



MOUSANADA EUROPA
European Neighbourhood Initiative

Annex I
Description of the Action

Title of the action:	Leaving no Children Behind in Libya
Name of the applicant	Action implemented jointly by: UNDP, UNICEF and UNODC

JOINT PROGRAMME DOCUMENT

I. Introduction

Title of the Action: Leaving no Children Behind in Libya

Country: Libya

Joint Programme Outcomes:

Outcome 1: To strengthen the enabling environment towards the development of a child-friendly justice system for all children in contact with the law, including policy development and improved coordination at the national level

Outcome 2: Improved access of families and children to tailored services accelerating the rehabilitation and reintegration of children in contact with the law

Outcome 3: Detained children benefit from improved detention conditions and have access to rehabilitation, pre-release planning and assistance programmes, as well as reintegration services after release.

<p>Programme Duration: 22 months Anticipated start and end dates: Dec 2020 – Sep 2022</p> <p>Fund Management Option: Pass-Through Administrative Agent: UNDP Multi-Partner Trust Fund Office</p>	<p>Total estimated budget*:4,119,808 US\$</p> <p>Out of which:</p> <p>UNDP: 1,082,089.52 US\$ UNICEF: 1,516,301 US\$ UNODC: 1,521,418.18 US\$</p>
<p>Sources of funded budget:</p> <p>EU: 3,500,000 EUR estimated as 4,096,400 US\$ (as per Info Euro Rate of November 2020)</p> <p>Other source of funds: 23,408 US\$</p>	<p>*Total estimated budget includes both programme costs and indirect support costs</p>

Names and signatures of participating UN organizations and national coordinating authorities

UN Organizations	National Coordinating Authorities
<p><i>Name of Representative:</i> Title:</p> <p><i>Signature</i> <i>Name of Organization:</i> <i>Date & Seal</i></p>	<p><i>Name of Representative:</i> Title:</p> <p><i>Signature</i> <i>Name of Organization:</i> <i>Date & Seal</i></p>
<p><i>Name of Representative:</i> Title:</p> <p><i>Signature</i></p>	<p><i>Name of Representative:</i> Title:</p> <p><i>Signature</i></p>

<i>Name of Organization: Date & Seal</i>	<i>Name of Organization: Date & Seal</i>
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II. Executive summary

“Children in contact with the law” refers to children who come into contact with the justice system as victims or witnesses, children alleged as, accused of or recognized as having infringed criminal law, or children who are in any other situation requiring legal proceedings, for example regarding their care, custody or protection, including cases involving children of incarcerated parents.¹ The Joint Programme aims to support the national authorities to ensure child friendly treatment for children in contact with the law, including those deprived of their liberty, within the framework of the UN Child Rights Convention (CRC) and other relevant international and national legal instruments.

The Joint Programme combines the strengths of the participating UN organizations (UNDP, UNICEF and UNODC) in a joint effort to ensure that children in contact with the law in Libya benefit from a child friendly justice system. The Joint programme will provide technical support in exploring alternatives to detention as well as to enhance services being delivered to children in contact with the law and their families to facilitate their rehabilitation and reintegration. The envisioned support to the Family and Child Protection Unit (FCPU) will build the institutional capacity of essential staff, finalize the standard operating procedures, referral pathways and case management (including safe information management) and rehabilitate the physical environment to ensure that it is child friendly and conducive to its objective, in line with the international best practices to guarantee efficient, effective and timely performance of FCPU mandate. The work of the Joint Programme will also ensure that children receive child friendly treatment at detention facilities. This will include amongst others provision of broad support on vocational education/training, skills development programme or other forms of livelihoods support for children and their families (in and out of prisons) to facilitate reintegration into society. The type of intervention in this field will be determined on a case by case basis through the referral mechanism in the case management system. In order to achieve and sustain the above, the right institutional arrangement and mechanisms must be put in place. The Joint programme will help set up and/or strengthen coordination mechanism based on clearly defined roles and responsibilities of relevant stakeholders.

The work of the Joint Programme will deliver benefits to children under 18 years who are in contact with the law as victims, witnesses and (alleged) offenders in and out of juvenile detention facilities; it will also benefit families of children in contact with the law, in targeted locations. Justice professionals, including police, social workers, judges, prosecutors, staff operating in detention facilities dedicated for children and probation officers working with children are also part of the target beneficiaries. The Joint Programme will also benefit through consultation, collaboration, information sharing and communication the Libyan government institutions and civil society organizations engaged on the broader issues of Justice for Children system as well as communities involved in evidence generation to influence and inform programmes and policies.

The participating UN organizations in this Joint Programme intend to work closely with UN sister agencies in advancing the objectives through leveraging linkages with ongoing initiatives in order to harness collective actions and efforts for greater impact and ensure cost effectiveness in situations where resources can be shared. Coordination with other international actors active in the field is critical and will be pursued.

¹ https://www.unodc.org/pdf/criminal_justice/Model_Strategies_violence_children.pdf

In particular, the Joint Programme will engage with EUBAM and UNSMIL in exploring opportunities for a coordinated approach to legal aid for children in contact with the law.

III. Situation analysis

Children encounter the justice system as victims, witnesses, because they are in conflict with the law or as parties to the justice process, such as in custodial arrangements. The Convention on the Rights of the Child established the basic rights of children in conflict with the law, most notably Articles 37 and 40. Article 37 protects the rights of children who are arrested and deprived of their liberty, prohibits torture or cruel, inhuman or degrading treatment or punishment and illegal and arbitrary detention of children; and further provides that detention of children should only be used as a last resort and for the shortest appropriate period of time. It explicitly prohibits the use of ‘torture or other cruel, inhuman or degrading treatment or punishment’ against children, stating that ‘neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years. Article 40 sets out principles for a child rights compliant juvenile justice system and rights of children who are being processed through the criminal justice system. In particular, it provides for ‘the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.’

In Libya, the current legislative framework as well as practice in justice system does not adequately protect children who come into contact with the law (offenders, victims and witnesses). The justice system does not have specialized procedures and dedicated personnel trained to deal with children. Many procedures are not child-friendly, the best interest of the child is not always central to the decision-making process and children are sometimes detained in circumstances that are contrary to their rights and well-being. As a result, children are at high risk of experiencing rights violations at various stages of the judicial process.

The justice system in Libya remains retributive, rather than rehabilitative. Although, the legal framework allows for the settlement of cases outside of the regular system and recognizes some alternatives to custodial measures, there is no system in place to help courts implement such measures.² As a result, children who are tried and found guilty are placed in detention facilities, often with adults as there are no other options available.

Though there are some legal provisions in place to protect children who have experienced violence, abuse, exploitation or other types of rights violations, the services and systems are not in place to protect children who come into contact with the law. For example, the penal code of 1953 includes provisions related to the treatment of rape and sexual exploitation, but there are no procedures and services in place to help victims avoid secondary victimization and to facilitate quick recovery. The current services provided by actors in the justice sector (such as police, prosecution, and courts) often suffer from a lack of coordination and/or are not child friendly.³ There is a very limited number of people in justice sector institutions that are appropriately trained to deal with children who have experienced trauma.

The police are often the first point of contact for a child who comes into contact with the law, either as a witness or victim of violence or as an alleged offender. The Libyan police force does not have a unit dedicated to dealing with children and across the system there is limited capacity in this domain. The limited capacity within the police force severely impacts on their ability to follow-up cases. There is no specialized system for evidence gathering and families of the victims often have to provide evidence themselves to back up complaints. Legal support is not made readily available to child victims, and no medical or psychosocial services are available through the police force. The lack of child friendly systems for dealing with cases of violence against children means that such crimes are severely under-reported. Likewise, there is limited capacity to implement specialized child justice procedures for children who were arrested by the

² Juvenile Justice study – High Judicial Institute- 2008

³ Juvenile justice study- High Judicial Institute- 2008

police. These are necessary to protect children deprived of their liberty, in line with Libya's international obligations and national legislation.

There is no functional case management system and referral system for children in contact with the law. Overall, the legal framework for child justice for children in conflict with the law requires that the primary goal of any child justice system is: 1) the prevention of juvenile crime and 2) the rehabilitation and reintegration of the juvenile into the community. This approach requires that any response and treatment of a child in conflict with the law must be proportionate to the child's circumstances and harm caused by the offence. Accordingly, it requires a case management system, which is not in place in Libya. At present, there is lack of common data collection, reporting and management of needs of a child in contact with the law, as well as referring to appropriate service provision. Additionally, the time-consuming process and information gaps in the current juvenile justice process have direct effect on the collaboration efforts between different departments.

