United Nations Development Programme

برنامــــــج الأمـــــــم المتحدة للتنمي

Country: Libya
Project Document

Project Title:	Support to the UPR
UNDAF Outcome(s):	
Expected CP Outcome(s):	Libya successfully manages its transition to a state founded on the rule of law.
Expected Output(s):	**Output 1 –** Strengthen the Libyan process in the Universal Periodic Review
Implementing Partner:	
Responsible Parties:	

Brief Description

The UN Human Rights Council has recognised the important role that National Human Rights Institutions play in encouraging and monitoring their government's participation in the Universal Periodic Review (UPR). The overall objective of the present project is to assist the NCCLHR in the second round of Libya's Universal Periodic Review. It aims to empower the NCCLHR to engage with the UPR, through consultation with government and civil society. In addition it will facilitate the NCCLHR to lead a consultation with a range of national stakeholders as well as provide it with the capacity to participate itself in the process. The project also seeks to provide the NCCLHR with the tools to develop a strategy on following up the outcome of the second round of UPR.

In so doing, it aims to strengthen the Libyan process in the UPR.

Programme Period: _____	YYYY AWP budget: _____
Key Result Area (Strategic Plan): _____	Total resources required _____
Atlas Award ID: _____	Total allocated resources: _____
Start date: _____	• Regular _____
End Date _____	• Other:
	○ Donor _____
PAC Meeting Date _____	○ Donor _____
	○ Donor _____
Management Arrangements _____	○ Government _____
	Unfunded budget: _____

Agreed by (Implementing Partner):

Agreed by UNDP:

Contents

1. Situational Analysis

Libyan people have suffered from a heavy heritage of human rights violations for more than four decades; the outbreak of the Libyan revolution in 2011 has been followed by accusations of human rights violations. The interim authorities have repeatedly expressed their commitment to human rights and taken some encouraging steps. At the same time, the human rights situation remains of concern and requires increased vigilance by and sustained assistance from the international community to different national actors.

Libya has made great strides towards a democratic transition, evidenced by the elections of the GNC and recently the Constitutional Drafting Assembly. The Libyan Government has expressed a commitment to the realisation of democracy, transparency, rule of law and respect for human rights. Consequently, UNDP supports that Libya successfully manages its transition to a state founded on the rule of law.

The Universal Periodic Review (UPR) is a unique process which involves a periodic review of the human rights records of all 193 UN Member States. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.

Strategy
Universal Periodic Review is an 'interactive dialogue' whereby the State engages with the Human Rights Council. This takes place in a working group composed of 47 members of the HRC and three rapporteurs (a troika) processes the specific country review. The HRC then meets in plenary, an hour for each State, to adopt the outcomes of the UPR. According to Resolution 5/1, the documents on which the review are based are:

- Information prepared by the State concerned, which can take the form of a national report, and any other information considered relevant by the State concerned. Written submissions should not exceed 20 pages. The information can be presented orally or in writing.
- The OHCHR will compile a report of a maximum of 10 pages containing information from the reports of treaty bodies, special procedures and other UN bodies.
- Other relevant stakeholders can also submit 'additional, credible and reliable information'. The OHCHR will prepare a summary of such information in a document not exceeding 10 pages. Other relevant stakeholders include NHRIs. A-Status NHRIs will be provided for in a separate section. If the NHRI is not A-Status, then any information it provides will be included in the general stakeholders section.
- States are encouraged to prepare the information they submit "through a broad consultation process at the national level with all relevant stakeholders" (para. 15(a));
- Other relevant stakeholders may attend the review in the working group (para. 18 (c));
- Before the adoption of the outcome by the plenary of the Council, the State concerned should be offered the opportunity to present replies to questions or issues; Other relevant stakeholders will have the opportunity to make general comments before the adoption of the outcome by the plenary (para. 29 and 31).
- The outcome of the universal periodic review, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders (para. 33).

NHRIs play 'an active role' in this process.[1] Libya and other states are now under the second cycle of UPR and is intended for review in May 2015. This second cycle focuses in particular on the following:

- Implementation of the accepted recommendations from the first cycle

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[1] A/66/274, 8 August 2011, para 97.

- Developments in the state since the first cycle.
- The NCCLHR is not limited to these issues and can refer to other matters in their submissions. It can therefore include recommendations not accepted by the State in its first cycle, as well as other issues that may have not been identified in the UPR.

