



United Nations Development Programme  
برنامج الأمم المتحدة الإنمائي



Country: Libya  
Project Document

<b>Project Title:</b>	Support to Rule of Law and Access to Justice Project
<b>UNDAF Outcome(s):</b>	n.a.
<b>Expected CP Outcome(s):</b>	Libya successfully manages its transition to a state founded on the rule of law
<b>Expected Output(s):</b>	Strengthened capacity of Libyan rule of law institutions Improved access to justice for conflict affected populations, especially survivors of SGBV, women and disabled Progress achieved in the implementation of the Transitional Justice process
<b>Executing Entity:</b>	UNDP Libya
<b>Implementing Agencies:</b>	UNDP Libya

**Brief Description**

Following the revolution 17 February, the reactivation of the Libyan justice system is an urgent priority of the current Government. Therefore, the Ministry of Justice formulated its priorities and 15-months work plan. This document is based on the Government priorities, as also presented in the London and Paris meeting end 2012/early 2013. It builds on a coordinated UN approach with UNODC and UNSMIL and has strong capacity building focus. 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) Institutional strengthening, mainly of the Ministry of Justice, High Judicial Council, the High Judicial Institute and different judicial institutions (2) Improved access to justice of the Libyan population; and (3) Support to the implementation of Transitional Justice 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.

Programme Period:	2012 – 2014	Total resources required	US \$	6,125,570
Key Result Area (Strategic Plan)	Rule of Law	Total Available Funding:	US \$	3,666,886
Atlas Award ID:		Parallel allocated Funding:		
Start date:	August 2013	• Belgium (P4-post)	US \$	230,000
End Date	August 2015	• Japan (through TG doc)	US \$	1,100,000
PAC Meeting Date		Direct allocated resources:		
Management Arrangements	UNDP Direct Implementation	• Denmark	US \$	1,716,000
		• UNDP/BCPR (PIP)	US \$	335,886
		• GoL (through MOJs project)	US \$	285,000
		Total Unfunded budget	US \$	2,458,684

Organization	Name	Date	Signature
Ministry of Justice	Mr. Salah El Marghani	06 August 2013	
United Nations Development Programme	Mr. George Charpentier	06 August 2013	

## **1. SITUATION ANALYSIS**

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### **1.1. Background**

In late December 2012 and early 2013, high level conferences on Security, Justice and Rule of Law were organized to consolidate and coordinate the international community's rule of law initiatives in Libya. The meetings endorsed the priorities set out by the Libyan government and the suggestion that the Libyan government, with United Nations support, would pull together these priorities and pledges of international support into a single, comprehensive document so that action could begin immediately. The government has six priorities to enhance the rule of law and justice: 1) building judicial capacity, competence, independence, coordination, and training; 2) undertaking a review of relevant legislation; 3) building prosecutorial and criminal investigative capacity; 4) reforming the Libyan prison system; 5) promoting transitional justice through truth-seeking processes and national reconciliation, in addition to locating and identifying mission persons; and 6) building state institutions that respect and promote human rights, as well as a vibrant civil society.

This document outlines the support from UNDP to these priorities, in close coordination with UNSMIL and UNODC, under the overall principle of Libyan leadership and ownership. One of the main conclusions of the Paris inter-ministerial meeting on 12 February 2013 is the need for immediate, visible and tangible action on the priority challenges. The restoration of rule of law and a functioning judicial system is key to a successful democratic transition and a prosperous future.

Against this background, UNDP, working closely with the United Nations Support Mission in Libya (UNSMIL) and other UN agencies such as the UN Office of Drugs and Crime (UNODC), has been requested by the national authorities to embark on a programme of support to strengthen the rule of law and access to justice in the country.

### **1.2. The nature of capacity of justice and security in Libya**

Libya has an extensive, complex and ambiguous legal framework. However, it is unclear which laws are currently valid and applicable, some legislation does not comply with human rights standards and there exist exceptional provisions intended to deal with political threats against the former regime. There is therefore an identified need for legislative reform.

Despite systematic abuses, non-political elements of rule of law institutions functioned at a basic level under the Qaddafi regime. However, corruption, nepotism, inefficiency, lack of independence, minimal transparency, the lack of clear separation of powers between executive, judicial and legislative branches, arbitrary arrests, torture, and insufficient human capacity constituted significant challenges to the rule of law and the realisation of human rights in Libya.

The conflict ensuing from former regime's suppression of the liberation struggle in Libya had a weakening effect on the rule of law architecture, especially the provision of justice and security. There has been significant destruction to essential infrastructure, including courts, police stations, prisons, government buildings, automobiles and equipment.



The rule of law institutions are in need of extensive reforms and will be essential in the course of the country's transition to democracy. In the course of the conflict, serious human rights violations were witnessed on a large scale at the hands of the Qaddafi regime, including unlawful killings, torture and arbitrary detention. Reports of rape and other acts of sexual and gender-based violence (SGBV) in the context of the conflict have also been alleged.

As of mid-2012, judicial activity remains hampered by institutional weaknesses, on-going capacity deficits in the courts, a lack of security measures, and the absence of judges and administrative staff. Anecdotal indications suggest that functionality in both the justice and police sectors remains relatively low, yet no comprehensive, disaggregated data exists to establish the geographical spread of resumed service delivery. It has been a major challenge to assess the capacities of the Libyan rule of law institutions and baseline information is essential to identify needs and priorities that ensure effective and equitable justice and security service delivery to the Libyan people. Meanwhile the broader security situation in Libya remains precarious, with widespread proliferation of arms in an environment characterised by the heavy presence of different revolutionary brigades, and a weak police service struggling to resume its functions and thousands of detainees in facilities outside the control of state authorities.

