Support to strenghtening the rule of law and access to justice in libya during the transition to democracy (PIP)

### June 2013

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# project summary

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| Project title: | Support to strengthening the rule of law and access to justice on Libya during the transition to democracy (2012-2014) |
| Award ID and project number: | 00067343, 00082787 |
| Project duration: | One and a half year  June 2012 –Dec 2013 |
| Extension(s) (if applicable): | (funding to be requested for 2014) |
| Executive agency: | UNDP |
| Implementing partner(s): | None |
| Total budget: | USD 400,000.00 |
| Contribution from donor: | 1.716 Million US$ , pending signature of the project document with MoJ. |
| Contribution from other donors: | None |
| Related CPR outcome(s): | Outcome 3 of CPD – Libya successfully manages its transition to a state founded on the rule of law |
| Date of report: | 30 June 2013 |

# description of the project

### Overall guidance:

Between February and October 2011, Libya was embroiled in an armed liberation struggle between the autocratic regime of Colonel Moammer Al Qaddafi, and revolutionary forces determined to put an end to the dictator’s 42 year rule. This conflict had a weakening effect on the rule of law architecture and institutions, especially with regard to the provision of justice and security.

The overall objective of the present programme is to assist the restoration of justice and security in Libya in support of the country’s transition to democracy. The programme seeks to develop the capacities of key institutions to deliver equitable and efficient services to the Libyan people, facilitate recovery and promote development. Simultaneously, it aims to empower civil society and the Libyan people to access justice, resolve disputes and build peace. Accordingly, the programme is designed to contribute to three important outcomes for the country: (1) Strengthened capacity of Libyan rule of law institutions to provide services in a way which supports the transition to democracy; (2) Improved access to justice for conflict affected populations especially survivors of sexual and gender-based violence (SGBV), women and the displaced; and (3) Progress achieved in implementation of Transitional Justice (TJ) process to promote national reconciliation, including contributing to national consensus on Transitional Justice.

In striving for these outcomes, UNDP will work over the next 2 years in close collaboration with the relevant Libyan authorities, and within the context of broader international support to strengthening the rule of law in Libya.

Rule of law institutions (police, judiciary and corrections) in Libya remain weak and are non-functioning in many key operational aspects due to uncertain security situation, weak institutional capacities and lack of strategic planning by the Libyan Government which has led to *ad hoc* delivery of support and assistance from the international community. The Libyan government has commenced drafting national strategies on rule of law and security sector reforms, and the international community, including the United Nations in Libya, has recently agreed with the government on specific priorities and forms of assistance to strengthen the rule of law in Libya.

# project results and achievements

### Overall guidance:

1. **Project results and impact**

**Output 1 – Strengthened capacity of Libyan rule of law institutions to provide services in a way which supports the transition to democracy**

**Indicator 1 – Expansion of knowledge among Libyan judges on the management and status of courts, selection and training of judges, case load management, e-justice applications and alternative sanctions.**

On 27 May 2013 the Ministry of Justice of the Czech Republic hosted an intensive training programme for 11 Libyan Judges from 5 different governorates, this included Tripoli, Sabha, Benghazi, Albidaa, and Darna. The venue was the judicial training academy in Kromeriz. The programme aimed to share the experience of the Czech Republic with the Libyan judges with regard to the judicial system, case and court management and introduction to the European Convention on human rights. The exchange of experiences would facilitate addressing similar issues in Libya.

The stated objectives of the training were as follows:

* To familiarize the participants with position of judges in the Czech Republic
* To get participants acquainted with management of courts in the Czech Republic
* To highlight the challenges which are faced in case backlog management in the Czech Republic.
* To familiarize participants with the implementation of the European Convention on Human Rights in the Czech Republic.

The training provided theoretical and knowledge with regard to over viewing the judicial system of the Czech Republic and understanding of the European Convention on Human Rights. Additionally a second part of the training focused on enhancing the skills of the participants in case and court management. The third part was observatory, where participants visited courts and a correction center and interacted with peers. The training was offered as a 5-day module to 11 Libyan judges. The training was participatory, with total instruction hours, per module, per participant were 30 hours. The training was delivered in Czech language with simultaneous translation provided, save as two sessions were delivered in Arabic by UNDP representative.

The conclusions of the training were that the participants got an overview of the Judicial System in the Czech Republic; improved their skills in court management; enhanced their skills in case management and; are familiar with European Convention on Human rights and its application by the Czech Republic.

