for accreditation by civil society organisations including the LGBTI Association of Mozambique. During the third review, Denmark noted that laws prohibiting SOGI-based discrimination had not been adopted, although Mozambique indicated that action had been taken to combat such discrimination.<sup>73</sup> Numerous states commended Mozambique on actions taken to combat SGBV, with several states making recommendations to enact legislation and take further steps to prohibit and combat SOGI-based discrimination and protect the rights of LGBTI persons.<sup>74</sup> Arguably, Mexico made a recommendation that may be ascribed to preventing violence against trans individuals, with a recommendation to guarantee the

<sup>71</sup> HRC Report of the Working Group on the Universal Periodic Review (Mozambique) (28 March 2011) UN Doc A/HRC/17/16.

<sup>72</sup> HRC Report of the Working Group on the Universal Periodic Review (Mozambique) (12 April 2016) UN Doc A/HRC/32/6.

<sup>73</sup> HRC Report of the Working Group on the Universal Periodic Review (Mozambique) (25 June 2021) UN Doc A/HRC/48/6.

<sup>74</sup> HRC Report of the Working Group on the Universal Periodic Review (Mozambique) (25 June 2021). See recommendations from Sweden, Spain, Denmark, Iceland, and Netherlands.

exercise of rights of individuals in vulnerable situations, including transgender persons. As a review that occurred during the COVID-19 pandemic, there are indications of increased incidences of SGBV occurring in the context of the pandemic.<sup>75</sup> However, the full effects of the pandemic will likely not be known until the next cycle.

### 3 2 11 Namibia

Namibia ratified the Maputo Protocol on 11 August 2004, prior to its first review, and has ratified the SADC Protocol. The table below indicates a relatively high increase in the frequency of SGBV keywords over the three completed cycles. There is also a clear trend of increasing attention to LGBTI keywords, with a large increase between C2 and C3. Namibia has completed three cycles of review under the UPR. The incidence of comments is as follows:

Table 12: Namibia<sup>76</sup>

Keyword	Cycle 1	Cycle 2	Cycle 3
SGBV	58	68	109
Lesbian	0	4	11
Gay	0	4	11
Bisexual	0	4	11
Transgender	0	5	12
Intersex	0	3	10
Same-sex	4	8	10
Sexual orientation	1	4	10
Gender identity	1	1	9
Homosexuality	4	0	0

During the first review, Namibia noted that its constitution prohibited all forms of discrimination and that no individuals had been prosecuted on the basis of sexual preference or sexual orientation.<sup>77</sup> Namibia also acknowledged that SGBV remained a serious and increasing issue which was echoed by numerous other reviewing states.<sup>78</sup> However, Portugal commented and expressed its concern on discrimination, violence, and punitive acts against homosexuals. In addition, Namibia did not support any of the recommendations on decriminalising homosexuality and adopting legislation prohibiting

<sup>75</sup> HRC Report of the Working Group on the Universal Periodic Review (Mozambique) (25 June 2021). See comments of New Zealand and recommendations from Spain, Indonesia, and Malaysia.

<sup>76</sup> Note that the recommendation from Liechtenstein during the third cycle refers to decriminalising sexual acts between consenting adults of the same gender.

<sup>77</sup> HRC Report of the Working Group on the Universal Periodic Review (Namibia) (24 March 2011) UN Doc A/HRC/17/14.

<sup>78</sup> See comments by Ghana, France, Pakistan, Canada, the United States of America and others.

SOGI-based discrimination.<sup>79</sup> During the second review, Namibia noted that one of the themes and objectives of its “National Human Rights Action Plan” was the right not to be discriminated against, including enhancing affirmation of the rights of LGBTI persons, having information on the extent of infringements, and enacting non-discrimination legislation.<sup>80</sup> This is a clear departure and positive development from its earlier rejection of similar proposed legislation. Namibia asserted that LGBTI persons were not victimised or persecuted on the basis of their sexual orientation. Although Namibia did not support all recommendations related to LGBTI individuals,<sup>81</sup> it did support recommendations from Honduras on eradicating discriminatory laws and practices and Brazil to adopt measures to combat violence and discrimination based on sexual orientation. It is interesting to note that Namibia supported the eradication of laws that discriminate based on sexual orientation but would not support proactively adopting legislation to prohibit such discrimination. During the third review, Australia and Denmark expressed concerns about discrimination based on sexual orientation and the infringement of the rights of LGBTI persons.<sup>82</sup> In addition, numerous reviewing states again recommended the decriminalisation of consensual same-sex relations and the repealing of laws that discriminate based on SOGI.<sup>83</sup> Malta provided a unique recommendation for Namibia to consider appointing a government diversity liaison officer from the LGBTI community. In one of its recommendations, Finland explicitly recognised the increased need for accessible health services for trans individuals. A review of the NLP system excerpts suggests that by the third cycle there was a growing interest in LGBTI rights and a growing push by many “Western” states for the decriminalisation of homosexuality,<sup>84</sup> a recommendation that had been made since the first cycle.