The Ministry of Justice (MOJ) suffered from relatively limited financial resources, poor structural, management and administrative capabilities, weak oversight, and inadequate capacities for strategic planning. Transparency in court management remains a challenge and a proper case management system has not been developed, while the automation of the courts, supported by UNDP prior to the revolution, was only embarked upon in its very early stages.

Under the Qaddafi regime, judges, prosecutors, state lawyers, public defenders and members of the legal department in the government were considered by law to constitute one single entity, violating the principle of the immovability of the judges, and thus their independence.<sup>1</sup> Lawyers' syndicates and professional networks of the legal profession are still relatively underdeveloped in Libya, owing to the limitations imposed over the past four decades.

Members of the judiciary could benefit more from specific policies to enhance knowledge development and continuous education. The High Judicial Institute requires strategic capacity building curriculum and its' capacities and facilities need to be improved in order to strengthen legal education and the competence of the judiciary.

Access to justice in Libya, as elsewhere, relies on multiple factors – from the provision of legal advice and assistance, to the accessibility of fair and equitable justice institutions. For many, the economic dimension is of critical significance. Equally, legal awareness, human rights advocacy, and the engagement of lawyers' syndicate and groups, NGOs / CSOs all impact on people's ability to access justice.

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<sup>1</sup> United Nations, Sub-Group Pre-Assessment on Rule of Law and Human Rights in Libya, (UN internal) at para 17.

In Libya, institutionalised legal aid of a considerable quality is not always available and the procedure may be cumbersome to many litigants. Human rights awareness among the general population is low, and national human rights institutions are as yet only embryonic. Bar associations and lawyers' networks presently operate at a minimum.

Access to justice is an essential element of a democratic society founded on the rule of law, respect for human rights and prioritizes civil society support because it is typically the best route to strengthening the legal capacities of citizens. The role of civil society and non-governmental organisations (NGOs) as advocates of justice and rights in Libya has, historically, been limited, but has been expanding rapidly since 2011 and could benefit from further capacity development and social space for advocacy activities.

In post-revolutionary Libya, the need to facilitate access to justice appears likely to expand in both criminal and civil arenas, including traditional justice mechanisms, whenever, necessary. There is also a need to address grievances resulting from criminal acts alleged to have taken place in the context of the recent conflict and disputes, related to housing, land and property issues.

The interim government has underscored the importance and need for a transitional justice process that seeks to rebuild the relationship between citizens and the state, and contributes to national unity and reconciliation. Decades of dictatorship engendered serious human rights abuses and the security apparatus was used to protect the regime. Many citizens themselves participated through structures such as the Revolutionary Committees, which resulted in deep divisions within societies. In addition, Libyans were deprived of quality education, decent social services, and other socio-economic rights, while the regime leadership enriched itself and its adherents through the uneven distribution of oil proceeds, services, and positions. The abuses perpetrated during these decades undermined the fabric of Libyan society and gave rise to the revolution.

The challenge of transitional justice in Libya is further complicated by the fact that the recent conflict saw further violations, including crimes against humanity, and crimes committed in the context of the armed conflict. These incidents too need to be confronted according to rule of law and not to be left to a cycle of revenge and violence, exclusion, discrimination or collective punishment that must be avoided in the future. To date, the interim government is considering a revised law on transitional justice and has established the Truth Seeking and Reconciliation Commission, is pursuing criminal investigations of top-level perpetrators and other mechanisms and laws. Civil society in Libya is also actively engaging on transitional justice and has worked with the government on determining strategies on transitional justice for the country.

Following the new challenges of the post revolutionay democratic transition, UNDP's overall approach to rule of law has shiften and is reflected in the the UNDP Country Programme Document (CPD) for the period 2012–2014. Prior to the revolution, UNDP was already engaged with justice sector reform initiatives, including with an on-going project, "Modernisation of the Justice Sector in Libya," to strengthen access to justice for citizens through the improvement of procedures within the court system. This will complement the present project document, which expands the scope of assistance within a more holistic approach to rule of law.



## **2. STRATEGY AND METHODOLOGY**

### **2.1. Strategy**

The rule of law is based on justice and security – two of the most essential prerequisites for sustainable peace and development. The present project document identifies key priorities in alignment with the Ministry of Justice’s 15-month Work Plan, the recommendations of the National Committee for Judicial Reform<sup>2</sup> and the Paris document and to address the detrimental consequences of the past regime and the immediate challenges post Revolution.

In the context of a new Libya, the need to prioritise the capacities of those institutions responsible for delivering justice and security is central, and ensuring unobstructed access to effective rule of law institutions will be essential to rebuild the social fabric, and prevent recurrence of violence or conflict. A holistic approach to rule of law reforms would include collaboration with community based and non-governmental organisations to ensure effective service provision. Although a review of legislation and transitional justice through truth-seeking and reconciliation processes are key priorities, these need to go hand in hand with the institution building to enhance the judicial capacity of Ministry of Justice, High Judicial Council and High Judicial Institute in particular. Independent and professional institutions and the effective delivery of services will strengthen public confidence in the role of the judiciary, prosecution and other actors in the sector, enabling peaceful conflict resolution and equitable redress for grievances.

However, on a demand-side, there is a corresponding need to support the engagement by ordinary citizens who will be empowered to access improved service provision at the community level, including through building awareness and advocacy on justice and human rights, and increased provision of legal aid and assistance. Therefore, a strong role of civil society, including media, strengthens the democratic society based on rule of law.