In a post evaluation exercise of the training, participants demonstrated appreciation of the training and positive change in level of knowledge and ability after the workshop.

**Output 2 – Improved access to justice for conflict-affected populations, especially survivors of SGBV, women and the displaced**

**Indicator 1 – Strengthening knowledge on Access to Justice for all Libyans**

UNDP in coordination with the Ministry of Justice and two civil society organizations launched a conference on "*Access to Justice for All in Transitional Libya*" in Tripoli on 22-23 April 2013. The conference brought together 143 participants including Government officials, members of the General National Congress, civil society, diplomats and individual experts. The conference was facilitated by national, regional, and international experts from United States, Jordan, and Egypt.

The participants agreed on the following:

* Strengthening access to justice for all people, especially the disadvantaged and marginalized groups.
* Acknowledged that a variety of actors have an integrated role to play in facilitating access to justice including all relevant state institutions. Further development in realizing access to justice entails steps to support ongoing reforms to achieve the larger goal of improving the legal system to achieve the rule of law.
* Acknowledged the necessity of ensuring political will and close collaboration with relevant State authorities to achieve these goals.

**Indicator 2 – Development of Action Plan to determine capacity needs and achieve objectives** **of lawyers in Libya**

UNDP, Libyan Judges Organization, and National Bar Association organized a two-day workshop from 24-25 April for 35 judges, lawyers and prosecutors to explore models on legal profession reforms and the capacity development needs of lawyers in Libya. The participants produced an action plan on elements of anticipated reforms, the resources and actors required to implement the action plan and immediate next steps.

A post event evaluation questionnaire was distributed to the 35 participants. About 25 participants responded. The respondents demonstrated a strong appreciation of the workshop and positive change in level of knowledge and ability after the workshop. From the table, around 25 out of 26 respondents either agree (13) or strongly agree (12) that the workshop is well organized. All respondents (26 out of 26) agreed that the workshop improved their knowledge on the role of lawyers and all respondents agreed that the workshop improved their knowledge on the role of lawyers. Most importantly around 24 respondents agreed that they will apply the knowledge they learned in the workshop (8 strongly agree and 16 agree)

**Output 3 – Progress is achieved in implementation of transitional justice process including contributing to national consensus on TJ.**

**Indicator 1 – Increase knowledge on importance of building fair and efficient institutional reform** **to contribute to TJ in Libya**

On 27 June 2013 UNDP and UNSMIL organized a one day high level seminar titled “Excluding Former Regime Members And Institution-Building In Transitional Societies: A Comparative Perspective”. This seminar explored the relationship between exclusionary processes and institutional reform in post-conflict societies, drawing on the experiences of other countries including in particular the post-communist countries such as East Germany, Czech Republic, and Hungary, but also Bosnia-Herzegovina. The meeting sought to formulate some recommendations for the implementation of exclusionary processes.

The seminar constituted a closed-door discussion among 15 participants. The participants represented the High Judicial Council (including the Chief Justice of Libya), Judges Association, Military Prosecutor General Office, The Army Integrity Commission, GNC and representatives of UNDP and UNSMIL. An international comparative expert gave presentation on experiences elsewhere and presented the international standards on exclusionary process that was followed by an open discussion.

The participants provided their perspectives on the current situation of the Political Isolation Law and its implementation in the different institutions. Challenges and human rights violations were also highlighted and it was requested that other activities addressing this law to be organized by the United Nations and international community. Questions such as how to implement a Political Isolation Laws were discussed, but also legal arguments in favor of exclusion were put on table. Moreover, the seminar discussed international standards on exclusionary processes and their practical implications.

# Lessons learned and implementation challenges

**Overall guidance:**

The project was implemented after a delay in recruitment of its Project Manager who commenced duties in mid October 2012. UNDP was also engaged in extensive drafting and reviewing of the project document and consultations with the Ministry of Justice and other UN partners to coordinate provision of rule of law assistance. Recent coordination strategies have also led to delays in implementation as the UN and the Ministry of Justice struggled to identity priorities and remove overlaps among various actors working on rule of law projects.

Implementation has been affected by operational deficits within UNDP CO as the CO tries to meet turn-around deadlines in procurement of services and goods and to provide effective support to ongoing and emerging projects with its limited operations staff and capacity. There are also delays in recruitment of support staff for the Rule of law project team, which have led to temporary solutions of recruiting less than qualified temporary project assistants who are not familiar with UNDP rules and operations.

