

URUGUAY AND THE UNIVERSAL PERIODIC REVIEW: A CASE STUDY ON THE LGBTQIAPN+ RIGHTS AGENDA (2009-2018)

DOI: 10.61623/cpe.en.v1n1.a08

Rillari Ferreira Castro e Silva¹

Fabiane Simioni²

Abstract

This study investigates the influence of Uruguayan civil society on the LGBTQIAPN+ rights agenda in the Universal Periodic Review (UPR) from 2009 to 2018. We used case study methodology and content analysis to examine civil society participation in transnational public spaces within the global human rights protection system. Uruguayan civil society demonstrated significant engagement in the UPR, which contributed to expanding LGBTQIAPN+ rights on the international stage and pressuring the Uruguayan government to adopt protective measures, such as the Civil Union Law (2008), equal marriage and adoption by same-sex couples (2013), and the Gender Identity Law (2018). This study highlights the potential of the UPR as a space for dialogue between civil society and states in the promotion and defense of human rights, emphasizing the transnational role of civil society in the formulation and implementation of public policies.

Keywords: Civil Society. Universal Periodic Review. LGBTQIAPN+ Rights. Uruguay.

1 PhD candidate in International Relations at the Institute of International Relations of the University of São Paulo (IRI-USP) in the Foreign Policy and Institutions field. Master's degree in International Relations from the San Tiago Dantas Graduate Program in International Relations (Unesp, Unicamp, PUC-SP) and bachelor's degree in International Relations from the Federal University of Rio Grande (FURG). Email: rillariferreira2@gmail.com

2 Adjunct Professor at the Faculty of Law and in the Graduate Program in Law and Social Justice at the Federal University of Rio Grande (FURG). Coordinator of the Laboratory for Access to Justice and Human Rights (LAJUH/FURG). PhD in Law (UFRGS) with postdoctoral in International Relations (UFSC). Email: fabe.simioni@gmail.com.

URUGUAI E A REVISÃO PERIÓDICA UNIVERSAL: UM ESTUDO DE CASO SOBRE A AGENDA DE DIREITOS LGBTQIAPN+ (2009-2018)

Resumo

O presente estudo investiga a influência da sociedade civil uruguaia na agenda de direitos LGBTQIAPN+ no período de 2009 a 2018 na Revisão Periódica Universal (RPU). Utilizando a metodologia de estudo de caso e a análise de conteúdo, examinamos a participação da sociedade civil nos espaços públicos transnacionais do sistema global de proteção dos direitos humanos. A sociedade civil uruguaia demonstrou um engajamento significativo na RPU que contribuiu para ampliar os direitos LGBTQIAPN+ no cenário internacional e para pressionar o governo uruguaio a adotar medidas de proteção, como a Lei de União Estável (2008), o matrimônio igualitário e a adoção por casais do mesmo sexo (2013) e a Lei de Identidade de Gênero (2018). Este estudo evidencia o potencial da RPU como um espaço de diálogo entre a sociedade civil e os Estados na promoção e defesa dos direitos humanos, destacando o papel transnacional da sociedade civil na formulação e implementação de políticas públicas.

Palavras-chave: Sociedade Civil. Revisão Periódica Universal. Direitos LGBTQIAPN+. Uruguai.

URUGUAY Y EL EXAMEN PERIÓDICO UNIVERSAL: UN ESTUDIO DE CASO SOBRE LA AGENDA DE DERECHOS LGBTQIAPN+ (2009-2018)

Resumen

Este estudio investiga la influencia de la sociedad civil uruguaya en la agenda de derechos LGBTQIAPN+ en el Examen Periódico Universal (EPU) de 2009 a 2018. Utilizamos la metodología del estudio de caso y el análisis de contenido para examinar la participación de la sociedad civil en los espacios públicos transnacionales dentro del sistema global de protección de los derechos humanos. La sociedad civil uruguaya demostró un compromiso significativo en el EPU, lo que contribuyó a ampliar los derechos LGBTQIAPN+ en la escena internacional y a presionar al Gobierno uruguayo para que adoptara medidas de protección, como la Ley de Unión Civil (2008), el matrimonio igualitario y la adopción por parte de parejas del mismo sexo (2013) y la Ley de Identidad de Género (2018). Este estudio destaca el potencial del EPU como espacio de diálogo entre la sociedad civil y los Estados en la promoción y defensa de los derechos humanos, haciendo hincapié en el papel transnacional de la sociedad civil en la formulación y aplicación de las políticas públicas.

Palabras clave: Sociedad civil. Examen Periódico Universal. Derechos LGBTQIAPN+. Uruguay.

Introduction

Uruguay participated in all cycles of the Universal Periodic Review (UPR) mechanism, being evaluated in 2009 (1st cycle), in 2013 (2nd cycle), and in 2018 (3rd cycle). It is worth noting that not all member states of the United Nations (UN) participated in each of these cycles simultaneously. We chose Uruguay for this case study for two reasons. The first stems from the absence of Brazilian studies or publications related to this South American state on portals such as Scielo, BDTD, and Capes Journal Portal using the terms “Uruguay and RPU” and “Uruguay and UPR.” The second reason is the country’s notoriety in passing legislation considered progressive in Latin America, such as the Stable Union Law (2008), the legalization of voluntary termination of pregnancy (2012), equal marriage and adoption of children by same-sex couples (2013), and the legalization of *Cannabis sativa* (2013) during the presidency of José “Pepe” Mujica (Broad Front, from 2010 to 2015), a former member of the Tupamaros National Liberation Movement. Under the mandate of his political successor, Tabaré Vázquez (Broad Front, from 2015 to 2020), the Gender Identity Law (2018) was adopted.

