

United Nations Development Programme



UNDP Libya Initiation Plan

Project Title: Promoting Access to Justice in Libya

Expected UNDAF/CP Outcome(s): UNSF outcome involving UNDP No. 1: By late 2022, core government functions will be strengthened and Libyan institutions and civil society, at all levels, will be better able to respond to the needs of the people (Libyans, migrants and refugees) through transparent, inclusive gender-sensitive decision-making processes abiding by the democratic principles of division of power and rule of law

Expected CPD Output(s): Output 1.4. National capacities to advance safety and security improved, including through more effective and community-oriented policing and rule of law services.

Initiation Plan Start/End Dates: June 2022 – June 2023

Implementing Partner: UNDP

Brief Description

Using a three-pronged approach, this project will serve as a catalytic foundation to build upon UNDP Libya's existing thematic areas of work, plant the seeds for a rule of law portfolio that has a stronger focus on justice and reach outside Tripoli and begin laying the groundwork for a more community-oriented, people-centered and broader partnership-based approach. This will serve to expand UNDP's impact given the continued political stalemate and limited entry points in the formal, political landscape.

The project itself is designed to kickstart and create opportunities and entry points for new initiatives, with a particular view towards those that are strategic and innovative.

Programme Period:	2019-2022
Atlas Project Number:	00144513
Atlas Output ID:	00132228
Gender Marker:	GEN 2

Total resources required	300,000
Total allocated resources:	_____
• Regular	_____
• Other:	_____
○ Donor	UNDP
○ Donor	_____
○ Government	_____
Unfunded budget:	_____
In-kind Contributions	_____

Agreed by UNDP: Christopher Laker, OIC

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I. PURPOSE AND EXPECTED OUTPUT

The expected changes will be reflected in the context of the wind down in implementation of the current Policing and Security Joint Programme and short to medium-term plans for a rule of law portfolio-wide assessment and likely re-orientation, which the proposed activities will precisely support.

Firstly, there will be **one area and evidence-based, justice sector needs assessment**. As a first step, a desk review will be completed to draw from existing resources. Some targeted, informal consultations may also occur to avoid duplication, identify any focus areas for the needs assessment and inform the (methodological) approach in addition to the area selected (either Tripoli, Benghazi or Sebha). The assessment will build and expand upon the pre-existing 2019 criminal justice needs assessment data and any other existing sources gathered in the preparatory phase of work. There is a need to generate new information due to the dynamic and evolved context in Libya, which will be essential in developing an area-based approach on rule of law. Through workshops that will provide a forum for dialogue and consultation (via forum mentioned below), potentially complemented by surveys for participants, the exercise will seek to understand and guide the identification of new areas of intervention within the justice sector broadly and at a more local level. The participatory approach will serve to strengthen partnerships along the way. It could, for example, also help create entry points for strategic reforms and enhance social contracts between local communities and their governments. With an attention to political economy factors, the assessment will jointly identify priority justice gap areas for intervention. It will also examine how gender concerns are reflected and addressed. The needs assessment will be further shaped by the context, resources, and timeframe. For instance, decisions will be made on the methodology when designing a term of reference to deepen the reach and understanding to the extent possible, manage power relations and contestations in the process and consider the application of social research methods.

Secondly, building on UNDP's Libya's existing rule of law portfolio which carries a policing and security emphasis and the entry points for expanded engagement from there, the project will **establish a local justice forum in the same area selected for the needs assessment described above**. This connects closely to the first activity described above as both activities will be mutually reinforcing, one providing a vehicle for discussions and the other offering a mode of engagement. The Forum will be closely linked to existing rule of law structures, such as the RoL coordination group in Tripoli which includes donors. This will be done to avoid duplication and remain interconnected with other structures and coordination mechanisms while serving as a regular space for dialogue and activities as needed. A place to begin discussions might be criminal justice in particular. The political environment/context analysis in Libya means that criminal justice services, in their various forms across the criminal justice chain, must be strengthened as a vehicle to promote accountability, prevent criminal activity, respond to people's needs and promote awareness about rights. Informal justice approaches will need to be considered as well. The current conflict analysis in Libya highlighted power relations and interest, where non-state actors are party and are in the payroll of states within the rule of law institutions making upstream policy intervention challenging. To counter this, therefore, a community-based approach becomes an avenue for activities outside the current contested power dynamics.