As a result of the first UPR cycle, Libya accepted 66 of the recommendations, offered to provide further responses for 30 recommendations and rejected 24. Subsequently, Libya has not provided further documentation for implementation. Given that since the first UPR cycle Libya has undergone a major revolution and is transitioning towards democracy the second cycle provides the opportunity for Libya to clarify the current state of human rights and progress made. During the 42-year autocratic Qaddafi regime, Libya suffered from human rights violations. Since the 2011 revolution, human rights violations have continued but changed in nature. Simultaneously, a country that was subject to mass oppression now embraces human rights at the state, parliamentary and non-state level evidencing a shift towards protecting and promoting human rights. Consequently, the 2015 UPR provides the opportunity for Libya to establish a new benchmark for human rights in the country.

UPR-Info provides information on action that the State has taken to comply with its accepted recommendations. This identifies minimal action on a range of recommendations. The accepted recommendations related to a wide range of issues, but in particular included a number on the following areas: prevention and prohibition of torture, protection of the rights of women and children, engagement with UN mechanisms and procedures; freedom of expression and the media; and the right to education.

Based on the above, the project will focus on one priority area,

- **Strengthen the Libyan process in the Universal Periodic Review**

This area reflects Libyan national priority areas of human rights and a nationally owned inclusive UPR process. The project objective is also consistent with the UNDPs objective of supporting that Libya successfully manages its transition to a state founded on the rule of law. UNDP seeks to assist the implementation of the integrated mission mandate and will give particular focus to the area of sustainable development of human rights and reporting. Ultimately, the aim is to develop the UPR process for Libyan state and non-state stakeholders to own the preparation, consultative and submissions process and continues its development once the present project comes to a close for future UPRs.

1.1 Projected Outputs

The present project is designed around one key output: to strengthen the Libyan process in the Universal Periodic Review. This output has a number of intended outcomes.

OUTPUT 1: Strengthen the Libyan process in the Universal Periodic Review

The project will firstly focus on providing the NCCLHR with the capacity to engage with government in its preparation for the second round of the UPR. Additionally, it will also facilitate the NCCLHR's engagement with civil society and a range of national stakeholders. It will encourage the NCCLHR to lead a broad national consultation on UPR through a number of meetings and preparation of reports.

Thirdly, the project will provide the NCCLHR with the capacity to engage with the UPR process itself, through internal discussion on submitting its own report, through to training for staff and members in the UPR. It will also facilitate, through engagement with external experts, the NCCLHR participating in the UPR itself.

Lastly, recognising that the UPR's impact comes from the implementation of recommendations arising out of the Review, the project also aims to provide the NCCLHR with the capacity to develop a strategy for following-up on and disseminating the recommendations.

1.2   Intended Beneficiaries

The key beneficiaries of this project will be the Libyan government, NCCLHR and CSOs. Given that this project will effectuate change on a broad basis for human rights, it will benefit far more than just those involved in the UPR process itself. 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 the displaced and the disadvantaged.

2. Project Framework

2.1 Results and Resources Framework

Intended Outcome as stated in the UNDP Country Program Document 2012-2014:	**Outcome 3 –** Libya successfully manages its transition to a state founded on the rule of law.
Outcome indicator(s) as stated in CPD	
Applicable Key Result Area UNDP	
Intended Project Output(s):	**Output 1:** Strengthen the Libyan process in the Universal Periodic Review
Implementation Modality:	
Partnership Strategy:	

Intended Outcome	Output Targets (by year)	Planned Activities	Responsible Actors	Indicative costing
Output 1 – Strengthen the Libyan process in the Universal Periodic Review				

Intended Outcome	Output Targets (by year)	Planned Activities	Responsible Actors	Indicative costing
1. NCCLHR is included in national consultation process organised by the State for the purpose of the preparation of the information for the UPR. *Baseline* • NCCLHR not consulted by government in preparation to UPR. • NCCLHR no strategy for engagement with government on UPR. *Indicators* • Government invites NCCLHR to discuss content of its UPR submission • NCCLHR has access to submissions of government. • NCCLHR has provided recommendations to government on draft submissions.	- Meeting with government and NCCLHR to discuss UPR reports (2014) - NCCLHR to have sight of government draft report - Meeting arranged with government departments to consult on UPR recommendations (2014)	- Contact made with relevant government departments - Information collected on UPR implementation - One-day meeting with government departments	- NCCLHR - Government: MoJ	
2. NCCLHR lead broad consultation with national stakeholders *Baseline* • No or limited consultation among national stakeholders on UPR	- Meeting arranged with various national stakeholders to consult on implementation of UPR recommendations (2014) - NCCLHR meeting encouraging CSO submission of information and reports to UPR (July/August 2014) - Assessment of extent of implementation of UPR	- One-day meeting with national stakeholders - CSO meeting to discuss submission of report - Report identifying assessment of implementation of recommendations	- NCCLHR - CSOs	