Our work focused on the role of Uruguayan civil society within the UPR mechanism from 2009 to 2018 with regard to demands for the recognition of the rights of the LGBTQIAPN+ population (lesbians, gays, bisexuals, transgender people, queer people, intersex people, asexual people, pansexual people, non-binary, and other gender and sexuality dissidents). With globalization, civil society has become a relevant actor in international relations (IR), claiming the occupation of international public spaces that were previously exclusive to states (Evangelista 2006) and international organizations such as the United Nations. As a strategy to improve international human rights protection, the UN Human Rights Council (HRC) established the UPR mechanism. Through evaluation cycles, civil society organizations have the opportunity to denounce human rights abuses and claim rights, becoming essential actors in the International System (IS) to demand actions in favor of respect for human rights, especially for those social groups that have been historically excluded and invisible.

Discrimination based on Sexual Orientation and Gender Identity (SOGI) is sometimes endorsed by states, either through discriminatory laws or through the absence of protection and promotion of human rights for social groups that do not fit into cis-heteronormativity. Heteronormativity can be understood as a set of norms that underpin social processes of regulation

and control of sexuality (Miskolci 2009). It is an organizing and classificatory criterion that makes reproductive heterosexuality the parameter for judgments about the variety of sexual, affective, and romantic practices, identities, and relationships (Pecheny 2008). In the case of transgender people, they face experiences of non-conformity with heterosexuality and cisgender identity.

Civil society organizations dedicated to developing the rights of the LGBTQIAPN+ population participate in the UPR due to the potential domestic impact of the mechanism. Thus, “they use it [the UN] as a means of legitimizing and achieving visibility for their agendas, elements—legitimacy and visibility— that are often denied to LGBT groups nationally” (Rodrigues and Hernandez 2020, 209).

In this sense, we seek to understand how organized civil society in Uruguay used the UPR mechanism to set the agenda for the rights of the LGBTI+ population. In methodological terms, a case study was developed based on reports from Uruguayan civil society organizations in three UPR cycles between 2009 and 2018. As a document analysis technique, we used Content Analysis (CA), proposed by Laurence Bardin (2016), following these steps: 1) pre-analysis, 2) exploration of material, and 3) processing of results, inference, and interpretation. The first stage consisted of pre-selection and analyzing documents, guided by the question regarding demands for recognition of the rights of the LGBTQIAPN+ population, followed by the formulation of hypotheses and a theoretical and bibliographic review. After the collection phase, the documents were examined and surveyed in search of elements most aligned with the rights of the LGBTQIAPN+ population, with the intention of formulating thematic categories. Once the terms were chosen, they were categorized into three axes of analysis: (i) sexual dissidence; (ii) experiences of violence; and (iii) recognition of rights. Both the reports from civil society organizations and the compiled documents produced by international agencies were sourced online.

The presentation of this research’s findings is organized into three sections. The first offers a brief overview of the concept of civil society, outlining its characteristics and forms of action, and describing the historical background of LGBTQIAPN social movements. The second section presents a systematization of how the UN and the international protection of human rights operate, as well as the UPR mechanism. Finally, the third and last section discusses the results that allow us to understand how important Uruguayan civil society’s participation in the UPR is, especially regarding the agenda for the rights of the LGBTI+ population.

1. Civil Society and Social LGBTI+ Movements

Civil society encompasses institutions outside the state sphere and the market economy that engage in dialogue with public bodies, agents, and other actors in the public sphere (Marx 2012). According to Leão (2014, 323), “the concept of civil society is broader than the notion of non-governmental organizations—NGOs.” It also includes social movements, trade unions, transnational networks, and other individuals or groups of individuals who fight to transform the *status quo* (Herz, Hoffman, and Tabak 2015).

Civil society is now seen as an actor in international relations through the process of globalization, at a time when states are losing their exclusive role in the international system. In a context of greater transnationalization of problems and porosity of territorial and cultural borders, the classic actors of the international system are compelled to be open to dialogue with other rising actors. New actors, such as civil society, are now organizing themselves strategically to influence and change the architecture of the international system. To this end, they use channels already established in international relations, demanding access to international public spaces that were previously concentrated solely in the state (Evangelista 2006; Muñoz 2008). In these spaces, civil society is able to set the agenda for the issues it addresses, as social, political, and economic dynamics become more connected and interdependent.

The collective actions of social movements defending human rights go beyond national borders and also use the transnational arena as a forum for debate and political disputes. Social movements are one of the levels of representation of interests and values within civil society (Scherer-Warren 2006), being “collective social actions of a sociopolitical and cultural nature that enable different segments of the population to organize and express their demands” (Gohn 2015, 13). Social movements are generally based on the struggle for rights and seek emancipatory social change, resisting exclusion and fighting for social inclusion (Gohn 2015; Marx 2012).

Regarding the conditions for their formation, social movements create identities and bring together people who were previously scattered around a common goal, usually the struggle for the recognition of rights. Their members share common ideals and interests, adopting an organizational approach that shapes their actions and drives efforts to achieve their goals and transform the social order. They constitute a field of dispute and, since they do not aim to seize state power, they seek to influence through participation in international forums, protests, and public media (Cohen 2003). Due to their ability to

exert influence, social movements are considered actors in the international system, since they “influence international and national public opinion and can exert pressure to change the political system of their countries and, at the same time, raise awareness among international organizations about their demands” (Marx 2012, 13).

