



Concept Note:

Universal Periodic Review Workshop for Somalia

15 – 17 February 2011

Djibouti

Hosted by the Republic of Djibouti

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1. Background

The Universal Periodic Review (UPR) was created through the UN General Assembly on 15 March 2006 by resolution 60/251, which also established the Human Rights Council. The UPR is a State-driven process which reviews the human rights records of all 192 UN Member States once every four years, providing an opportunity for States to demonstrate what actions they have taken to improve the human rights situation in their countries. It is one of the key elements of the Council, which reminds States of their responsibility to fully respect all human rights and fundamental freedoms and aims at improving the human rights situation in all countries, identifying human rights violations wherever they occur, and supporting States to rectify them.

The review is conducted through interactive dialogues between the country under review and a Working Group composed of the 47 members of the Council. Each State review process is assisted by a group of three States, known as the “troika”, that serve as rapporteurs. The Working Group is an intergovernmental meeting, which any UN entity and stakeholders (National Human Rights Institutions (NHRIs), civil society, experts etc.) can attend but not intervene in.

The review is based on:

- 1) A national report, which is prepared by the State under review.
- 2) A compilation of UN information, which summarises information from reports of treaty bodies, special procedures, including observations and comments on the State concerned, and other relevant official UN documents.
- 3) A summary of stakeholders’ information which summarizes ‘credible and reliable information’ submitted by other relevant stakeholders including NGOs and NHRIs.

Following the working group session, the Human Rights Council meets in plenary to study and adopt the final outcome document of the UPR during which the State under review, Member States, observers (e.g. UN agencies), as well as stakeholders, have the opportunity to make comments. In addition to the summary of the procedures and conclusions, the final outcome document also contains recommendations, as well as voluntary commitments made by the State under review, that the latter has the primary responsibility to implement.

During the first years of the review cycle, the UPR has proven to be a useful forum in which States and other stakeholders can share good practices and identify strategic areas where technical assistance and capacity development support may be needed. States must return to the Council for subsequent reviews, and report back *inter alia* on the measures taken to implement the recommendations made during previous reviews.

Within this context, and in order to enable the UPR-mechanism to function efficiently, concerted involvement of the State and other stakeholders is important. While States lead the process, civil society organizations and national human rights institutions can significantly contribute to the preparation of State reports to ensure that they reflect the human rights reality of the country.

Following the outcome of the process, they ensure Government accountability through their advocacy efforts. UN Country Teams (UNCTs) have an active supportive role in building the capacities of States and other stakeholders to make effective use of the mechanism.

To date, UN agencies have supported the UPR process in many countries, with the clear understanding that UPR is not a one-time event, but rather a four-year process, comprising a series of activities. The UPR process creates a strategic opportunity for the UNCTs to build capacities for the promotion and protection of human rights at the national level. Typically, the UPR process and its follow-up activities will strengthen collaboration among the UN, governmental counterparts and other national partners.

2. Rationale

Somalia is a State party to the following international human rights instruments: the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In May 2002, the previous Transitional National Government signed the Convention of the Rights of the Child and in September 2005, the then Transitional Federal Government (TFG) signed the Optional Protocol on the Involvement of Children in Armed Conflict. Both instruments, however, are yet to be ratified. In addition, Somalia is a Party to the four Geneva Conventions on International Humanitarian Law, and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

Somalia's report to the UPR is slotted to be reviewed during the 11th UPR Working Group session of the HRC that will take place from 2 to 13 May 2011. The UPR could raise awareness of key human rights issues and will provide another important opportunity to draw international attention to the human rights situation in Somalia following the Stand-Alone Interactive Dialogue on Somalia, called for by the Human Rights Council and held in Geneva on 29 September 2010.

The UN compilation for Somalia's UPR is under preparation. In the course of 2010, briefings were organised for UN agencies in Nairobi by UNPOS's HR Unit. Somali civil society organizations were briefed on the UPR process by UNPOS's HR Unit in Somaliland and Puntland and by OHCHR in Uganda and Geneva. Over 25 stakeholder submissions were received from national and international NGOs by the 1 November 2010 deadline. A summary of stakeholder submissions, as well as the UN compilation, will be published mid March 2011. If the national report is submitted by the end of January 2011, it will be translated in all UN languages. If the national report is submitted after this date, it will be circulated in English only.

Human Rights Council resolution A/HRC/RES/15/28 entitled "Assistance for Somalia in the field of Human Rights," *"calls upon OHCHR to accord due consideration to any request by Somalia for assistance from the UPR Trust Fund, and requests all stakeholders to take any appropriate measures to assist the Government of Somalia in its preparation for the forthcoming session of the UPR in May 2011"* (paragraph 10), and *"requests Member States, relevant UN agencies and stakeholders to provide the much-needed technical assistance to the Government of Somalia to boost its effective participation in the various UN processes, and calls upon UN agencies to respect*

fully the Somali institutions at the national and sub-national levels both inside and outside the country” (paragraph 11).