	Intended Outcome	Output Targets (by year)	Planned Activities	Responsible Actors	Indicative costing
	• No leadership on UPR among national stakeholders • NCCLHR no strategy for engagement on UPR *Indicators* • NCCLHR adopted strategy for engagement on UPR • NCCLHR initiated consultation on UPR with range of national stakeholders • Meetings held with national stakeholders • NCCLHR adopted analysis of compliance with first round UPR recommendations	recommendations (2014)			
3.	**NCCLHR to consider submission of own report** *Baseline* • NCCLHR no strategy on submission of report *Indicators* • NCCLHR adopted clear strategy for its own engagement with UPR	- Strategy adopted on submission of NCCLHR report to UPR process (2014)	- Internal meeting to discuss whether appropriate to submit own NCCLHR report - Consultation on strategy with civil society - Draft NCCLHR own report if considered appropriate.	- NCCLHR - CSOs	
4.	**Improved capacity of the NCCLHR to engage with the UPR process**	- Staff and members trained in operational areas that are core to the NCCLHR (2015) - On-going learning is generated from training activities (2015-2019)	- Training provided to staff and members - Establishment of on-going learning programme	- NCCLHR - UNDP	

Intended Outcome	Output Targets (by year)	Planned Activities	Responsible Actors	Indicative costing
Baseline • No or limited knowledge of UPR among staff and members *Indicators* • Good knowledge of UPR among staff and members of NCCLHR • On-going training programme adopted				
5. NCCLHR attendance and participation in UPR review in the Working Group. *Baseline* • NCCLHR no or limited knowledge of how to engage with UPR • NCCLHR no strategy for engagement with UPR *Indicators* • NCCLHR improved knowledge of its role in UN system • NCCLHR improved knowledge of engagement with UPR process • NCCLHR attendance and presentation at UPR	- NCCLHR has acquired A status with the ICC (2015) - NCCLHR attends and presents at the UPR review in the working group (2015)	- Engagement with ICC for advice - Contact made with ICC representative in Geneva - Preparation of oral statement - Submission of request for attendance at UPR - Consideration of holding side event at UPR	- NCCLHR - ICC	

	Intended Outcome	Output Targets (by year)	Planned Activities	Responsible Actors	Indicative costing
6.	**NCCLHR able to follow up on the outcome of the UPR** *Baseline* • NCCLHR no strategy or system for follow up on UPR recommendations • UPR recommendations not mainstreamed in NCCLHR work • No system for monitoring implementation of UPR recommendations *Indicators* • NCCLHR adopted strategy and system for follow up • NCCLHR includes recommendations in its reports and work • NCCLHR established procedure for monitoring implementation	- NCCLHR has a strategy for follow up on UPR (2015) - NCCLHR has a system to monitor implementation of UPR recommendations (2015) - NCCLHR includes UPR recommendations in its other reports and work (2015-2019) - Establishment of procedure to monitor implementation of UPR recommendations	- Meeting held after UPR with government ministries and departments - Meeting held after UPR with civil society and other national stakeholders - Consultations with civil society on follow up - Meetings held with parliament committees to discuss recommendations - Calendar produced outlining UPR timetable and follow up - Creation of road map for follow up in consultation with government departments and civil society organisations - Use of NCCLHR annual reports to monitor implementation of recommendations	- NCCLHR - MoJ - GNC-HRC	
7.	**UPR reports and recommendations are disseminated**	- UPR reports from government and NCCLHR (if appropriate) and CSOs are disseminated among range of national stakeholders (2015) - Media and communication strategy	- Website updated to include links and reports from UPR - Information leaflet produced to outline basics of UPR - Meetings held with media	- NCCLHR - Civil society - MoJ	

Intended Outcome	Output Targets (by year)	Planned Activities	Responsible Actors	Indicative costing
Baseline • No or limited UPR reports and recommendations disseminated in Libya • Information on UPR from NCCLHR is limited *Indicators* • UPR submissions from government and others disseminated among national stakeholders • Media and communication strategy adopted by NCCLHR on UPR	adopted around UPR (2014)	professionals on UPR		