The characteristics previously explored can be observed in the development of the LGBTQIAPN+ movement, whose prominence is closely linked to struggles related to SOGI (Simões and Facchini 2009). The literature generally points to the *Stonewall* riots in the United States, in 1969, as the event that marked the beginning of the LGBTQIAPN+ movement worldwide. This episode influenced the emergence of several other LGBTQIAPN+ liberation movements in the Western world, with demands centered around equality. Contemporary social movements—formed in response to the demands of social groups considered minorities—are established around “discourses and practices marked by identities, whether ethnic-racial, sexual, gender-based, class-related, among others” (De Assis César et al. 2013, 194). Broadly speaking, the LGBTQIAPN+ movement advocates for the recognition and protection of human rights for individuals who fight for the right to difference in terms of SOGI, whose hegemonic matrix is cis-heteronormative.

The social struggle of the LGBTI+ movement is evident in a series of collective actions of resistance against exclusionary norms. According to The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA 2020), 67 UN member states have measures that criminalize any consensual act between adults of the same sex, despite the long history of consolidating international norms that prohibit discrimination. This reveals that the coordinated and sustained mobilization of the LGBTQIAPN+ movement is essential for the realization of demands for recognition and protection of the right to difference and non-discrimination, “beyond human rights treaties or laws that states may adopt” (López 2018, 162-163). The transnationalization of LGBTQIAPN+ activism has boosted its recognition as an international actor, based on its visibility in the international arena and the reaffirmation of the legitimacy of its demands (Gonzaga 2019).

Concurrently with the *Stonewall* uprising in the US, the transnationalization of the LGBTQIAPN+ movement in Latin America can be observed. López (2018) argues that political mobilizations of sexual minorities began in the 1970s, with no region in the world making more progress in expanding LGBTQIAPN+ legal rights than Latin America.

Some of the most advanced legislation and policies on LGBTQIAPN+ rights in the world have been established in Latin American countries over

the last ten years, such as non-discrimination statutes, legalization of same-sex marriage, expansion of health services for LGBTQIAPN+ people, and pro-LGBTQIAPN+ court decisions (Corrales 2015, 4).

Despite this remarkable progress in the fight for LGBTQIAPN+ rights in Latin America, it has not been uniform across the region (Corrales and Pecheny 2010). During the “pink tide,” there was greater openness to the demands of the LGBTQIAPN+ population, encouraged by social movements (Corrales and Pecheny 2010). While the domestic openness to recognizing demands was influenced by a series of electoral victories by left-wing and center-left parties in Latin America (from the late 1990s to the early 2000s), autonomous transnational social movements had the capacity to mobilize resources, influence other actors, and global politics (Muñoz 2008). Such capacity and autonomy were relevant to democratizing the IS by listing agendas ignored by states, especially in international organizations. It should be emphasized here that transnational mobilizations for social justice are relevant aspects for understanding IR (Kyrillos 2022). In Latin America, civil society and, in particular, social movements have been and continue to be crucial to the struggle for the promotion, protection, and recognition of rights (Rivera-Vélez 2017).

Given the importance of civil society in the field of human rights, especially in the Latin American context, the next section discusses the UPR as a strategy for improving UN mechanisms for the protection of human rights. We emphasize that the need to improve and monitor the human rights protection architecture is one of the main demands of transnational social movements.

2. The United Nations and the Protection of Human Rights Through the Universal Periodic Review Mechanism

Since the creation of the UN in 1945, the establishment of an international system for the protection of human rights has been at the heart of its mission, culminating in the drafting of the Universal Declaration of Human Rights (UDHR) in 1948. The UDHR, drafted by the UN Human Rights Commission, “was fundamental to the protection and promotion of human rights” (Neto and Pereira 2020, 528), especially through the development of international human rights norms and standards. The Commission acted “as the body par excellence for the defense of human rights within the universal protection system” (Silva 2013, 103), but it began to receive criticism regarding the

politicization of its processes and decision-making (Silva 2013). As a result, it underwent a reformulation and was replaced in 2006 by the Human Rights Council (HRC).

The work of the HRC is “guided by the principles of universality, impartiality, objectivity, and non-selectivity, constructive international dialogue and cooperation, to strengthen the promotion and protection of all human rights” (HRC 2006, 2). According to Short (2008), the HRC should be able to periodically review States’ treatment of human rights and respond to humanitarian emergencies. It is therefore necessary to improve the work of the former Commission and consolidate the human rights protection system on new foundations. To this end, the creation of the UPR mechanism was one of the main elements for the execution of the HRC’s mandate.

The UPR aims to assess, monitor, and promote the improvement and protection of human rights in UN member states. According to Ramos (2017), monitoring is carried out through peer review, in which the human rights situation in states is analyzed by other states on an equal basis. The UPR aims to allow equal treatment of all member states with regard to the human rights situation, especially when it comes to complying with international obligations related to protecting them (Neto and Pereira 2020; Silva 2013). The UPR procedures are considered an innovation in the IS. Matias (2014, 55) also points out that, based on these procedures, the mechanism “monitors state progress every four years, following the implementation of new public policies in member states, in addition to the recommendations accepted during the process.” We can affirm that the UPR is a political forum in which member states can be evaluated equally and share good practices regarding human rights.