The pre-2011 juvenile justice system in Libya was deemed progressive as it diverted children away from prison and placed them in care institutions outside the prison system. After nearly a decade of conflict and instability this system has collapsed. Pre-2011, Libya operated a small network of juvenile reformatories under the Ministry of Social Affairs (MoSA), staffed by social workers rather than prison guards.⁴ However, these institutions were under-resourced, offering little educational or social support. As the 2011 uprising progressed, these institutions (like many others) were seized by revolutionary armed elements. Up to present, Libya has not been able to make considerable progress on returning these institutions to state control or to proper function.

The collapse of Libya's juvenile prison system has resulted in the courts, prosecution services and militias placing pressure on the Judicial Police to detain children in prisons under the authority of the Ministry of Justice (MoJ). Apart from being against Libyan law and regulations, these prisons do not have the infrastructure, resources nor specialised staff to cater for a juvenile prison population. The number of juvenile detainees in Libya is relatively low, but it is increasing. There is also a widespread perception that juvenile criminality has significantly increased, particularly juvenile-on-juvenile crime, including murder, manslaughter, drug dealing and possession, theft, car accidents and carjacking as a result of the prevalent lack of rule of law, the persistent security vacuum and the proliferation of weapons in the country.⁵

The result is a growing juvenile population placed inappropriately within the confines of Libya's state prison system, in addition to children being held in other prisons run by security actors or militias with little to no oversight. This may well impact the ongoing conflict in Libya and potential future instability, as children who are incarcerated with adults are particularly vulnerable to influence and recruitment from criminal and extremist elements.

A. Overview of the Legislative environment

Despite the fact that the Libyan legislation was issued in the 1950s, it generally conforms with the principles contained in the international instruments and standards and norms on the juvenile justice system. It can be argued, however, that despite efforts made in this regard, the Libyan Arab Jamahiriya urgently needs to develop an integrated juvenile justice policy, including the necessary legal amendments, to address the lack of accurate statistics necessary for case investigation, and the lack of a specific body to serve as a juvenile justice focal point, to coordinate among stakeholders, and provide advice and guidance. This could be achieved through the implementation of an observation and intervention system, aimed at serving the best interest of the child.

There are some shortcomings or weaknesses in the juvenile justice system in Libya, including the following:

⁴ The Social Solidarity Fund under MoSA operated four juvenile reformatories, two for boys and girls (one in Benghazi for the eastern part of the country and one in Tripoli for the western part of the country) and two reformatories only for boys (one in Susah and one in Sebha).

⁵ This is the perception of several sources (such as the USIP report, interviews with UNSMIL officers and UNODC staff and consultants who worked with the juvenile justice study in Libya in 2008 when juvenile delinquency in Libya was comparatively low).

- Legal texts related to children are found in several legislative documents, making it difficult to understand and apply;
- The Libyan legislation states that there are competent juvenile courts, but in practice only one competent court and one prosecution office have been set up in Tripoli. There are no specialised prosecutors or judges in the field of juvenile justice, nor are there any specialised police or special procedural rules on children in the judicial arrest phase; Libyan legislation does not specify clearly the types of measures imposed on children in conflict with the law; it merely states preventive measures in general, without defining the scope and type of such measures;
- The Libyan legislation does not recognize alternatives to imprisonment. It is advisable that the legislation recognizes such alternatives, as most offences involving children do not justify detention and reintegration into society can be better achieved with alternatives measures;
- The legislation, as well as its implementation does not cover aftercare programmes that aim to reintegrate juvenile offenders into society;
- The role of the supervisory judge and that of the social worker are not fully operationalized;
- There is no clear separation between adults and children on remand at police stations; and such separation is partially in effect in the observation stations at the juvenile detention centres and open institutions, which do not serve the best interests of the child in conflict with the law.

B. Family and Child Protection Units

The Family and Child Protection Units were first discussed in Libya on the 31st December 2013 by UNICEF, UNSMIL Policy, UNODC and the Ministry of Interior (MoI)/Libyan Police Force. The original objective of establishing FCPUs in Libya was to facilitate the development of a system of child justice that would (a) be child-centred and specialized on issues affecting children in contact with the law, (b) build system for child justice that was in line with international standards for justice for children, (c) provide a safe reporting environment for families and children, (d) allow children and families to seek justice and recovery services for cases of violence against children, (e) improve prevention and reduce recidivism, and (f) move away from retributive models of justice and detention towards restorative justice models.

The first FCPU in Libya was established within the Tripoli Police Force in May 2014, following Decree No 1150. In November 2014, the Deputy Minister of the MoI issued five decrees to establish five FCPUs in Directorates in Al Zawaiya, Misrata, Bin Waleed, Sorman and Zwara. A FCPU was opened in Al Zawaiya in September 2015. Staff at the FCPU come from a range of professions, including police, psychologists and social workers.

FCPUs are intended to be ‘one-stop shops’ for the specialised, child-friendly and gender-sensitive handling of criminal/justice related cases involving children in contact with the law.

The FCPUs are currently mandated to:

- Manage cases of various types of violence, abuse and exploitation against children;
- Provide multiple services to children in contact with the law in one place, including psychosocial support, social work services, legal aid and forensic investigation;
- Secure proper investigation of cases involving children as victims;
- Ensure that perpetrators are prosecuted and held accountable for their crimes;
- Raise awareness among local communities about violence against children and gender-based violence;
- Adopt a restorative justice approach to address the offending behaviour of children including diversion, community services and probation services;
- Ensure an integrated response children contact with the law through the establishment of a case management system and referrals with specialists and rehabilitative services;
- Establish and maintain a database on all cases reported to the unit through the development of an information management system to facilitate case management.

C. Children deprived of their liberty in Libya

As mentioned in the background, pre-2011 Libya opted to divert children in conflict with the law outside the prison system altogether to juvenile reformatories under the MoSA, which is also stipulated in Law No 5. Facilities that were used/managed and secured under the auspices of MoSA before the uprising in 2011, are now occupied by armed groups or turned to prisons for irregular migrants or vandalized in the conflict since it represents the authority of the former regime.

Hence, prisons pressured into taking in children in conflict with the law are on the one hand contravening Libyan law and regulations, and on the other hand do not have the resources to cater for juvenile prison population. Judicial Police are acutely aware of these issues and are looking for solutions within the available resources while the deteriorating security situation is worsening and the capacity of implementation of the MoSA are challenged by external circumstances.

A series of developments with regard to child rights in the past years show that the Libyan government understands the urgency and is looking to undertake reforms in the areas of juvenile justice and prison reform and find and institute adequate ways to deal with children in conflict with the law as well as improve prison conditions in general. For example, the Presidential Council issued a decree in April 2018 establishing a high-level child welfare committee; this was followed by a review of legislation. In October 2018, a national department of family and child protection units was established within the MoI.

The exact number of children in prison across Libya is unknown. UNSMIL estimated the number of children in prison to be around 120 in November 2018. The number of children currently detained in prisons in Tripoli under the authority of the MoJ is around 35. The United Institute of Peace (USIP) conducted assessments in 2012, 2015 and 2017. In 2012 the USIP research team visited 19 prisons and recorded five children, in 2015 24 prisons and recorded 91 children and in 2017 it visited a limited number of eight prisons and recorded 105 children.⁶ In 2019, it is estimated that Jawiya Prison, Misrata, and Jdaida Prison, Tripoli, both under MoJ control, hold respectively ten and two children in conflict with the law.

Children are among the most vulnerable populations in Libya, and even more so the ones held in prisons. The detention of children within adult facilities, in poor conditions with little to no access to any form of schooling or vocational training, in addition to the uncertainty of the conflict-affected state, can cause permanent changes in developing minds. The risk of failure to receive correctional care and education will create challenges for reintegration after release. Youth unemployment is already high in Libya (estimated at 50%); coming out of prison with little to no education and little prospects to earn a living combined with potential criminalization or radicalization in prison, these children become extremely vulnerable to be recruited by extremist and or organized crime groups.

Under this action UNODC will be looking into increasing the chances for children in conflict with the law in Libya to successfully rehabilitate and reintegrate into society upon release. For this purpose, UNODC is planning to support the new reformatory for children in conflict with the law in Tajoura, which will be placed under the MoSA. UNODC will undertake a series of consultations with representatives from the MoJ, the MoSA and the management and administration of this new institution as well as with concerned international organizations. In case this new reformatory is not finalized or there are significant delays, UNODC will instead advocate to create separate wings inside the adult prisons in the meantime to fully separate children from adult prisoners and support the improvements of prison conditions as well as rehabilitation programmes in selected prisons under MoJ authority and reintegration programmes for children upon their release in line with international standards.

