Theoretical Challenges to Understanding the Potential Impact of the Universal Periodic Review Mechanism: Revisiting Theoretical Approaches to State Human Rights Compliance

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I. INTRODUCTION

Compliance is a mantra in international law. For many years scholars have questioned the extent to which states comply with human rights monitoring institutions at the international and regional levels. In most cases these scholars find that human rights monitoring institutions have limited, and sometimes insignificant impact, on the human rights practices of states. At the UN level, Heyns and Viljoen (2002:6) conclude that UN treaty monitoring bodies 'had a very limited demonstrable impact' within states. In 2010, Alebeek and Nollkaemper (2012) found only about 12% compliance with the views of the Human Rights Committee which was declining over time. In 2014, a cross-country study of Finland, The Netherlands, and New Zealand found that the concluding observations and recommendations of the human rights treaty bodies have limited influence on the domestic human rights practices of states Krommendijk 2014). At the African regional level, Viljoen and Louw found an overall lack of state compliance with the recommendations of the African Commission on Human and Peoples' Rights (Viljoen and Louw 2007).

At the heart of these studies is the question of state compliance with international human rights law and the broader question of how international human rights institutions can influence states. This article approaches these questions by reviewing five major theoretical approaches to state compliance to determine which can more appropriately explain the potential impact of state engagement with the UPR mechanism.

Section II undertakes a general review of the existing scholarship on the UPR mechanism within two broad perspectives that I have identified: the 'sceptical group' who argue that the UPR is institutionally weak and needs to be overhauled or replaced by an entirely new institution; and the 'evolutionary group' who contend that the

UPR is an evolving mechanism whose effectiveness is only limited by factors such as politicisation, regionalism and ritualism, and can be improved within the existing cooperative framework. This section seeks to establish the attitude of existing literature to the question of whether the UPR, as a cooperative peer review process, can contribute to positively impact the domestic human rights situation of states.

Section III then considers competing theoretical frameworks to understand the potential impact of the UPR by reviewing five major theoretical approaches to state compliance with international human rights law. These are the coercive compliance-centred theory, the 'naming and shaming' approach, the transnational legal process theory, the five-stage 'spiral model', and the theory of acculturation. This section argues that while these theories are not mutually exclusive, the theory of acculturation provides the most appropriate theoretical framework to understand the potential impact of the UPR mechanism. This is because unlike the other theories, the acculturation theory does not incorporate any element of coercion or confrontation. This mirrors the inclusive and cooperative framework of the UPR mechanism which I argue provides important and effective conditions for acculturation. By incorporating a theoretical conception of the potential impact of the UPR process, this article contributes to existing scholarship in this area which generally has limited theoretical engagement with the impact of the UPR process.

The focus of this article is therefore confined to the UPR and does not purport to have direct implications on state engagement with other mechanisms in the international human rights system, even though they may overlap in some key functions. For example, while state reporting activities under the treaty bodies in some ways overlaps with state reporting under the UPR mechanism, both mechanisms significantly different. Universality is a key principle of the UPR can be characterised not only in terms of the universality of the process, but also the rights covered. This distinguishes it from the human rights treaty bodies. The scope of the work of the treaty bodies is limited only to states that have ratified the specific treaty within their competence and only to the rights specified in each particular treaty. In terms of the rights covered, the UPR examines broader obligations under the UDHR and applicable international humanitarian law, including commitments and voluntary pledges made by individual states (Human Rights Council 2006, para 1). Unlike the treaty bodies, the UPR is truly universal since all UN member states are reviewed, regardless of whether the state has ratified any human rights treaties and the UPR has in two cycles (2008-2016) achieved 100 percent state cooperation rate.[1]

II. The Universal Periodic Review (UPR)

UN General Assembly Resolution (UNGAR) 60/251 establishes the Human Rights Council (HRC) as a subsidiary organ of the General Assembly which replaces the Commission for Human Rights (UNGAR – Human Rights Council 2006: para 5e). One of the broad mandates of the HRC is to be 'responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all' The aim was to provide an alternative to the 'politicisation', 'naming and shaming' and practices of selectivity which contributed to the demise of its predecessor, the Commission for Human Rights (Alston: 2006:185-224). General Assembly Resolution 60/251 mandates the HRC, amongst other things, to undertake a universal periodic review of all member states in the spirit of cooperation and based on objective and reliable information (UNGAR – Human Rights Council 2006: para 5e). The distinctive feature of the UPR, as a cooperative approach to human rights implementation, is that it is based entirely on cooperation and dialogue, and is inclusive, collaborative and a state-controlled process.

The review takes place every 4.5 years in three main stages which include the preparation of state reports, review of the state in Geneva and the follow-up process. During the review, recommendations are made to the state under review by its peers and the state under review has an opportunity to respond or clarify its responses to recommendations made during the review. The state under review provides responses to the recommendations made, by 'accepting' 'rejecting' or 'noting' the recommendations from its peers. There is no obligation to accept the recommendations. While there is a high level of acceptance by states of these UPR recommendations, the nature of these recommendations have been criticised for their lack of specificity and are sometimes too general to be implemented (McMahon 2012: 26).

The first cycle of the review (UPR I) spanned from 2008-2011, the second cycle (UPR II) was undertaken from 2012-2016 and the third cycle (UPR III) will run from 2017-2021). The four major principles underlying the review include objectivity, universality, cooperation and complementarity and with the principal objective of improving human rights situation on the ground (Human Rights Council: 2006: paras 3-4). States are reviewed in accordance with obligations under the UN Charter, the Universal Declaration of Human Rights, binding human rights treaties, voluntary pledges and commitments made by states and applicable international humanitarian law

(ibid: para 1-2). The review equally welcomes the participation of NGOs, albeit limited, during the plenary session of the HRC when a state report is being adopted. While the UPR mechanism was designed in a similar self-regulatory and cooperative fashion as the African Peer Review Mechanism (APRM), they differ in their goals with the primary focus of the APRM being to promote accountability and good governance (McMahon et al 2013).[2]

Some scholars have questioned the efficacy of the UPR, especially the level of state control over the UPR process. Scholars and UPR stakeholders critique the UPR from different perspectives in an attempt to provide insights into the ability of the UPR mechanism to influence states and improve the human rights situation on the ground. I classify the literature into two main groups - the sceptical group and the evolutionary group.

The sceptical group contends that the UPR mechanism does not add any real value to the human rights system because it is flawed, in that it is dependent on the goodwill of states and has a debilitating effect on other human rights mechanisms. According to the sceptics, the UPR is institutionally weak and needs to be overhauled, or replaced by an entirely new institution that will undertake real scrutiny and hold states accountable for human rights violations. For instance, in 2006, UN Watch, one of the earliest critics of the UPR stated that:

> the UN has little need for another toothless mechanism for "cooperative dialogue." We call on Council members to fashion a mechanism that will, in a fair manner, apply real scrutiny, to hold governments to account and cite them for violations and abuses (UN Watch 2006)

UN Watch made the above statement during the HRC debate on the modalities for the UPR. It advocated for a 'strong' mechanism that can 'name and shame' human rights violations by states and hold them accountable (ibid). UN Watch argued that any mechanism based on cooperation and dialogue would be ineffective in scrutinising human rights violations by states (ibid). However, adopting the 'naming and shaming' approach fails to harness the potential value of cooperation and dialogue in helping to cause human changes within states and there is evidence which suggests that the 'naming and shaming' technique has been ineffective (Rodriguez-Pinero 2009: 329).

Allehone M Abebe, Ethiopia's diplomat in Geneva and a human rights scholar who participated both in the negotiations on the institution-building text of the HRC and the first two sessions of the Working Group on the

UPR, was very critical of the UPR, particularly the participation of African States (Abebe 2009:3) He argues that African States have 'deftly manipulated' the system during the formative years to limit NGO participation in the process and have engaged in regional dynamics and the politics of bargaining by not criticising one another during the review of African states (ibid). According to Abebe (2009:3), the tendency of the African group to use their group alliance to circumvent real scrutiny of their human rights situation signals an ominous sign for the efficacy of the UPR mechanism. Abebe's detailed analysis traces the role played by African states during the negotiations leading to establishment of the UPR, but on the actual participation of African states during the reviews, his analysis was limited only to the first two sessions.[3]

Mid-way through the first cycle of the UPR, Frouville (2011: 250-255) criticised the UPR on three major grounds. According to Frouville (ibid) and Bernaz (2009: 79-91), the UPR 'has failed to live up to expectations' because it overshadows the hard work of the treaty bodies and is wholly dependent upon the goodwill of states and cannot, as a political entity, make a legal assessment or interpretation of the human rights obligations of states (ibid). Similarly, Nowak (2011: 23) argues that the UPR '… suffers from the disadvantage that states' performance in the field of human rights is assessed by other states rather than by independent experts.' For Nowak, the UPR, by not permitting special rapporteurs and treaty body experts to participate in the review, undermines the work of the treaty bodies and special procedures. The general presumption which underlies the criticisms of Frouville and Nowak is that human rights implementation can only be effectively tackled by human rights expert bodies. However, their analyses undermine the potential value of the UPR and do not provide empirical data on whether the UPR is effective or not in improving the human rights situation of states.

Scholars within the sceptical group generally have based their views on the UPR and its architecture before the actual review started or at best examine a few sessions of the first cycle. Analyses of how the UPR mechanism has operated through the first and second complete cycles will provide a more comprehensive understanding of its effectiveness. However, scholars within this group provide an important contribution to the knowledge regarding the negotiations leading to the establishment of the mechanism, the structure of the mechanism, and what must be done or avoided to make it successful.