The UPR is a cyclical and periodic mechanism. It was first developed in 2008, then again in 2012, and for the third time in 2017. The order in which states are analyzed is determined by a lottery, which also determines the members of the *troika*. According to Short (2008), this process leads to greater reliability in the UPR procedures, reinforcing its purpose of being an objective, non-selective, and universal mechanism for monitoring human rights. These characteristics were crucial to the creation of the UPR, as the former Commission on Human Rights was severely criticized for its geographical selectivity (Matias 2014).

During each cycle of interactive dialogue at the UPR, the State under review must respond to questions raised by different UN agencies, other States, and civil society regarding human rights practices. The fact that the assessment is carried out before other States encourages the establishment and/

or restoration of relationships between States. Similarly, “the fact that States have been tasked with conducting consultations gives them a responsibility; civil society should see this as an opportunity to establish or renew dialogue” (Sen *et al.* 2011, 9). During the UPR process, member states may address recommendations to the state under review, which must take a position on all recommendations issued (Sen *et al.* 2011). Short (2008, 181) emphasizes that the UPR has the potential to be one of the greatest successes of the HRC, as the recommendations can have a negative impact on States from the point of view of international political and economic relations. In fact, even though they are not legally binding, the recommendations issued under the UPR can lead to gains in prestige or constraints in the international system. This is because the mechanism operates within the international organization with the highest level of state participation in the world.

States play an important role in the structure of the UPR, as does civil society, which provides a counterpoint to what has been reported by the States under review. Since its inception, the UPR has provided for the participation of “other stakeholders” (HRC 2007, 4). However, only non-governmental organizations (NGOs) with consultative status can be accredited and participate in the sessions of the UPR Working Group as observers (HRC 2022).

These organizations, which are pre-accredited, participate as stakeholders by submitting an alternative report, also known as a shadow report, which serves as a counterpoint or challenge to the official reports of the States. This information can be sent jointly by several civil society organizations, in what is known as a Joint Submission, or separately, with each organization submitting its own report. Whether there is a joint submission or not, the documents sent by civil society organizations are presented in the form of a compiled document prepared by the Office of the United Nations High Commissioner for Human Rights (HRC 2007).

It is important to understand why “other stakeholders” strive to participate in a highly costly process such as the UPR. According to Rodrigues and Hernandez (2020, 241), the “UN is one of the most targeted organizations in mobilizations, as it has a collective legitimizing function, which influences the actions of member states and the organization itself in terms of which issues they should focus on and which they should take the initiative on.” This is due to the fact that, with the advent of globalization and transformations around the globe, new actors have been gaining more space within the international arena, transforming and redefining the role of the state (Evangelista 2006). Thus, in the new international arena, new actors emerge as an alternative to state power.

Civil society therefore seeks to build a more democratic political arena, with the aim of denouncing gaps and violations of rights resulting from the actions of public authorities or private actors. Participating in these dialogues and having a voice that is heard provides civil society with legitimate and institutional channels to claim rights and influence decision-making processes. Engaging and making one's voice heard within a highly institutionalized and hierarchical arena such as the UN represents a mobilization strategy that is not accessible to all civil society organizations. That is why it is so important that organizations linked to the LGBTQIAPN+ rights agenda are qualified and involved in monitoring initiatives such as the UPR.

3. Analysis of Civil Society Participation in the Three Cycles of the UPR

The participation of Uruguayan civil society in the three cycles of the UPR was analyzed based on the collection, systematization, and cataloging of the respective alternative reports submitted. As a technical strategy, we used Content Analysis (CA), as proposed by Bardin (2016). The CA technique has been used in research in the field of international politics (Simioni and Kyrillos 2024).

In a first approach to the data, a general reading of the entire textual *corpus* was carried out. At this stage, the most recurrent terms in the *corpus* were extracted. In the next stage, some search terms aligned with the rights of the LGBTI+ population were defined. The definition of these search terms was important because it allowed for the identification of a diversity of expressions over nine years of civil society participation in the context under analysis. The terms were originally in Spanish and English.

In the table below, we list the selected terms and indicate how often they were repeated. After cataloging them, we categorized them into three types: sexual dissidence, experiences of violence, and recognition of rights. Each of these categories was organized with the aim of identifying the intertextual relationships between terms whose meanings are similar and recurrent, even though they vary in their linguistic presentation.

As shown in Table 1, the category "recognition of rights" is not mentioned in the documents compiled by international agencies or in official reports by States. However, the analysis of individual alternative reports from civil society organizations revealed references to terms related to this category. This discrepancy is further detailed in the section discussing the results, where we

encounter significant qualitative differences between the alternative reports from civil society organizations and the compilation prepared by the UN.

Table 1. Intertextual relationships and frequency of terms in alternative reports

Categories	Terms	N. of Citations
Sexual Dissidence	LGBTI / LGBTI people	6
	trans people / crossdressed people	3
	homosexuals	1
	trans women / transgender women / transsexual women	3
	sexual and gender identity / gender identity, sexual orientation, gender expression, and/ or sexual characteristics / sexual orientation, gender identity, and sexual characteristics / sexual identity / sexual orientation / orientation / gender identity / sexual and gender diversity / sexual diversity / gender expression / sexual characteristics	17
Violence Experiences	hate crimes	1
	discrimination against LGBTI people	1
	violence committed against transgender women	1
	violence against LGBTI persons / acts of violence against LGBTI persons	4
Recognition of Rights	rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people	0

Source: Elaborated by the authors.