Accordingly, UNODC interventions will start with an inception phase of six to eight months during which consultations with all relevant counterparts and stakeholders (including other international organizations) will be undertaken to identify needs, agree on an action plan and to deliver tailor-made technical assistance. Hence, activities described in this proposal may slightly change after the assessment results are available or budget shifted between activities.

IV. Strategies including lessons learned and the proposed joint programme

⁶ All figures obtained from recent interviews with UNSMIL staff, figures are from November 2018.

This action will be implemented jointly by UNICEF, UNDP, and UNODC, with the aim of ensuring that all children in Libya have access to a child-friendly justice system that protects their basic rights, in accordance with UN Child Rights Convention (CRC) and relevant international legal instruments. The action builds on the existing actions of each engaged agency to ensure synergies in supporting the development of a comprehensive and practical approach to justice for children in Libya.

A. Background/Context

The present action will fall under the EU Rule of Law / Justice in Libya Programme within the European Neighborhood Initiative and contribute to the overall objective *‘to enhance institutional and administrative capacity of relevant public institutions to deal with vulnerable groups in contact with the law’*.

The action is also designed to contribute to stabilization and peace-building efforts led by the Special Representative of the Secretary-General and the United Nations support Mission in Libya (UNSMIL) in line with the United Nations Strategic Framework (UNSF) for Libya (2019-2020). UNODC, UNICEF and UNDP will also liaise closely with UNSMIL, in particular with the Human Rights and Rule of Law Service and will align activities with the UNSMIL/UNDP Policing and Security Joint Programme as well as other activities by UNSMIL and UNDP in the field of criminal justice reform.

The programme builds on UNDP’s and UNODC’s long engagement in the justice sector in Libya and experience of working with key partners, including UNSMIL and EUBAM to ensure that juvenile justice is integrated and most importantly sustained throughout broader justice sector reform initiatives undertaken by UNDP, judicial council and High Judicial Institute to “support the expansion of access to justice by expanding formal justice service to the most remote areas, including training of judges, judicial police from the Ministries of the Interior and of Justice and other related professionals, and promoting the reform of discriminatory laws.” This entails activation of coordination with UNICEF and UNODC and other partners beyond the scope of this Joint Programme. Currently, UNDP-UNSMIL Policing and Security Joint Programme (PSJP) has been working with Ministry of Interior and Ministry of Justice in strengthening reform initiatives and undertaking initiatives combining both bottom up and top down approaches. The support to restructuring efforts as well as the piloting of model police station together with planned support to the establishment of integrated case management and tracking system represent key reform initiatives that will increase policing and justice services to citizens. This Joint Programme on supporting child friendly justice complements UNDP’s ongoing effort to strengthen overall performance of justice system and particularly the delivery of justice services.

Furthermore, it is ensured that interventions and technical assistance under this action are aligned with and complement UNICEF’s Country Programme Document (CPD) 2019-2020 and the UNICEF project ‘Promotion of the Justice for Children system in Libya’, which will be implemented during the same period. The programme is also designed to continue UNICEF work with the MoI, the MoJ and the Ministry of Planning to develop a FCPU framework as well as the to implement the Action Plan to end Violence Against Children⁷

In 2018, UNICEF worked with all relevant stakeholders to undertake a legal analysis of the gaps in the juvenile justice legislation in Libya. With technical input from UNICEF, in October 2018, the MoI issued a ministerial decree to establish Family and Child protection national department at MoI, to oversee the FCPU establishment and technical assistance on national scale. UNICEF signed an Annual Work Plan (AWP) with MoI to support these efforts. UNICEF is currently supporting the FCPO in the development of Standard Operating Procedures (SoPs) for the FCPU (to be finalized under this action).

UNODC is implementing technical assistance actions in Libya since 2001 in many different areas, including support to criminal justice reform since 2007. UNODC has two signed agreements with the Libyan Government, one on juvenile justice reform and one on prison reform. These two programmes were

⁷ UNICEF and MoSA have developed the Action Plan to end Violence Against Children in 2019 and it has been signed by all relevant Ministries. Among other issues, it addresses the importance of establishing a case management system.

developed and signed with the Government prior to the 2011 revolution; however, the Government is still using these two documents as roadmaps for their prison reform and juvenile justice reform efforts.

In 2017, UNODC supported the Libyan MoJ to conduct a comprehensive review of its penal legislation, including the Penal Code, the Criminal Procedure Code and the Police Law. In this context, UNODC experts reviewed over 400 articles from the Penal Code and the Criminal Procedure Code and cooperated, *inter alia*, with the High Judicial Institute, the judiciary, the Prosecution Office, civil society and academia during the review process. While the present action is not a direct successor of these projects, UNODC will benefit from experience and knowledge gained under these projects as well as from the well-established relationship with government counterparts and other non-governmental organizations in Libya.

B. Lessons learned

The participating UN organizations in this Joint Programme have been working and operating in Libya and the MENA region for some time and have adapted to the challenges and risks associated with this fast and constantly evolving political and security conditions, not to mention the institutional context which is in great flux. Several lessons have been learned from previous and ongoing initiatives that will better allow the tailoring of this Joint Programme to meeting the needs of the children in contact with the law as the prime beneficiaries of the Joint Programme. Defining realistic objectives given the operating environment is key to ensuring the success of the initiative and this will guide the yearly planning of activities. A rigorous understanding and mapping of stakeholders is essential to better ensure inclusion of all relevant actors in the planning, design and implementation phases to guarantee success and sustainable outcomes. A pilot system approach will be used where beneficiaries will be placed at centre of the Joint Programme activities, in this case, children in contact with the law. Reform of relevant institutions in terms of legal frameworks, policies, procedures processes and practices will also form part of the intervention but only to the extent they support and enable improved delivery of services to the intended beneficiaries. The approach will be risk conscious and focused on the set objectives outlined in the Joint Programme document. Yet, the approach will retain, through the coordination and management arrangement the needed flexibility and agility to respond to changing circumstances.

Building on the progress to date, collaborating UN agencies have identified the following lessons learned:

- Essential engagement of key actors currently engaged in justice sector reform to build on the progress that has already been made;
- Importance of systems building that simultaneously engages the line ministries to ensure long term engagement and sustainability and works at the municipal level to achieve tangible results (in this case in pilot locations);
- The importance of piloting innovation in Libya, due to the unique context, conflict, culture, etc. A phased approach that ensures ownership and buy in at the municipal and central level is key to building lasting change;
- Importance of putting child rights at the centre of our approach to ensure that the justice systems and programmes that are built during this project are appropriate for children and ensure realization and protection of child rights;
- Building sustainable systems – the objective of the project is to build a function justice for children system, linked to child protection systems that are also under-development. To these ends, it is imperative that structures and pathways that are put in place can be maintained through the national systems and with national resources (i.e. it can't be depend on NGO interventions, etc.). As such, the project prioritizes the development of national capacity;
- Priority is to be given to strengthening existing systems, institutions and mechanisms rather than attempting to create parallel or quasi parallel mechanisms and/or processes which risk not only duplication and waste of resources but also risks reversibility of any progress that will be made;
- Importance of managing expectation regarding the outcomes of the programme to all stakeholders in order to create a shared understanding of JP concept away from diverging conceptualization of what the JP intends to achieve.

- It is also important to outline responsibility. This is a partnership not only among UN agencies but also with Libyan stakeholders.

Specific attention has been given to the recommendations from the assessment of the FCPUs undertaken by UNICEF and key line ministries in 2017 and 2019, including:

- Establishing official working agreements between the FCPU and relevant institutions to solidify already-existing cooperation and partnerships;
- Strengthen and clarify the functioning of the unit to ensure effective and efficient flow of information and develop a centralized case management and information management system;
- Finalise drafted then SoPs, including the referral pathways and ensure that all relevant stakeholders are trained to apply the SoPs;
- With in the SoPs, develop and establish a clear mechanism for determining the best interest of the child;
- Ensure that the FCPU has sufficient trained and specialized staff that are able to support children with a range of services;
- Strengthen the capacity of social workers with in the FCPU in cooperation and coordination with MOSA, particularly regarding case management to ensure effective, longer-term tracking of the well-being of children, including after they leave the FCPU.