2.2   Annual Work Plan

EXPECTED OUTPUTS *And baseline, associated indicatorsand annual targets*	PLANNED ACTIVITIES *List activity results and associated actions*	TIMEFRAME				RESPONSIBLE PARTY	PLANNED BUDGET		
		Q1	Q2	Q3	Q4		Funding Source	Budget Description	Amount
Output 1: Strengthen the Libyan process in the Universal Periodic Review *Baseline:* • *NCCLHR not consulted in government preparation*	• Engagement with government Action: workshop with relevant government departments to discuss content of government submission; NCCLHR report on government submission; NCCLHR gathered information on government compliance with UPR recommendations.	X				MoJ NCCLHR			

for UPR • *NCCLHR no strategy for engagement and participation in and follow up to UPR* • *No or limited consultation with stakeholders* • *NCCLHR limited or no knowledge of UPR* • *Limited or no information available in Libya on UPR* *Indicators:* • *NCCLHR consulted by government in preparation for UPR* • *NCCLHR has strategy for engaging, participating in and following up on UPR* • *NCCLHR led consultation with national stakeholders on UPR* • *Good knowledge among NCCLHR staff and members on UPR* • *NCCLHR attended and presented at UPR* • *UPR reports are disseminated in Libya* *Targets:* *Related CP outcome:*	• NCCLHR to lead stakeholder consultation on UPR Action: workshop with civil society organisations to discuss UPR, role of CSOs and role of NCCLHR NCCLHR invite CSOs to submit papers to it on UPR compliance; NCCLHR to adopt report outlining government compliance with UPR recommendations. NCCLHR review reports adopted by other NHRIs for comparison	X				CSOs NCCLHR			
	• NCCLHR adopted strategy for its own engagement with UPR and follow up Action: internal workshops among staff and members to discuss role of NCCLHR in UPR; discussion on whether appropriate for NCCLHR to submit own report; external expert (from other NHRI) to provide advice on engagement in UPR (Kenya, Germany); drafting of own shadow report to UPR if appropriate Action: training programme for staff and members on UPR: one day training programme involving ICC and external experts Action: meeting with relevant media professionals and organisations to inform of UPR; Drafting and adoption of press releases in run-up and post UPR Action: skype conversation/email exchange with NIRMs for advice on participation and attendance at UPR; contacts made with other individuals in Geneva; flights and accommodation to attend meeting; costs for holding side event if considered appropriate; presentation prepared for UPR working group.	X	X			NCCLHR Kenyan and German NHRIs ICC, NIRMs Media			

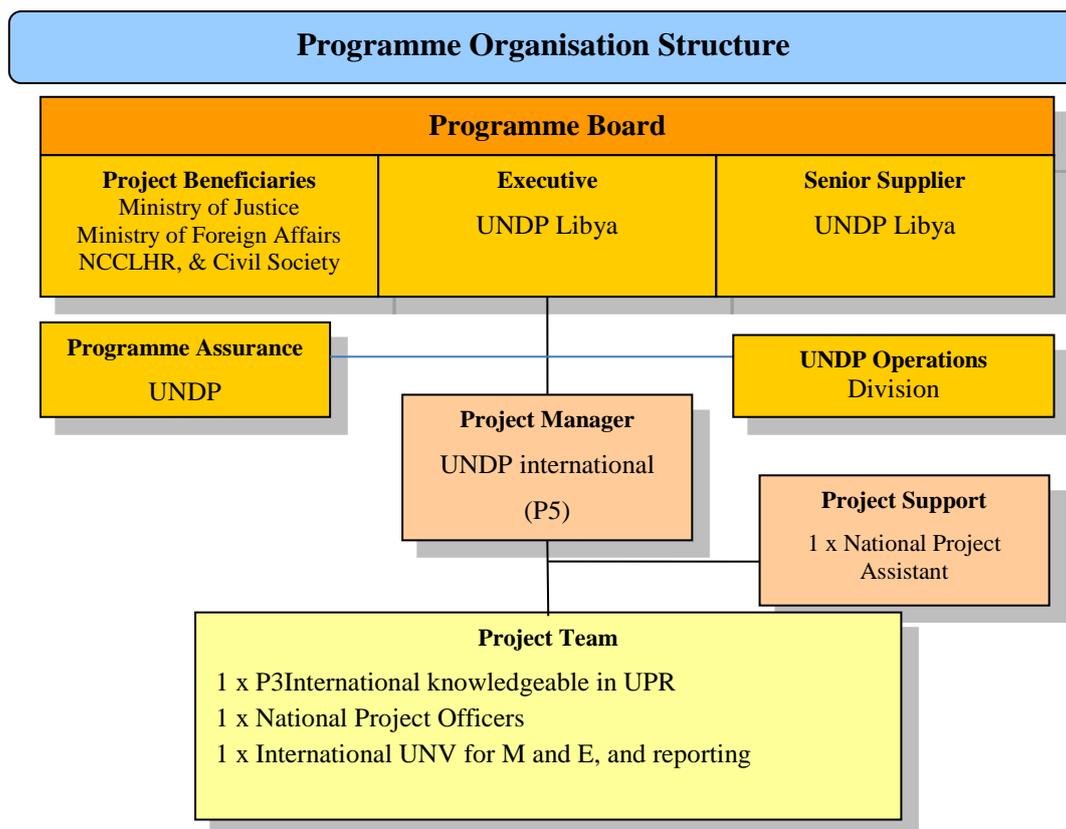|							
	• Strategy for follow up and dissemination of recommendations and reports Action: meeting held internally after UPR to discuss follow up strategy. Workshop with civil society post UPR to discuss follow up; consideration of workshop with range of national stakeholders to discuss follow up after UPR; consideration of workshop with government departments to advice on strategy for follow up of recommendations, which to prioritise, etc. NCCLHR consider adoption of road map to facilitate follow up Action: researcher to collate relevant documents from UPR and follow up in electronic form; posted on website; information leaflet produced on UPR and follow up; meeting with media professionals on follow up and dissemination of information;	x		x	x	Media CSOs Government, MoJ and other departments NCCLHR		
TOTAL							

