



THE GOVERNMENT OF THE GREAT SOCIALIST
PEOPLE'S
LIBYAN ARAB JAMAHIRIYA
UNITED NATIONS DEVELOPMENT PROGRAMME



Sector: Democratic Governance

Project number: 0053877

Project title: Modernization of the Justice Sector in Great Socialist People's Libyan Arab Jamahiriya

Executing Agency: UNDP

Implementing Agency: General People's Committee for Justice /UNDP

Estimated start date: 2007

Estimated end date: 2009

Funding Summary	
Total Budget	\$ 3,000,000
Total approved:	\$ 3,000,000
Co-financing needed	\$ 3,000,000

Brief description

The main objective of the project is to improve access to justice for citizens through the improvement of procedures within the court system, and fair and efficient administration of justice in Libya.

The project will work in close partnership with the General People's Committee for Justice (GPC for Justice) and other local, regional and international partners to improve access to justice through the establishment of two pilot courts with a view to creating a model to be replicated in other parts of the country. The delivery of appropriate judicial services in a more timely fashion will strengthen public confidence in the role of the judiciary and thereby advance the rule of law, help attract investment in the private sector and advance its growth. Raising the quality of judicial decision making through a more efficient and responsible judiciary will also contribute to achieve a more independent judicial system.

On behalf of:	Name/Title	Signature	Date
General People's Committee for Justice	H.E. Ali Omar Al-Hasnawi Secretary of General People's Committee for Justice (GPC for Justice)		17/12/2006
United Nations Development Programme (UNDP)	Mr. Julio Grieco UNDP Resident Representative		



Part 1: Strategy

UNDP's development philosophy and mandate are based on helping countries to achieve human development. The reform of the justice sector is one of the key priorities identified in UNDP's CPD 2006-2009 for Libya (2006-2009) and one of the Outcomes in UNDP's Strategic Results Framework (SRF) for Libya. UNDP's intention to work in this critical area, further follows its recent dialogue and discussion with the GPC for Justice.

The key outcome that will emerge from UNDP's support to this area will be to enhance access to justice for Libyan citizens and strengthen the application of fair and efficient administration of justice in Libya. The project will contribute in achieving the intended outcome through the following outputs:

- Institutional and human resource capacity of the judicial sector increased and court operations enhanced through establishing two model pilot courts in two distinct geographical locations in the country with the goal of replicating the system in other parts of the country.
- Access to legal materials, information and knowledge for those working in legal profession upgraded and strengthened.
- Awareness of judicial information and legal rights for the general public increased.
- Access of women and economically vulnerable groups to justice enhanced
- A new mechanism for introducing court fees and a trust fund to ensure the sustainability of reform and modernization developed.

The programme will be demand-driven and will provide policy advice and technical assistance where UNDP has in-house expertise. In other areas, depending upon the nature of the request for assistance, the programme will act as a facilitator, broker and coordinator of support through its use of extensive network of partner organizations and international consultants.

It is envisioned that this project will represent a first stage of cooperation between UNDP and the Ministry of Justice. Further or expanded UNDP cooperation to strengthen the justice sector will depend on the results of this phase and co-financing from the government.

While the key beneficiary of the project will be the MOJ, which is the principle administrative organ within the government for judicial affairs, other target beneficiaries will include:

- The Supreme Court (SC).
- The Office of the Attorney General
- The Judicial Institute (JI) which is the principal training institute for the judiciary
- Judicial Inspection Department of the GPC for Justice.
- Two pilot courts to be selected in coordination with the GPC for Justice;
- The Libyan Lawyers' Association;
- The public at large

**Part IV: Results Framework
PROJECT RESULTS AND RESOURCES FRAMEWORK**

Intended outcome as stated in the Country Results Framework:
The rule of law and Human Rights fostered.

Outcome indicator as stated in the Country Programme Results and Resources Framework, including baseline and target:
Modernization process for the judicial system undertaken.