UNODC will build on the knowledge and good practices that the office built in this field at the regional level mainly in Egypt, Lebanon and Palestine where the rehabilitation and reintegration approach was introduced and led to several success stories:

- In 2004 for example, UNODC implemented in Lebanon the very successful Moubadara Strategy. This rehabilitation strategy allowed children in conflict with the law to take responsibility and take an active part in the process leading to its release. To this end, the centre encouraged care that is as individualized and progressive as the conditions of placement and the child's personality allow. The programme supported the child: (a) to adapt to the rules of social life; (b) to regain self-confidence and renew social and family ties; (c) to acquire educational and vocational training.
- In Egypt, UNODC initiated its juvenile justice programme in 2003 with the objective to strengthen legislative and institutional capacity of the juvenile justice system. The programme falls under the UNODC framework of the Regional Programme for the Arab States to Prevent and Combat Crime, Terrorism and Health Threats and Strengthen Criminal Justice Systems in Line with International Human Rights Standards (2016-2021). It aims at strengthening the capacity of Member States to manage detention facilities securely, safely and humanely, as well as to foster the social reintegration of children in line with relevant international standards and norms. This resulted in the reunification of many children with their families who benefited from economic support in the form of financing small projects and improving their housing conditions.

UNODC developed a series of tools and programmes in Arabic language and in line with international standards and in accordance with national legislations and culture norms in Libya, outlined in the Annex on Rehabilitation and Reintegration Programmes (please see Annex for further details).

C. The proposed Joint Programme

The Joint Programme builds on the experiences of participating UN organizations in addressing the need to improve child friendly services for children in contact with the law. While the scope of the Joint Programme is rather specific, it forms part of the UN strategic objectives of advancing rule of law and security services and differentiating between children and adults, including a gender-perspective. The programmatic strategy that will be adopted will be anchored in key principles of national ownership; needs and evidence based with focus on delivering child friendly services to children in contact with the law. The strategy of the Joint Programme will also be evidence-based resting on a dynamic process of information gathering to help understand whether planned activities actually produce the desired result and identify any risks and potential or existing bottlenecks so corrective action can be taken at an early stage. In this

framework, the proposed Joint Programme will, during the inception phase of implementation, embark on a wide-ranging consultation with relevant actors and stakeholders to further tailor proposed programme activities to the needs on the ground. This will ensure that the final shape of activities and implementation methods fulfil the identified needs. For this purpose, meetings will be held with all relevant partners and stakeholders during the inception phase regarding different programme components as part of the consultations toward endorsing final approved AWP for the Joint Programme.

This Joint Programme aims to be a comprehensive justice system for children in contact with the law that will ensure that the rights are protected and realized throughout the justice process, in line with essential international law and national law. Building on the experience and engagement of each UN entity.

A pillar of the programme strategy is to utilize UNDP's convening power to bring together relevant institutional actors through optimal institutional arrangement that will ensure a government wide response to the issues at hand. Through mapping and examining existing institutional mechanisms, the Joint Programme will work toward fostering a shared understanding of the roles and responsibilities of the relevant actors, ensuring that a coordination mechanism is in place that can facilitate the fulfilling of each stakeholder's role. UNDP's approach in the JP will also complement the support provided by UNICEF and UNODC, in the development and adoption of necessary procedures and fostering critical capacities in leadership, communication and management that will facilitate effective coordination to support improved delivery of child friendly justice services to children in contact with the law. UNDP will also join hands with UNICEF and UNODC to design skills development programme for children in contact with the law outside detention centers. This will be achieved through a proper assessment and development of vocational education/training skills development programme and other skills building opportunities with the aim of helping children and their families reintegrate into society and remove causative factors that led them to be in contact with the law. UNDP's proposed interventions will also seek to build on success of its UNSMIL-UNDP Joint Policing Programme (PSJP) and fulfil complementarity when it comes case management for children in contact with the law. This will be achieved through UNDP's initiative to design automated Integrated Case Management and Tracking System, which will integrate case information for children in contact with the law as part of its scope.

Building on the discussions, coordination and progress over the last four years, UNICEF will continue to work closely with all national stakeholders and line ministries to build sustainable, child-friendly systems within the framework of the FCPUs. UNICEF will continue to work with the FCPO and other stakeholders to ensure that procedures and staff capacity are appropriate to the sustainability of the system. To ensure sustainability, UNICEF, UNODC and UNDP will work both on the policy level to ensure that the necessary legal and policy infrastructure is in place, as well as on the practical level to put in place a model FCPU and to build technical capacity.

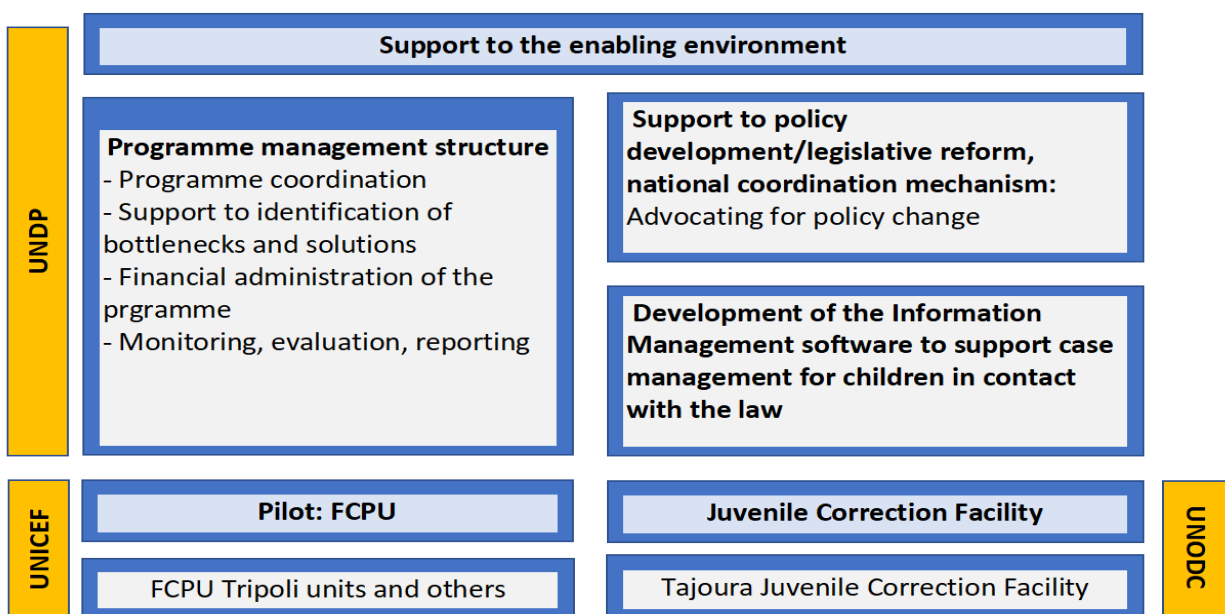
UNICEF is currently working with key stakeholders and line ministries to develop a functional child protection system, including case management in coordination with the interagency child protection Task Force. UNICEF will work with UNDP and UNODC to ensure that the case management system and justice for children policies and programmes are in line with the 5 year Action Plan to End Violence Against Children, signed by the Ministry of Social Affairs in 2019.

Through the Joint Programme, UNODC will strengthen the capabilities of the Libyan authorities to provide justice, strengthen rule of law and create synergies between its institutions to facilitate the positive reintegration of children into society and reduce recidivism, thus contributing to peace endeavours of the Libyan government. UNODC is to support the Libyan criminal justice system and the prison management to provide a better rehabilitation programme for the children and, concomitantly with the FCPU as well as UNICEF and UNDP, accompany the child in its reintegration path. UNODC strategy is in line with the Convention on the Rights of the Child, which assists Member States to ensure that no child shall be deprived

of his or her liberty unlawfully or arbitrarily. UNODC urges Member States to use detention or imprisonment only as a last resort and for the shortest appropriate period of time. In this regard, while supporting national authorities to provide detained children improved detention conditions meeting basic needs, rehabilitation, pre-release planning and assistance programmes, as well as reintegration services after release, UNODC will assess the legal framework for alternative sentence management and restorative justice programmes, including mediation and community work within current legal framework.

The chart below illustrates the division of labour and logical complementarity between the activities of the three implementing agencies. As shown in the Diagram no. 1, UNDP will take the lead in managing the programme and upstream coordination at the ministerial level in the framework of a Coordination Group, including relevant government Ministries as well as international actors engaged in the justice sector (EUBAM, UNSMIL, etc). UNICEF will take the lead in the establishment and support to the pilot FCPU in Tripoli and support to other FCPU units (as requested by the MoI), as well as providing essential technical input into policy development. UNODC will take the lead in the establishment/rehabilitation of a juvenile correction facility, in line with international norms, and will also provide essential input into policy development. UNDP, UNICEF, and UNODC will ensure that close coordination between the programme components ensures complementarity across programme components.

