

Universal Periodic Review

1. What is the UPR?

The UPR is a new mechanism of the Human Rights Council (HRC) which plans, once in 4 years, to examine the situation of Human Rights of the 192 States members of the United Nations. Each state is submitted to the exam of human rights situation in its country and examined by the other states. The examined country is allowed to say which measures he took to better the HR situation in its country and to fulfill its obligations in regards with HR.

2. How does the UPR work?

The 192 State members of the United States will be examined once, every 4 years. 48 States will be examined every year, 16 per session, following a pre-established calendar by drawing lots. The exam is realized by the Working group of the UPR that is composed of the 47 States members of the HRC. This working group held 3 sessions per year, with duration of 2 weeks each. Every exam is facilitated by a group of 3 states, tires au sort which is called "troika". They prepare the final report of the Working Group.

3. What is the process?

3 reports are the base for the exam of each State:

- A national report, prepared by the examined State, provides information on the realization and good practices in regards with HR, on the challenges and limits as well as on the national priorities to face those lacks.
- A compilation, established by the HC/DH, of the information coming mainly from the reports of the mains organs of Treaties and Special reporters.
- Communications coming from NGO's, in a résumé presented by the HC/DH.

4. How is the UPR lead?

The national report is presented by the State and examined by the Working group. Afterwards an interactive dialogue is occurring between this State, the Working group and the other States. We have to notice that the NGO's have the only possibly to attend the exam during the Working group. The duration of the exam is 3 hours. Another ½ hour is given at another moment for the presentation and the adoption of the report established by the "troika".

The final document is presented during another session of the HRC in plenary session in view of its adoption. The other States and the NGO's have there the right to take the floor.

5. What is the result of the exam?

The final document presents the evaluation of the HR situation in the examined country with a résumé of the debates. It formulates recommendations and conclusions and notes down the compromises taken by the States on a volunteer base. This is up to the State afterwards to implement the decisions and measures. The follow up of the exam will take place during the second 4 years cycle and will focus on the implementation of the conclusions and recommendations of the previous exam.

6. What can be the participation of the NGOs?

The States are encouraged to organize consultations at the national level. The NGOs can answer those consultations if they are invited to contribute.

Through the HC/DH, NGOs can forward information in regard with the HR situation in their country. They are presented in the report prepared by the HC/DH that is submitted to the UPR at the time their country is examined.

NGOs have thus the possibility to intervene in the national report if they are invited to contribute, in the HC/HR report and orally before the adoption of the final document.

As NGO, the FIMARC can participate in the process of UPR and present communications during the exam of a State, based on a contribution prepared by a movement or an organization.

Possibility for FIMARC contribution to the UPR

1. UPR as a process

The mechanism of the UPR that plans an active involvement of the NGOs has to be considered as a process while the possibility of contribution along the different steps. In order to better understand this global process of UPR, it could be useful to go back to the technical file that presents its process

2. When could FIMARC intervene?

- Before the finalization of the national report

The States are encouraged to proceed to national consultations; even with the NGOs to gather the necessary information. Nevertheless we can understand that the State that has to submit a report will not automatically organize this dialogue. This is why if FIMARC movements want to intervene, they'll have to join other NGOs in order together to lobby the State and request to be integrated in the process of consultation.

- Before the finalization of the HC/HR résumé

The HC/HR is in charge of preparing a résumé of the information received from the NGOs. FIMARC could transmit information coming from the movements and networks with which she is associated to other NGOs working on the same issues. But this is important to remind that those information are not confidential and that it is important to evaluate properly the eventual dangers linked to the transmission of information. The NGO report should not be longer than 5 pages. Its format is a brief report redacted specifically for the UPR. This is why it's important to clearly identify the main issues that have to be put to the attention of the UPR. As for FIMARC it is obvious that the priority issue is the right to food.

- Before the adoption of the final document

FIMARC could also intervene at this phase of the process, while raising observations of general order before the adoption of the final document by the HRC, during the plenary.

3. How can the FIMARC movements prepare the UPR of their country?

The first 4 years cycle of the UPR will be ending in December 2011. Considering the delays to submit the reports, the movements which will feel concern by the 2010 sessions should prepare their contribution from this year 2009 onwards. The Secretariat will transmit more detailed instructions to the movements of those countries to facilitate their participation and the way of intervention.

4. How can the movements intervene in the UPR?

Their intervention is possible before the final draft of the national report, if the concerned State launch consultations to the organizations of the civil society. The FIMARC movement in the country as well as the NGO's sensitive to the question of the HR, should be attentive, first of all to the existence or not of these consultations, and then to the modalities of their participation. Their intervention is still possible, before the final draft of the HC/HR who has gathered the communications coming from the movements and NGO's, with the condition that those communications are transmitted 4 to 5 months before the Working group session dedicated to the examined country.

The best method will surely be to send the information to the secretariat as the information to be send to the HC/HR are submitted to some presentation constraints of format and structure that can evaluate and request special attention in order to be accepted. The movements will need a quite precise frame to organise the content of their contribution and to send it in the requested delay. The role of the secretariat will be important at this stage.

5. What could be FIMARC s participation even after the reports?

- Participation to the UPR exam inside the Working group.
- Participation to the plenary session, during the HRC session of the CDH dedicated to the adoption of UPR report with the possibility of reading a declaration and of raising questions to the examined country.
- Participation in the follow up to check and verify the implementation of the adopted recommendations in order to include observations in the next contributions in 4 years
- Participation while insuring the diffusion of the final UPR document final at the national level and while establishing strategies to reach the implementation of the recommendations.