Applicable Strategic Area of Support:
Fostering Libyan Democratic Justice.

Partnership Strategy: The programme will work in close partnership with all the organs of the judiciary as well as other development partners. In addition, the programme will explore the possibilities of exchange with other countries including under the umbrella of South-South cooperation. For more information, please refer to partnership strategy under the results framework.

Project title and number: Modernization of the Justice Sector in Libya.

Intended Outputs	Output Targets By Year	Indicative Activities	Inputs
<p>1. Institutional and human resource capacity of the judicial sector</p> <ul style="list-style-type: none"> - increased and court operations enhanced through establishing of two model pilot courts in two distinct geographical locations in the country. <p>Baseline:</p> <ul style="list-style-type: none"> • Lack of clear procedures for the litigation process which contribute to slowness in processing cases • Filing and record keeping in courts are often disorganized and outdated <p>Success indicator:</p> <ul style="list-style-type: none"> • Reduction in the number of cases 	<p>1.1 Mapping of the court system finalized and a comprehensive action plan to streamline court procedures developed. (2007)</p>	<p>1.1.1. Establish Pilot Court Committees (PCC-1) composed of the main actors (Judges, clerks, lawyers, JIU) and develop its TOR</p> <p>1.1.2. Initiate mapping and assessment of the existing applied court procedures.</p> <p>1.1.3. Develop a proposal and action plan including a case management system which incorporates the enhancement of the positive role of the judges as well as benchmarks, and a time frame for implementation.</p> <p>1.1.4. Organize two workshops in two distinct locations to validate the result of the mapping and assessment and present the action plan</p> <p>1.1.5. Organize a national conference to introduce concepts of judicial reform to the judges, lawyers, university professors, the media, NGOs</p>	<ul style="list-style-type: none"> • Chief Technical Advisor (CTA) • 2 national teams (4 judges & 4 clerks) • Administrative Support • International expert on case management with solid IT background • Travel • Facilitators, Project Team , GPC for Justice, Logistic support, Travel

<p>pending before the courts in comparison to previous two years.</p>	<p>1.2. Action plan implemented and court automation introduced. (2007-2009)</p>	<p>1.2.1. Purchase required computer and other equipment for the pilot courts and provide work space for Judges</p> <p>1.2.2. Develop and install a case management system in the two pilot courts</p> <p>1.2.3. Provide training on case management to the relevant staff.</p> <p>1.2.4. Produce a wall map and instructions of the court house and establishing a help desk in each court.</p>	<ul style="list-style-type: none"> • CTA & UNDP • Computers and other equipment • Infrastructure (provided by the GPC for Justice) • Sub-contracting • Design and Production costs • Training
<p>2. Access to legal materials, information and knowledge for those working in legal profession upgraded and strengthened.</p> <p>Baseline:</p> <ul style="list-style-type: none"> • Lack of access to legal materials. <p>Some judges work without the texts</p>	<p>2.1. A framework for providing access to legal information established, database installed, launched and tested. (2007-2008)</p>	<p>2.1.1. Prepare a TOR for establishing a legal database</p> <p>2.1.2. Identify and contract an IT entity to start the process of installing a legal database in the GPC for Justice to map existing legal instruments and procedures and classify and index laws, supreme court judgments and procedures</p> <p>2.1.3 Provide training to the relevant staff on the new</p>	<ul style="list-style-type: none"> • CTA and GPC for Justice • Information Center • IT expert • Sub-contract • National consultant • Design and Production cost • National team of 6 members for 6 months
<p>1.3. Management capacity of the GPC for Justice improved (2007-2009)</p>	<p>1.3.1. Training provided on human resources and financial management including budgeting.</p> <p>1.3.2. Install a system to improve the quality of statistical information and documentation in the Judicial Inspection Department of the GPC for Justice</p> <p>1.3.3 Provide training to the relevant staff on the new system installed.</p> <p>1.3.4. Provide training for Judicial Inspection Department of GPC for Justice to prepare monthly progress reports on case completion</p>	<ul style="list-style-type: none"> • International Expert for six weeks • International expert for eight weeks • Sub-contracting – 2 national consultants for 1 month <p>Total: \$1,000,000</p>	