Diagram 1: Coordination among implementing partners



UNDP will act as Convening Agency and take the lead in building an enabling environment for justice for children at the up-stream level:

- UNDP will perform the role of the Convening Agency for the Joint Programme. Facilitate Joint Programme Management, including by ensuring programmatic and operational coordination, follow-up and support to addressing bottlenecks, monitoring and evaluation, and reporting. UNDP will also compile annual work plans for the entire JP based on inputs from the Participating United Nations Organisations (PUNOs);
- Support and facilitation of policy adoption by national stakeholders, with technical input from UNICEF and UNODC on the content;
- Development of National Coordination Committee to improve coordination among national stakeholders/institutions to ensure timely and smooth synergy and complementarity of efforts

- Explore the development of coordination mechanism to improve coordination among national and international stakeholders and to facilitate policy change;
- Development of the software of an Information Management system to facilitate case management across the justice sector for children, in line with the Information Management system currently under development for adults in the justice sector;
- Rehabilitation of the FCPU facility in Tripoli;
- While not covered within the financial resources available within this Joint Programme, UNDP will seek other sources of funding to provide vocational education/training, skills development programme and life skill-building opportunities for children in contact with law (outside of prisons) and for their family. Other forms of livelihoods support could be considered including provision of assets/small business grants to families of youth that are in touch with law to be able to provide restored livelihoods to families to keep youth out of negative coping mechanisms.
- Develop and implement communication and public outreach programme.

UNICEF will work with national authorities to:

- Provide technical input into policy and legislative reform at the upstream level to facilitate improved justice for children, particularly in support of the institutionalization of the FCPUs within the legislative environment;
- Support the Family and Child Protection Office, including its coordination with police authorities, to support the establishment and oversight of FCPUs, including with regards to standard setting, coordination among relevant authorities, and finalization of SOPs (currently under development);
- To increase the engagement with the FCPUs, UNICEF will also embark on an awareness raising campaign within relevant ministries and services, particularly the legal professionals;
- Enhance and ensure technical capacity at a pilot FCPU in Tripoli, as well as in Sirte which is established under different project, in close coordination with local municipal authorities and relevant actors (police, social workers, lawyers, judges, etc) to ensure implementation of the pilot;
- Development of a case management system for children in contact with the law for the FCPU, including piloting the Information Management Software (see UNDP activities above). The case management system will also include referral pathways through the social workers or probation officers to support services on a case-by-case basis, including legal assistance, specialized psychosocial assistance, vocational training* etc;
- On-the-job capacity building for professionals related to the pilot FCPU in greater Tripoli as well as in Sirte through imbedded technical experts (namely relevant members of the police force, public lawyers and judges**, social workers and probation officers), including with regards to child rights and the best interest principle, child-friendly justice systems, and the FCPU SOPs.

* The referral pathways in the FCPU will include vocational and life skills programmes provided by UNODC, UNDP, UNICEF and others. The most appropriate service will be determined on a case-by-case basis by the responsible social worker or probation officer.

** UNICEF will provide on-the-job capacity building support to public lawyers and judges appointed to the FCPU. UNODC will lead the training of public lawyers at the upstream level.

UNODC will work with the national authorities to:

- Assess the current legal framework and provide recommendations for a revised legislation produced with regards to alternatives to detention to initiate discussions and increase the understanding of the judicial institutions on alternatives to deprivation of liberty, in line with the “United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime

Prevention and Criminal Justice”⁸ and “United Nations Rules for the Protection of Juveniles Deprived of their Liberty”;⁹

- Ensure that basic needs of children at a detention facility for children deprived of their liberty are met, and based on an initial assessment, undertake limited refurbishment and procure necessary furniture/equipment, establish/enhance the family visiting areas and provide detained children with necessary hygiene kits upon admission, including personal protection equipment (PPE) in light of COVID-19, and during their stay as required;
- Develop and implement a rehabilitation and reintegration strategy of children in detention in partnership with the MoSS, MoJ, FCPU and trained NGOs;
- Train detention facility staff to cater to the special needs of children in detention by developing standard operating procedures (SOPs), codes of conduct, rights and duties booklets, classification and inspection policies, etc.; designing and implementing basic training sessions for relevant staff on the developed SOPs and guidelines; designing and implementing training of trainers (ToT) sessions for selected staff on the developed SOPs and guidelines.
- Establish a new communication channel between the detention facility for children and the FCPU in order to refer the released children into the reintegration programmes offered by FCPU in addition to those offered by the trained NGOs;
- Provide legal aid for children in selected detention facilities.

D. Sustainability of results

The Joint Programme will ensure sustainability of interventions through integrating a number of key principles. First, strengthening capacity of relevant stakeholder in critical areas will be key to ensuring that the successes achieved are maintained and scaled up. Second, the design of the Joint Programme is fully consistent with national development efforts and national ownership is key. A detailed sustainability strategy will be formulated in the course of programme implementation to enable sustainability planning that is based on the progress achieved, evidence gathered and taking into consideration developments related to the institutional context. Third, while the Joint Programme aims to build the capacities of critical justice and policing institutions as duty bearers, it will also work on communication and public awareness to create the necessary demand for child friendly justice services through advocacy and reporting. While some of those initiatives might not be under the scope of the Joint Programme, it will be necessary to advocate for the inclusion of this aspect into broader human rights interventions of UN and other national and international actors integrate this aspect in their work. Fourth, this Joint Programme will, to the greatest extent possible, build on and link with existing programme activities of UN participating organizations in the area of strengthening rule of law services. This will help also in the integration of juvenile justice in general and children in contact with the law in particular into long term programme to consolidate the capacities and successes achieved under this Joint Programme.

This action aims to address functional gaps in the regulatory framework to support the establishment of a function justice for children system in Libya, as well as to strengthen the up-stream coordination between essential national actors to ensure long term coordination and stability of the reform initiative. Recognizing the current crisis in Libya, the action couples the upstream coordination and reform components with a practical focus on building a pilot FCPU and reforming the juvenile correction facility. The practical application of the reform initiative should allow a dynamic interplay between the policy development upstream components with progress on the ground, building on existing agreements with national and municipal authorities. This comprehensive approach should allow the action to have both a sustainable impact on justice sector reform as well as to ensure that immediate progress can be made in the lives of children in the target municipality.

⁸ https://www.unodc.org/pdf/criminal_justice/Model_Strategies_violence_children.pdf

⁹ <https://www.un.org/ruleoflaw/files/TH007.PDF>

E. Sustainable Development Goals

The key elements for promoting and improving the conditions of children in Libya in contact with the law, and especially in detention, increases their chances to successfully rehabilitate and reintegrate into society and are highlighted in several goals and targets of the SDGs, such as the need to provide reduced inequalities, pre-trial detention largely affecting very poor citizens and their families (Goal 1 and 10) and to address the needs of specific groups of prisoners, including boys and girls (Goals 5 and 10). Prisons, as part of the larger criminal justice system, play a crucial role in maintaining safety for society. More importantly it can contribute to creating a peaceful and inclusive society by offering them opportunities for rehabilitation after imprisonment (Goal 16).

F. Rights-based approach, gender equality and gender mainstreaming

The action will follow a rights-based approach and contribute to gender equality and mainstreaming. Human rights are at the core of all work of the UN system. Together with peace, security and development, human rights represent one of the three interlinked and mutually reinforcing pillars of the UN, enshrined in the Charter of the United Nations.

Human rights are at the core of all work of the UN system. Together with peace, security and development, human rights represent one of the three interlinked and mutually reinforcing pillars of the UN, enshrined in the Charter of the United Nations. PUNOs work across all three pillars in their efforts to support UN Member States in reinforcing the rule of law. Bearing in mind the centrality of human rights to the aims of the UN, the three participating UN agencies always take a human rights perspective into account while planning programmes. Human rights standards and principles guide development cooperation and programming in all sectors and in all phases of the programming process.

To ensure that human rights are taken into due consideration, particular attention will be given to the UN system-wide policy Human Rights Due Diligence Policy on UN Support to non-UN Security Forces (HRDDP). The policy ensures that UN activities for security forces are undertaken following proper examination of the human rights situation. Where concerns are detected, the UN agencies are required to address these as appropriate within the regional and thematic context of their mandates.