Thirdly, UNDP Libya will recruit **one Rule of Law Programme Manager (P4/FTA)**. With an anticipated upsurge of justice related work outside Tripoli, new partnerships and the adoption of a community-

oriented approach, the Libya Country Office's rule of law portfolio will broaden and require additional capacities to scale-up. The Programme Manager's role will be instrumental in providing key technical and advisory support to the CO on its rule of law portfolio, with an initial strong justice focus. He/she will lead conceptualization of strategic engagement with partners, including positioning, planning and action for resource mobilization. Knowledge building and monitoring, evaluation and learning will also be essential components of the role to support the achievement of results. Partnerships envisaged for development and nurturing by the P4 include those with other UN agencies, funds, and programmes, as well as UNSMIL, academia, and civil society (including women's groups), all with a view toward scaling-up on justice interventions and moving outside of Tripoli to the East and South of the country based on priorities of municipalities. The partnership efforts of the P4 staff member will be critical for drawing upon expanded expertise, promoting innovative approaches and leveraging the comparative advantages of new partners, especially at the local level. The activities described above will play a role in laying the foundation for the P4's work before their arrival. Country office resources will be used to complement the rule of law pipeline funding for this essential human resource capacity.

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The needs assessments and Criminal Justice Forum, however, will already be introducing a systems thinking approach for UNDP's rule of law work in their approach. By taking a broad view and bringing in a variety of partners, isolated analyses on any given topic will have to be paired with a more holistic assessment of the context and structural factors that create incentives or disincentives for transformative change. While the specific design of the needs assessment and Criminal Justice Forum will come through the work of a hired consultant, the need for systems thinking will be encouraged and integrated from the beginning. Adaptive programming was discussed above.

The project seeks to address gender equality, as well as the inclusion of youth and other marginalized groups for a people-centered and gender responsive approach to justice. The history of civil war and conflict, violence and insecurity in Libya has affected women, girls, men, and boys differently. Gender inequalities are greater in rural areas. The various armed groups have exploited and exacerbated gender dynamics and inequalities to advance their agenda. Sexual and gender-based violence (SGBV) is not uncommon. Meanwhile, Libya lacks specialized services of support to victims of sexual abuse and survivors of SGBV, including sexual and reproductive health services or safe confidential avenues for reporting crime to the police. A lack of protection for women in public and private spaces, coupled with discriminatory social norms and pressures on the role of women in Libyan society inhibits women's voices and participation in public life. The police have little in terms of dedicated capacities or expertise to deal with these cases. The Joint Programme did invest in training of law enforcement officers and helped develop methods and protocols to respond to and investigate cases of SGBV. A model police station was also established in Tripoli (Hai Al Andalus) with a dedicated unit for dealing with SGBV cases.

However, many large gaps remain. By integrating gender considerations into justice discussions/assessments, including targeted or dedicated components on gender equality in the outlined activities, as well as working to establish relevant partnerships with women's groups and others, the planned activities and future programmatic planning will position UNDP to bring a stronger and more holistic approach to gender equality in its justice work.

The needs assessment in particular will provide an avenue for gender analysis and help position UNDP Libya to promote improved responses to violations of women's rights and cases of SGBV, where most victims are women. It will be designed to bring an attention to gender equality

standards and mainstreaming across UNDP's justice sector efforts into the future. For example, the needs assessment may prioritize that efforts be taken to ensure that justice institutions have established specialized units or desks that are service-oriented to the needs of women and girls. The gender analysis and identified gender-specific needs produced through the needs assessment will be pivotal in shaping UNDP's future engagements on gender justice. Women's participation will be a factor strongly and consistently considered and promoted throughout all the activities.

First, a human rights-based approach (HRBA) will be applied in all activities. The project will bring in more voices from a wider array of stakeholders as part of an enhanced partnership agenda and community-oriented approach. By broadening UNDP's partners and including the voices of those who are typically excluded, UNDP can position itself for more informed and strategic interactions on justice and rule of law generally, including with the duty-bearers at the institutional levels. Women, youth, and others will be targeted and meaningfully included in discussions and activities, including through consultations and outreach.

Moreover, in the course of the three activities, UNDP Libya will seek to involve and collaborate with the National Council for Civil Liberties and Human Rights (Libya's national human rights institution) to strengthen and reactivate its ability to perform its human rights promotion functions after years of inactivity. Its role on human rights has strong implications from a justice perspective. Currently, it is perceived to be partisan and ineffective. Going forward and depending on the outcomes of the needs assessment and potential discussions with OHCHR, UNDP Libya may also consider investing directly in the capacities of the national human rights institution.¹

Finally, international human rights legal standards and obligations will be applied in all of UNDP's work, from justice to gender equality and beyond.² For example, if through the Justice Forum, the issue of SGBV is addressed. UNDP will support dialogue and interventions that position rights holders to know and claim their rights and seek redress for any violations.

An integrated approach to tackling the justice and rule of law challenges in Libya requires the involvement of a collective, large subset of the Libya Country Office, harnessing the array of perspectives, skills, expertise and knowledge across UNDP to better understand the problems and develop and implement innovative solutions. First, however, there is a need to strengthen in-house capacities on rule of law to be able to support integrated approaches, hence the proposal for a P4 level Programme Manager. With additional capacities, UNDP Libya will apply new ways of working across CO Teams and with external partners.