### 3 2 12 Seychelles

Seychelles ratified the Maputo Protocol on 9 March 2003, prior to its first review, and has ratified the SADC Protocol. The below table indicates a clear increase in the SGBV keywords. There is also a limited increase in LGBTI keywords, especially the same-sex keyword. Seychelles has completed three cycles of review under the UPR. The incidence of comments is as follows:

<sup>79</sup> See comments by Ghana, France, Pakistan, Canada, the United States of America and others; see recommendation from Portugal, France, and Spain.

<sup>80</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Namibia) (15 April 2016) UN Doc A/HRC/32/4.

<sup>81</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Namibia) (15 April 2016). See recommendations from Spain, Iceland, France, Argentina, and Netherlands.

<sup>82</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Namibia) (29 June 2021) UN Doc A/HRC/48/4.

<sup>83</sup> HRC *Report of the Working Group on the Universal Periodic Review* (Namibia) (29 June 2021). See recommendations from Uruguay, Denmark, Austria, Austria, Costa Rica, the United States of America, Spain, Canada, Dominican Republic, Finland, France, Germany, Iceland, Ireland, Italy, Liechtenstein, Malta, Mexico, Netherlands

<sup>84</sup> Note: The implications of recommendation and comments on LGBTI issues from “Western” states along with consistent recommendations from specific South and Central American states (Uruguay, Honduras, Argentina, Brazil, Mexico) and how this relates to concepts such as “decolonization” and other privileged understandings of LGBTI rights is beyond the scope of this paper.

Table 13: Seychelles

Keyword	Cycle 1	Cycle 2	Cycle 3
SGBV	16	74	100
Lesbian	2	2	6
Gay	2	2	3
Bisexual	2	2	6
Transgender	2	2	5
Intersex	0	1	4
Same-sex	5	6	13
Sexual orientation	6	5	8
Gender identity	1	3	6
Homosexuality	0	0	0

During the first review, Seychelles noted that its constitution prohibited discrimination on any ground, which included sexual orientation, with Australia noting that Seychelles’ 1995 Employment Act explicitly prohibited discrimination based on sexual orientation, and France noting that Seychelles supported joint statements made by the HRC in 2011 on ending violence and human rights violations based on sexual orientation and identity.<sup>85</sup> Specific recommendations concerning LGBTI rights included calling for the decriminalisation of same-sex relations and enacting specific legislation prohibiting SOGI-based discrimination.<sup>86</sup> During the second review, Seychelles noted that a review of the penal code was underway, including a review of the section which criminalised same-sex relationships.<sup>87</sup> Seychelles supported all recommendations on LGBTI issues, including recommendations to decriminalise same-sex relations, adopt comprehensive anti-discrimination legislation, and guarantee the rights of LGBTI persons to fully enjoy their human rights.<sup>88</sup> During the third review, there was a clear increase in the frequency of the same-sex keyword. A review of the NLP system excerpts indicates this is largely a result of the decriminalisation of same-sex relations and the numerous commends commended Seychelles for its actions.<sup>89</sup> In addition, Seychelles noted the approval of a “Law Reform Commission” which would consider SOGI matters including marriage equality. Recommendations from Spain included enacting amendments to legislation and introducing policies to eliminate persistent social discrimination and *violence* against LBT women. These recommendations

<sup>85</sup> HRC Report of the Working Group on the Universal Periodic Review (Seychelles) (11 July 2011) UN Doc A/HRC/18/7.

<sup>86</sup> HRC Report of the Working Group on the Universal Periodic Review (Seychelles) (11 July 2011). See recommendations from Canada, Australia, Norway, France, and Spain.