3.1. First Cycle

The first cycle of analysis for Uruguay began in 2009, and the main document analyzed was the *Resumen* prepared by the *Oficina del Alto Comisionado para los Derechos Humanos con arreglo al Párrafo 15 C) del Anexo de la Resolución 5/1 del Consejo de Derechos Humanos—Uruguay* (A/HRC/WG.6/5/URY/3), hereinafter referred to as *Resumen 1*. During this cycle, four civil society organizations participated and one joint submission (JS) was made. Despite this, in *Resumen 1*, compiled by the Office of the United Nations High Commissioner for Human Rights (OHCHR), there was no mention of terms related to the Uruguayan LGBTQIAPN+ population. Given this silence, we sought out the

alternative reports submitted by each civil society organization, which gave rise to the compilation. In these documents, the MERCOSUR Observatory of Public Policies on Human Rights (OPPDHM) and the Latin American and Caribbean Committee for the Defense of Women's Rights (CLADEM) note the limited time these organizations had to prepare opinions and comments on Uruguay's National Report (CLADEM 2008; OPPDHM 2009).

The report submitted by CLADEM (2008) mentions, in a footnote, the Stable Union Law (2008). The same mention is repeated in the 2009 report (CLADEM 2009). The report submitted by the Network of National Human Rights Institutions of the Americas (RED 2008) does not address issues related to the LGBTQIAPN+ population, nor does the report submitted by the Institute for Legal and Social Studies of Uruguay (IELSUR 2007).

The absence of information or concerns in these reports is consistent with the content of the compilation prepared by OHCHR regarding the LGBTQIAPN+ rights agenda. However, it should be noted that the report prepared by joint submission 1 (JS1) provided relevant background information on this agenda. JS1 positively highlights the educational work carried out by the Comisión de Educación Sexual (CES), formed by the Consejo Directivo Central (CODICEN) and the Administración Nacional de Educación Pública (ANEP), based on the publication of a book in 2008 that addresses human sexuality, sexual diversity, and gender issues (JS1 2009). The JS1 report (2009) also highlights an action by the Ministry of Education and Culture that mentions the terms "sexual diversity" and "gender identity."

The rights of LGBTQIAPN+ individuals were notably underrepresented in the OHCHR compilation during Uruguay's first Universal Periodic Review. Although issues related to sexual diversity and gender identity were present in the JS1 report, the *Resumen 1* prepared by the UN did not include any demands related to the LGBTQIAPN+ population. If other civil society reports for this cycle had not been examined, it could have been mistakenly inferred that the LGBTQIAPN+ movement was not interested in making its voice heard in that evaluation cycle.

3.2. Second Cycle

The second cycle of the UPR began in 2013, and the document submitted was the *Resumen preparado por la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos con arreglo al párrafo 15 b) del anexo de la resolución 5/1 del Consejo de Derechos Humanos y al párrafo 5 del anexo de la resolución 16/21 del Consejo—Uruguay* (A/HRC/WG.6/18/URY/3), hereinafter

referred to as *Resumen 2*. During this cycle, fifteen civil society organizations and five joint submissions participated. Out of the total number of participants, only Amnesty International (AI) and the joint submission (JS1), composed of the Colectivo Ovejas Negras and the Iniciativa por los Derechos Sexuales, used terms related to the LGBTQIAPN+ rights agenda.

In this cycle, we observed that participating organizations made recommendations to the Uruguayan State. JS1 recommended establishing mechanisms and procedures to make it easier for LGBTQIAPN+ people and other discriminated and victimized populations to access justice, as well as incorporating a human rights perspective for LGBTQIAPN+ people into new police action and investigation protocols.

With regard to transgender people, the report highlighted the Uruguayan State's lack of strategies to combat "hate crimes" against this population and the violence and discrimination to which "travestis" and "homosexuals" are exposed in the prison system. AI pointed out the lack of justice related to the deaths of "transsexual women" in Uruguay. The organization recommended that Uruguay implement a policy to collect and systematize comprehensive data and indicators on acts of "violence committed against transsexual women." These are emic expressions marked by quotation marks, as presented in the reports and included in Table 1.

The term "sexual and gender identity" was the most frequently used, being cited four times by JS1 and twice by AI. All citations were recommendations for Uruguay to improve its public policies for the LGBTQIAPN+ population. JS1 recommends activating the indicator system of the Observatorio Nacional de Violencia y Criminalidad (National Observatory on Violence and Crime), aiming to include crimes related to sexual violence and/or based on SOGI. Another recommendation concerns the inclusion, in the Audiovisual Media Law, of provisions that guarantee non-discrimination based on SOGI in the media. Furthermore, AI recommended that Uruguay implement policies to guarantee the safety and right to life of all people, regardless of their sexual orientation or gender identity.

As occurred in the First Cycle, we found content related to the LGBTQIAPN+ population in the alternative reports of civil society organizations that are not included in the compilations prepared by UN agencies. The National Human Rights Institution and Ombudsman's Office (INDDHH) mentions the law on equal marriage (INDDHH 2013). The AI alternative report mentions the term "transsexual women" seven times (AI 2013), while the compilation prepared by the UN agency mentions the same term only twice. The document prepared by the association Iniciativas Sanitarias (IS) mentions that strategies for the

inclusion of sexual diversity have not been implemented in the services of the Ministry of Public Health (IS 2013).

JS1, formed by Colectivo Ovejas Negras and Iniciativa por los Derechos Sexuales, prepared a document on the human rights situation in relation to sexual orientation and gender identity and expression (JS1 2013). However, none of the issues are mentioned in the compilation prepared by the UN. In addition, joint submissions 3 (JS3) and 4 (JS4) mention in their individual documents issues related to discrimination based on SOGI in the media (GTEPUDHM 2013) and gaps related to trafficking for the purpose of sexual exploitation, especially of transgender people (JS4 2013).