On the other hand, the evolutionary scholars/commentators view the UPR mechanism more positively. They contend that the UPR is an important and evolving mechanism whose effectiveness is only limited by factors such as politicisation, regionalism, and ritualism (Terman and Voeten, 2018; Carraro, 2017; Charlesworth and Larking 2014). This group of scholars actually examine the UPR in action including state practice during the interactive dialogue and the recommendations made during the review process. McMahon (2012: 1-28) undertook one of the first empirical analyses of the UPR. He analysed the first cycle of the UPR focusing on the quality and quantity of UPR recommendations and the responses by states. He found that the UPR offers tangible benefits to human rights promotion by attracting universal and high-level state engagement and encouraging dialogue between some governments and civil society (ibid, McMahon and Ascherio 2012:231-248). However, McMahon criticised the lack of specificity and the complimentary approach adopted mostly by the African and Asian Groups in the review of their regional peers. Eventually he has expressed optimism that the UPR will evolve into a robust mechanism because states are taking the process seriously (ibid).

The analysis of McMahon was ultimately a general evaluation of states' UPR I participation in the interactive dialogue, the quality of state recommendations and the corresponding state response. In 2008, Elvira Dominquez Redondo, undertook a similar assessment to that of McMahon and drew a similar conclusion in relation to high level state engagement with the UPR (Redondo 2008: 729). However, she conceded that the effectiveness of the mechanism would only be determined by the extent to which state participation in the UPR process improves the human rights situation on the ground, an assessment which was too early for her to make (ibid: 733).

Since 2012, Smith (2012, 2014), Quane (2015) and Bulto (2015), have analysed the impact of the UPR in different regions. Smith's 2012 case study of Pacific Island states demonstrated that these states actively engaged with the interactive dialogue of their reviews during UPR I and were receptive to UPR recommendations. Smith however pointed to the fact that their engagement was limited by their inability to participate in the review of other states due to technical and financial constraints (Smith 2012: 529). With regards to the Association of South East Asian Nations (ASEAN[4] states), Quane (2015: 289) argued that the UPR mechanism has enhanced the relationship between ASEAN states and the global human rights mechanisms. According to Quane, the UPR impacts other mechanisms by making particular recommendations which have increased their engagement with the UN treaty

bodies and special procedures (ibid). But Quane's case study highlighted the fact that disagreements on the death penalty and the rights of LGBT persons have limited the engagement of many states in the region (ibid: 289-295).

In Bulto's 2015 general analysis on Africa, he found that African states engage more with the UPR mechanism than with other human rights mechanisms because of the almost complete control they have over the outcome of the UPR process (Bulto 2015). But he argues that their engagement lacks genuine commitment and is a manifestation of rights ritualism (ibid). Bulto (2015: 247-251) supports his claim by the fact that the African group lobbied for a state-driven system that limits NGO participation and by their failure to be critical of the human rights situation of their peers during the reviews. Nevertheless, he intimated that the continuous engagement of African states with the UPR, although ritualistic, can contribute to enhance the learning-by-participation process (ibid: 255).

Little of the existing scholarship takes a theoretical approach to analysing the UPR process. Charlesworth and Larking (2015) provided the first sustained analysis of the UPR process that draws on socio-legal theory and underscore the interplay of rituals and ritualism in the UPR. They examined rights ritualism as one of the core challenges to the central aspect of the UPR process. Charlesworth (2010: 12) argues that 'in the field of human rights, rights ritualism is a more common response than an outright rejection of human rights standards and institutions.' According to Charlesworth (ibid), 'rights ritualism' is 'a way of embracing the language of human rights precisely to deflect real human rights scrutiny and to avoid accountability for human rights abuses.' In the context of the UPR, Charlesworth and Larking (2015: 16) define ritualism as 'participation in the process of reports and meetings but an indifference to, or even reluctance about, increasing the protection of human rights.' They identify elements of cynicism in states' involvement during the interactive dialogue phase of the review and argue that some states have claimed they recognise certain rights within their states when that is not the case (ibid: 14-15). In contrast to Charlesworth and Larking, Milewicz and Goodin (2016: 1-21) argue that the UPR is a deliberative success for peer-to-peer accountability because of its insistently cooperative and inclusive character which can facilitate a genuine discussion of existing human rights violations. According to Milewicz and Goodin (ibid: 17), the interactive dialogue phase involving states, and to a limited extent civil society, effectively induces a cooperative and deliberative culture within the mechanism that is encouraging states to comply with human rights standards. This article takes a different theoretical perspective in analysing state engagement with the UPR

process by examining the potential for the UPR to lead to improved human rights changes over time through the process of acculturation.

III. THEORETICAL FRAMEWORK

International scholars have extensively engaged with the question of why and when states obey international law. International law and international relations scholars have developed various theories to explain and answer this question, but each arrived at mixed results (Heifer 2002, Koh 1996, Koh 1997, Guzman 2002, Guzman 2008, Posner 2014, Bates 2014). At the heart of this discourse is the problem of compliance. In the context of international human rights law, scholars have engaged with the specific question of whether ratification of human rights treaties has any effect on state behaviour. While some studies found that treaties have improved state behaviour (Simmons 2009, Lupu 2013, Hafner-Burton 2013) others found that treaties have no positive effect and sometimes even a negative effect (Hathaway 2002, Neumayer 2005, Hill 2010, Posner 2014). However, Roger Fisher's work differs from these studies by making a distinction between first and second-order compliance. According to Fisher (1981: 28-29), 'first order compliance' relates to compliance with treaties while 'second-order compliance' deals with compliance with the decisions and recommendations of institutions monitoring compliance with international treaties. The above studies focused on 'first order compliance' and until recently, little attention has been paid to 'second-order-compliance'.[5] This article examines the potential impact of the UPR as human rights monitoring mechanism from a theoretical perspective.

This section reviews five main theories on state compliance with international human rights law – the coercive compliance-centred theory; 'naming and shaming'; the transnational legal process theory; the five-stage 'spiral model'; and the acculturation theory. This section critiques each of the theoretical approaches after outlining them in order to justify my preference for the theory of acculturation. This review is not exhaustive in coverage of compliance theories. It rather focuses on the theories that are relevant to my argument and important in framing the debate. The argument here is that the UPR mechanism, which relies on state dialogue and cooperation, embodies a sophisticated human right approach whose impact cannot be appreciated by compliance theories that incorporate elements of coercion/confrontation. The coercive compliance-centred theory and other theories that incorporate elements of coercion are not suitable for assessing the UPR or other human rights cooperative

mechanisms. Furthermore, this section argues that the acculturation theory provides a more appropriate alternative theoretical framework through which to understand the potential impact of the UPR process. This is because the acculturation theory does not incorporate any element of coercion or material inducement but focuses on the various social and cognitive pressures that influence states. This theory is most suitable in evaluating a monitoring mechanism that tends to be inclusive, cooperative and collaborative. I argue that the UPR is such a mechanism and can influence human rights changes within states in a non-confrontational manner.

i. The Coercive Compliance-Centred Theory

The theoretical starting point of this research follows the argument that human rights compliance mechanisms that rely exclusively on coercive/confrontational approaches are limited and undermine the potential benefit of cooperative mechanisms. Proponents of a coercive compliance-centred theory hold onto the traditional notion that coercive mechanisms are the principal means to induce state compliance with human rights. According to this view, compliance with human rights norms occurs when powerful states coerce relatively weak states into complying either through sanctions, punitive or other confrontational measures (Hathaway 2002:1934-2034). Many scholars within international relations theory share this view and contend that human rights norms will be enforced only to the extent that it is in the strategic interest of powerful states to enforce them (Baumgartner 2011: 447, Slaughter 2011, Guzman 2002:1826).

While the views of international relations scholars rely on the power of states to enforce human rights norms, international legal scholars generally rely on 'powerful' institutions to coerce states into compliance. According to Steiner (2000: 20), '[i]nstitutions make rights more effective by threatening or taking actions that may lead a state to comply. Institutions with real power cut to the bone of sovereignty.' Based on this view, Steiner (ibid: 15-53) argues that the UN Human Rights Committee will require restructuring to address its compliance problem. But the UN treaty bodies in general cannot be characterised as coercive because they do not have the power to compel states to comply with their findings or recommendations. Viewing international monitoring institutions with this compliance-centred optic has led many scholars to regard the monitoring institutions as basically weak and ineffective underscoring their inability to meaningfully advance human rights (Crawford 2000: 1-12, Moravsik 2000: 219, Mutua 1994: 212). While there have been several proposals to strengthen the human rights

treaty body monitoring system (Pillay 2012, Egan 2013), De Frouville (2011: 264) argues that the development of the treaty bodies has reached its limits. To address the deficiencies of the UN human rights system, Frouville (ibid: 264-265) advocates for the creation of a World Commission of Human Rights with a strong institutional basis and the power to issue and enforce binding decisions. Similar desire for stronger and more confrontational approaches to human rights compliance is reflected in the argument that the best final model for securing human rights compliance is the establishment of a world court of human rights (Clapham 2012: 318, Nowak 2007: 251, Nowak 2011: 26-33). For example, Nowak argues it is time for a world court of human rights because UN treaty bodies and other monitoring mechanisms have had little impact owing to their inability to issue and enforce binding decisions that would induce state compliance (Nowak 2011: 26).