<sup>87</sup> HRC Report of the Working Group on the Universal Periodic Review (Seychelles) (8 April 2016) UN Doc A/HRC/32/13.

<sup>88</sup> HRC Report of the Working Group on the Universal Periodic Review (Seychelles) (8 April 2016). See recommendations from Netherlands, Italy, the United Kingdom, Australia, France, Chile, Canada, Argentina, and Germany.

<sup>89</sup> HRC Report of the Working Group on the Universal Periodic Review (Seychelles) (9 July 2021) UN Doc A/HRC/48/14.

are echoed in those of Argentina and Australia. It appears, from a review of recommendations, that a more nuanced and specific approach was taken by the third cycle with respect to LGBTI issues considered by reviewing states and is commensurate with the progressive realisation of LGBTI rights.<sup>90</sup>

### 3 2 13 South Africa

South Africa ratified the Maputo Protocol on 17 December 2004, prior to its first review, and has ratified the SADC Protocol. The below table indicates a relatively high increase in the LGBTI keywords over the three cycles, especially the “same-sex” and “gender identity” keywords during C2. South Africa has completed three cycles of review under the UPR. The incidence of comments is as follows:

*Table 14: South Africa*

Keyword	Cycle 1	Cycle 2	Cycle 3
SGBV	20	43	72
Lesbian	1	2	8
Gay	1	2	8
Bisexual	1	2	8
Transgender	0	2	8
Intersex	0	1	9
Same-sex	0	0	0
Sexual orientation	6	20	9
Gender identity	0	11	8
Homosexuality	1	0	0

During the first review, South Africa indicated that there was no specific legislation regarding sexual orientation, but that its constitution prohibits discrimination based on sex and gender.<sup>91</sup> South Africa received recommendations to continue to promote and protect the rights of all persons without discrimination based on sexual orientation and to ensure more accessible remedies to victims of such discrimination.<sup>92</sup> During the second review, South Africa noted recent violence targeting LGBTI persons and indicated that a national task team had been established. South Africa also noted strong judicial admonishment of the so-called “corrective rape” phenomenon perpetrated against identified or perceived lesbians.<sup>93</sup> A review of the NLP system excerpts, from the second review, indicates that the issue of

<sup>90</sup> For a broad overview of the progressive realisation of LGBTI rights under the UN and regional human rights systems see DT Vollmer “Queer Families”, chapters 3-5.

<sup>91</sup> HRC *Report of the Working Group on the Universal Periodic Review* (South Africa) (23 May 2008) UN Doc A/HRC/8/32. It should be noted that section 9(3) of the South African Constitution, 1996 specifically prohibits discrimination based on sexual orientation, as was noted by Belgium.

<sup>92</sup> HRC *Report of the Working Group on the Universal Periodic Review* (South Africa) (23 May 2008) UN Doc A/HRC/8/32. It should be noted that section 9(3) of the South African Constitution, 1996 specifically prohibits discrimination based on sexual orientation, as was noted by Belgium; see recommendations of the United Kingdom and Belgium.

<sup>93</sup> HRC *Report of the Working Group on the Universal Periodic Review* (South Africa) (9 July 2012) UN Doc A/HRC/21/16.

SOGI-based hate crimes and violence remained prevalent.<sup>94</sup> Recommendations on the issue of SOGI-based violence were made by numerous states, each supported by South Africa, except for the recommendation by Slovenia.<sup>95</sup> The C2 excerpts highlight the seemingly specific and extreme levels of violence against LGBTI individuals in South Africa, not observed in any of the other SADC states analysed and captured by the above NLP system generated table. During the third review, South Africa noted actions taken to combat SOGI-based discrimination based; however, although commending such actions, it was noted by some states that there remained persistent levels of violence against LGBTI individuals.<sup>96</sup> Recommendations on LGBTI issues were all supported by South Africa and included strengthening protections for LGBTI individuals against stigmatisation, harassment, and discrimination, the necessity to take urgent action against perpetrators of violence against LGBTI individuals, and ensuring better monitoring and reporting of such violence.<sup>97</sup>

### 3 2 14 Tanzania

Tanzania ratified the Maputo Protocol on 3 March 2007, prior to its first review, and has ratified the SADC Protocol. The below table indicates a relatively low frequency of LGBTI keywords over the two cycles. Tanzania has completed two cycles of review under the UPR. The incidence of comments is as follows:

Table 15: Tanzania

Keyword	Cycle 1	Cycle 2
SGBV	62	103
Lesbian	1	2
Gay	1	2
Bisexual	1	2
Transgender	1	2
Intersex	0	2
Same-sex	1	1
Sexual orientation	2	1
Gender identity	1	0
Homosexuality	1	3

<sup>94</sup> HRC Report of the Working Group on the Universal Periodic Review (South Africa) (9 July 2012). See comments by New Zealand, Slovenia, the United Kingdom, the United States of America, Belgium, France, Finland, and Norway.