Based on the above, the project will focus on the following priority areas:

- 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 SGBV, women and the displaced.**
- 3. Progress achieved in implementation of Transitional Justice process including contributing to national consensus on TJ**

These areas reflect critical Libyan national priorities, support for which will be nationally led and nationally owned. The project objectives are also consistent with the coordinated UN planning, in particular the work of UNSMIL and UNODC. UNDP seeks to assist the implementation of the integrated mission mandate, and will give particular focus to developing capacity of the justice sector. Ultimately, the aim is to develop the national

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<sup>2</sup> Established pursuant to HJC Decree No. 90 /2012.

capacities of the MOJ, judiciary and other relevant actors to own the project and continue its development once the present project cycle comes to an end.

During the implementation of the project, UNDP (with UN and partners) will work with the relevant national and international actors to establish the required baseline capacity assessments of institutions, NGOs and civil society, including on service delivery. The project will also respond to immediate needs of the population in supporting the functioning of essential justice services such as courts and legal aid services for conflict affected populations.

The project will assume a balanced approach, working with counterparts in official institutions as well as with civil society and grass roots organisations; to identify innovative approaches to capacity development and to emphasize the role of women's empowerment in the context of rule of law assistance.

The project will be demand driven, and will provide policy advice and technical assistance where UNDP has or can easily source expertise, including through embedding support within relevant Ministries. In other areas, and depending on the nature of the request for assistance, the project may facilitate, broker and coordinate support through use of its extensive network of partner organisations. Resources will be allocated to facilitate provision of specialised technical expertise upon demand from national counterparts wherever possible.

The project will seek to maximise synergies with relevant programmes and projects of other UN agencies, and with components of UNSMIL, including working closely with those components focusing on justice institutions, women's empowerment, human rights, and transitional justice. It will also capitalise on experiences from elsewhere in the region as well as globally.

The project will be implemented based on the following guiding principles:

- i) National ownership;
- ii) Partnerships with the Government of Libya, UNSMIL, the UN Country Team, civil society, the donor community and other multilateral and bilateral actors;
- iii) Conflict-sensitive programming and a 'do no harm' approach.

Within the specific focus areas of the project, certain cross-cutting issues will be mainstreamed, including:

- 1) Gender sensitivity and women's empowerment – to ensure that gender issues are incorporated into all relevant policies and legislation; increased participation of women in the rule of law sector reforms at the institutional and leadership levels and in civil society, and to incorporate gender sensitization in capacity development initiatives for justice personnel.
- 2) Human rights – the project will adopt a human-rights based approach and will conform to international human rights standards. State authorities have the duty to fulfil the human rights of all citizens and the project will support the state to fulfil this obligation as well as to empower the citizens to claim and exercise their rights. This would include non-discriminatory laws and policies; accessible justice and security services; inclusion of marginalized groups and minorities; inclusion of human rights in training curricula and support human rights advocacy initiatives by women and minority groups.



### **2.3. Expected project outputs**

The present project is designed around three key outputs and activities will be sequenced to address priorities in a balanced and mutually reinforcing manner.

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

The project will emphasize support for the justice sector as well as key institutions responsible for service delivery to the Libyan people, with the goal of strengthening the quality, equity and efficiency of the administration of justice. It will contribute to broader institutional strengthening of the rule of law, including in line ministries, within an integrated framework of international support. In doing so, the project seeks to restore confidence and trust between communities and the state, consolidating peace and reinforcing the core foundations of democratic governance.

In line with the MOJ work plan, the project will prioritise the urgent re-activation of the criminal and civil judicial functions across the country by focusing on capacity-development of court personnel and court management.. The project will also benefit MOJ's internal capacities for managing data, finances, strategic planning and information.

The project will also provide technical expertise and dialogue platforms to support national law reform initiatives and ensure that legislation and institutional frameworks requiring revision are addressed in a participatory manner to include civil society, and in accordance with Libya's human rights obligations. The project will advance judicial learning and education and improve the quality and structures of judicial inspection to ensure judicial independence.

#### **OUTPUT 2: Improved access to justice for conflict affected populations especially survivors of SGBV, women and the displaced**

Access to justice is the cornerstone of a democratic society founded on the rule of law and respect for human rights. In contributing to this outcome, UNDP will seek to bolster the role of institutions, in particular, the justice sector and civil society to promote human rights and ensure effective access to just and equitable justice. The "justice sector" includes the criminal justice system and the civil justice system, with special focus given to victims of sexual and gender based violence (SGBV), women and the displaced. The project aims to ensure that these groups are granted unhindered access to fair justice services, enabling peaceful conflict resolution and redress for grievances.

A comprehensive baseline analysis of the access to justice situation in the country will be undertaken by civil society organizations with the assistance of regional experts to identify the capacities and action needed to achieve access to justice and assist the Government to develop a national strategy to enhance access to justice.

Lawyers groups, including associations of women's lawyers, will be supported to increase their capacities to provide legal assistance to those in need. In the context of Libya's immediate priorities, this should also include facilitating the rapid provision of legal aid to conflict-affected populations in coordination with the MOJ and lawyers associations.

### **OUTPUT 3: Progress achieved in implementation of transitional justice process including contributing to national consensus on transitional justice**

Transitional justice is a key priority for the new Libya, and critical to reconciliation. It comprises the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. It has an important role in broader reform initiatives in the context of a country transitioning to democracy. In support of UNSMIL's role in this area, the project will collaborate by providing technical expertise and comparative experiences.