3.3. Third Cycle

The third and final cycle of the UPR analyzed in this article began in 2018, and the document used is the *Resumen de las comunicaciones de las partes interesadas sobre el Uruguay—Informe de la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (A/HRC/WG.6/32/URY/3)*, hereinafter *Resumen 3*. During this cycle, 14 civil society organizations participated and five JS were presented. However, there were few demands on the LGBTI+ rights agenda: only Amnesty International (AI) and two other joint submissions (JS1 and JS4) raised issues concerning Uruguay's LGBTI+ population.

JS1 highlighted some legislative advances, but reiterated the recommendations that the Uruguayan state should strive to eliminate discrimination based on “gender identity”, “sexual orientation” or “gender expression and/or sexual characteristics.” Another recommendation concerns the need to implement an inclusive and mandatory care protocol for LGBTI people, in line with international standards, as well as a ban on conversion therapies and other practices that could undermine sexual or reproductive rights throughout the public and private health system. Finally, it recommends guaranteeing discrimination-free education with comprehensive sex education and implementing policies so that anti-discriminatory measures are adopted in educational establishments, with the aim of eliminating any kind of harassment or intimidation against LGBTI+ people.

In relation to trans people, JS1 emphasizes the absence of public policies to tackle marginalization, although it highlights the political progress that the Gender Identity Law (2018) represents. The AI report highlights that there has been no progress in the investigation of the murders of four trans women since the last evaluation cycle (2012). JS1 recommends the adoption

of comprehensive public policies to prevent, combat and punish “violence against LGBTI people”, as well as guaranteeing the right to health and physical integrity, particularly in the case of trans women.

The term “sexual and gender identity” is the most mentioned term in the cycle, with a total of eleven mentions. In this regard, there were comments about the lack of effectiveness of public policies to combat discrimination based on SOGI, gender expression and/or sexual characteristics. JS1 highlighted the lack of information on sexual and gender diversity in classrooms. The participating organizations made the following recommendations: (i) formulation of a National Plan to Combat Discrimination; (ii) effective implementation of sexual and reproductive education in primary and secondary schools, from a perspective of human rights, gender, sexual identity, sexual orientation and race/ethnicity; (iii) training of health teams on issues such as sexual diversity.

Regarding discrimination against LGBTI+ people, Uruguay is recommended to design public policies that address discrimination against this particular group, as well as enacting laws that prohibit direct and indirect forms of discrimination. With regard to violence against LGBTI+ people, civil society highlights the absence of laws criminalizing any discrimination. Violence against LGBTI people is classified as “acts of hatred”, which means that impunity for these crimes is very high. AI has also tackled this issue, recommending that the Comprehensive Law for Trans People be passed so that murders of trans women can be investigated, and that a mechanism be established to monitor acts of violence against LGBTI people.

As in the other evaluation cycles, we encountered significant differences between the alternative reports from civil society organizations and the compilation prepared by the UN. In the third cycle, we had yet another element of difficulty: the alternative reports were not available on the UN HRC website. Unlike in the analysis of the first two cycles, in this one we had to search other databases and the websites of the respective organizations to find their alternative reports. In other words, the standard for accessing and disseminating alternative reports changed in the third cycle of the UPR (2018), which imposed significant limitations on the compilation and systematization of data, in terms of methodological comparison strategies.

In the last cycle, we observed that the voices of civil society were even more heavily filtered by international agencies, which undoubtedly influenced the final recommendations made to the state under review.

Final Considerations

This work is the result of two years of research, receiving financial support from CNPq and numerous opportunities for dialogue at scientific initiation congresses (2021 and 2022) and at a meeting of the Brazilian Association of International Relations (2023). Our aim was to understand how the LGBTI+ rights agenda was presented by Uruguayan civil society throughout the evaluation cycles of the UPR, from 2009 to 2018. Following the methodological strategies of a case study, we delved into the singularities of the Uruguayan political context. This is the second smallest South American country in territorial terms, and it has global governance indicators (World Bank 2019) that are much higher than those found in other countries in the region: a very high human development index, higher percentile positions for indicators of political stability, freedom of expression, democratic values and social protection. In addition to these factors, we have become familiar with legislation aligned with the Latin American “pink wave”, developed by left-wing or center-left governments, such as the Stable Union Law (2008), the legalization of voluntary termination of pregnancy (2012), equal marriage and the adoption of children by same-sex couples (2013), the legalization of *Cannabis sativa* (2013) and the Gender Identity Law (2018).

Our curiosity around Uruguay led us to articulate two related themes: civil society mobilizations on the LGBTI+ rights agenda and human rights monitoring mechanisms within the global human rights protection system. By linking these two themes, we realized that we knew very little about Uruguay’s participation in the UPR mechanism. We therefore examined the engagement of Uruguayan civil society in the UPR, using the Content Analysis (CA) technique applied to the textual *corpus* of the alternative reports submitted in the three evaluation cycles (2009 to 2018). We sought to highlight the potential of the UPR as a space for dialogue between civil society, states and international agencies in the promotion and defense of human rights.

The analyzed data allows us to say that most of the alternative reports are dedicated to making public policy recommendations for the recognition of LGBTI+ rights. Without neglecting the role of denouncing situations of serious human rights violations, civil society has generally played a propositional role, indicating alternatives for mitigating or eliminating discrimination and violence resulting from SOGI.