In the context of this justice focused project, there are already intersections with other parts of the UNDP Libya's work that will be leveraged. An integrated approach will draw upon perspectives and existing partnerships on local governance, peacebuilding and reconciliation (e.g., transitional justice), resilience and nature/climate/energy. For example, for both the needs assessment and local Justice Forum, the partnerships that exist at a more local level through the Country Office's work on local governance will be utilized (e.g., women's groups, local government officials). Lessons learned from the area-based programming approaches already in place will also be sought to inform the rule of law work. Consultations with colleagues working on local governance will occur in

¹ As of December 2021, Libya's national human rights institution was accredited with 'B' status. <https://www.ohchr.org/sites/default/files/Documents/Countries/NHRI/StatusAccreditationChartNHRIs.pdf>

² CEDAW, ICCPR, etc.

advance to identify areas of intersection as well (e.g., in relation to the creation of new municipalities).

As entry points for additional engagements and interventions are designed with new partnerships in place, the rule of law portfolio will continue to promote smart integration. For instance, provision of SGBV survivors with support to the referral path linking it to peacebuilding and resilience portfolio such that beneficiaries can also access economic livelihoods opportunities that can help them break the cycle of poverty and abuse. UNDP Libya is working to establish a civil society grant-making scheme, which can be leveraged to promote the role of civil society in rule of law as well.

The three activities proposed will each bring a strong emphasis on establishing and nurturing new partnerships for UNDP Libya. By engaging in outreach, dialogue and jointly identifying new areas where there is a consensus about the need for interventions, whether it be through a process of needs assessment or in the context of the Justice Forum, partnership building will be at the forefront.

In the context of the general partnership and existing Joint Programme with UNSMIL, all activities will be undertaken in close coordination with UNSMIL as part of the continuing partnership (e.g. potential co-chairing of Justice Forum and coordination with the recently established Rule of Law Coordination Group in Tripoli). Two key institutions already involved in the Joint Programme, namely, the Ministry of Justice and the Minister of Interior, will also continue to be involved in the rule of law work. Other key actors to be included in the three activities and engagements for this project include other government ministries, (local) departments and agencies/commissions, UN Agencies (e.g. UNODC in relation to criminal justice chain, UN Women on gender equality), international organizations, and civil society working in the sector of rule of law and justice. New partnerships with other actors will bring additional expertise and opportunities for the expansion of innovative approaches, building on UNDP's contributions to the justice space in Libya. In general, the strategy is to bring rule of law institutions such as the Law Review Commission, the national human rights institution etc. along with bar associations, traditional leaders, civil society and communities at the local levels (West, East and South) to be part of a more holistic and larger intervention going forward under the framework of a revised rule of law portfolio that will more fully respond to the complexities, political environment and to be an entry points for transformative change with a systems approach.

In the process, UNDP will maximize results by leveraging the Global Focal Point for the Rule of Law to facilitate increased coherence, streamlined efforts and joint initiatives on rule of law.

The three proposed and interlinked activities each feed into a plan to invest in partnerships, gather perceptions and data to ensure an informed approach and build UNDP's capacities in order to lay the foundations for a strategic approach to future programming and the mobilization of additional resources. In this project, there are a number of elements that are directly catalytic.

For instance, the Justice Forum will provide a new partnership platform going into the future to complement rule of law coordination structures in Tripoli. Through regular discussions with partners, gap areas will be identified and a space to share analysis and suggest interventions will be provided. In this way, the platform will contribute toward programme design and resource mobilization efforts. While a terms of reference will define the detailed approach, UNDP will seek to encourage donor engagement in some form, perhaps on an annual basis, with the Justice Forum.

Importantly, through both the Justice Forum and Needs Assessment, UNDP will be piloting a new approach for rule of law that takes its contributions outside of Tripoli.

A priority area of work for the P4 staff member recruited will be to mobilize funding. Some further details on donor engagement and resource mobilization are below. There will also be less direct and tangible catalytic effects through the project. By investing in further stakeholder networks and strengthening key relationships in the course of the proposed activities (as described above), UNDP Libya will build political capital and strengthen its role as a convener and thought leader on rule of law. In addition, by broadening stakeholder networks, partners with complementary skillsets and expertise can be leveraged for future high-quality programming and donor influencing for resource mobilization.

The best tool for sustainability is national ownership. Accordingly, the design of the activities proposed focuses on strengthening commitment of a range of national partners, from Ministries to civil society. The project activities will be designed in such a way that they are aligned to national priorities and the dual anchoring of the project, at central and municipality levels, will allow for a strengthening of relationships between the state and community populations, thus, promoting and amplifying integrated results across all the three targeted zones.