UNDP will work with UNSMIL to raise awareness on TJ and reconciliation mechanisms with the government, public sector, civil society and among the general population through facilitating dialogue and experience sharing with national and international actors. The project aims to enhance the role of civil society, including on awareness-raising and advocacy to ensure that women's groups and victims organisations are considered in the design and implementation of transitional justice processes in the country.

UNDP will work with UNSMIL to provide technical and policy assistance on best practices in the effective administration of the TSRC such as development of methodology and research capacity, internal rules and regulations, media and outreach activities, protection of witnesses, documentation and archiving. In cooperation with UNSMIL, the project aims to enhance the specialised knowledge of practitioners mandated to address the transitional justice concerns of the Libyan population by sharing comparative information and expertise through consultations and training activities.

#### **2.4. Intended beneficiaries**

The key beneficiary of this project will be the MOJ and the High Judicial Council (HJC), and - to a lesser degree - the High Judicial Institute, which is the principal training institute for the judiciary. Other target beneficiaries may include, but not limited to, the Judicial Inspection Department, the Truth Seeking and National Reconciliation Commission, the Lawyers' syndicate and associations and civil society and non-governmental organisations.

Ultimately, however, the people of Libya will be the principal beneficiaries of the project, especially victims of the former regime, and post-conflict vulnerable groups such as victims of SGBV, the displaced and the disadvantaged.

#### **2.5. Partnerships and coordination**

UNDP will work closely with UNSMIL and UNODC as the key UN partners to support Rule of Law/Justice, with complementary activities and operating as much as possible as one UN team. Significant consideration will have to be given to the drawdown of UNSMIL at the conclusion of its mandate, and any areas of assistance where UNDP may be requested to step in to support the government following this transition. The project will also actively seek to coordinate and collaborate with international organisations working on rule of law initiatives, such as the EU, under the leadership of the MOJ. UNDP will also build on its relationship with civil society and national NGOs, considering also the potential of such bodies to act as implementing partners for certain activities in the course of the project.



### 3. PROJECT FRAMEWORK

#### 3.1. Results and resources framework

<p><b>Intended Outcome as stated in the UNDP Country Program Document 2012-2014:</b></p>	<p><b>Outcome 3:</b> Libya successfully manages its transition to a state founded on the rule of law.</p>
<p><b>Outcome indicator(s) as stated in CPD</b></p>	<p>Indicators: (a) Percentage of cases adjudicated increases consistently over time as a sign of improved efficiency of the judicial system as whole, including legal aid services; (b) The fact-finding and reconciliation commission is operational and implementing different national reconciliation processes. (Gender-disaggregated data used for these indicators). Baselines: (a) The large number of cases awaiting judgement is a growing concern, especially with allegations of ill-treatment of prisoners and historical lack of public confidence; (b) The Government has recently adopted the decree on establishing the foundation of national reconciliation and transitional justice that sets the foundation for transitional justice and the appointment of a fact-finding and reconciliation commission. Targets: (a) Increase in adjudicated cases per year; (b) The fact-finding and reconciliation commission has established transparent systems to deliver on its mandate in accordance with international standards.</p>
<p><b>Applicable Key Result Area UNDP</b></p>	<p><b>CPR Key Result Area 3.5</b></p>
<p><b>Intended Project Output(s):</b></p>	<p><b>Output 1:</b> Strengthened capacity of Libyan rule of law institutions to provide services <b>Output 2:</b> Improved access to justice for conflict affected populations <b>Output 3:</b> Progress achieved in implementation of TJ process including contributing to national consensus on TJ.</p>
<p><b>Implementation Modality:</b></p>	<p>DEX/DIM</p>
<p><b>Partnership Strategy:</b></p>	<p>The project will coordinate closely with UNSMIL and UNODC in the context of the UN integrated mission and a 'One UN' approach. The project will be executed by UNDP Libya in close cooperation with the Ministry of Justice, the High Judicial Council, the High Judicial Institute, the Libyan Lawyers' Syndicate, the National Council on Human Rights and Public Liberties, the Truth Seeking and Reconciliation Commission, CSOs and law faculties/institutes of law of universities. It will work closely with the judiciary and public defense, as well as CSOs working on justice issues, bearing in mind the social demand side of rights holders on justice. In addition, it will seek to maximise multilateral support in consultation with stakeholders and ensure that their feedback is channelled efficiently and effectively into the project. The project will partner with other UN Agencies and service providers (NGOs and INGOs) to make best use of in-country resources for delivery of specific outputs.</p>