The above arguments are not without merit. They are founded on the premise that human rights norms have a normative force. Hence failure to comply ought to attract a degree of 'penalty'; international human rights monitoring bodies do not have the competence to punish right violators or provide direct redress to victims of rights violation. It has also been argued that the monitoring process involves legal questions which political bodies like the UPR Mechanism are ill equipped to deal with (De Frouville 2011: 254). This helps explain the above call for a judicial articulation of rights by a judicial body, the violation of which should attract punitive sanctions that will secure compliance. However, not all scholars agree. Goldenziel (2014: 453) underscores the need for flexibility in enforcing human rights norms. Goldenzeil (2014: 460-461), like Helfer (2002: 1832), argues that the 'overlegalisation' of international human rights law through rigid enforcement mechanisms can have a potential backlash. Drawing on the examples of Jamaica, Guyana, and Trinidad and Tobago, Helfer (2002) argues that when international human rights law is 'overlegalized' it will create a domestic backlash that may cause states to withdraw from a human rights regime. I argue that the UPR mechanism provides much needed flexibility through its cooperative, rather than adjudicative, framework, and that the potential value of a cooperative mechanism to human rights implementation cannot be underestimated.

Within the governance matrix, Vega and Lewis (2011: 353-385) argue that the UPR has the potential to transform human rights discourse. They take the view that the UPR introduces a distinctive environment that encourages human rights policy diffusion and the sharing of best practices among member states (ibid: 357). According to Redondo and McMahon (2013: 61-97), more cooperative and inclusive approaches to human rights

implementation can provide a middle ground between universalism and national sovereignty. They argue that voluntary and cooperative approaches if properly utilised can have a 'prophylactic effect' in promoting human rights and help reduce the number of instances that would require 'interventionist' actions (ibid: 88-97). Vega and Lewis (2011: 363) described the UPR as a 'soft' accountability mechanism that enables members to adjust their national practices in conformity with shared ideas on how effectively to manage human rights in the 21st century.

Exclusive reliance on 'strong' compliance mechanisms, whether through sanctions or adjudication, not only undermines the potential value of cooperative mechanisms, but also has significant limitations and negative impact on human rights. Empirical studies have well documented the adverse impact of economic sanctions on human rights (Wood 2008: 489-513, Peksen 2009: 59-77, Bennouna 2002: 40-47)). Empirical analysis from 1981-2000 concluded that 'economic sanctions deteriorate citizens' physical integrity rights' (Peksen 2009: 59) especially when directed towards dictatorial regimes (Careniero and Dominique 2009:969, Shagabutdinova and Berejikian 2007: 59-74, Dresner 2011: 96). Recent empirical studies equally indicate that even the so-called 'targeted sanctions' have unintended adverse consequences on the respect for human rights (Carneiro and Apolinario 2016: 565-589, Ingold 2013, Afesorgbor and Mahadevan 2016, Targeted Sanctions Consortium et al. 2013). Carneiro and Apolinário (2016) analysed targeted sanctions against African states between the years 1992-2008. Their findings indicate that targeted sanctions had similar adverse effects as conventional sanctions, and that the level of human rights protection in the country is likely to worsen under an episode of targeted sanction (ibid: 565-589). Africa is the most sanctioned continent in the world and yet there is little improvement on the human rights situation on the ground (Charron 2013: 77-98). This is an indication that this coercive compliance paradigm has not been effective in the continent. More recently, the threat by the British government to coerce African states to decriminalise same-sex relationships by withholding UK aid from governments that do not reform legislation banning homosexuality, have been subsequently met with specific legislation further criminalising same sex unions in some countries like Nigeria and Uganda (Same Sex Marriage Prohibition Act 2013, Uganda Anti-Homosexuality Act 2014). Legal theorists and social psychologists have reasoned that if the ultimate goal of the international human rights system is to improve the human rights situation on the ground,

then voluntary obedience, not coerced compliance, must be the preferred mechanism of enforcement (Koh 1997: 2645, Tyler 2006, Paternoster et al. 1983: 457).

This article does not seek to undermine the significance of other human rights mechanism in many instances but rather argues that more attention needs to be given to the potential value of cooperative human rights mechanisms, which could complement other existing human rights mechanisms. The UPR mechanism which relies on cooperation and gives the state some degree of control over the process can be sometimes at least as, if not more, effective than coercive mechanisms.

ii. The 'Naming and Shaming' Approach

Compliance mechanisms based on the coercion model are unsatisfactory in explaining state engagement with the UN treaty monitoring bodies. This is because the treaty bodies do not have the power to compel states to comply with their findings or recommendations. 'Naming and shaming' is one of the predominant approaches engaged by the UN human rights monitoring bodies (Redondo 2008: 687). As pointed out by Ulfstein (2014), UN human rights treaty bodies have no coercive power except for 'naming and shaming.' This approach relies on expressing public disapproval of a state's non-compliance with its international human rights obligations and has been used by most of the UN human rights machinery. In the case of the treaty bodies, the sanctions available in the event of non-compliance are limited, for the most part, to 'naming and shaming' (Alston 1996: paras 10-12). This involves public reporting of the violation and possibly condemnation. While the findings by the relevant experts may be justified, states at the receiving end of the scrutiny tend to perceive such an approach as confrontational and they dismiss the finding as a foreign imposition. This is, in some way, the result of the fact that mechanisms like the treaty bodies and special procedures rely on human rights experts and engage in a highly technical review process. This has been seen to contribute to low state engagement with human rights bodies and a seemingly low rates of state conformity with their recommendations and findings (UNHCHR 2012). Even though the independent treaty body experts are nominated by states, the fact that they are not peers sometimes helps create the perception of 'us' as in states versus 'them' as in human rights experts.

Redondo classifies 'naming and shaming' as a confrontational approach, especially when it calls for a country-specific resolution or requests country-specific actions (Redondo 2008: 687). African states, as well as many other states, have repeatedly condemned findings and resolutions which target the human rights practices of specific states or regions, arguing that they breed selectivity and double-standards (Redondo 2011:274-5). For example, South Africa adheres to the belief that 'naming and shaming' is counterproductive and has at various times voted against country-specific resolutions condemning human rights abuses in Myanmar, Sudan, and the Democratic Republic of Congo (DRC) (Jordaan 2014: 100-109). In 2006, the African Group in the HRC opposed a strong HRC action on Darfur in favour of a fact-finding mission and wanted the mission to consist of state representatives, reflecting their dislike of independent experts (Statement by Algeria 2006). In March 2009, an attempt by the EU to reinstate the country mandate on the DRC through as draft HRC resolution was opposed by the African Group who later introduced its own resolution which was eventually adopted (International Service for Human Rights 2006: 7). The African Group's resolution neither condemned the DRC government nor made any call for the establishment of a country mandate on the DRC.

According to the African Group, the HRC's founding principle of non-selectivity is opposed to selective country-specific resolutions which contributed to the demise of the former Commission for Human Rights (Statement by Algeria). Algeria, on behalf of the African Group, stated that '[o]ne of the reasons why the Commission was not successful was because of the naming and shaming [of states]' (ibid). The opposition of African states to 'naming and shaming' through country-specific resolutions partly stems from their view that it is a neo-colonial tool having little to do with human rights concerns (Freedman 2013: 18). Lebovic and Voeten (2006: 861-888) examined 'naming and shaming' by the former UN Commission for Human Rights from 1977-2001. They found evidence of bias as over half of the resolutions condemning human rights abuses only targeted Israel, Chile, South Africa, Equatorial Guinea and Cambodia, and avoided public condemnation of politically powerful countries like China and Saudi Arabia (ibid).

As argued in this article, there is the need for a more inclusive and cooperative approach and the UPR mechanism provides such a platform. According to Surya Subedi, the UN Special Rapporteur on the situation of human rights in Cambodia, a more constructive approach focusing on cooperation among peers towards improving human rights rather than naming and shaming, would help dissipate 'the perception of "us" versus "them" held by states

in relation to human rights experts (Subedi 2011: 228). This approach, he noted, is supported by developing states (ibid). Former UN High Commissioner for Human Rights, Sergio Vieira de Mello, also observed that 'it is not enough to blame. It is also necessary to help governments or regimes to emerge from their own mistakes or their own contradictions' (Pinheiro 2011: 167).

Moreover, the 'naming and shaming' approach to human rights implementation has largely been seen as a failure (Friman 2015, Adcock 2015: 1-14, Gates and Reich 2010: 4., Willmot et al. 2016). Hafner-Burton (2008: 689-716) analysed the relationship between 'naming and shaming' and the human rights practices of 145 states. She finds that perpetrators do not change their human rights practices after being shamed and sometimes instead ramp up those abuses. According to Haidi Willmot et al (2016: 369), human rights strategies cannot be limited to 'naming and shaming.' They argue that the limited strategy of blaming the Sri Lanka government for the human rights abuses during the conflict (2002-2009) contributed to the UN's failure to protect the rights of civilians during the conflict (ibid). International scholars have underscored the tendency of states to react to threats by redefining 'their interests in the direction of resisting the threat,' and that extrinsic incentives in the form of rewards or punishment undermine the intrinsic motivations of states to comply (Goodman and Jinks 2004: 689, Braithwaite and Drahos 2000: 558). This trade long-term commitment in favour of short-term compliance (ibid).