However, in the face of some setbacks in data collection, we realized that the plurality of civil society voices goes through a filtering process,

under unknown criteria, since the alternative reports are summarized and compiled by agencies at the service of the United Nations Human Rights Council. It would be the least of the problems if these alternative reports were available for online consultation, which was not the case in the third evaluation cycle (2018). In addition, there was a decrease in the number of organizations participating in the last cycle. This cannot be fully explained by the findings of our research, but it is something to draw the attention of researchers linked to this research agenda because it significantly influences the capacity for transnational collective mobilizations, with a potential impact on national states.

Finally, we would like to emphasize the importance of an interdisciplinary approach in the field of human rights and civil society studies, especially in the discipline of IR. This is an opportunity to leverage a broader understanding of international politics, realizing the intertwining of different systems of domination that mutually construct and affect knowledge and practices in IR, especially cis-heteronormativity. There is an urgent need to expand approaches to IR that understand the importance of listening to the voice of civil society as an international actor, especially in the struggle to eliminate violence and discrimination against LGBTI+ people.

Bibliography

Amnesty International. *Amnesty International Submission for the Universal Periodic Review: 18th Session of the UPR Working Group*. 2013. <https://www.ohchr.org/en/hr-bodies/upr/upr-uy-stakeholders-info-s18>.

Bardin, Laurence. *Análise de conteúdo*. São Paulo: Edições 70, 2016.

Cohen, Jean L. "Sociedade civil e globalização: repensando categorias." *Dados* 46, no. 3 (2003): 419–459.

Comité Latinoamericano para la Defensa de los Derechos de la Mujer. *Comité Latinoamericano para la Defensa de los Derechos de la Mujer: Uruguay, 5º Sesión EPU*. 2008. https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session5/UY/CLADEM_URY_UPR_S5_2009_TheLatinAmericanandCaribbeanCommitteefortheDefenseofWomensRights.pdf.

Corrales, Javier. *LGBT Rights and Representation in Latin America and the Caribbean: The Influence of Structure, Movements, Institutions, and Culture*. Chapel Hill: University of North Carolina, 2015.

Corrales, Javier, and Mario Pecheny, eds. *The Politics of Sexuality in Latin America: A Reader on Lesbian, Gay, Bisexual, and Transgender Rights*. Pittsburgh: University of Pittsburgh Press, 2010.

De Assis César, Maria R., André Duarte, and Jamil C. Sierra. “Governamentalização do Estado, movimentos LGBT e escola: capturas e resistências.” *Educação* 36, no. 2 (2013): 192–200.

Evangelista, Ana C. P. “Perspectivas sobre a ‘Sociedade Civil Global’ no Estudo das Relações Internacionais.” Master’s thesis, Programa de Pós-graduação San Tiago Dantas (UNESP/UNICAMP/PUC-SP), 2006.

Gohn, Maria G., ed. *Movimentos sociais no início do século XXI: antigos e novos atores*. 7th ed. Rio de Janeiro: Vozes, 2015.

Gonzaga, David. “A internacionalização do movimento LGBT: uma análise da ampliação do espaço social e da participação política nas Relações Internacionais.” *Neari em Revista* 5, no. 7 (2021).

Grupo de Trabajo de Seguimiento de Recomendaciones del EPU en Relación a los Derechos Humanos de las Mujeres. *Sesión 18—Grupo de Trabajo del Examen Periódico Universal: Uruguay—Contribución Escrita Conjunta*. 2013. <https://www.ohchr.org/en/hr-bodies/upr/upruy-stakeholders-info-s18>.

Herz, Mônica, Andrea R. H. Hoffmann, and Jana Tabak. *Organizações Internacionais*. 2nd ed. Rio de Janeiro: Elsevier, 2015.

Human Rights Council. *Resolution Adopted by the General Assembly [without Reference to a Main Committee (A/60/L.48)] 60/251*. 2006. https://www2.ohchr.org/english/bodies/hrcouncil/docs/a.res.60.251_en.pdf.

Human Rights Council. *Human Rights Council 5/1: Institution-Building of the United Nations*. 2007. <https://www.ohchr.org/en/hr-bodies/upr/basic-facts>.

Human Rights Council. *4th UPR Cycle: Contributions and Participation of “Other Stakeholders” in the UPR*. 2022. <https://www.ohchr.org/en/hr-bodies/upr/ngos-nhris>.

ILGA [The International Lesbian, Gay, Bisexual, Trans and Intersex Association]. *State-Sponsored Homophobia 2020: Global Legislation Overview Update*. Geneva: ILGA, 2020. <https://ilga.org/state-sponsored-homophobia-report>.

Iniciativas Sanitarias. *Salud y Derechos Sexuales y Reproductivos en Uruguay: 18ª Sección Examen Periódico Universal*. 2013. <https://www.ohchr.org/en/hr-bodies/upr/upruy-stakeholders-info-s18>.

Institución Nacional de Derechos Humanos y Defensoría del Pueblo de Uruguay. *Informe de la Institución Nacional de Derechos Humanos y Defensoría del Pueblo de Uruguay: Examen Periódico Universal, Segunda Ronda*. 2013. <https://www.ohchr.org/en/hr-bodies/upr/upruy-stakeholders-info-s18>.

Joint Submission 1. *Informe sobre Uruguay: Quinta Ronda del Examen Periódico Universal*. 2009. https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session5/UY/JS1_URY_UPR_S5_2009_Grupoea_IniciativaporlosDerechosSexuales_SP_JOINT.pdf.