<p>essential for their function namely the civil code, the code of criminal procedures and the panel code.</p> <ul style="list-style-type: none"> Lack of information sharing and exchange within the judiciary. <p>Success indicator:</p> <ul style="list-style-type: none"> Legal database system installed, training of the relevant staff conducted, bench books for the judges prepared, 		<p>system installed.</p> <p>2.1.4. Prepare bench books for judges</p> <p>2.1.5. Provide books and electronic legal data to the library of the GPC for Justice and the High Judicial Institute</p> <p>2.1.6. Prepare an atlas/directory of the judicial sector (e.g. number and location of courts, judges, lawyers and clerks)</p>	<ul style="list-style-type: none"> Travel Budget: \$500,000
<p>3. Citizen's awareness and knowledge on access to justice and legal rights enhanced.</p> <p>Baseline:</p> <ul style="list-style-type: none"> General public's lack of awareness of their legal rights and legal procedures. Inadequate information dissemination for public awareness of their rights. <p>Success Indicator:</p> <ul style="list-style-type: none"> A survey to determine an increase in number of people resorting to legal means to resolve disputes. 	<p>3.1. A strategy for citizen's awareness and knowledge in place (2007)</p>	<p>3.1.1. Establish an awareness network (MoJ, judges, Bar Association, NGOs and High Judicial Institute</p> <p>3.1.2. Develop a strategic plan of awareness raising and legal literacy.</p> <p>3.1.3. Develop specific awareness activities especially targeting women and the poor segments of the society to provide them with more information and understanding of their legal right to accessible and fair justice and the related legal procedures required during the litigation process.</p> <p>3.1.4. Prepare and publish simple guidelines/brochures on legal procedures and legal rights (e.g. documents required, legality of the case, eligibility for Judicial aid and procedures for Judicial aid, testimonies, commercial cases, bankruptcy, criminal delinquencies, real estate, right to criminal justice.. etc.)</p> <p>3.1.5. Disseminate publications through governorates,</p>	<ul style="list-style-type: none"> CTA - GPC for Justice Information Center International expert on awareness strategy CTA Sub-contracting national NGO National Consultant Audio-visual materials Design and production costs Budget : \$ 500,000

		<p>public offices and the media</p> <p>3.1.6 Issue a quarterly bulletin on the GPC for Justice project to keep the judiciary and the public informed on recent development and progress, current issues, recommendations and lessons learned.</p> <p>3.1.7 Develop media programmes (TV and Radio)</p> <p>3.1.8 Improve the web site of the GPC for Justice to provide online access and products to the general public</p> <p>3.1.9 Organize a legal awareness forum in partnership with the Faculties of Law of major universities and the Bar Association in Libya.</p>	
<p>4. Access of women and economically vulnerable groups to justice enhanced.</p> <p>Baseline:</p> <ul style="list-style-type: none"> • Women in particular face some difficulties to access justice because of some social traditions. <p>Success Indicator:</p> <ul style="list-style-type: none"> • Percentage increase in cases where plaintiffs are women. 		<p>4.1.1. Conduct a study to assess the difficulties and barriers that women and vulnerable groups encounter in access to justice and administrative obstacles inside the courts.</p> <p>4.1.2. Develop a strategy and action plan on how to facilitate courts procedures for women and vulnerable groups</p> <p>4.1.3 Develop training activities to provide greater information and understanding within the judicial system on how to protect the rights of these groups under the law.</p> <p>4.1.4 Establish help desk and hotline in the two pilots for free legal assistance.</p>	<ul style="list-style-type: none"> • Sub-contracting • Specialized training <p>Budget : \$ 500.000</p>