Intended Outputs	Output Targets (by year)	Indicative Activities	Responsible Parties	Inputs
<p><b>OUTPUT 1: Strengthened capacity of Libyan rule of law institutions to provide services in a way which supports the transition to democracy.</b></p> <p><u>Baseline(s):</u></p> <ul style="list-style-type: none"> <li>• Distribution of justice services remains uneven, infrastructure is damaged, security is inadequate and court administration is weak.</li> <li>• Nationally identified need for judicial law reform to harmonise legislation and ensure compliance with international standards.</li> <li>• Lack of an up-to-date institutional capacity assessment of the judiciary; absence of continuing legal and judicial education and training programme.</li> <li>• Sparse availability of information / data on current judicial performance; lack of capacity within the JID for statistical and data analysis.</li> <li>• Limited capacities within</li> </ul>	<p><b>Targets (year 1):</b></p> <ul style="list-style-type: none"> <li>- Finalise assessment of selected model courts and comprehensive action plan to modernise courts developed.</li> <li>- Capacity development plans for judiciary generated and initiated.</li> <li>- Material support / equipment provided and in place.</li> <li>- Assessment of judicial legislation in need of review which are relevant to the pilot courts component.</li> <li>- Two model criminal courts are partially or fully functioning.</li> </ul> <p><b>Targets (year 2):</b></p> <ul style="list-style-type: none"> <li>- Capacity development plans fully implemented, reviewed and adjusted accordingly.</li> <li>- MOJ-generated capacity-</li> </ul>	<p><u>Court infrastructure and administration</u></p> <ul style="list-style-type: none"> <li>▪ Identify two selected courts to be developed as model courts in accordance with established criteria.</li> <li>▪ Conduct comprehensive assessment of these selected courts on case management and backlog, capacities of court personnel, security and other operational aspects.</li> <li>▪ Develop automation assessment for the two model courts</li> <li>▪ Conduct rapid assessment of infrastructural needs and procure necessary materials for the selected courts</li> <li>▪ Implement capacity development plans for court personnel at selected courts.</li> <li>▪ Develop specific measures to enhance gender sensitivity in provision of judicial services at the selected courts.</li> <li>▪ Develop comprehensive lessons learned report on the model courts for input into national reform plans on the judiciary.</li> </ul> <p><u>Law reform and dissemination</u></p> <ul style="list-style-type: none"> <li>▪ Provide technical assistance and expertise on legislative drafting and strategies on gender and rule of law mainstreaming, in coordination with UNODC.</li> <li>▪ Support civil society organisations and women's groups to provide legal reviews and technical advice on law reform. Support dialogue and consultations for legislative reform</li> </ul> <p><u>Judicial competence, professionalism and independence</u></p> <ul style="list-style-type: none"> <li>▪ Update and validate existing assessments of HII's capacity development plans, methodology, and training needs of the judiciary primarily in areas of civil and</li> </ul>	<p>UNDP, MOJ, HJC, courts, HJI, CSOs, NGOs and other relevant legal and judicial entities (all efforts will be made to compliment activities being undertaken by UNSMIL and UNCT in this area).</p>	<ul style="list-style-type: none"> <li>• Technical experts 850,000\$</li> <li>• Procurement / material support 150,000\$</li> <li>• Basic technical trainings 100,000\$</li> <li>• Capacity assessments 100,000 \$</li> <li>• Subcontracts/workshops undertaken with civil society 100,000\$</li> <li>• Judicial sector training and information exchange 150,000\$</li> <li>• South-South study tours 200,000\$</li> <li>• Contract for Automation of court (subject to assessment) 500,000 \$</li> </ul>



Intended Outputs	Output Targets (by year)	Indicative Activities	Responsible Parties	Inputs
<p>the MOJ for management, operations and strategic planning.</p> <p><u>Indicator(s):</u></p> <ul style="list-style-type: none"> <li>Increased utilisation of criminal and civil courts and rise in level of public confidence.</li> <li>MOJ's areas for capacity development identified; institutional development plan for MOJ finalised and under implementation.</li> <li>JID undertakes more regular inspections and deeper analysis and produces regular reports.</li> </ul>	<p>development programmes designed with funding mechanisms in place and ready for implementation from 2014 as part of exit strategy.</p>	<p>administrative law..</p> <ul style="list-style-type: none"> <li>Develop and implement a pilot curriculum for continuing legal education for legal professionals and other personnel working in the judiciary.</li> <li>Develop a toolkit for trainers.</li> <li>Support the HJI to engage with other national, regional and international organisations.</li> <li>Provide advisory support and training for the JID for policies, mechanisms and criteria to be used for judicial inspection, primarily for court support personnel, including: codes of conduct, complaints procedures, internal governance structure, case processing, awareness-raising of general public, and reporting.</li> </ul> <p><u>MOJ/HJC capacities for management, operations and strategic planning improved.</u></p> <ul style="list-style-type: none"> <li>Assess capacities and reform priorities in the MOJ</li> <li>Develop and implement action plans for institutional development of MOJ and capacity development programs</li> <li>Provide training and capacity development support to MOJ staff on areas identified as gaps in by the assessment.</li> <li>Assess capacity needs of HJC and possible training programs</li> <li>Support to long term strategy for Rule of Law mainstreaming in public sector (as exit strategy) <ul style="list-style-type: none"> <li>Putting in place applications for the automation of the MOJ in ERP, electronic archiving and documentation management.</li> </ul> </li> </ul>		