Many scholars have argued that 'naming and shaming' is less effective today than in the 1970s when it was first used (Hafner-Burton 2008: 707-713, Mallinder 2010: 174). Roth criticises the 'naming and shaming' methodology of international organisations as ineffective, particularly for addressing violations of economic, social and cultural rights because these rights have limited clarity about violation and remedy (Roth 2006: 173-4). Molly Land argues that if 'naming and shaming' is a limited technique, consideration should be given to other approaches 'given the urgency of addressing human rights violations resulting from global inequalities' (Land 2016: 416). These concerns have given rise to calls for new approaches to monitoring human rights compliance, particularly in the context of socio-economic rights (Cockery and Way 2012: 330, Rubenstein 2004: 849, Robinson 2004: 870). Socio-economic rights have figured prominently among state recommendations to their peers in the UPR process. About 10% of the total recommendations made by states during UPR I was on socio-economic rights and more than 12% during UPR II (UPR Info 2018). Also, within the African context, it doubtful how the 'naming and shaming' approach can be an effective tool in achieving decriminalisation of same-sex

relationships against the argument of cultural relativism. In a gay rights debate at the UN Human Rights Council, the Nigerian delegate to the UN Human Rights Council stated on behalf of the African group (excluding South Africa):

the Nigerian delegate on behalf of the African Group (excluding South Africa) stated that:

> The heads of states of governments of the African Union … resolved not to … accept or integrate concepts which have not been universally defined and accepted in international human rights law. The African leaders thereby rescind the obsession by other regions or groups to impose their own value system on other regions (Statement by Mr. Ositadinma Anaedu, 22 March 2011).

The Asian region has asserted cultural relativism on the premise of 'Asian values' which has continued to influence political and judicial thinking in Southeast Asian states like Malaysia and Singapore (Lee 2016). While there is no similar collective approach taken by African states, they have, almost unanimously, opposed same-sex relationship on the basis that it is culturally unacceptable or a form of cultural imperialism. The UPR provides a new approach to address these issues and its potential impact cannot be gauged by compliance theories that are confrontational.

Rodrigues-Pinero draws a connection between the general failure of the human rights system to elicit compliance and its predominant naming and shaming approach (Rodrigues-Pinero 2009: 329). He observes 'that the effectiveness of the "name and shame" techniques has long been superseded by crude facts' (ibid). Rodrigues-Pinero advocates for a more sophisticated approach to rights implementation which focuses on cooperation, empowers rights-holders, reinforces duty-bearers' capacities and the role of technical cooperation (ibid: 330). This article argues that the UPR mechanism embodies this sophisticated approach by emphasizing state cooperation as the cornerstone of the mechanism. Some may argue that the deliberations that take place during the interactive dialogue phase of the UPR is a form of 'naming and shaming'. However, this does not fully matchup with the conventional understanding of the 'naming and shaming' approach which involve singling out states and publicly condemning their poor human rights record. Most of the state deliberations during the UPR process utilise language which is more encouraging and recommendatory, rather than condemnatory. This to an extend has been a subject of criticism by some scholars. The 'naming and shaming' approach is a particularly

unsuitable framework for the UPR because the aim for the establishment of the HRC and its UPR mechanism was to provide an alternative to the 'naming and shaming' and practices of selectivity which contributed to the demise of the former Commission for Human Rights (Alston 2006: 185-224, UNGAR 60/251: para 5e). It would, therefore, be inappropriate to assess the impact of the UPR process by the same framework that it sought to avoid, although the extent to which it has succeeded to avoid 'naming and shaming' may be the subject of debate.

iii. The Transnational Legal Process Theory

The transnational legal process theory propounded by Harold Koh holds that the way to achieve compliance with international law is through the repeated participation of states in a variety of law-creating and interpreting fora which results in the internalisation or domestication of norms (Koh 199: 181, Koh, 2005: 350-315). Koh makes a distinction between three forms of norm internalisation: social, political and legal (Koh 1998: 642). Social internalisation occurs when there is widespread adherence to a norm as a result of that norm acquiring public legitimacy (ibid). With political internalisation, the government accepts an international norm as a matter of policy (ibid). Legal internalisation occurs when the international norm is incorporated into the domestic legal system either via executive action, legislation, judicial interpretation or a combination of the three (ibid).

Central to the transnational legal process theory are the successive processes of interaction, interpretation and internalisation. In the context of human rights law compliance, Koh contends that compliance is ultimately achieved as a result of the repeated process of interaction, interpretation and internalisation through which international human rights norms are 'obeyed' (complied with) (Koh 1999: 1411). The interaction and interpretation processes are triggered by non-state actors in an effort to compel the state to implement the findings or recommendations of human rights mechanisms. The treaty monitoring or international adjudicative monitoring bodies then serve as an interpretive community which defines or clarifies the definition of the relevant norms and their violation (ibid: 1410). The state then achieves legal internalisation through the constitution or other domestic law; political internalisation by incorporating the norm into governmental policy; and social internalisation when the norm acquires public legitimacy (ibid, Stevens 2012: 190).

The transnational legal process theory is a comprehensive theory. As Kent argues, it is an inclusive theory in a structural sense because 'it comprehends all levels of state and non-state interaction, influence, and compliance – the international and the domestic, the vertical and the horizontal' (Kent 2007: 10). However, the transnational legal process theory is limited in many respects. According to Guzman (2008: 1835-1836), the transnational legal theory fails to explain why states comply with international human rights law but rather it provides an empirical pathway to compliance. While legal internalisation can be achieved through constitutionalisation of human rights norms, Koh's theory does not explain how to ultimately achieve social and political internalisation. It fails to account for the process by which a norm acquires public legitimacy. As argued below, the theory of acculturation fills this gap by identifying the cognitive and social pressures that drive states to adopt socially legitimate attitudes, beliefs and behaviours (social and political internalisation). Koh (2005: 977) acknowledges this limitation of his theory and argues that the theory of acculturation closes the gap by identifying the micro processes of social influence that affects his process of 'norm internalisation'.

Also, while the UPR provides an interactive process, through a three and a half hour long interactive dialogue (Phase II of the UPR), it does not provide a forum for the interpretation of the relevant international law. In the UPR, states only make human rights recommendations to peers and do not undertake a legal interpretation or clarification of the content of those rights. Koh's theory does not explain whether any of the three forms of internalisation (legal, political and social) can occur in the absence of an interpretive community or a law declaring forum to create, legally interpret or clarify the relevant rights. States tend to be less cooperative with such interpretive and law declaring fora. This contributes to their limited, and sometimes insignificant impact on states, as highlighted at the beginning of this second part of the article.

The UPR is a non-adjudicative and non-confrontational mechanism which does not serve as an interpretive community. It would, therefore, not be possible for the UPR mechanism to undertake technical interpretation or clarification of certain rights which are contested such as the rights of sexual minorities contested by the African group as earlier highlighted. As such, the transnational legal process theory does not provide a suitable theoretical framework to understand the impact of the UPR process on the human rights situation on the ground. Nevertheless, Koh (1997: 2648) notes that the various theoretical explanations for compliance are complementary, not mutually exclusive. The process of interaction in the transnational legal process theory which

includes the participation of both state and non-state actors is an important component of the five-stage spiral model and underscores the significance of NGO participation in the UPR process.

iv. The Five Stage Spiral Model

The spiral model was developed by Risse et al to explain how states ultimately come to comply with human rights norms (Risse et al. 1999, Risse et al. 2013). The central tenet of the spiral model is that the diffusion of international human rights norms that results in domestic change is dependent on the power of transnational human rights pressures exerted by national and transnational advocacy networks (Risse et al. 1999: 11). The spiral model examines the process by which international norms are internalised and implemented domestically, with governments, transnational societies and domestic civil societies as key actors (ibid). This theory captures the moral strength of human rights ideas and the central role of domestic and transnational non-governmental actors in shaping the decisions of states to comply with international human rights norms. However, the significance of the spiral-model in relation to explaining the potential impact of the UPR is limited by the incorporation of coercion and 'naming and shaming' approaches at some stages of the model.

In the spiral model, there are five phases to human rights change. The first phase of the spiral model begins when there is repression by authoritarian regimes (Risse el al. 2013: 5-6). The situation progresses to the second phase when transnational advocacy groups exert pressure on the state to recognise human rights (ibid). This places the state on the international spotlight. In the second phase, once the repressive state has been put on the international agenda, the state, in order to avoid international scrutiny and diffuse pressure, raises the flag of national sovereignty by claiming that its behaviour is not subject to international scrutiny (ibid). The target state remains in denial about the validity of human rights norms and rejects the demands of international groups (ibid). It is at this phase that coercive strategies in the form of economic sanctions, and 'naming and shaming' are employed.

As pressure increases from both domestic and transnational actors, the targeted state enters into the third phase of the spiral model by making some 'tactical concessions' or 'cosmetic' changes such as signing international treaties (ibid). This ushers the state into the fourth phase of the spiral model known as 'prescriptive status.' This is characterised by state recognition of the validity of human rights norms through the establishment of human

rights institutions and domestic law reforms (ibid). This is a result of state interaction with the interpretive and law declaring fora at the international law – the first two stages of Koh's transnational legal process theory. By becoming a party to an international human rights treaty, which Risse et al argue is a consequence of domestic/international pressure and other exogenous factors, the state achieves what Koh refers to as legal internalisation.

The fifth phase is ultimately achieved through the institutionalisation and habitualisation of human rights norms (ibid: 8). This is characterised by conformity and sustained compliance with international human rights norms (ibid). This is in line with Koh's concepts of social and political internalisation, but while Rise et al argue from an international relations standpoint of norm socialisation, Koh argues from an international law perspective of norm internalisation. Nevertheless, neither Koh nor Rise et al address the micro processes that influence social and political internalisation (socialisation).