As outlined in the UN Common Approach to Justice for Children (2008), Justice has long been high on the international development agenda. The UN and other bilateral and multilateral development partners recognise the importance of rule of law and a functioning justice system in reducing poverty as well as promoting peace, security and human rights. Rule of law approaches are thus a cornerstone of UN commitment to the Millennium Development Goals [and now the Sustainable Development Goals], as well as human rights for all. The way children are treated by national justice systems is integral to the achievement of rule of law and its related aims. The situation of child victims and witnesses has also been addressed by the UN. Transitional justice mechanisms have included some steps to take account of the special situation of children. In addition, the recommendations of the UN General Assembly in response to the UN Report on Violence against Children stress the need to ensure accountability and end impunity for crimes against children. It also recommends the establishment of comprehensive, child-centred, restorative juvenile justice systems that reflect international standards.¹⁰

Supporting justice for children also includes ensuring children's access to justice to seek and obtain redress in criminal and civil matters. Access to justice can be defined as the ability to obtain a just and timely remedy for violations of rights as put forth in national and international norms and standards (including the CRC). Lack of access to justice is a defining attribute of poverty and an impediment to poverty eradication and gender equality. Children's access to justice is therefore a vital part of the UN mandate to reduce poverty and fulfil children's rights. Proper access to justice requires legal empowerment of all children: all

¹⁰<http://dag.un.org/bitstream/handle/11176/400572/UN%20Common%20Approach%20to%20Justice%20for%20Children%202008.pdf?sequence=52&isAllowed=y>

should be enabled to claim their rights, through legal and other services such as child rights education or advice and support from knowledgeable adults.

Any United Nations action is guided by a gender sensitive approach. The specific needs of girls in (juvenile) justice systems, generally premised on male models, should also be taken into account. Services offered should not be constrained by gender stereotypes and should provide a range of options for both boys and girls. The United Nations is also guided by the principle that deprivation of liberty of children should only be used as a measure of last resort and for the shortest appropriate period of time. Provisions should therefore be made for restorative justice, diversion mechanisms and alternatives to deprivation of liberty. For the same reason, programming on justice for children needs to build on informal and traditional justice systems as long as they respect basic human rights principles and standards, such as gender equality.

This action is in line with below UN committees, documents and treaties:

- Convention on the Rights of the Child (1989)
- Committee on the Rights of the Child
- General Comment No. 10 (2007) Children's rights in juvenile justice
- General Comment No. 12 (2009) Right of the child to be heard
- General Comment No. 9 (2006) - The rights of children with disabilities;
- General Comment No. 11 (2009) – Indigenous children and their rights under the Convention
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice ('Beijing Rules') (1985)
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty ('JDLs' or 'Havana Rules') (1990)
- United Nations Guidelines for the Prevention of Juvenile Delinquency ('Riyadh Guidelines') (1990)
- Guidelines for Action on Children in the Criminal Justice System (Annex to UN Resolution 1997/30)
- Administration of Juvenile Justice ('Vienna Guidelines') (1997)
- United National Common Approach to Justice for Children (2008)

The project is also well embedded in the Sustainable Development Goals (SDG): SDG 16, Peace, Justice and Strong Institutions, as all UN partner organizations support and strengthen capabilities of the national Libyan institutions to protect children in contact with the law; SDG 3, where basic needs, including health, are met in the detention centre for children; SDG 5 on Gender Equality. To do this, this action places particular emphasis on:

- Ensuring that women participants benefit from training activities and inclusion in training and/or meetings associated with action activities;
- Ensuring respect and protection of human rights, particularly women's rights, to live free from discrimination and violence;
- Collecting sex-disaggregated data relating to attendance at events and meetings throughout the action and particularly during the monitoring and evaluation process.

The action will increase the level of public awareness of juvenile justice, educating the public on how to support the reintegration of child offenders, boys and girls, and strengthening the institutional capacities to guarantee the rights of the population. It is expected that publicity will be given to action activities through interviews with the media, newspaper reports and twitter announcements.

G. Risk assessment

Risk			Mitigation
Identification	Likelihood	Impact	Risk Mitigation Strategy
Risk 1: Political instability hampers the implementation of the project / project activities cannot take place in Libya.	HIGH	MEDIUM to HIGH	The political and security situation in Libya remains volatile, which may affect the implementation of the project in some manner. When the risk materializes, the implementing UN Agencies will follow the advice provided by the UN Department of Security and Safety (UN-DSS) and, if possible, relocate activities to Tunisia until the situation improves. Should the situation worsen to the extent that project activities need to be suspended (for a certain period) the affected UN Agencies will liaise with the national authorities concerned and the EU to develop a contingency plan.
Risk 2: The ongoing COVID-19 pandemic might not be contained.	MEDIUM	HIGH	The UN Agencies will evaluate rapid response interventions for the selected sites and online trainings on COVID-19. UN agencies will also look into further supporting children and their families at the economic level once the situation goes back to normal. The project team will align with national Government's and UN/WHO recommendations to mitigate public health risks, and promote digital, online and remote solutions to continue engaging on project activities. The project team will review the workplan on regular intervals to determine the impact on delivery and will propose a reviewed timetable of implementation at the end of the public health emergency.
Risk 3: Lack of political will to engage in and support the technical assistance under this project.	LOW	HIGH	This risk is rather low as recent developments indicate strong political commitment of the Government to prison reform, including juvenile justice. UNODC also has two signed agreements with the Government, one on juvenile justice and one on prison reform, which the Government uses as roadmaps for their reform efforts. Furthermore, the project will start with an inception phase of six to eight months during which all necessary assessments and consultations with relevant counterparts will be undertaken. Following, a more detailed workplan will be developed with and approved by the relevant authorities.
Risk 4: The integrity of officers/stakeholders is compromised.	MEDIUM	HIGH	UN Agencies will abide to UN Human Rights Due Diligence Policy (HRDDP) regarding the UN System on Libya support to Libyan security forces and will liaise closely with the UNSMIL Human Rights and Rule of Law Service with regards to the selection of officers to receive capacity building.
Risk 5: Trained personnel rotate shortly after a session took place.	MEDIUM	HIGH	Personnel within the national administrations may be subject to frequent rotations (sometime every two years). This creates issues in terms of sustainability, passing of knowledge, and may lead to a waste of resources. Therefore, UN agencies will do its utmost to secure agreements from the relevant authorities (mainly the MoJ and the MoSA) on the fact that trained personnel should stay in place at least two years after the project has finished, in particular officers who participated in ToTs.
Risk 6: The establishment/opening of the reformatory for children in Tripoli is delayed or cancelled.	MEDIUM	LOW	Should the reformatory for children under the authority of Ministry of Social Affairs in Tripoli not be opened during the lifetime of the project, UNODC will align the activities and support children currently detained in prison with adults by supporting the Government to establish separate wings. Activities with regards to training and rehabilitation and reintegration programmes would stay the same.

Risk 7: A weak knowledge base hinders capacity building.	LOW	MEDIUM	This risk is unlikely due to the relatively good education of the persons working for the beneficiary structures. In addition, UNODC will assess existing capacities of both relevant counterparts and NGOs in order to tailor the provision of training and other support.
Risk 8: Equipment provided is diverted to other purposes for which it was given or for private use.	LOW	HIGH	Should it appear that the equipment provided has been diverted, UN agencies will suspend all equipment delivery to the country(ies) concerned and engage with the national authorities until the Office receives assurance that the situation has been addressed and measures put in place to avoid such occurrence in the future.
Risk 9: Lack of willingness among relevant institutions to coordinate efforts due to turf wars or turnover of management	LOW	HIGH	Closer and early engagement with stakeholders and consistent messaging and management of expectation on the PUNOs toward stakeholders and partners when it comes to JP objectives.

V. Results Framework

This action aims to ensure that children in contact with the law in Libya have access to their essential rights. To address the existing gaps in the justice sector, UNICEF, UNDP and UNODC have designed this action with national stakeholders in accordance with the Guidance Note regarding the United Nations Approach to Justice for Children (Attached) in order to reduce the differences between the Libyan juvenile justice system and international standards and norms. The aim of the action is to empower the governmental authorities and civil society in Libya to enhance the juvenile justice system through the application of international standards and norms to eventually improve the protection of children in contact with the justice system and their reintegration of children in conflict with the law into society.

Intervention logic

The objective of the present action is to improve conditions of children in contact with the law and increase the chances for children to successfully rehabilitate and reintegrate into society upon release.

This objective can be reached **if** roles and responsibilities of the different actors were clearly defined; **if** a proper coordination framework is made operational that integrates at practical level the roles and efforts of the different institutions in a complementary manner, **if** a proper case management system is developed that allows for tracking and monitoring cases of children in contact with the law; **if** the policies are put in place to ensure referral to the FCPUs; **if** there is a functional FCPU that allows for coordinated child-friendly provision of justice; **if** national stakeholders have adequate capacity to provide children in contact with law appropriate services and treatment; **if** there is a case management system in place within the FCPU to ensure that individual children are followed by a social worker and given access to appropriate support services, including through referral; **if** the Ministry of Justice/Judicial Police take the necessary steps to ensure that children are separated from adult prisoners; **if** the Ministry of Justice/Judicial Police and the Ministry of Social Affairs introduce, cooperate and maintain rehabilitation, reintegration and post-release programmes for children in conflict with the law; **if** the physical conditions of prisons are improved and **if** prison directors/officers as well as social workers/NGOs working with children (including at-risk youth) are capacitated to provide humane and adequate treatment to children in prison and upon release.