Intended Outputs	Output Targets (by year)	Indicative Activities	Responsible Parties	Inputs
<p><b>Subtotal Output 1:</b></p> <p><b>OUTPUT 2: Improved access to justice for conflict-affected populations, especially survivors of SGBV, women and the displaced.</b></p> <p><b>Baseline:</b></p> <ul style="list-style-type: none"> <li>• Geographical distribution of availability of legal aid for those in need of assistance is unknown; number of victims of SGBV not clear; Justice service quality weak; Legal and/or procedural barriers still exist for many seeking to access justice; No national strategy in place to ensure equitable access to justice services.</li> <li>• The extent to which networks of legal professionals are presently engaged in free legal assistance provision is unclear, as are the degree of institutional arrangements in place to facilitate this.</li> <li>• Civil society in Libya is nascent and not yet well</li> </ul>	<p><b>Targets (6 to 8 months):</b></p> <ul style="list-style-type: none"> <li>- Baseline assessment on access to justice conducted by local experts</li> <li>- Production of assessment results with key recommendations on a national strategy to improve access to justice, with special focus on vulnerable groups and institutional development.</li> <li>- Reform of legal profession initiated with draft action plan.</li> </ul> <p><b>Targets (Year 2):</b></p> <ul style="list-style-type: none"> <li>- Key recommendations reviewed by relevant authorities and steps taken to implement them.</li> <li>- Effectively functioning legal aid system in place in at</li> </ul>	<ul style="list-style-type: none"> <li>▪ Conduct a comprehensive analysis on access to justice, including institutional, legal and procedural obstacles, and specifically addressing barriers to women and vulnerable groups in accessing justice.</li> <li>▪ Support MOJ and lawyers associations to develop a national action plan to improve access to justice.</li> <li>▪ Support the review and reform of the legal profession and existing framework for legal aid assistance.</li> <li>▪ Support the provision of urgent legal aid, assistance and counselling services in target areas (i.e. legal clinic with law faculty of University)</li> <li>▪ Formulate and ensure adoption of an information strategy on legal awareness to disseminate information on legal rights, human rights and access to justice issues to the public.</li> <li>▪ Support NGOs/CSOs to conduct awareness-raising, legal sensitisation, dialogue on justice and security issues and issues of gender equality.</li> <li>▪ Support capacity development for lawyers' and bar associations with continuing legal education programmes including on professional conduct issues and the provision of legal aid for vulnerable groups.</li> </ul>	<p>UNDP, MOJ, CSOs / NGOs, lawyers' associations.</p>	<ul style="list-style-type: none"> <li>• Technical expertise 1000000 \$</li> <li>• Grants to CSOs and NGOs 600,000 \$</li> <li>• Outreach, publication and dissemination 150,000 \$</li> </ul> <p>2,150,000</p>



Intended Outputs	Output Targets (by year)	Indicative Activities	Responsible Parties	Inputs
<p>organised.</p> <p><u>Indicators:</u></p> <ul style="list-style-type: none"> <li>• Increase in number of individuals receiving legal advice or having a case adjudicated in courts.</li> <li>• Institutional barriers to accessing justice identified and initiatives taken to address them.</li> <li>• Associations of lawyers, legal professionals and legal aid services handle more cases of legal aid to vulnerable groups.</li> <li>• Civil society networks / NGOs more engaged in advocacy and awareness-raising activities on women's rights and SGBV.</li> </ul>	<ul style="list-style-type: none"> <li>- Least two cities. Key aspects of reform of legal profession implemented in order to improve delivery of legal services.</li> <li>- Continuing legal profession education curriculum established and implemented by local experts as part of exit strategy.</li> </ul>			
<b>Subtotal Output 2: 1,750,000</b>				
<p><b>OUTPUT 3: Progress achieved in implementation of transitional justice process including contributing to national consensus on TJ.</b></p> <p><u>Baseline:</u></p> <ul style="list-style-type: none"> <li>• Knowledge of different mechanisms remains</li> </ul>	<p><u>Targets (Year 1):</u></p> <ul style="list-style-type: none"> <li>- Training activities conducted and forums for dialogue established.</li> <li>- Information relevant to the transitional justice process disseminated.</li> <li>- The TSRC conducts truth-seeking activities</li> </ul>	<p><u>Dialogue and awareness-raising.</u></p> <ul style="list-style-type: none"> <li>▪ Support national and community-level dialogues and consultations to design and implement a national transitional justice strategy based on law and international standards.</li> <li>▪ Dissemination of information activities related to the transitional justice process in Libya through different media platforms and approaches.</li> </ul>	<p>UNDP (in close coordination with UNSMIL)</p>	<ul style="list-style-type: none"> <li>• Technical Expertise 300,000 \$</li> <li>• Workshop and working group consultations 20,000 \$</li> <li>• Background material, printing, translation, etc.</li> </ul>

Intended Outputs	Output Targets (by year)	Indicative Activities	Responsible Parties	Inputs
<p>relatively limited. CBOs and NGOs are expressing a desire to engage in this area, however, their participation has so far been very minimal.</p> <ul style="list-style-type: none"> <li>The Truth Seeking and Reconciliation Commission (TSRC) is a nascent entity with, as yet, only limited capacity or experience to engage fully in its mandated task.</li> </ul> <p><u>Indicators:</u></p> <ul style="list-style-type: none"> <li>Relevant actors, including civil society, actively engaged with the transitional justice process and outreach / information campaign underway.</li> <li>The TSRC operationalizes key aspects of its mandate as specified in law.</li> </ul>	<p>in accordance with its mandate.</p> <p><u>Targets (year 2):</u></p> <ul style="list-style-type: none"> <li>TSRC is able to meet most aspects of its mandate and effectively contribute to national reconciliation.</li> <li>TSRC able to operate fully with assistance of Libyan national experts and civil society as part of exit strategy.</li> </ul>	<p>Truth Seeking and Reconciliation Commission.</p> <ul style="list-style-type: none"> <li>Support the TSRC to function in accordance with international standards on Transitional Justice and fulfil operational aspects of its mandate in accordance with national legislation.</li> <li>Support to the TSRC's outreach and media campaigns and to facilitate public dialogue with civil society on reconciliation and the work of the TSRC</li> <li>Technical capacity building to TSRC</li> </ul>		<ul style="list-style-type: none"> <li>20,000 \$</li> <li>Training of CSOs/NGOs 30,000 \$</li> <li>Equipment/materials: 10,000 \$</li> <li>Publication and dissemination of information at community level 20,000 \$</li> </ul>
<b>Subtotal Output 3:</b>				<b>400,000</b>
<b>TOTAL OUTPUTS 1-3:</b>				<b>4,300,000</b>