It is envisaged that bilateral donor support will remain and can scale-up in the medium term to ensure sustainability. With the support of a P4 on rule of law, the Governance and Rule of Law Programme Unit will diversify and mobilize further financing for rule of law. Moreover, the needs assessment and Criminal Justice Forum themselves will serve as vehicles through which to directly target potential donors by both involving them in discussions and presenting results, outlining areas of need for further investment.

Considering the Libya is a middle-income country, UNDP Libya will also be following-up with government counterparts to encourage integration of rule of law initiatives into their own budgets.

Finally, GP4 funds will be complemented by country office resources in the amount of 100k and potentially moving ahead into the future as well. PBF is another source of funding the country office will be exploring to complement existing financing on rule of law.

II. MANAGEMENT ARRANGEMENTS

The Project under the Initiation Phase will be managed directly by UNDP as per policy on Initiation Plan modalities. The project will be managed as part of the Governance Portfolio based in Libya UNDP offers value for money through cooperation and cost-sharing with other UNDP projects for example cost-sharing of staff, overhead, expenses, and implementation of activities. This not only decreases project implementation costs, but also amplifies the reach and effects of project activities. The project will be managed effectively and in accordance with UNDP Programme and Operations Policies and Procedures to ensure as far as practicable, progress towards the project outcome. The management will be updated, and all reports produced on time to ensure the smooth flow of communications between project partners.

III. MONITORING

The 2021 GFP mission highlighted the opportunities for UNDP Libya to build on the largely security-oriented work it has been engaged in with UNSMIL by expanding and investing further in the area of justice. Meanwhile, there exists a 2019 rule of law assessment on criminal justice. Various donor governments were involved in the assessment along with the Libyan state, but there is need to include civil society and a broader spectrum of actors in the more localized assessment that will occur under this project.

The Governance Team Leader will be providing oversight and encouraging systematic monitoring, evaluation and learning over the lifecycle of the project. The P4 Rule of Law Surge Capacity (temporary) will lead these processes in the early phase along with one to two national staff. The services of the Country Office's Monitoring and Evaluation Specialist will also be utilized.

During project implementation, formal monitoring will occur on a monthly basis by updating the *Project Monitoring Schedule* to track key management actions/events and alert when further support, learning or reflection for an adaptive approach is required. A mid-year internal basic evaluation is planned. This will allow to take stock of where the project is and whether it's on target to achieve project outcomes. At the completion of the project a final internal evaluation should be conducted for lessons learnt. Once the final evaluation is complete, will take time to review it and take note of any learning that can be gained. This stage also provides opportunity to use this learning as input to new project ideas.

Finally, MEL considerations will be built into the specifics of the activity design. For example, the Justice Forum will occur in one locale first as a pilot phase. Before continuing in the second and third locations, informal feedback from partners will be sought and learning, reflection and adaptation will occur. Short participant surveys will also be used to gather feedback at key junctures (e.g. each Justice Forum event). Moreover, a function that will be built into the TORs of the P4 Programme Manager will be monitoring, evaluation and learning. Colleagues involved in the delivery of these initiatives will also be regularly.

OUTPUT INDICATORS	BASELINE		TARGET	DATA COLLECTION METHODS & RISKS
	Value	Year	Year 2023	
1. Number of available Needs Assessments	0	2022	1	Field visit, observations, and monitoring reports
2. Number of dialogues or other initiatives occurring through a local Justice Forum	0	2022	2	Project Monitoring Report
3. Amount of funding mobilized on justice	0	2022	1 million USD	Records of donor communication (for hard pipeline) and donor agreements

IV. WORK PLAN

Budget WorkPlan for GP4 Funding			
Activity/Output Number	Output/Activity	Total in USD	Percentage of budget reserved for gender equality and women's empowerment*
Output 1: Needs Assessments	Justice Needs Assessment in One Locale		
1.1	Consultant(s) or company services	30,000	15%
1.2	Travel & DSA associated costs	5,000	15%
1.3	Publication costs (including translation)	7,000	15%
Subtotal 1.		42,000	6,300
Output 2: Justice Forums	Establishment of One Local Justice Forum		
2.1	Consultant - e.g. coordinator	23,388	15%
2.2	Travel and DSA	5,000	15%
2.3	Workshop organisation of Forum - Hall rental & stationeries, banners	5,000	15%
2.4	Catering Services	10,000	15%
Subtotal 2		43,388	6,508
Output 3: Programme Management	Rule of Law Programme Manager for strategic direction, implementation, partnerships and resource mobilization		
2.1	Pro Forma Staff Cost for P4 FTA Programme Manager (one year)	292,390	15%
2.2	Cost-sharing for staff costs above	(100,000)	15%
Subtotal 3.		192,390	28,859
TOTAL		277,778	41,667
GMS (8%)		22,222	-
GENERAL TOTAL		300,000	41,667

*Promote gender equality and women empowerment. Gender Marker - Gen2 with 15% budget related activities to gender activities of the project