2.3 Risks and Mitigation Strategy

Several factors outside of UNDP control could affect the implementation of supporting human rights in Libya. We are able to raise the following specific risks and mitigation strategy:

Risk	Impact	Probability	Mitigation Measures
	Low 1 / 5 High		
Negative impact of unstable security and political environment on project implementation.	4	4	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.
Difficulty to identify institutional partners during the transition phase and unavailability of key interlocutors, in particular state ministry human rights departments.	4	3	UNDP will rely more heavily on state ministries and the NCCLHR to identify individuals. The project proposes a number of implementing partners, including civil society and the NCCLHR so there will be room to manoeuvre and proceed with certain activities of the project.
Lack of engagement by NCCLHR, CSOs and government ministries	4		Regular working relationships between the NCCLHR, CSOs and government ministries established and formalised which would help mitigate this risk.
Lack of clarity on division of responsibilities amongst stakeholders.	2	2	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. The development of a coordination board for actors will also mitigate this risk.
Funding shortfalls and delays.	4	2	Encouragement of further relationships with donors to identify project and other needs.
Reservations of national partners against technical and financial support from UNDP, seen as foreign interference.		3	Focus on enabling support process rather than pushing policy options, keep a low profile and use local/regional expertise when possible.
Internal political context of state ministries prevents project implementation.		3	UNDP supports the institutions entirely

Risk	Impact	Probability	Mitigation Measures
	Low 1 / 5 High		
Lack of knowledge of UPR process.			UNDP will support through continued communication to ensure state and non-state actors fully understand the process.

2.4 *Management Arrangements*

Programme Organisation Structure

Programme Board

Project Beneficiaries	Executive	Senior Supplier
Ministry of Justice Ministry of Foreign Affairs NCCLHR, & Civil Society	UNDP Libya	UNDP Libya

Programme Assurance
UNDP

UNDP Operations
Division

Project Manager
UNDP international
(P5)

Project Support
1 x National Project Assistant

Project Team
1 x P3International knowledgeable in UPR
1 x National Project Officers
1 x International UNV for M and E, and reporting

A project board will be convened regularly, with participation of UNDP senior management and the Ministry of Foreign Affairs as main counterpart. The Project Executive maintains overall responsibility for the project, this function will be played by the UNDP Country Director or his designated representative. The Project Supplier will provide guidance regarding the technical feasibility of the project, this role will be played by UNDP. The Project Beneficiary will ensure the realisation of the project objectives from the perspective of project beneficiaries, this role will be played by the MoFA, MoJ, NCCLHR and representatives from civil society.

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.

UNDP's National Programme Officer will ensure project assurance, 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 National Programme 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 recomendations are followed.

The Project Manager will be recruited for the duration of the project and vested 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.

The project team will also include someone who is knowledgeable of the UPR process to ensure coordination amongst national and non-state actors. This individual will support the Project Manager through the UPR process.

2.5   *Monitoring and Evaluation*

The project will be monitored in accordance with the programming policies and procedures of UNDP. The 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.

2.6   *Exit Strategy and Sustainability*

This project is estimated to run for 2 years. Insecurity and political instability can have negative effects on the implementation that may require no-cost extensions. However, it is believed that this project will contribute to a culture of human rights and through the dissemination of the recommendations and contributions of non-state actors will facilitate a human rights based dialogue in the country.

3.   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.