<sup>95</sup> HRC Report of the Working Group on the Universal Periodic Review (South Africa) (9 July 2012). See recommendations from Slovenia, Uruguay, Argentina, New Zealand, Denmark, Netherlands, the United Kingdom, Canada, Austria, Finland, the United States of America, and Belgium.

<sup>96</sup> HRC Report of the Working Group on the Universal Periodic Review (South Africa) (18 July 2017) UN Doc A/HRC/36/16. See comments by Netherlands, and the United States of America.

<sup>97</sup> HRC Report of the Working Group on the Universal Periodic Review (South Africa) (18 July 2017) UN Doc A/HRC/36/16. See comments by Netherlands, and the United States of America. See recommendations from the United States of America, Chile, Belgium, Argentina, Israel, and Netherlands.

During the first review, Tanzania noted that homosexuality was both criminalised and against its traditional, cultural, and religious rights.<sup>98</sup> Slovenia noted its concern as to the ongoing criminalisation of consensual homosexual relationships. Tanzania did not support any of the recommendations on protecting the rights of LGBTI persons, adopting legislation to prohibit SOGI-based discrimination, or decriminalisation consensual relationships.<sup>99</sup> During the second review, Tanzania again noted that homosexuality remained illegal.<sup>100</sup> Canada recommended the implementation of the “National Human Rights Action Plan” as well as an end to attacks, abuses, and discrimination against LGBTI individuals. Chile and Uruguay recommended the decriminalisation of homosexuality.<sup>101</sup> It is noteworthy that Norway specifically recommended the implementation of the Maputo Protocol into national legislation, including provisions on women’s rights to medical abortions – this recommendation was rejected.

### 3 2 15 Zambia

Zambia ratified the Maputo Protocol on 2 May 2006, prior to its first review, and has ratified the SADC Protocol. The below table indicates a relatively low and consistent incidence of LGBTI keywords, although there is a general trend of increased frequency. Zambia has completed three cycles of review under the UPR. The incidence of comments is as follows:

*Table 16: Zambia*

<b>Keyword</b>	<b>Cycle 1</b>	<b>Cycle 2</b>	<b>Cycle 3</b>
SGBV	15	51	58
Lesbian	0	1	5
Gay	1	1	5
Bisexual	0	1	5
Transgender	0	1	5
Intersex	0	0	4
Same-sex	5	3	5
Sexual orientation	1	5	5
Gender identity	1	2	4
Homosexuality	0	1	1

<sup>98</sup> HRC *Report of the Working Group on the Universal Periodic Review (Tanzania)* (8 December 2011) UN Doc A/HRC/19/4.

<sup>99</sup> HRC *Report of the Working Group on the Universal Periodic Review (Tanzania)* (8 December 2011). See recommendations from Sweden, Spain, and Slovenia.

<sup>100</sup> HRC *Report of the Working Group on the Universal Periodic Review (Tanzania)* (14 July 2016) UN Doc A/HRC/33/12.

<sup>101</sup> Note that Tanzania’s response to these recommendations is not provided in the documents on the UPR website.