<p>5. To designate part of the judicial fees to ensure sustainability of reform and modernization of the system developed.</p>	<p>5.1 Strategy in place (2009)</p>	<p>5.1.1 Prepare a policy paper on the cost of case processing in a court and enhance the judicial assistance system.</p> <p>5.1.2. Establish a committee at the GPC for Justice to examine the feasibility and implications of court fees and develop them to serve project objectives.</p> <p>5.1.3. Prepare recommendations and options for introducing court fees, if necessary</p> <p>5.1.4. Establish an instrument for the maintenance of the judicial infrastructure and replication of the pilot courts at the national level</p>	<ul style="list-style-type: none"> • CTA • Expert-Judge – Lawyer. <p>Budget : \$ 500.000</p>
<p>Baseline:</p> <ul style="list-style-type: none"> • There is no visible system or mechanism within the courts or the GPC for Justice to ensure the sustainability of any restructuring or reform programs undertaken. <p>Success indicators:</p> <ul style="list-style-type: none"> • Legislation and/or approval by the government to institute fees and designation of part of court fees. 			

Part II: Management Arrangements

This project will be implemented using the National Execution modality (NEX). Through NEX operational arrangement, the UNDP country office along with GPC for Justice assumes responsibility, and accountability, for the management and implementation of the UNDP project. As executing agent, UNDP country office assumes overall management of the project, along with the assumption of responsibility and accountability for the production of outputs, achievement of objectives and for the use of UNDP resources. This includes tasks such as planning of project activities, supervision of project implementation, financial accountability; assessment of progress and technical quality, reporting to the stakeholders of the project; initiating and participating in monitoring and evaluation.

A Chief Technical Advisor (CTA) who will be responsible for the day-to-day management of the project will be recruited. His/her tasks will also include preparing and revising work plans; providing technical feedback to senior management; planning and organizing project review meetings; ensuring that project activities are carried out within the financial limitations of the budget; coordinating project activities with stakeholders and ensuring coherent reporting. He/she will carry out these tasks in close consultation with the GPC for Justice.

The elaboration of criteria and the selection of required national and international consultants to carry out the activities will be carried out by the UNDP in consultation with the GPC for Justice.

The project team, whose composition is listed below, will establish fully equipped office for Project implementation. The GPC for Justice will also identify a focal point to act as a counterpart to the CTA and UNDP office.

Project Team

The Team will be responsible for managing inputs, delivering outputs and reporting on progress and results achieved.

- 1- Chief Technical Advisor
- 2- Two project Assistant (in sites of the selected Pilot courts)
- 3- GPC for Justice Focal Point
- 4- Two National Teams for each of the Pilot Courts
- 5- Driver

National Teams for the two pilot courts

In close collaboration with the CTA and the MOJ, the teams will be involved in the planning, and implementing of the programme activities in the pilot courts. In particular, the teams will assist in the initial mapping and assessment exercise, which will be conducted in the selected pilot courts. The leader of the teams will be involved in the validation workshops. Members of the team will be composed of the presidents of the two pilot courts, the Judge of the piloted

court, a prosecutor and a clerk. The CTA and the GPC for Justice will work together to identify any other national teams will be needed to assist the implementation of the project activities

Sub-contracting agencies

UNDP in consultation with GPC for Justice may contract qualified international and local institutions to carry out specific activities of the project. UNDP and the MOJ shall work together to assess the capacity of such entities and decide on their selection.

Coordination Arrangement

The UNDP Country Office and the project team will provide support to the Ministry of Justice to build strategic partnerships and ensure the effective participation of all the concerned parties in order to achieve the desired results of the project.

Advisory Committee:

The Advisory Committee will function as an oversight body to ensure that activities are on track and results are achieved in accordance with the project work plan. Additionally the Advisory Committee will review the project work plan, and make policy recommendations to improve project implementation. It will also monitor project progress and provide advice to project staff.