The spiral model offers important insights into the process of change in repressive states. It recognises the importance of human rights discourse, and the central role of non-governmental actors. It has been tested in over 20 case studies (Risse et al. 1999, Risse et al. 2013, Fleay 2006, Shaid and Yerbury 2014, Anaya 2009, Alhargan 2014). Krommendijk (2015: 492) argues that unlike coercion, the spiral model provides a satisfactory theoretical framework to explain the effectiveness of the UN human rights treaty bodies. Based on empirical analysis on the study of The Netherlands, New Zealand and Finland, Krommendijk contends that the greater the level of transnational NGO mobilisation, the higher the effectiveness of the concluding observations of the treaty bodies (ibid: 504-508). Another relevant aspect of this model is the recognition of the significance of civil society/NGO engagement in human rights mechanisms.

However, the spiral model has theoretical shortcomings and is an inappropriate theoretical framework to consider the impact of state engagement with the UPR Mechanism. As pointed out by Eran Shor, Risse et al consider that once the spiral process has started, there can be no regression because violations are bound to decrease (Shor 2008: 5-6. According to Shor (ibid), Risse et al fail to closely look into the possibilities of regression and to consider the role of serious conflicts and security threats in shaping states' repressive policies and hindering norm compliance. When conflicts within or between states pose a threat to the nation and/or citizens, governments

easily justify repressive measures and human rights considerations are weakened. In 1999, Morocco was transitioning to the 4th phase of the spiral model (Risse et al. 1999: 125). However in 2003, it reverted to repression. After the May 2003 terrorist attack in Casablanca, Morocco, the government passed new anti-terrorism laws and resumed death sentences and torture (between 2000 to 5000 arrests were carried out and 17 of the 903 persons convicted were sentenced to death) (Dakwa 2004: 25). The increased threat of terrorism globally is an issue not addressed by the spiral model and there has been evidence which proves that terrorism significantly diminishes states' respect for basic human rights (Dreher et al. 2010: 65-93, Shor et al. 2014: 294-317, Shor et al. 2016: 104-121).

Moreover, the fact that the spiral model incorporates elements of coercion/confrontation in the second and third phases makes it an inappropriate theory to test the impact of a mechanism based entirely on cooperation. These two phases are characterised by pressure, denunciation, and shaming which, as argued earlier in this article, have been proven to be ineffective. In addition, the five-stage spiral model is only focused on civil and political rights and covers a very limited subset of human rights issues. Consequently, the impact of the UPR mechanism with cooperation as its hallmark cannot be adequately explained by the five-stage spiral model although aspects of the model that underscore the significant role of NGOs/CSOs are relevant when considering the impact of the UPR mechanism.

v. The Theory of Acculturation

Theories of human rights compliance which integrate coercive or confrontational strategies do not account for acculturation. Acculturation was first defined in 1936 as 'those phenomena which result when groups of individuals sharing different cultures come into continuous first-hand contact, with subsequent changes in the original culture patterns of either or both groups' (Redfield et al. 1936: 973-1002). A psychologist's perspective to the term acculturation was later provided by Graves who described acculturation as changes to an individual's identity, attitudes and values resulting from his contact with other cultures (Graves 1967: 338). In 2004 and 2005, Goodman and Jinks (2004) transferred the concept of acculturation to states and international regimes. They define acculturation as 'the general process by which actors adopt the beliefs and behavioural patterns of the surrounding culture, without actively assessing either the merits of those beliefs and behaviours or the material

costs and benefits of conforming to them' (ibid: 626). Goodman and Jinks argue that their theory of acculturation is 'an extension of Koh's and other's work on transnational norm diffusion' which they intend to supplement by 'isolating the micro processes of social influence' (ibid). Acculturation, as used by Goodman and Jinks, therefore draws on a relationship between law and sociology, in contrast to the five stage spiral model influenced by international relations theory.

The theory of acculturation calls into question the view that compliance with human rights norms is best induced by the exercise of coercive power or by binding decisions emanating from human rights monitoring institutions. Central to the acculturation theory is that power is not merely prohibitive, material and centralised but also productive, cultural and diffuse (Goodman and Jinks 2013: 122). Goodman and Jinks argue that mechanisms based on coercion are inadequate because coercion 'fails to grasp the complexity of the social environment within which states act' (ibid). Monitoring and reporting are highly effective and important functions in an acculturation-based institutional regime, while sanctions and binding decisions are potentially counterproductive (ibid: 699). The acculturation approach shows preference for 'soft law' mechanisms but does not call for a complete abandonment of coercive mechanisms. Rather, it argues that acculturation, like coercion, is more likely to succeed and more likely to fail under certain conditions or when combined with other mechanisms (Goodman and Jinks 2005: 991).

The micro-processes of acculturation which include mimicry, identity and status maximisation propel cognitive and social pressures which drive a state to adopt socially legitimate attitudes, beliefs and behaviours (Goodman and Jinks 2013: 639-642). By identifying themselves with a reference group, states generate varying degrees of social and cognitive pressures to conform to the norms of that group (ibid). The social environment within which states act propels internal cognitive and social pressures which drive a state to adopt socially legitimate attitudes and beliefs. The adoption of socially legitimate attitudes, beliefs and behaviours by states can contribute to the attainment of what Koh calls social and political norm internalisation. In his review on the theory of acculturation, Koh (2005: 977) validates the theory of acculturation as a case study of internalisation through socialisation. He argues that by focusing on acculturation over coercion, Goodman and Jinks unmask a new approach to influence state compliance with human rights law through a 'complex interaction between process and ideas' (ibid).

Therefore, Koh's transnational legal process theory is not necessarily antithetical to the theory of acculturation as both theories could co-exist and reinforce each other.

Social and cognitive pressures can push the language of human rights into some moral commitments within particular cultures even in terms that challenge one or more aspects of that culture. Gregg (2010: 289) has employed a cognitive approach rather than a normative one to show how human rights norms can be advanced as rights internal to any given community's culture by means of cognitive re-framing. He argues that 'an idea once external can become internal through system-level learning' (ibid). While examining the issue of female genital mutilation in Africa, he noted that a cognitive rule can be deployed that revises local normative rules that justify female genital mutilation, but that such a cognitive rule has to be locally owned (ibid: 304). For example, reframing female genital mutilation as a technical, health issue rather than a normative human rights concern, can advance the human rights issue as internal to the African culture.

Another example of the potential for social and cognitive pressures in the UPR process to influence states is the problem of cultural relativism to the realisation of human rights. Cultural relativism, in relation to the issue of sexual orientation, is an issue found to have impacted the UPR engagment of African and Asian states examined during UPR I and II (Quane 2015, Etone 2017, Etone 2018). With the exception of Madagascar, no African state made a recommendation to its African peer on sexual orientation, and an overwhelming majority of the recommendations on the issue made by non-African states to African states were rejected. African states received the highest number of UPR recommendations on the issue of sexual orientation but the African states rejecting the recommendations often stated that same sex unions were culturally unacceptable or an affront to African values and in some cases an imposition of western values on them (Human Rights Council – Kenya 2008: para 714).

Nevertheless, there could be an 'African' way to incrementally realise the rights of sexual minorities within the context of the UPR by focusing on soft recommendations which seek to transform the social and political culture against sexual minorities. Approaches that employ coercion or require immediate normative solutions have either experienced a backlash or have been inadequate. For example in 2011, Human Rights Watch published a report that found a dichotomy between the constitutional ideals and public attitude towards sexual minorities in South

Africa (Human Rights Watch 2011: 1). The report indicated that despite the constitutional protection on the rights of the LGBT community, discrimination against them remained institutionalised in the communities, families and state institutions (ibid: 14-15). There is also evidence that calls for immediate decriminalisation or threats, such as the threat by the British government to withhold UK aid from governments that do not reform legislation banning homosexuality, have been subsequently met with specific legislation further criminalising same sex unions in some countries like Nigeria and Uganda (Same Sex Marriage Prohibition Act 2013, Uganda Anti-Homosexuality Act 2014).

Within the context of the UPR, soft recommendations such as raising public awareness and sensitization on the need for decriminalisation can help transform the current public support against decriminalisation and subsequently pave the way for normative solutions that would enjoy public support. Also, applying Gregg's cognitive re-framing approach, states could find ways to advance the rights of sexual minorities as rights internal to the African culture by means of cognitive re-framing. While African states such as Sao Tome and Principe, Ghana, and Cameroon have been receptive to UPR recommendations that require them to condemn, investigate acts of violence against LGBT people or to raise public awareness and sensitisation on LGBT rights, they were not receptive to recommendations for immediate decriminalisation, arguably because of the enormous public support against decriminalisation.

The UPR through its social and cognitive pressures can contribute to transform the belief that same sex relationships are un-African and an imposition of 'white Euro-American sexual norms and gender expressions' (Ekine 2013: 78). There may be an 'African' way for realising the rights of sexual minorities within the context of the UPR by focusing on recommendations which seek to transform the social and political culture against sexual minorities. Such an approach that focuses on transforming the social and political culture through social and cognitive pressures can contribute to incrementally improving the human rights situation on the ground. This can contribute to achieving the social and political internalisation which propels Koh's process of norm internalisation. This is particularly relevant in the context of South Africa where 'the vast majority of South Africans' condemn sexual minorities, despite progressive policies and interpretation of the protection of the rights of sexual minorities in the South African Constitution (Devji 2016: 4, Goodsell 2007: 110).