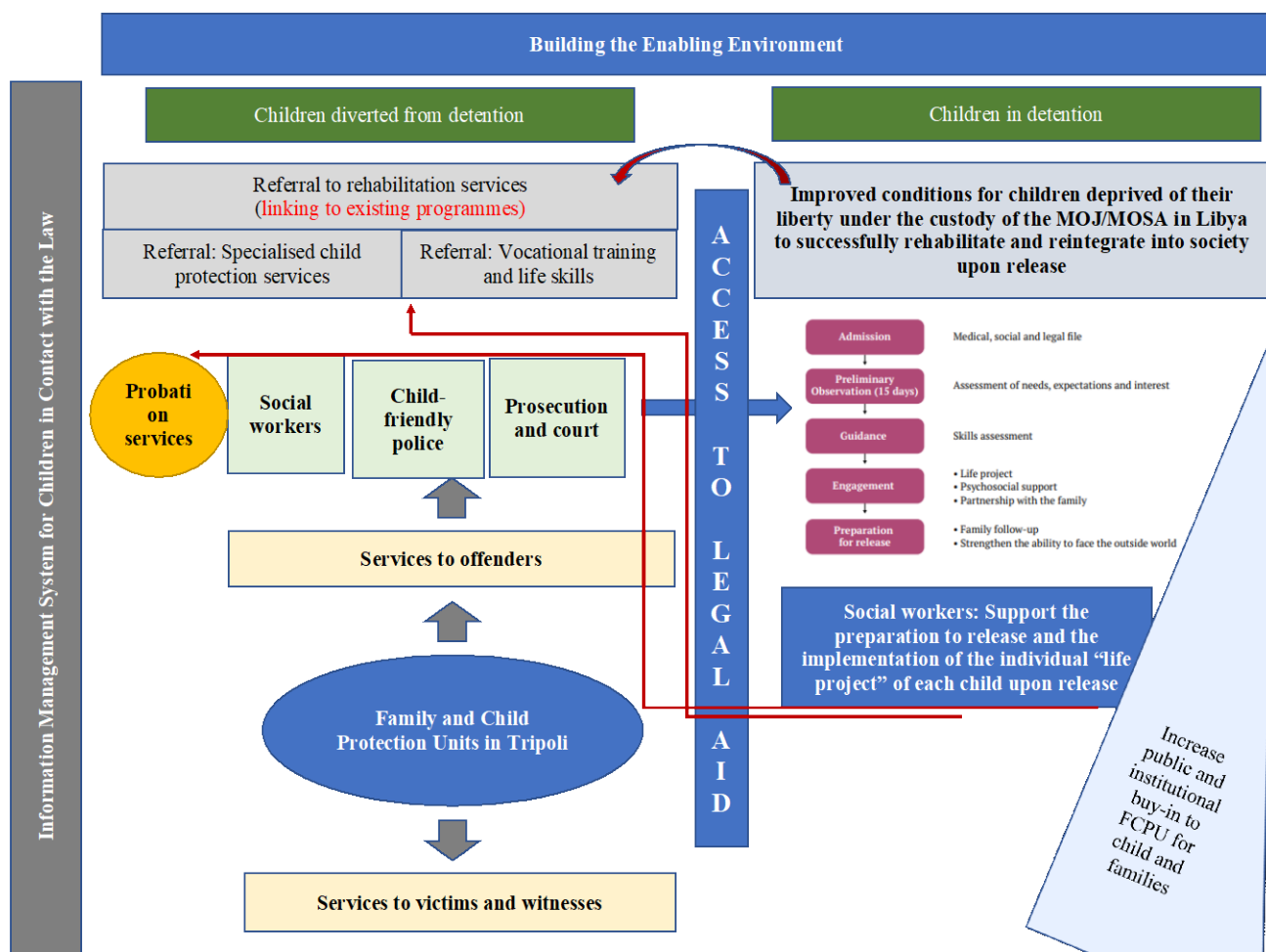
By assessing and developing the capacities for coordination, communication among key actors based on an agreed and clearly defined coordination architecture; **by** ensuring the policies for police to refer all relevant cases to the FCPU are in place; **by** ensuring that all relevant government actors understand the functions of the FCPUs; **by** supporting the development of SoPs within the FCPU, including for case management and referral; **by** developing the capacity of actors to ensure that administration of child-friendly justice for

children in contact with the law; **by** assessing the status and conditions of detained children in conflict with the law (boys and girls); **by** supporting and building capacities of the reformatories under MoSA to be established in Tripoli; **by** supporting and building capacities of selected prisons where girls and boys are held; by developing/modifying SOPs and guidelines; **by** developing practical and contextualized rehabilitation and reintegration programmes and supporting the piloting of these; and **by** building capacities of social workers in JP and MoSA and/or NGOs to implement these programmes.

Assuming that the political and security situation remains stable enough and that the institutions chosen to receive support under this action remain under the Ministry of Justice and assuming that the Ministry of Justice is willing to support the objectives of this action.

As a result, it can be expected that the situation of children in detention will improve significantly, and released children will have a better chance to integrate successfully into their communities, reunite with their families or find adequate places to live and jobs to earn their living, which will decrease the risk of them getting involved in criminal behaviour or joining armed/criminal groups after their release.

Diagram 2: Programme Logic



The action ultimately aims to provide children and their families with child-friendly justice services, protecting and realizing the essential rights of all children in contact with the law. At the upstream level, the action will lay the foundation for the rollout of the FCPUs across Libya. The action will particularly support the piloting of the FCPU concept in Tripoli. As such the groups listed in the Diagram 3, below, will be targeted by this action.

Diagram 3: Beneficiary¹¹ Table

<i>Beneficiary</i>	<i>Lead agency</i>		<i>Number of beneficiaries</i>
<i>Children in contact with the law in Tripoli Municipality</i>	<i>UNICEF</i>	<i>Provided with services through FCPU</i>	<i>300</i>
<i>Justice personnel appointed to the FCPU</i>	<i>UNICEF</i>	<i>Capacity Building</i>	<i>50</i>
<i>Prosecutors and judges assigned to the FCPU</i>	<i>UNICEF</i>	<i>Capacity Building</i>	<i>30</i>

<i>Police officers assigned to the FCPU</i>	<i>UNICEF</i>	<i>Capacity Building</i>	<i>75</i>
<i>FCPO</i>	<i>UNICEF</i>	<i>Technical Support</i>	<i>20</i>
<i>Relevant members of the justice sector (ministerial level)</i>	<i>UNICEF</i>	<i>Awareness raising</i>	<i>100</i>
<i>Relevant service providers (health officials, teachers, etc)</i>	<i>UNICEF</i>	<i>Awareness raising</i>	<i>2000</i>
<i>Children in detention</i>	<i>UNODC</i>	<i>Enabling environment</i>	<i>100</i>
<i>Juvenile Detention Facility Staff</i>	<i>UNODC</i>	<i>Capacity Building</i>	<i>30</i>
<i>Public Lawyers</i>	<i>UNODC</i>	<i>Capacity Building</i>	<i>10</i>
<i>Judicial Police</i>	<i>UNODC</i>	<i>Capacity Building</i>	<i>30</i>
<i>MoJ and MoSA social workers and officers</i>	<i>UNODC</i>	<i>Capacity Building</i>	<i>30</i>
<i>Judges, prosecutors and justice sector</i>	<i>UNODC</i>	<i>Capacity Building</i>	<i>75</i>
<i>Rehabilitate the FCPU facility</i>	<i>UNDP</i>	<i>Rehabilitation</i>	<i>1</i>
<i>Provide vocational education/training, skills development programme and life skill building opportunities or other form of livelihoods support</i>	<i>UNDP</i>	<i>Capacity Building</i>	<i>10</i>
<i>Users of case management/information management system (software)</i>	<i>UNDP</i>	<i>Capacity building</i>	<i>20</i>
<i>Coordination mechanism developed and operational</i>	<i>UNDP</i>	<i>Technical support</i>	<i>30</i>
<i>Public Awareness campaign</i>	<i>UNDP</i>	<i>Awareness raising</i>	<i>50,000</i>

Overall objective:

All children in Libya have access to a child-friendly justice system that protects their basic rights, in accordance with UN Child Rights Convention (CRC) and relevant international legal instruments.

Specific objective:

Children in contact with the law in greater Tripoli and other targeted locations, including those in detention, are benefiting from a child-friendly justice system.

Outcome 1: To strengthen the enabling environment towards the development of a child-friendly justice system for all children in contact with the law, including policy development and improved coordination at the national level.