During the first review, Zambia explained the criminalisation of same-sex relations as a reflection of its socio-economic development.<sup>102</sup> Several reviewing states referred to the HRC's concerns as to the criminalisation of homosexuality, recommending its decriminalisation.<sup>103</sup> During the second review, Zambia indicated that it was undergoing a constitution-making process, providing Zambians with the opportunity to determine whether to enshrine LGBTI rights in its new constitution.<sup>104</sup> The United Kingdom encouraged Zambia to adopt legislation that would protect the rights of LGBTI individuals. Australia and Norway noted the continued criminalisation of consensual same-sex relationships. LGBTI-related recommendations by reviewing states were noted, but not supported by Zambia, and included decriminalising homosexuality and addressing discrimination and inequality based on sexual orientation.<sup>105</sup> During the third review, Zambia noted that investigations of attacks against individuals based on their SOGI were done without discrimination.<sup>106</sup> The Netherlands commented on Zambia's rejection of all LGBTI-related recommendations from previous review cycles. Reviewing states made LGBTI-related recommendations, which were noted but not supported, on adopting legislation to protect the rights of LGBTI individuals and on SOGI-based discrimination, decriminalising same-sex relationships, and ending degrading practices such as forced anal examinations.<sup>107</sup> The review of Zambia's UPR record arguably demonstrates the limits of the UPR process for states that refuse to engage with SOGIESC-related issues, as numerous recommendations were rejected throughout each of the three cycles.

### 3 2 16 *Zimbabwe*

Zimbabwe ratified the Maputo Protocol on 15 April 2008, prior to its first review, and has ratified the SADC Protocol. The below table indicates an almost complete lack of LGBTI keywords in the first cycle with a noticeable increase by the second cycle. Zimbabwe has completed two cycles of review under the UPR. The incidence of comments are as follows:

<sup>102</sup> HRC *Report of the Working Group on the Universal Periodic Review (Zambia)* (2 June 2008) UN Doc A/HRC/8/43.

<sup>103</sup> HRC *Report of the Working Group on the Universal Periodic Review (Zambia)* (2 June 2008). See comments and recommendations from Canada, Netherlands, and Ireland.

<sup>104</sup> HRC *Report of the Working Group on the Universal Periodic Review (Zambia)* (31 December 2012) UN Doc A/HRC/22/13.

<sup>105</sup> HRC *Report of the Working Group on the Universal Periodic Review (Zambia)* (31 December 2012). See recommendations from Spain, Australia, Canada, France, and Uruguay.

<sup>106</sup> HRC *Report of the Working Group on the Universal Periodic Review (Zambia)* (9 January 2018) UN Doc A/HRC/37/14.

<sup>107</sup> HRC *Report of the Working Group on the Universal Periodic Review (Zambia)* (9 January 2018). See recommendations from Honduras, France, Spain, Sweden, Canada, Australia, Argentina, and Uruguay.

Table 17: Zimbabwe

Keyword	Cycle 1	Cycle 2
SGBV	13	40
Lesbian	0	4
Gay	0	4
Bisexual	0	4
Transgender	0	4
Intersex	0	4
Same-sex	1	2
Sexual orientation	0	6
Gender identity	0	6
Homosexuality	0	0

During the first review, and as a result of the limited occurrence of the LGBTI keywords, the only excerpt provided by the NLP system, is a recommendation from France to decriminalise same-sex relations which was not supported by Zimbabwe.<sup>108</sup> During the second review, Zimbabwe did not directly address LGBTI-related issues.<sup>109</sup> However, numerous states made recommendations on decriminalising same-sex sexual relations, ensuring the rights and fundamental freedoms of LGBTI individuals, measures to combat discrimination and violence based on real or imputed SOGI by state and non-state actors, allow for a change of gender markers on identification documents, and adopt measures to eliminate discrimination, stigmatisation, and violence on the basis of SOGI. Zimbabwe has not supported any of these recommendations.<sup>110</sup> As was the case with Zambia, it is difficult to draw conclusions as to the effectiveness of the UPR process where Zimbabwe refused to engage on SOGIESC-related issues and all recommendations on same were rejected.

### 3.3 General trends in sexual and gender-based violence

The following observances of the extracted data and individual state analysis above are based on cycle-to-cycle comparisons of individual SADC states as well as between different SADC states within a single cycle. Percentages here indicate the normalised number of tagged occurrences of the specified SGBV keyword when compared to the number of all SGBV keywords contained within the UPR document(s) of either a single SADC state or across all states in the given range of UPR cycles. From C1 to C2, GBV increased in total representation across all SADC states by nearly double and accounts

<sup>108</sup> HRC Report of the Working Group on the Universal Periodic Review (Zimbabwe) (19 December 2011) UN Doc A/HRC/19/14.

<sup>109</sup> HRC Report of the Working Group on the Universal Periodic Review (Zimbabwe) (28 December 2016) UN Doc A/HRC/34/8.