The Committee will be convened at the launch of the project and subsequently meet twice a year. It will be chaired by the MOJ and composed of the following members:

- Director of Judicial Inspection Department in the GPC for Justice
- Director of Judicial Institute
- A representative of the General people's Committee for Justice (GPC for Justice)
- A representative of UNDP
- CTA
- Heads of the national team from the pilot courts
- A representative from the prosecutor's office
- A representative of Legal Cases's Department
- A representative of People's Attorneys Office
- A representative from a faculty of law
- A representative from the GPC for Planning
- Director of training department at the GPC for Justice
- A representative from the Libyan Lawyers' Association
- Representatives of active donors

Monitoring and Evaluation

The project will be subject to the standard UNDP review, monitoring and evaluation guidelines. Monitoring and evaluation will focus on outputs and their contribution (together with partnership efforts) toward the intended outcome.

The GPC for of Planning and being the government coordinating authority and UNDP counterpart in Libya will assumes a supervisory and monitoring role to oversee the production of outputs, attainment of the project objectives and the assessment of progress and technical quality.

Information from monitoring will provide the basis for making decisions and taking action. The right mix of monitoring tools will be used including:

Reporting

The Chief Technical Advisor (CTA) will prepare and submit to UNDP and the GPC for Justice an Annual Project Report (APR) in accordance with the new APR format. Reporting will also include the preparation of annual work plans for the project to be reviewed and approved by the UNDP country office. He will also provide UNDP with quarterly progress reports to assess progress against the work plan and output targets. Additional reports may be requested, if necessary, during the project.

Validation

The project will be subject to regular and periodic field visits by UNDP Office to verify results and recommend action. At least four field inspection visits will be conducted annually.

Audit

As per UNDP audit requirements, the project will be subject to NEX audit once a year to ensure compliance with rules and policies under NEX and to ensure effectiveness and accountability.

Project Budget:

The total budget for the project is estimated at \$ 3,000,000 million for a period of 3 years. The Government of Libya will make contribution in the total amount of \$ 3,000,000, which will cover the cost of establishing two project offices in the selected pilot sites, a vehicle for the project and operational expenses including cost of utilities for the project offices.

Duration of Project

The implementation of the project will be carried out over 3 years

Financial Management:

In line with the introduction of Enterprise Resource Project (ERP) and new NEX guidelines, the project will employ and use the Microsoft Project software for work planning, reporting, record keeping and overall financial management of the project. The programme staff, in particular, the National Programme Manager will be required to install the software at the project site.

Cost Recovery:

UNDP will charge the project a fee of 3,5% to recover the cost of providing administrative and operational services under NEX.

PART III. LEGAL CONTEXT

This project shall be the instrument referred to as such in Article I of the Standard Basic Agreement between the Great Socialist People's Libyan Arab Jamahiriya and the United Nations Development Programme (UNDP), signed by the parties in 1976. The Government implementing agency shall for the purposes of this Standard Basic Agreement, refer to the Government Cooperating Agency described in the Agreement.

As in all agreements between the Government of Libya and UNDP, the programme document referred to in the Standard Basic Agreement shall be the main instrument governing the conduct and performance of the contractors and agents.

The following type of revisions may be made to this programme document with the signature of the UNDP Resident Representative, provided he or she is assured that the other parties involved in the programme have no objection to the proposed changes:

- i. Revisions in, or addition of, any of the annexes of the programme document;
- ii. Revisions which do not involve significant changes in the immediate objectives, outputs or activities of the programme, but are caused by the rearrangement of inputs already agreed to or by cost increases due to inflation;
- iii. Mandatory annual revisions which re-phase the delivery of agreed programme inputs, agency expenditure flexibility; and
- iv. Semi-final and final budget revisions based on Combined Delivery Reports (CDRs) signed by the project manager.