Project Administration (2012-2014)

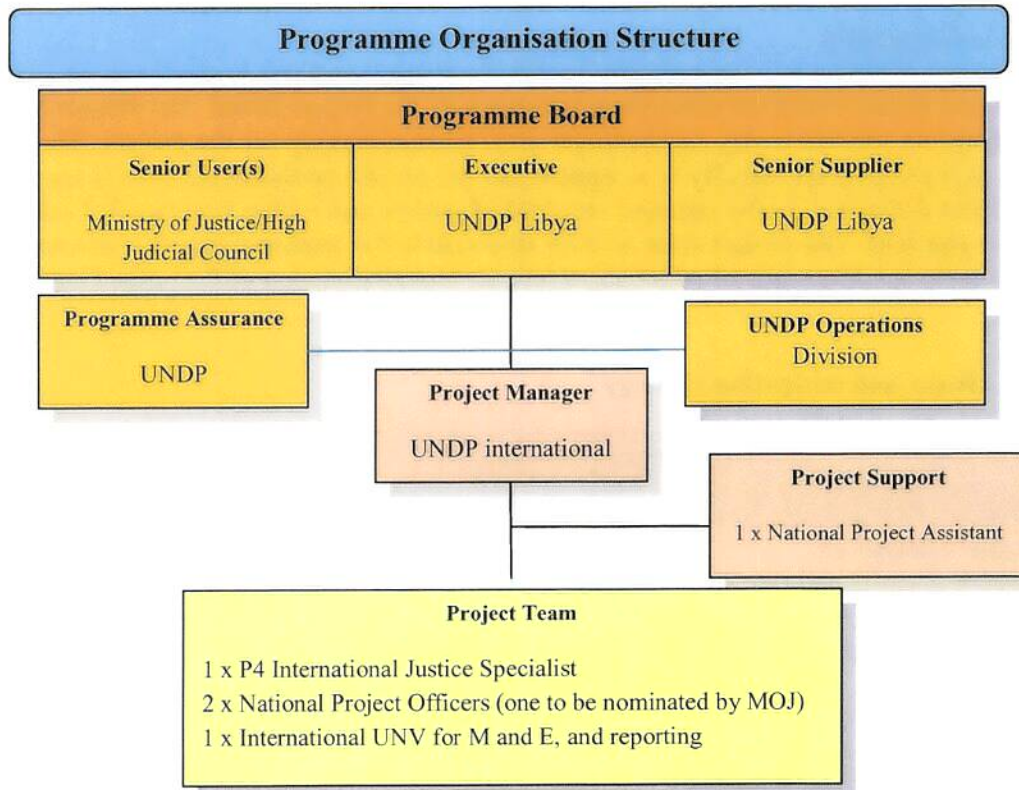
<p>Parallel fund</p> <ul style="list-style-type: none"> <li>✓ Japan</li> <li>✓ Belgian</li> <li>✓ UNDP(BCPR)</li> </ul>	<p>Belgian:</p> <ul style="list-style-type: none"> <li>1 x P5 Project Manager 50%</li> <li>1 x P4 Rule of Law Specialist (funded through BCPR/Belgian contribution) 50%</li> </ul> <p>Japan:</p> <ul style="list-style-type: none"> <li>1 x P5 Project Manager 50%</li> <li>1 x P4 Rule of Law Specialist (funded through BCPR/Belgian contribution) 50%</li> <li>2 x NPOs in Tripoli and Benghazi (including one member to be nominated by the MOJ to be seconded on loan to the project).</li> <li>I.T. and communications</li> <li>Maintenance and fuelling</li> <li>Direct costing for project support by finance, HR and procurement specialist</li> <li>Stationery and office supplies</li> <li>Security services</li> </ul> <p>UNDP(BCPR):</p> <ul style="list-style-type: none"> <li>I.T. and communications</li> <li>1 x Project Assistant(BCPR)</li> </ul>	<p>\$257,000</p> <p>\$225,000</p> <p>\$257,000</p> <p>\$225,000</p> <p>\$120,000</p> <p>33,680</p> <p>\$25000</p> <p>\$50,000</p> <p>\$10,000</p> <p>\$27,500</p> <p>20,320</p> <p>50,000</p>
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<p>Total allocation resources:</p> <ul style="list-style-type: none"> <li>✓ Denmark</li> <li>✓ Government of Libya (Remaining fund transferred from Modularization of Justice project)</li> </ul>	<p>Denmark:</p> <ul style="list-style-type: none"> <li>1 x UNV on monitoring and evaluation, and reporting</li> <li>2 x NPOs in Tripoli and Benghazi (include one member nominated by the MOJ to be seconded on loan to the project). 1x project assistant</li> <li>Maintenance and fuelling</li> <li>Direct costing for project support by finance, HR and procurement specialist</li> <li>Security services</li> <li>Communications support</li> <li>Project evaluation costs</li> </ul>	<ul style="list-style-type: none"> <li>\$50,000</li> <li>\$120,000</li> <li>\$75,000</li> <li>\$50,000</li> <li>\$30,500</li> <li>\$50,000</li> <li>\$20,000</li> </ul>
<b>Subtotal Project Administration</b>		

<b>Total outputs and administration</b>	<b>5,996,000</b>
General Management Service at Danish (1,716,000) 7%	120,120
Government of Libya (Remain fund of Modularization project ) 3.5%	9450.00
<b>TOTAL Project period (July 2013-July 2015)</b>	<b>6,125,570</b>



#### 4. Management Arrangements



##### Execution Modality

The project will be implemented through a Direct Execution / Direct Implementation Modality (DEX/DIM), and will be administered and managed in accordance with the rules and regulations of UNDP.