The start-up activities – recruitment of Project Manager and organization of activities in collaboration with UN partners have had a positive impact on improving relations with the MOJ and UN partners. It was imperative that the UN presents a “One UN” approach to its rule of law activities which will facilitate the acceptance of UNDP’s rule of law project document by the MOJ, as the MOJ is keen to resolve overlapping projects and coordinate rule of law activities among international actors.

The project is currently being implemented in accordance with an integrated workplan that reflects three separate funding sources, including from BCPR. The remaining BCPR funds is being utilized to recruit the Access to Justice consultant who is implementing this project component with civil society organizations and NGOs in the eastern city of Benghazi. At the moment the security situation in the east is not improving, due to this it is not possible to conduct the training of NGOs in Benghazi, however, it will be held in Tripoli.

# Next steps

**Overall guidance:**

The project will start a workshop for civil society activists from Benghazi on developing a comprehensive base-line survey in various IDP camps in Benghazi. Participants will be arriving in Tripoli for the workshop on 06-09 July. After this workshop, the participants themselves will conduct a trainer-to-trainer workshop on 29 and 30 July to refresh the memory and continue the project as planned. If the security situation shows improvement, the RoL team will be able to visit Benghazi on these dates and on a later stage also the trainer will visit the participants for the overall continuation of the project.

Remaining funds will also be use to partly fund a team of international and national expert consultants to be embedded with the TSRC to provide ongoing support and advice on the implementation of its mandate in accordance with the amended law on TJ and international standards. Although the delay in passing the amended law will be taken into consideration, UNDP and UNSMIL will strategize a form of start-up assistance that will be critical for the current priories and activities of the TSRC.

# financial summary

**Overall guidance:**

Indicate the total amount provided by donor and provide breakdown of programmable amount and the GMS amount. Provide detailed financial expenditures by objectives and activities. Ensure that the figures provided match with those in Atlas.

Details of Expenses up to 30/06/2013:

Account Code Expenses (USD)

61305 - Salaries - IP Staff 62,323.85

61310 - Post Adjustment - IP Staff 22,714.69

62210 - Contrib to Jt Staff Pens Fd-GS 169.23

62310 - Contrib to Jt Staff Pens Fd-IP 21,441.13

62315 - Contrib. to medical, social in 180.90

62320 -Mobility, Hardship, Non-remova 8,362.76

62330 - Rental Supplements - IP Staff 326.83

62340 - Annual Leave Expense - IP 8,127.29

63335 - Home Leave Trvl & Allow-IP Stf 1,879.19

63365 - Special Oper Living Allow-IP 5,652.97

63530 - Contribution to EOS Benefits 2,863.41

63535 - Contribution to Security 3,401.54

63540 - Contribution to Training 850.38

63545 - Contribution to ICT 1,275.59

63550 - Contributions to MAIP 170.07

63555 - Contribution to UN JFA 1,530.70

63560 - Contributions to Appendix D 255.11

64309 - Appointment-Shipments 5,755.33

65115 - Contributions to ASHI Reserve 6,412.41

65135 - Payroll Mgt Cost Recovery ATLA 450.66

71205 - Intl Consultants-Sht Term-Tech 2,000.00

71405 - Service Contracts-Individuals 1,937.21

71545 - UNV-Home Leave Travel & Allowa 400.00

71605 - Travel Tickets-International 2,250.00

71615 - Daily Subsistence Allow-Intl 690.00

71635 - Travel - Other 10,476.00

72120 - Svc Co-Trade and Business Serv 83.60

72130 - Svc Co-Transportation Services 623.54

72425 -Mobile Telephone Charges 118.10

72505 - Stationery & other Office Supp 462.89

72715 - Hospitality Catering 0.00

73105 - Rent 1,560.00

73107 - Rent - Meeting Rooms 1,000.47

74220 - Translation Costs 6,340.61

74525 - Sundry 841.78

74710 - Land Transport 780.03

76125 - Realized Loss 0.80

76135 - Realized Gain 0.00

Total (2013) USD 182,716.95

Total Delivery (2012, and 2013 u to June 2013: USD 218, 591.95 (54.64%).

N.B: in 2012 due to incorrect vCOA given for classification of the post, part of the P5 post cost was charged to the old NIM justice project (55447), this needs to be corrected at HQ level by transferring USD 71,734.23 back to above project.

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