However, there has been evidence of ritualism and politicisation in the UPR process. While these were not the focus of this article, they have the potential to undermine the impact of the UPR process and its ability to influence states (Etone 2017: 258-285). But as indicated at the start of this article, the UPR is an evolving mechanism with potential for greater state engagement over time and there is some empirical evidence that indicates a more robust engagement from states across UPR I and II (McMahon and Johnson 2016: 9).

IV. Conclusion

The UPR mechanism shows the power of peer pressure and global culture in enforcing human rights law through state influence. Acculturation particularly favours the UPR mechanism because it is based on peer review and not configured to involve a selected group of insiders or experts, examining or reviewing those considered as outsiders or states. This helps to dispel the perception of 'us' vs 'them'. According to Goodman and Jinks, the cognitive and social pressures generated by the acculturation micro process of identification is more effective when an International Governmental Organisation provides universal membership and subjects all member states to review Goodman and Jinks 2013: 102). Stavropoulou (2008: 9-15) examined the acculturation theory in the context of refugee protection. She finds that refugee protection regimes could explore the benefits of inclusive membership through the creation of additional fora building on acculturation techniques. The UPR mechanism is inclusive, cooperative and collaborative, and has in two cycles achieved 100 percent state cooperation rate. These cornerstone principles of the UPR – universality and cooperation, can be effective in harnessing the social and cognitive pressures associated with acculturation which can facilitate the social learning process of African states as they engage with the UPR process.

However, as observed by Goodman and Jinks, acculturation can produce a 'decoupling' situation where public conformity with human rights norms is disconnected from local practice (Goodman and Jinks 2013: 140). This is akin to the problem of 'ritualism' identified by Charlesworth and Lacking in the context of the UPR (Charlesworth and Larking 2015). They define 'ritualism' as state 'participation in the process of reports and meetings but an indifference to, or even reluctance about, increasing the protection of human rights' (ibid: 16). However, it is plausible that over time acculturation may help narrow the UPR implementation gap through

effective NGO participation in the UPR process. This reinforces the significant role of NGOs underscored in the transnational legal process theory and the five-stage spiral model.

Acculturation provides a more suitable theoretical framework to understand the potential impact of the UPR mechanism on the influence of state. The inclusive, cooperative and collaborative framework of the UPR process are important and effective conditions for acculturation. Acculturation is a process and through this process, continuous engagement with the UPR mechanism can over time transform the shallow human rights commitment of states into a deeper commitment. Charlesworth argues that human rights compliance strategies that focus on a learning culture rather than a culture of blame are useful in achieving improved human rights protection (Charlesworth 2010). According to Charlesworth (ibid: 14-15):

> The idea of continuous improvement, which emphasises incremental, constantly monitored step can be achieved by moving from a culture that administers blame to a culture that encourages learning.

The UPR provides such a platform for acculturation that promotes cooperation and encourages continuously improvement of the human rights situation within states. Applying the theory of acculturation contributes to an understanding of the efficacy of human rights strategies based on cooperation. This cooperative mechanism can be beneficial in realising incremental progress in human rights. Notwithstanding, different human rights mechanisms may be more or less effective depending on the political system in the state in question, along with other contextual factors.

List of References

ABEBE, Allehone Mulugeta. (2009) Of Shaming and Bargaining: African States and the Universal Periodic Review of the United Nations Human Rights Council. *Human Rights Law Review*, 9 (1), 1-35.

ADCOCK, Fleur. (2015) The Limitations of the Current International Human Rights Law System in regard to Monitoring of Rights? Does it Encourage "Rights Ritualism"? *International Expert Group Meeting – Dialogue on an optional protocol to the United Nations Declaration on the Rights of Indigenous Peoples* UN Doc PFII/2014/EGM, 1-14.

AFESORGBOR, Sylvanus Kwaku, and MAHADEVAN, Renuka. (2016) *The Impact of Economic Sanctions on Income Inequality of Target States* (EUI Working Paper No MWP 2016/04, European University Institute, April 2016).

ALEBEEK, Rosanne van, and NOLLKAEMPER, André. (2012) The legal status of decisions by human rights treaty bodies in national law. In *UN Human Rights Treaty Bodies: Law and Legitimacy*, Helen Keller and Geir Ulfstein (eds) (Cambridge: Cambridge University Press, 2012).

ALHARGAN, Raed A. (2012) The impact of the UN human rights system and human rights INGOs on the Saudi Government with special reference to the spiral model. *The International Journal of Human Rights*, 16 (4), 598-623.

ALSTON, Philp. (1996) *Final Report on Enhancing the Long-Term Effectiveness of the United Nations Human Rights Treaty System*, E/CN.4/1997/74, paras 10 -12.

ALSTON, Philip. (2006) Reconceiving the UN Human Rights Regime: Challenges Confronting the New UN Human Rights Council. *Melbourne Journal of International Law*, 7 (1), 185-224.

BATES, Elizabeth Stubbins. (2014) Sophisticated Constructivism in Human Rights Compliance Theory (2014). *The European Journal of International Law*, 25 (4), 1169-1182.

BAUMGARTNER, Samuel P. (2011) Does access to Justice Improve Countries' Compliance with Human Rights Norms? – An Empirical Study. *Cornell International Law Journal*, 44 (3), 441-491.

BENNOUNA, Mohamed. (2001) Les sanctions économiques des Nations Unies. *RCADI*, 200 (9), 40-47.

BERNAZ, Nadia. (2009) Reforming the UN Human Rights Protection Procedures: A Legal Perspective on the Establishment of the Universal Periodic Review. In *New Institutions for Human Rights Protection*, Kevin Boyle (ed) (Oxford: Oxford University Press) 79-91.

BRAITHWAITE, John, and DRAHOS, Peter. (2000) *Global Business Regulation* (Cambridge: Cambridge University Press) 558.

BULTO Soboka Bulto. (2015) Africa's Engagement with the Universal Periodic Review: Commitment or Capitulation. In Hilary Charlesworth and Emma Larking (eds) *Human Rights and the Universal Periodic Review: Rituals and Ritualism* (Cambridge: Cambridge University Press) 235-255.

CARENIERO, Cristiane, and ELDEN, Dominique. (2009) Economic Sanctions, Leadership survival and human rights. *University of Pennsylvania Journal of International Law*, 30 (3), 969.

CARRARO, Valentina. (2017) The United Nations Treaty Bodies and Universal Periodic Review: Advancing Human Rights by Preventing Politicization? *Human Rights Quarterly*, 39 (4), 943-970.

CARNEIRO, Cristiane, and APOLINÁRIO, Laerte. (2016) Targeted Versus Conventional Economic Sanctions: What Is at Stake for Human Rights? *Journal of International Interaction*, 42 (4), 565-589.

CHARLESWORTH, Hilary, (2010) Swimming to Cambodia: Justice and Ritual in Human Rights after Conflict. *Australian Yearbook of International Law*, 29 (1), 12.

CHARLESWORTH, Hilary, and LARKING, Emma. (eds) (2015) *Human Rights and the Universal Periodic Review: Rituals and Ritualism* (Cambridge: Cambridge University Press).

CHARRON, Andrea. (2013) Sanctions and Africa: United Nations and Regional Response. In *Responding to Conflict in Africa: The United Nations and Regional Organizations*, Jane Boulden (Basingstoke: Palgrave Macmillan) 77-98.

CLAPHAM, Andrew. (2012) Overseeing Human Rights Compliance. In *Realizing Utopia. The Future of International Law*, Antonio Cassesse (ed) (Oxford: Oxford University Press) 323-324.

CORKERY, Allison, and WAY, Sally-Anne. (2012) Integrating Quantitative and Qualitative Tools to Monitor the Obligation to Fulfil Economic, Social and Cultural Rights: The Opera Framework. *Nordic Journal of Human Rights*, 30 (3), 324-349.

DAKWAR, Jamil. (2004) *Morocco: Human Rights at a Crossroads* (Human Rights Watch) 25.

DE FROUVILLE, Olivier. (2011) Building a Universal System for the Protection of Human Rights: The Way Forward. In *New Challenges for the UN Human Rights Machinery*, M. Cherif Bassiouni and William A. Schabas (eds) (Cambridge; Intersentia) 250-255.

DE LA VEGA, Constance, and LEWIS, Tamara N. (2011) Peer Review in the Mix: How the UPR transforms Human Rights Discourse. In *New Challenges for the UN Human Rights Machinery*, M. Cherif Bassiouni and William A. Schabas (eds) (Cambridge: Intersentia) 353-385.

DEVJI, Zahrah Z. (2016) Forging Paths for the African Queer: Is there an "African" Mechanism for Realising LGBTIQ Rights? *Journal of African Law*, 60 (3), 343-363.

DREHER, Axel, GASSEBNER, Martin, and SIEMERS Lars-H. (2010) Does Terrorism Threaten Human Rights? Evidence from Panel Data. *The Journal of Law and Economics*, 53 (1), 65-93.

DRESNER, Daniel W. (2011) Sanctions Sometimes Smart: Targeted Sanctions in Theory and Practice. *International Law Review*, 13 (1), 96–108.

EGAN, Suzanne. (2013) Strengthening the United Nations Human Rights Treaty Body System. *Human Rights Law Review*, 13 (2), 209-243.

EKINE, Sokari. (2013) Contesting narratives of queer Africa. In *Queer Africa Reader*, Ekine and Abbas (eds) (Dakar: Pambazuka Press) 78-91.

ETONE, Damian. (2017) The Effectiveness of South Africa's Engagement with the Universal Periodic Review (UPR): Potential for Ritualism? *South African Journal on Human Rights*, 33 (2), 258-285.