##### Project Board

A project board will be convened regularly, with participation of UNDP senior management the Ministry of Justice, and the High Judicial Council, as the main counterparts. The main tasks of the project board are:

- Reviews and approves the annual work plan of the project and the quarterly work plans if necessary
- Reviews the progress report and ensures that obstacles to smooth implementation of the project are addressed.

The Board ideally meets on quarterly basis or more often if needed upon request of the Project Manager.

##### Program Assurance

UNDP's program officer carries out the program assurance role, mainly through the project board to ensure that project plans are being developed according to standards and that management procedures are properly followed and potential risks are properly mitigated. The

program officer also ensures that project outputs definitions and activity definition (as appropriate) have been properly recorded in the Atlas Project Management module to facilitate monitoring and reporting and that project board recommendations are followed.

#### Project Management

The Project Manager has the authority to run the project on a day-to-day basis on behalf of the Project Board within the constraints laid down by the Project Board. The Project Manager is responsible for day-to-day management and decision-making for the project. The Project Manager's prime responsibility is to ensure that the project produces the results specified in the project document, to the required standard of quality and within the specified constraints of time and cost. The project team will be responsible for implementing the present project according to specific terms of reference, under the overall direction of the project manager.

### 5. Risks and mitigation strategy

Risk	Impact	Probability	Mitigation Measures
	Low 1 / 5 High		
Negative impact of unstable security and rule of law situation, as well as political, on project implementation.	4	4	<ul style="list-style-type: none"> <li>On-going assessment of security situation will be undertaken and work plan revised at regular stages. In the case of serious worsening of the national context, activities will be contained to safer areas / issues.</li> </ul>
Difficulty to identify institutional partners during the transition phase and unavailability of key interlocutors, in particular GNC members.	4	3	<ul style="list-style-type: none"> <li>UNDP will rely more heavily on government institutions, such as the Ministry of Justice, for activities that require operational decisiveness. The project proposes a number of implementing partners, including from civil society, the Truth Seeking and Reconciliation Commission, Bar Association, so there will be room to manoeuvre and proceed with certain activities of the project.</li> </ul>
Lack of clarity on division of responsibilities amongst stakeholders.	2	2	<ul style="list-style-type: none"> <li>The project will encourage close communication between different implementing partners, and endeavour to establish a clear division of labour through integrated frameworks and formal and ad hoc work plans.</li> </ul>



Risk	Impact	Probability	Mitigation Measures
	Low 1 / 5 High		
Funding shortfalls and delays.	4	2	<ul style="list-style-type: none"> <li>▪ Seed funding required initially from UNDP/ BCPR resources.</li> <li>▪ Government cost-sharing and potential international donors have also been identified (Denmark). These will be followed up.</li> </ul>

## 6. Monitoring and evaluation framework

The project will be monitored in accordance with the programming policies and procedures of UNDP. Relevant government ministries and other partners, UNSMIL, other UN Agencies, as well as NGOs, will be consulted with regard to the implementation of the activities specified in Annual Work Plans (AWPs). The project manager will produce regular progress reports, on half-yearly basis, to the project board and will use the indicators of the results framework of this project for monitoring purposes.

In addition to this on-going monitoring, a first-year review report shall be prepared and an independent evaluation will be conducted during the second year of the project to compile lessons learned and inform any future follow-up. In a similar vein, an end of project report, prepared by the project manager, shall form the basis for gauging overall project performance. The UNDP Bureau for Crisis Prevention and Recovery (BCPR) will provide continuous technical support and may take part in the project review discussions.

## 7. Legal context

This project document shall be the instrument referred to as such in Article 1 of the SBAA between the Government of Libya and UNDP, signed on 20 May 1976. Consistent with the Article III of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the executing agency and its personnel and property, and of UNDP's property in the executing agency's custody, rests with the executing agency. The executing agency shall put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried, assume all risks and liabilities related to the executing agency's security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.

The executing agency agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Project Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.

## **8. Exit Strategy and Sustainability:**

- Developing capacity of national counterparts is a key objective of this project which is vital for a viable exit strategy and sustainability.
- The exit strategy of this project coalesces around ensuring that the objectives and outputs of the project are fully achieved.
- Ensuring that national counterparts are trained and capable of managing the project outputs successfully and efficiently.
- Ensuring that the national counterparts are able to transfer the skills and knowledge they acquired to their national peers.
- The project findings and the lessons learned will be available for all the project beneficiaries including the public.
- The project will ensure that the documentation of the project are disseminated, available and preserved. It will also ensure that the documents are maintained both electronically and in hard copy with no prejudice to intellectual property rights.
- UNDP will consult with national counterparts to develop a sustainability action plan that would enable the national counterpart to sustain the outputs of the project.
- The early involvement of the MOJ was essential for the project's sustainability and developing local ownership of the project to ensure continuity.
- Communications processes will be developed to contribute to the creation of strong networks and partnerships that would enhance the project's sustainability.
- The Project was designed so that its impact would endure beyond its end. A number of government institutions should be committed to help sustain the project's activities. A segment of the MOJ budget shall be allocated to maintain the improved technology introduced.