<sup>110</sup> *Ibid.*, see recommendations from Uruguay, France, Argentina, Spain, Canada, Brazil, Israel, Chile, Czechia, and Italy.

for approximately 20% of all SGBV violence mentions through to C3. The specific increase was from 10% in C1 to 19% in C3.<sup>111</sup> Changes in tagged violence against-women mentions decreased from 18% to 11% in C3.<sup>112</sup> Further analysis regarding changes in terminology used and whether this is reflected in the similarly increasing change in GBV mentions and decreasing VAW mentions is of interest. “Sexual-violence” tagged content consistently remains the most prevalent form documented and accounts for 55% of total SGBV mentions in each cycle. The authors chose to align “trafficking” with sexual violence as this was the most consistently confirmed context throughout the selected texts. Alternative categorisation of ‘trafficking’ could potentially reflect a change in whether the perceived patterns in violence are more prevalent as “gender-based” or as “sexual”.

Zambia, Namibia, and Botswana have all shown “gender-based-violence” as tagged to be most prevalent in at least one cycle each. An in-depth analysis of these SADC states is of interest as the patterns in documented SGBV and GBV keywords across the UPR cycles may assist in predicting positive and negative responses in other states (SADC, or other). Botswana changed significantly where GBV mentions appeared least often of all SADC states, lowest (0% in C1) to highest (31% in C2) mentions across any two consecutive cycles. Of interest is whether this can be attributed to legal recourse, commitment to UPR recommendations, or shifts in cultural and societal ideals. It is also noteworthy that Botswana is the only SADC state to not have ratified the Maputo Protocol. Further, a rate-of-change (“ROC”) was extracted from all available data. Here, an ROC refers to the direct change in individually reported incidents of SGBV as documented across the cycles. The Democratic Republic of Congo had the highest change in GBV mentions between cycles and this is associated with an ROC that increased by 21 individual counts; second: Namibia, with an ROC increased by 18 counts of individual GBV mentions; and third: Madagascar, with an ROC increased by 17 counts. However, the prevalence of violence tagged through the computational system as specifically sexual in nature is overwhelmingly present and may obscure other forms of violence that are in fact more prevalent as a measure per capita than other SADC states. Namibia had the greatest increase overall in both count and ROC from C1 to C3 for GBV with a ROC increased by 29 counts (13 to 31) and GBV accounting for 22% of Namibia’s SGBV mentions in C1 to 39% in C3. Of note is Namibia having the highest GBV mentions overall at 46% in C2. Zambia is the only member state to have GBV as first or second highest mentioned form of violence for all three cycles and while Zambia’s overall SGBV keyword counts on violence are only 5% of all member states totals per cycle, the GBV mentions account for 53%, 33%, and 19% of Zambia’s totals for C1 to C3 respectively. Although it appears that Zambia’s GBV mentions are decreasing, they still sit at first, second, and sixth place in GBV specific mentions across all SADC states during C1, C2, and C3 respectively. Compared to other violence-tagged categories, Zambia reflects

---

<sup>111</sup> 18% in C2.

<sup>112</sup> 10% in C2.

an increasing trend for “sexual-violence” with 33% in C1, 55% in C2 and 64% in C3. Further analysis would clarify if GBV of a sexual nature is identified or mentioned instead as “sexual violence” in context or if GBV is becoming less reported due to certain factors not identified. By C3, 7 out of 16, or 44%, of SADC states list GBV as either the 1st or 2nd most reported type of violence and the average overall reporting percentage of GBV increased from 12.5% in C1 to 18.2% in C3 where this represents GBV changing from least to second most reported on type of violence as tagged. Further analysis and review of the documentation are required to identify what percentage of GBV is also sexual, whether the distinction is statistically significant to the extent that separate recommendations should be evaluated, and whether these findings further include all SOGIESC individuals.