Joint Submission 1. *Informe sobre Uruguay: 18ª Ronda del Examen Periódico Universal*. 2013. <https://www.ohchr.org/en/hr-bodies/upr/upruy-stakeholders-info-s18>.

Joint Submission 4. *Informe Conjunto del Examen Periódico Universal*. 2013. <https://www.ohchr.org/en/hr-bodies/upr/upruy-stakeholders-info-s18>.

Leão, Renato Z. R. "A sociedade civil na atualidade das Relações Internacionais." *Revista do Instituto Brasileiro de Direitos Humanos* 14 (2014).

López, Jairo A. "Movilización y contramovilización frente a los derechos LGBTI: respuestas conservadoras al reconocimiento de los derechos humanos." *Estudios Sociológicos* 36, no. 106 (2018): 161–187.

Miskolci, Richard. "A Teoria Queer e a Sociologia: o desafio de uma analítica da normalização." *Sociologias* 11, no. 21 (2009): 150–182.

Marx, Vanessa. "Os movimentos sociais como atores do sistema internacional." In *Anais do 8º Encontro da Associação Brasileira de Ciência Política*. Gramado: ABCP, 2012.

Matias, Daniela O. L. *O Relatório Periódico Universal como novo mecanismo de monitoramento internacional: inovações, funcionamento e o desempenho brasileiro nos dois primeiros ciclos*. Master's thesis, Universidade Federal da Paraíba, 2014.

Muñoz, Enara E. *Movimientos sociales y relaciones internacionales: la irrupción de un nuevo actor*. Madrid: Catarata, 2008.

Neto, Tomaz E., and Bruna L. M. Pereira. "A revisão periódica universal das Nações Unidas: um estudo de caso sobre a participação dos Estados membros da União Europeia no âmbito das migrações." *Brazilian Journal of International Relations* 8, no. 3 (2020): 525–543.

Observatorio de Políticas Públicas de Derechos Humanos en el Mercosur. *Joint UPR Submission: Uruguay—Contribución Individual*. 2009. https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session5/UY/OPPDHM_URY_UPR_S5_2009_EIObservatoriodePolíticasPúblicasdeDerechosHumanosenelMercosur.pdf.

Oficina Del Alto Comisionado de Las Naciones Unidas Para Los Derechos Humanos. *Resumen nos con arreglo al Párrafo 15 B del Anexo de la Resolución 5/1 y al Párrafo 5 del Anexo de la Resolución 16/21*. Uruguay. *Informe A/HRC/WG.6/18/URY/3*. 2013. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/184/34/PDF/G1318434.pdf?OpenElement>.

Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos. *Resumen de las comunicaciones de las partes interesadas sobre el Uruguay*. *Informe A/HRC/WG.6/32/URY/3*. 2018. https://observatorio-epu.org/assets/archivos/epu_documento/20859a2dfb025efb5f758dc3a270a458.pdf.

Pecheny, Mario, Carlos Figari, and Daniel Jones, comps. "Introducción. Investigar sobre sujetos sexuales." In *Todo sexo es político: estudios sobre sexualidades en Argentina*, 9–17. Buenos Aires: Libros del Zorzal, 2008.

Ramos, André de Carvalho. *Curso de Direitos Humanos*. 4th ed. São Paulo: Saraiva, 2017.

Red de Instituciones Nacionales de Derechos Humanos del Continente Americano. *Examen Periódico Universal*. 2008. https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session5/UY/RED_URY_UPR_S5_2009_ReddeInstitucionesNacionalesdeDerechosHumanosdelContinenteAmericano.pdf.

Rivera-Vélez, Luis. “La agenda de derechos en Uruguay: del movimiento social a las políticas públicas en el gobierno de José Mujica.” *Nuevo Mundo Mundos Nuevos*. <https://journals.openedition.org/nuevomundo/70657>.

Rodrigues, João P. R., and Matheus D. C. Hernandez. “O arco-íris atravessando frestas: a ascensão dos debates sobre direitos LGBT na ONU.” *Revista Brasileira de Ciência Política* 32 (2020): 207–248. <https://doi.org/10.1590/0103-335220203206>.

Scherer-Warren, Ilse. “Das mobilizações às redes de movimentos sociais.” *Sociedade e Estado* 21, no. 1 (2006): 109–130. <https://www.periodicos.unb.br/index.php/sociedade/article/view/5212>.

Short, Katherine. “Da Comissão ao Conselho: a Organização das Nações Unidas conseguiu ou não criar um organismo de direitos humanos confiável?” *SUR Revista Internacional de Direitos Humanos* 5, no. 9 (2008): 172–199. <https://bdjur.stj.jus.br/handle/2011/42082>.

Silva, Marisa Viegas. “O Conselho de Direitos Humanos das Nações Unidas: seis anos depois.” *SUR Revista Internacional de Direitos Humanos* 10, no. 18 (2013): 103–119. <https://bdjur.stj.jus.br/handle/2011/71301>.

Simioni, Fabiane, and Gabriela Kyrillos. “Política Externa no Governo Bolsonaro (2019–2021): disputas discursivas e rupturas institucionais nas políticas de gênero.” *Dados* 67, no. 4 (2024): 338–365.

Simões, Júlio A., and Regina Facchini. *Na trilha do arco-íris: do movimento homossexual ao LGBT*. São Paulo: Editora Fundação Perseu Abramo, 2009.

The World Bank. *Open Data*. <https://data.worldbank.org/country/uruguay>.