ETONE, Damian. (2018) African States: Themes Emerging from the Human Rights Council's Universal Periodic Review (UPR) *Journal of African Law*, 62 (2), 201-223.

FISHER, Roger. (1981) *Improving Compliance with International Law* (Virginia: University of Virginia Press) 28-29.

FLEAY, Caroline. (2006) Australian Foreign Policy, Human Rights in China and the Spiral Model. *Australian Journal of Political Science*, 41 (1), 71-89.

FREEDMAN, Rosa. (2013) *The United Nations Human Rights Council: A Critique and Early Assessment* (London: Routledge) 18.

FRIMAN, H. Richard. (2015) *The Politics of Leverage in International Relations: Name, Shame, and Sanction* (Basingstoke: Palgrave Macmillan).

GATES, Scott, and REICH, Simon. (2010) *Child Soldiers in the Age of Fractured States* (Pittsburgh: University of Pittsburgh Press) 4.

GOLDENZIEL, Jill I. (2014) Regulating Human Rights: International Organisations, Flexible Standards, and International Refugee Law. *Chicago Journal of International Law*, 14 (2), 453.

GOODMAN, Ryan, and JINKS, Derek. (2004) How to Influence States: Socialization and International Human Rights Law *Duke Law Journal*, 54 (3), 621-703.

GOODMAN, Ryan, and JINKS, Derek. (2005) International Law and State Socialisation: Conceptual, Empirical and Normative Challenges. *Duke Law Journal*, 54 (4), 983-991.

GOODMAN, Ryan, and JINKS, Derek. (2013) *Socializing States: Promoting Human Rights through International Law* (Oxford: Oxford University Press) 122.

GOODSELL, Erin E. (2007) Constitution, Custom, and Creed: Balancing Human Rights Concerns with Cultural and Religious Freedom in Today's South Africa. *Brigham Young University Journal of Public Law*, 21 (1), 111-154.

GRAVES, Theodore D. (1967) Psychological Acculturation in a Tri-Ethnic Community. *Southwestern Journal of Anthropology*, 23 (4), 337-350.

GREGG, Benjamin. (2010) Deploying Cognitive Sociology to Advance Human Rights. *Comparative Sociology*, 9 (3), 279-289.

GUZMAN, Andrew T. (2014) Human RightsBacksliding. *California Law Review*, 102 (3), 603-654.

GUZMAN, Andrew. T. (2002) A Compliance based Theory of International Law. *California Law Review*, 90 (6), 1826 1887.

GUZMAN, Andrew. T. (2008) *How International Law Works: A Rational Choice Theory* (Oxford: Oxford University Press).

HAFNER-BURTON, Emilie. (2013) *Making Human Rights a Reality* (Princeton: Princeton University Press).

HAFNER-BURTON, Emilie. (2008) Sticks and Stones: Naming and Shaming the Human Rights Enforcement Problem. *International Organisation*, 62 (4), 689-716.

HATHAWAY, Oona A. (2002) Do Human Rights Treaties make a Difference? *Yale law Journal*, 111 (8), 1935-2042.

HELFER, Laurence R. (2002) Overlegalising Human Rights: International Relations Theory and the Commonwealth Caribbean Backlash against Human Rights Regimes. *Columbia Law Review*, 102 (7), 1832-1911.

HEYNS, Christof and VILJOEN Frans. (2002) *The Impact of the United Nations Human Rights Treaties on the Domestic Level* (North Hills: Martinus Nijhoff).

HILL, Daniel W. (2010) Estimating the effects of Human Rights Treaties on State Behaviour. *Journal of Politics*, 72 (4), 1161-1174.

HUMAN RIGHTS COUNCIL (2006) *Institution Building of the United Nations Human Rights Council*, HRC Res. 5/1, UN HRC OR, 5th sess, Annex [IB], UN Doc A/HRC/RES/5/1 paras [3] and [4].

HUMAN RIGHTS COUNCIL (2008) *Report of the Human Rights Council on its Eighth Session*. UN Doc A/HRC/8/52 (1 September 2008) para 714.

INGOLD, Emanuel. (2013) *The Impact of Economic Sanctions on Respect for Human Rights after the End of the Cold War* (APSA 2013 Annual Meeting Paper; American Political Science Association 2013 Annual Meeting, 2013).

INTERNATIONAL SERVICE FOR HUMAN RIGHTS (ISHR) (2006) *Human Rights Council 4th Special Session*. [Online]. Available: < http://olddoc.ishr.ch/hrm/council/other/cmreports/specialsessions/Fourth_Special_Session.pdf> [21 march 2018].

JORDAAN, Eduard. (2014) South Africa and the United Nations Human Rights Council. *Human Rights Quarterly*, 36 (1), 100-109.

KENT, Ann. (2007) *Beyond Compliance: China International Organizations and Global Security* (Stanford: Stanford University Press) 10.

KOH, Harold Hongju. (1996) Transnational Legal Process Theory. *Nebraska Law Review*, 75 (1), 181-207.

KOH, Harold Hongju. (1997) Why Nations do Obey International Law? *Yale Law Journal*, 106 (8), 2599-2659.

KOH, Harold Hongju. (1998) Bringing International Law Home. *Houston Law Review*, 35, 623-681.

KOH, Harold Hongju. (1999) How is International Human Rights Law Enforced? *Indiana Law Journal*, 74 (4), 1397-1417.

KOH, Harold Hongju. (2005) Internalisation through Socialisation. *Duke Law Journal*, 54 (4), 975-977.

KOH, Harold Hongju. (2006) How is International Law Enforced. In Richard Pierre Claude and Burns H Western (eds) *Human Rights in the World Community Issues and Actions* (Philadelphia: University of Pennsylvania Press) 305-315.

KROMMENDIJK, Jasper. (2014) *The Domestic Impact and Effectiveness of the Process of State Reporting under the UN Rights Treaties in The Netherlands, New Zealand and Finland: Paper Pushing or Policy Prompting* (Cambridge: Intersentia).

LAND, Molly K. (2016) Democratizing Human Rights Fact-Finding. In *The Transformation of Human Rights Fact-Finding*, Philip Alston and Sarah Knuckey (eds) (Oxford: Oxford University Press) 399-424.

LEBOVIC, James H, and VOETEN, Eric. (2006) The Politics of Shame: The Condemnation of Country Human Rights Practices in the UNHCR. *International Studies Quarterly*, 50 (4), 861-888.

Lee, Po-Han, (2016) LGBT Rights versus Asian Values: De/re-constructing the Universality of Human Rights. *International Journal of Human Rights*, 20 (7) 978-992.

LUPU, Yonatan. (2013) The Informative Power of Treaty Commitment: Using the Spatial Model to Address Selective Effect. *American Journal of Political Science*, 57 (4), 912-925.

MALLINDER, Louise. (2010) Law, Politics and Fact-Finding: Assessing the Impact of Human Rights Reports. *Journal of Human Rights Practice*, 2 (1), 166-176.

MCMAHON, Edward, (2012) The Universal Periodic Review: A Work in Progress, An Evaluation of the First Cycle of the New UPR Mechanism of the United Nations Human Rights Council. *Friedrich Ebert Stiftung*, 1-28.

MCMAHON, Edward, and ASCHERIO, Marta. (2012) A Step Ahead in Promoting Human Rights? The Universal Periodic Review of the UN Human Rights Council. *Global Governance*, 18 (2), 231-248.

MCMAHON, Edward, and JOHNSON, Elissa. (2016) Evolution not Revolution: The First Two Cycles of the UN Human Rights Council Universal Periodic Review Mechanism. *Friedrich Ebert Stiftung*, 9.

MCMAHON, Edward, BUSIA, Kojo, and ASCHERIO, Marta. (2013) Comparing Peer Reviews: The Universal Periodic Review of the UN Human Rights Council and the African Peer Review Mechanism. *African and Asian Studies*, 12 (3), 266-289.

MILEWICZ, Karolina M, and GOODIN, Robert E. (2016) Deliberative Capacity Building Through International Organisations: The Case of the Universal Periodic Review of Human Rights. *British Journal of Political Science* 1-21.

MORAVSIK, Andrew. (2000) The Origin of Human Rights Regime: Democratic Delegation in Post War Europe. *International Organisation*, 54 (2), 217-252.

MUÑOZ, Alejandro Anaya. (2009) Transnational and domestic processes in the Definition of Human Rights Policies in Mexico. *Human Rights Quarterly*, 31 (1), 35-58.

MUTUA, Makau. (1994) Looking Past the Human Rights Committee: An Argument for Demarginalising Enforcement. *Buffalo Human Rights Law Review*, 4, 211-260.

NEUMAYER, ERIC. (2005) Do International Human Rights Treaties Improve Respect for Human Rights? *Journal of Conflict Resolution*, 49 (6), 925-953.

NOWAK, Manfred. (2007) The Need for a World Court on Human Rights. *Human Rights Law Review*, 7(1), 251.

NOWAK, Manfred. (2011) It's Time for a World Court of Human Rights. In M. Cherif Bassiouni and William A. Schabas (eds) *New Challenges for the UN Human Rights Machinery* (Cambridge: Intersentia) 17-32.

PATERNOSTER, Raymond, SALTZMAN, Linda E, WALDO, Gordon P, and CHIRICOS, Theodore G. (1983) Perceived Risk and Social Control: Do Sanctions Really Deter? *Law and Society Review*, 17 (3), 457-479.

PEKSEN, Dursun. (2009) Better or Worse? The Effect of Economic Sanctions on Human Rights. *Journal of Peace Research*, 46 (1), 59–77.