#### **4 Concluding remarks, general comments, and recommendations**

##### **4 1 Overview and general comments**

Section 3 provided an overview of the types of data that can be easily harvested and computed, demonstrating possible extraction methodologies of ascertainable trends concerning the perceived international focus of the defined keywords. It was not possible as a result of the limitations, in time and scope, of this article to put a value judgement on the extracted information.<sup>113</sup> Value judgements would allow for a consideration of the frequency of a keyword that may appear in the context of a “positive” development, such as where a member state is commended for taking action to improve human rights or a “negative” development such as where a member state fails to take a previously recommended action. After reviewing the reports generated by the computational model, it was initially possible to plausibly extract common words used in the UPR documents associated with either “negative”<sup>114</sup> or “positive”<sup>115</sup> sentiment-in-context; however, this linguistic style was not consistent across all cycles and member states and was therefore removed from further analysis in the present article. In future iterations of the model used herein, it is possible to further refine the program to make value judgements on the sentence(s) surrounding a keyword. A categorical sort of this kind enables the model to automatically include or exclude these “negative” or “positive” recommendations and comments in the generated reports. The sentiment-in-context analysis could then be developed where the model would assign an appropriately defined value judgement, separate the tallied keyword

<sup>113</sup> Value judgements within the context of NLP models identify secondary analyses of, in this case, written language and intended sentiments. “Positive” and “negative” are often used to describe opposite intent, not unlike, for example, “happy” would be to “sad” or “kind” to “mean”. Specific to this work, there is additional value in enhancing the computational model to automatically extract the intended context of a tagged Keyword. At present a “human” reviewer is required to verify if the identified keywords are indications of accolade or admonishment.

<sup>114</sup> Examples of identified negative actionable associative words: concern[ed], alarm[ed][ing], urg[ed], ensure[ing], disappointed, referred, serious.

<sup>115</sup> examples of identified positive actionable associative words: commend[ed], welcom[ed], appreciat[ed], acknowledg[ed], encourag[ed], invit[ed], affirm[ed].

counts, and extract the relevant paragraph or sentence, assisting in expediting a general understanding of the progress made by a reviewed state, and where specific references are readily available for interested parties.

The specific usefulness of the model can be understood in terms of its efficiency and execution time, filtering and sorting of content, generation of summary reports, and ability for customisation. For example, it took an average of 60 seconds to download, sort, and scan, all Working Group documents of the UPR.<sup>116</sup> This short timeframe also includes the time it takes for the model to sort SGBV and LGBTI keywords, rank paragraphs according to relevancy, and produce five reports per cycle per country. The authors would also like to identify a perhaps overlooked, but rather important aspect to the usefulness of this and other models: the cost of reproducibility and error correction. Without the model, the additional cost of re-doing or extending a completed report without the benefits of the AI-based model may be prohibitive where human and capital resources are limited. Conversely, the additional time to generate alternative reports using the model is minimal and cost-efficient. Likewise, comparisons to other African sub-regional communities such as the Economic Community of West African States or extensions to additional continents and super/supranational bodies are both straightforward and accomplished with little additional oversight. The authors suggest this has the potential to provide additional insight into the global connection of SGBV on the basis of SOGIESC. Solutions, or lack thereof, found on this much larger scale may reflect larger systems of cause and effect, providing a deeper analysis and understanding of the global experience of LGBTQ individuals, women, and other identifiable and vulnerable groups. Further, when, for example, SGBV is broken down into sub-categories, key insights into the nature and type of problem are further uncovered. Below is an excerpt from *Report 5 Keyword Count Totals of the Democratic Republic of Congo* indicating sub-categories of violence, of which the dominant form was identified as being significantly of a sexual nature.

Table 18: *Specific Keyword counts of violence sub-categories*

CONGO (DR)				
Keyword	Cycle 1	Cycle 2	Cycle 3	TOTAL
violence-domestic	0	0	8	8
violence-gender-based	2	23	20	45
violence-sexual	79	83	51	213

While conflict-based sexual violence is well documented in this case,<sup>117</sup> this may not be the reality of other forms of SGBV in both the Democratic Republic of Congo and elsewhere. Thus, the ability to easily customise summary reports

<sup>116</sup> The specific range of files can be found in section 2 – note that in total this context refers to the analysis of approximately 50 PDF documents with an average of 25 full text pages each, for a grand total of approximately 1500 pages – all obtained and reviewed within one or two minutes (including report generation).

<sup>117</sup> See the text to part 3 2 4 above.

for targeted insight on real or perceived factors is a unique and important tool for country-specific and broader regional and global insights. This provides interested members with the ability to quickly identify, quantify, and assess instances of SGBV for further study, report generating, monitoring, and/or accountability measures. Specifically, this cost- and time-effective approach to accountability and monitoring may be an invaluable tool where resources and time are limited to ensure that SGBV is well documented and analysed as a means to ending the elevated levels of SGBV in SADC states, Africa, or globally.