There is a need to provide Somali experts with the necessary background, information and training in order for the national report to be prepared and for the review to become a meaningful dialogue on human rights in Somalia that leads to tangible improvement in the daily lives of Somalis suffering from protracted conflict.

Djibouti has offered to support Somalia’s UPR process, through advice and by hosting a workshop on UPR to enhance the capacities of Somali governmental delegates to discharge their roles effectively throughout the process. Djibouti has already gone through the UPR exercise in 2009 and has also served as a member of the Troika. Based on the above, OHCHR intends to organize an induction workshop in Djibouti.

Typically, OHCHR pre-session UPR briefings include one resource country from the region and one resource country from outside the region. Hence, it is proposed that a delegate from Italy be invited to share the Italian experience with the UPR process.

3. Objectives

The aim of the workshop is to familiarize Somali delegates with their obligations under international human rights and humanitarian law, with UPR as a mechanism of the Human Rights Council that aims to improve the human rights situation on the ground, and to provide a space for consultation between the Somali, Djibouti and Italian delegates to encourage the drafting of a national report by Somalia by equipping practitioners with hands-on knowledge and tools.

Objectives:

- To familiarize Somali delegates with basic human rights concepts, and provide an overview of the international and regional conventions to which Somalia is party and its obligations under international humanitarian law;
- To explain the UPR mechanism, to increase participants’ understanding of the UPR process as a viable mechanism for human rights promotion and protection in a holistic manner, and to strengthen the capacity of participants with respect to the UPR process and guidelines;
- To provide a space for discussion among participants on how the UPR can be used as a practical tool by stakeholders to assess and analyze the human rights situation in Somalia;
- To share good practices and experiences from States that have already taken part in the UPR and to facilitate the transfer of know-how between Somali delegates and the Djibouti and Italian delegates;
- To discuss the outline of a Draft National Report;
- To facilitate consultations between the Somali and Djibouti experts to advance the drafting of a national report to be presented to the 11th Working Group UPR session in May 2011;
- To demonstrate how the outcome of the UPR can be used as a valuable resource to identify key short and medium terms actions for strengthening human rights protection in Somalia, particularly in the post-transition process (bearing in mind the transition is due to end in August 2011);

- To encourage a consultation with civil society once the team returns to Somalia.

4. Output

Participants will:

- Have an increased understand of basic human rights and their relevance to the situation in Somalia;
- Understand the importance, function and detailed proceedings of UPR, and be better prepared for the UPR process itself;
- Increase their capacity to prepare for elaboration/presentation of state report, review and follow-up;
- Understand the importance of national consultations in the preparation of UPR, the follow-up to UPR outcomes and the implementation of recommendations;
- Increased involvement of key stakeholders at the country level in the preparation and the follow-up of the UPR;
- Increase awareness and understanding of complementarities between international human rights mechanisms.

5. Methodology

The methodology of the workshop will combine national, cross-regional and global experiences, with tools on the UPR process. Dynamic and participatory methodologies will be adopted to facilitate learning, and conceptual thinking will be developed to translate theory into practice through interactive and participatory tools.

For this purpose, the three days will include presentations on the identified priorities, to be delivered by UN experts. Each presentation will be followed by discussions about lessons learned. Practical ideas to questions will be sought. A resource / documentation pack will be prepared and shared with participants to provide topical overviews, and serve to kick-start specific discussions and sessions during the meeting. The plenary will elect Rapporteurs in charge of keeping notes and presenting a recap at the end of the workshop.

Because of the specific constraints of the Somalia process, the aim will be to keep the workshop small, in order to create an atmosphere of trust with effective discussions and concrete output. It will be important to ensure that those who will be entrusted with the TFG drafting have relevant background.

6. Participants

The workshop will be chaired by a representative of the H.E. Ambassador Mohamed Siad Doualeh, Permanent Representative of the Republic of Djibouti to the United Nations. Technical experts from the TFG, the Somali Parliament, Somaliland and Puntland will be invited to participate in the workshop. The workshop will further count on the participation of the Somali Ambassador to the United Nations in Geneva and technical experts from Djibouti and Italy (as resource countries).

The Independent Expert on the situation of human rights in Somalia, Dr. Shamshul Bari, and the Special Representative of the Secretary General for Somalia, Dr. Augustine P. Mahiga will also be invited to the workshop.

Therefore, the following tentative list of participants is identified:

- 10 working level delegates from Somalia;
- 4 working level delegates from Djibouti;
- 1 working level delegate from Italy;
- Ambassador Yusuf Mohamed Ismail Bari-Bari, Permanent Representative of Somalia to the UN in Geneva;
- 1 international consultant (providing technical support to the Somali authorities for the drafting of the national report) (TBC).

Resource persons:

- Ambassador Mohamed Siad Doualeh, Permanent Representative of Djibouti to the UN in Geneva;
- Dr. Shamsul Bari, Independent Expert on the situation of human rights in Somalia;
- Relevant OHCHR and UNPOS Human Rights Unit trainers/staff;

7. Date and Venue

The workshop will be held in Djibouti city, Republic of Djibouti, from 15 to 17 February 2011.