PILLAY, Navanethem. (2012) *Strengthening the United Nations human rights treaty body system: A report by the United Nations High Commissioner for Human Rights* (OHCHR).

PINHEIRO, Paulo Sérgio. (2011) Being a Special Rapporteur: A Delicate Balancing Act. *The International Journal of Human Rights*, 15 (2), 162–171.

POSNER, Eric. (2014) *The Twilight of Human Rights Law* (Oxford: Oxford University Press).

QUANE, Helen. (2015) The Significance of an Evolving Relationship: Asian States and the Global Human Rights Mechanisms. *Human Rights Law Review*, 15 (2), 283–311.

REDFIELD, Robert, LINTON Ralph, HERSKOVITS Melville J. (1936) Memorandum on the Study of Acculturation. *American Anthropologist*, 38 (1), 149-152.

REDONDO, Elvira Domínguez. (2008) The Universal Periodic Review of the UN Human Rights Council: An Assessment of the First Session. *Chinese Journal of International Law*, 7 (3), 721–734.

REDONDO, Elvira Domínguez. (2011) Rethinking the Legal Foundations of Control in International Human Rights Law-The Case of Public Special Procedures. *Netherlands Quarterly of Human Rights*, 29 (3), 261–288.

REDONDO, Elvira Domínguez, and MCMAHON, Edward. (2013) More Honey than Vinegar: Peer-review as a Middle Ground between Universalism and National Sovereignty. *Canadian Yearbook of International Law*, 51, 61-97.

RISSE, Thomas, ROPP, Stephen, SIKKINK, Kathryn (eds). (1999) *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press).

RISSE, Thomas, ROPP, Stephen, SIKKINK, Kathryn (eds). (2013) *The Persistent Power of Human Rights: From Commitment to Compliance* (Cambridge: Cambridge University Press).

ROBINSON, Mary. (2004) Advancing Economic, Social and Cultural Rights: The Way Forward. *Human Rights Quarterly*, 26 (4), 866-872.

RODRIGUEZ-PINERO, Luis. (2009) "Where Appropriate": Monitoring/Implementing of Indigenous Peoples' Rights under the Declaration. In *Making the Declaration Work: The United Nations Declaration on the Rights of Indigenous Peoples*, Claire Charters and Rodolfo Stavenhagen (eds) (Copenhagen: IWGIA) 314-343.

ROTH, Kenneth. (2006) Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization. In *Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organisations*, Bell and Coicaud (eds) (United Nations University Press) 167-174.

RUBENSTEIN, Leonard S. (2004) How International Human Rights Organisations Can Advance Economic, Social and Cultural Rights: A Response to Kenneth Roth. *Human Rights Quarterly*, 26 (4), 845-865.

SAME SEX MARRIAGE PROHIBITION ACT 2013 (Nigeria).

SHAGABUTDINOVA, Ella, and BEREJIKIAN, Jeffrey. (2007) Deploying Sanctions While Protecting Human Rights: Are Humanitarian "Smart Sanctions" Effective? *Journal of Human Rights*, 6 (1), 59-74.

SHAHID, Ahmed, and YERBURY, Hilary. (2014) A Case Study of the Socialisation of Human Rights Language and Norms in Maldives: Process, Impact and Challenges. *Journal of Human Rights Practice*, 6 (2) 281–305.

SHOR, Eran. (2008) Conflict, Terrorism, and the Socialization of Human Rights Norms: The Spiral Model Revisited. *Social Problems*, 55 (1), 117-138.

SHOR, Eran, CHARMICHAEL, Jason, MUNOZ, Jose Ignacio Nazif, SHANDRA John, and SCHWARTZ Michael. (2014) Terrorism and state repression of human rights: A cross-national time-series analysis. *International Journal of Comparative Sociology*, 55 (4), 294-317.

SHOR, E, FILKOBSKI, Ina, BLOOM, Pazit Ben-Nun, ALKILABI Hayder, and SU, William (2016) Does counterterrorist legislation hurt human rights practices? A longitudinal cross-national analysis. *Social Science Research*, 58, 104-121.

SIMMONS, Beth A. (2009) *Mobilising for Human Rights: International Law in Domestic Politics* (Cambridge: Cambridge University Press, 2009).

SLAUGHTER, Anne-Marie. (2011) International Relations, Principal Theories. In *Max Planck Encyclopaedia of Public International Law*, Rudiger Wolfrum (ed) (Oxford: Oxford University Press) available at < https://scholar.princeton.edu/sites/default/files/slaughter/files/722_intlrelprincipaltheories_slaughter_20110509zg.pdf > accessed 01/06/2018.

SMITH, Rhona. (2012) The Pacific Island States: Themes Emerging from the United Nations Human Rights Council's Inaugural Universal Periodic Review. *Melbourne Journal of International Law*, 13 (1), 569-594.

SMITH, Rhona. (2014) A Review of African States in the First Cycle of the UN Human Rights Council's Universal Periodic Review. *African Human Rights Law Journal*, 14, 346-365.

STATEMENT BY ALGERIA (ON BEHALF OF THE AFRICAN GROUP) (12 December 2006) *Human Rights Situation in Dafur*, United Nations Human Rights Council, 4th Spec. Sess., 1st plen. Mtg. [Online]. Available: < http://extranet2.ohchr.org/Extranets/HRCExtranet/portal/page/portal/HRCExtranet/4SpecialSession/OralStatements/121206/Tab15/Tab/1.Algeria%28AG%29.pdf> (accessed June 1, 2018).

STAVROPOULOU, Maria. (2008) *Influencing State Behaviour for Refugee Protection: UNHCHR and the Design of the Refugee Protection Regime* (UNHCHR Research Paper No. 154, The UN Refugee Agency) 9-15.

STEINER, Henry. J. (2000) Individual Claims in a World of Massive Violations: What Role for the Human Rights Committee? In *The Future of UN Human Rights Treaty Monitoring*, Philip Alston and James Crawford (eds) (Cambridge: Cambridge University Press) 15-54.

STEVENS, Caleb J. (2012) Hunting a Dictator as a Transnational Legal Process: The Internalisation Problem and the Hissènne Habrè Case. *Pace International Law Review*, 24 (1), 190.

SUBEDI, Surya P. (2011) Protection of Human Rights through the Mechanism of UN Special Rapporteurs. *Human Rights Quarterly*, 33 (1), 201-228.

TARGETED SANCTIONS CONSORTIUM et al. (2013) *The Effectiveness of United Nations Targeted Sanctions Findings From The Targeted Sanctions Consortium (TSC).* [Online]. Available: < http://graduateinstitute.ch/files/live/sites/iheid/files/sites/internationalgovernance/shared/Effectiveness%20of%20UN%20Targeted%20Sanctions%20-%206.Nov.2013%20.pdf> [accessed March 21, 2018].

Terman, Rochelle, and Voeten, Erik. (2018) The Relational Politics of shame: Evidence from the Universal Periodic Review. *The Review of International Organizations*, 13 (1), 1-23

TYLER, Tom R. (2006) *Why People Obey the Law* (Princeton: Princeton University Press).

UGANDA ANTI-HOMOSEXUALITY ACT, 2014.

ULFSTEIN, Geir. (2014) Law-Making by Human Rights Treaty Bodies. In *International Law-Making: Essays in Honour of Jan Klabbers*, Rain Liivoja and Jarna Petman (eds) (London: Routledge, 2014) 249-257.

UN WATCH (2006). *UN Watch Statement on the UN Human Rights Council* [online]. available <http://secure.unwatch.org/site/apps/nlnet/content2.aspx?c=bdKKISNqEmG&b=1316871&ct=2455787> [accessed March 21, 2018].

UNGAR 60/251 – *Human Rights Council*, UN GAOR, 60th sess, 72nd plen mtg, Agenda Items 46 and 120, UN Doc A/Res/60/251 (3rd April 2006) [5] (e).

UNITED NATIONS HIGH COMMISSION FOR HUMAN RIGHTS (UNHCHR) (2012) *Strengthening of the human rights treaty bodies pursuant to Assembly resolution 66/254*, UN Doc a/66/860;

UPR INFO (2018) *Statistics of UPR Recommendations*. [Online]. Available: < https://www.upr-info.org/database/statistics/index_issues.php> [21 March 2018].

VILJOEN, Frans, and LOUW, Lirette. (2007) State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights, 1994-2004. *The American Journal of International Law*, 101 (1), 1.

WILLMOT, Haidi, MAMIYA Ralph, SHEERAN Scott, and WELLER Marc (2016) *Protection of Civilians* (Oxford: Oxford University Press).

WOOD, Reed M. (2008) A Hand upon the Throat of the Nation: Economic Sanctions and State Repression. *International Studies Quarterly*, 52 (3), 489–513.

[1] With the exception of Israel which temporarily boycotted its UPR II in January 2013, all UN member states have been reviewed in the two cycles of the UPR. In October 2013, Israel returned and undertook its UPR II.

[2] In 2003, the African Union established the African Peer Review Mechanism (APRM) as a self-monitoring initiative to promote good governance in Africa. APRM is designed to promote three fundamental values of the African Union: Freedom and Human Rights, Participatory Development, and Accountability and share a similar cooperative framework to the UPR.

[3] There were 12 sessions in the first cycle of the UPR and 14 sessions in the second cycle.

[4] ASEAN is an inter-governmental Asia regional arrangement comprising of 10-member states with the aim of promoting political, economic and social cooperation and regional stability.

[5] Many studies on the impact of the international human rights monitoring bodies generally found a low-level state compliance (second-order compliance).