## 4.2 Future adaptability

Further refinement of the model for language interpretation uniquely tuned to the UPR documents and their formatting is a natural extension. At present the UPR documents are not consistent in terms of presentation: individual member states may respond to the Working Group in multiple accepted formats, document files are displayed in PDF or Word Documents, several broken links were identified (where the document in question was also found to exist at an alternative address), terminology and textual structure of responses and recommendations vary from cycle to cycle, among other inconsistent indications. However, during the preparation of this article, the authors noted that updates to the UPR documents were actively occurring to remedy some of these issues. Changes within the documentation itself are noted as “cycle dependent” in that each cycle of the UPR demonstrates refinement in the format of responses and recommendations where consistent language is being favoured. This change makes greater efficiency and ease of sentiment analysis through computational methods possible. This is imperative for efficiently isolating context-specific judgement valuations, as discussed under 4.1. It is anticipated that as additional cycles of the UPR review are completed, a standardised form will emerge as an evolution of tested best practices.

The extraction of SGBV, LGBTQ+, and SOGIESC content from additional sources both contained within other UPR cycle reports and of generalised global reporting of significant events may permit further pattern analysis opportunities such as matching relevant trends to instances of political or economic significance during the relevant time period. Further, with accessibility and identification as central concepts to the work presented here, the authors suggest that replications of the model as developed can be expanded to interpret these same SGBV, SOGIESC, and LGBTQ+ results in all five official languages of the UN. Finally, producing reports in line with the format of either the UPR documents themselves (structural), or a format suitable to the task at hand (field-specific) is perhaps more desirable. At present, the generated documents are minimalistic with no discerning formal characteristics. While this choice maintains an uncomplicated clarity, it still requires adjustments to be used in communicating the summary outcomes.

### 4.3 Recommendations

Harnessing AI and data scraping technology to quickly extract information from online human rights sources such as the UPR provides an important tool to reduce costs associated with research and advocacy and may improve and accelerate access to justice for many victims of human rights violations. Reducing costs and barriers to justice, as well as reducing the costs associated with holding perpetrators accountable for persistent human rights violations, suggests the potentiality of integrating stability into judicial processes, directly impacting outcomes, and supporting the appearance of consistent action. This, in turn, may further support an increase in seeking justice by the survivors of SOGIESC- and SGBV-based human rights violations. Consistent with addressing a problem, is the acknowledgement and identification that the problem exists. It is well documented that SGBV is used as a weapon of war,<sup>118</sup> while it is simultaneously recognised that communities, economies, and the general quality of life are improved *for all* when *all* members of society are held on equal ground, respected at the same level, and afforded the same opportunities. Yet, as we see in the cycles of reports, during periods of political and economic instability, some of the first rights to be infringed are specifically those which allow for women, LGBTQ+ members, and often specifically trans individuals, to assert their independence and retain self-autonomy and respect. Consequently, the erasure of gendered human dignity becomes a repeatedly expected, and therefore accepted, outcome. Tolerating the deterioration of these rights is a course of action that should be altered and supported by human rights institutions.

Measuring the prevalence of SGBV is difficult, in general, due to typical factors affecting reporting, documenting, and maintaining data on incidences of occurrences. This is further exacerbated where instability exists. It is therefore vital for computational models to handle what data does exist and to streamline all formats of data when incidents are documented. Actively seeking and searching for updates with methods that can be automated, or with those that add efficiency and ease of regular compilation and assessment of accumulated data, may provide fundamental support not easily obtained through more traditional means. This may be of particular benefit where amassing coherent information is divided by departments or institutions which are separated by geography, language, time, support, or directive. In particular, the unique nature of SOGIESC rights is, at present, transitive in nature with regards to gaining or losing traction on human rights and is often dependent on volatile and impermanent social and cultural standards for acceptance or understanding. Continuing to sift through the immense level of available data, and by producing consistent, explicit, and irrefutable indications on the prevalence of SGBV and SOGIESC-based violations in SADC states, whenever possible, will arguably force these human rights issues to remain at the forefront while ensuring accountability for perpetrators.

<sup>118</sup> See A Arieff “Sexual Violence in African Conflicts” (30-11-2010) *Congressional Research Service Report for Congress* <<https://sgp.fas.org/crs/row/R40956.pdf>> (accessed 12-02-2022).