Output 1.1: To facilitate the adoption of relevant policy by national stakeholders related to the establishment of child-friendly justice for children.

Activity 1.1.1: In consultation with national and international stakeholders, UNDP will explore the potential of establishing an international coordination mechanism, comprising national stakeholders from all relevant ministries as well as key international actors engaged in justice sector reform in Libya (e.g. EUBAM, UNSMIL, etc) to improve coordination and facilitate legislative reform;

Activity 1.1.2:

UNODC to review existing assessments, reports and recommendations with regards to the legislative framework on non-custodial measures and alternatives to detention and recommend a pilot approach.

Activity 1.1.3: UNODC to deliver Two workshops to judges and prosecutors on non-custodial measures and alternatives to detention in line with international standards and norms, highlighting best practices from the region and other countries.

Activity 1.1.4: UNODC to facilitate one study tour for key criminal justice actors concerned with the implementation of alternatives to imprisonment from line ministries to introduce them to good practices on alternatives to imprisonment in cooperation with concerned national institutions.

Activity 1.1.5: UNICEF will facilitate at least one study tour for key staff related to the FCPU to another country that is running functional FCPUs.

Activity 1.1.6: In coordination with UNDP, UNICEF (see Output 2.1) and UNODC will support national stakeholders in the development of specific policies and decrees that will support the functioning of the Family and Child Protection Units, including divergence from detention through the establishment of probation services. Priority will be given to a Decree which requires that police refer cases involving children to the Family and Child Protection Units, and the official adoption of the SOPs of the FCPUs.

Activity 1.1.7: UNDP will work to develop a national strategy that clearly defines roles and responsibilities for relevant institutions (MOI, MOJ, Judiciary, MOH, MOSA) at national level. This will constitute a high-level inter-ministerial and inter-institutional document that articulates the vision of the government, creates a shared understanding of the issue and defines the responsibilities of the different actors in addressing this challenge.

Activity 1.1.8: UNDP will work towards establishing coordination mechanism such as National Coordination Committee among the relevant institutions/actors. This follows up the work on the strategy/police document where a mechanism will be created that will coordinate the work among the institutions at technical level.

Activity 1.1.9 UNDP will develop and implement communication and public outreach programme. This is a campaign to raise public awareness on the roles and responsibilities of each institution to engage the wider public in advancing this reform. This will be done through work with CSOs.

Output 1.2: To develop an Information Management software to facilitate the establishment of a case management system across the justice sector for children in contact with the law

Activity 1.2.1: Building on the Information Management system currently under development for the justice system in Libya, UNDP will take a lead on developing the Information Management software for the case management of children in contact with the law. The system will facilitate referral and tracking of individual children and ensure close protection of all sensitive data and enable the Libyan government to measure and present specific information about the situation of children in conflict with the law¹². The Information Management System will reflect the SOPs developed for the FCPUs (under development – see below). The Information Management system will be piloted in the FCPU in Tripoli (see below);

Activity 1.2.2: UNDP will establish a unit within the FCPO responsible for maintaining the Information Management System, problem solving and providing training as required. UNDP will also ensure that all relevant stakeholders have been trained to use the case management in the pilot location and in key ministries.

¹² Manual for the measurement of juvenile justice indicators

https://www.unodc.org/pdf/criminal_justice/Manual_for_the_Measurement_of_Juvenile_Justice_Indicators.pdf

Output 1.3: To rehabilitate the physical infrastructure of the FCPU facility in Tripoli, including to ensure that it is child-friendly.

Activity 1.3.1: UNDP will rehabilitate the FCPU facility in Tripoli, including equipping it with essential furniture. Particular attention will be given to ensuring that the space is child friendly.

Outcome 2: Improved access of families and children to tailored services accelerating the rehabilitation and reintegration of children in contact with the law

Output 2.1: An enabling environment supporting the establishment and management of functional FCPU is strengthened.

Activity 2.1.1: UNICEF will strengthen the FCPO technical and operational capacity to support the roll out and oversight of FCPUs across Libya, including by (a) strengthen coordination between the FCPO and police units in each province, (b) support the identification of selection criteria for staff that are appointed to the FCPUs, including police officers and other justice sector professionals, and (c) support partnerships with the relevant government institutions (MoSA, MoJ, etc).

Activity 2.1.2: UNICEF will work with all relevant national authorities to provide technical input into the development of a regulatory framework supporting the operation of the FCPUs.

This activity will take into consideration the challenges of introducing legal reform, given the political and security situation in Libya. However, it is essential to work in close cooperation with partners to support the MOI to develop a Decree for the use of police diversion that meets international standards and best practices. Moreover, essential SoPs will be developed, approved by the National Coordination Committee (see Outcome 1), and formally adopted by relevant line ministries, including regarding the functional role and responsibilities of actors within the FCPU, the role of probation services, referral protocols, and case management and data sharing systems to facilitate effective follow-up and monitoring of individual cases.

Output 2.2: Children have access to fully functional FCPU in Tripoli and other targeted locations that are providing child-friendly services for child witnesses, victims of violence and (alleged) child-offenders (including alternatives to the deprivation of liberty through probation services.

Activity 2.2.1: Following the rehabilitation of the FCPU facility (see Outcome 1), UNICEF will work with relevant line ministries, the National Coordination Committee and the FCPO to ensure the establishment of the pilot FCPU in Tripoli to ensure that appropriate personal have be appointed to the FCPU, including police, social workers, lawyers, etc.

Activity 2.2.2: UNDP will support to the operationalization of the case management system and referral pathways in the pilot FCPU in line with the developed SOPs (see Output 2.1), including the piloting of the Information/case Management system (see Outcome 1). The SOPs and Information/case Management system will be revised and modified based on best practice and lessons learned in the pilot FCPU.

Activity 2.2.3: In the pilot FCPU in the greater Tripoli, persons appointed to the FCPU will receive specialised on-the-job capacity building to ensure that both the SOPs and guidelines for administrating an FCPU are fully understood. UNICEF will conduct an audit of training needs and review the most effective method for delivering capacity building – with a particular focus on cascading training beyond the training sessions for greater sustainability. Capacity building train relevant personal on how to use the FCPUs as well as on the SOPs, roles and responsibilities, and job-specific skills. It will include specific out-reach to police training schools to ensure that appropriate training is delivery by competent staff. Additionally, relevant personnel from the Sirte FCPU will be trained alongside of the training in Sirte.

Activity 2.2.4: UNICEF will undertake awareness raising targeted on relevant service providers and rule of law actors regarding the services and function of the FCPUs. Awareness raising will be primarily focused on law enforcement officials who will be responsible for the refer of cases from police units in greater Tripoli to the FCPU, as well as the public prosecutor’s office and judges.

Outcome 3: Detained children benefit from improved detention conditions and have access to rehabilitation, pre-release planning and assistance programmes, as well as reintegration services after release.

Output 3.1: Basic needs of children of both genders at the detention facility for children deprived of their liberty are met

The ameliorated environment supports the well-being of the child, sustaining consequently its rehabilitation within the facility.

Activity 3.1.1: UNODC to conduct consultations with relevant authorities to identify needs for the new detention facility and agree on a roadmap.

Activity 3.1.2: Based on the identified needs and available budget, UNODC to undertake limited refurbishment works and procure necessary furniture/equipment.

Activity 3.1.3: UNODC to establish/enhance family visiting areas to provide for a child-friendly environment without bars.

(Re-)Establishing/Fostering family support is one major factor that reduces recidivism of the children. A decent family visiting area is conducive to strengthened family ties.

Activity 3.1.4: UNODC to provide detained children (boys and girls) with necessary sensitization materials hygiene kits upon admission and during their stay as required, including PPE items to mitigate the COVID-19 spread.

Output 3.2: Staff in contact with children in detention are trained and enabled to cater for special needs of children deprived of their liberty

Activity 3.2.1: UNODC to train, design, develop SOPs, codes of conduct, rights and duties booklets/infographics, classification and inspection policies adapted to Libyan context, utilizing tools designed by UNODC¹³.

Activity 3.2.2: Design and implement basic training sessions for social workers nominated by MoSA and judicial police nominated by MoJ on the developed SOPs and guidelines, based on UNODC guidelines for officials working with children in conflict with the law.

Activity 3.2.3: UNODC to design and implement ToT sessions for social workers nominated by MoSA and judicial police nominated by MoJ on the developed SOPs and guidelines.

Output 3.3: Rehabilitation and preparation to release programmes in partnership with the FCPU and NGOs are in place and piloted

Activity 3.3.1: In coordination with the MoSA, MoJ and the FCPU, UNODC will facilitate the development of an action plan for the introduction/expansion/resumption of rehabilitation and preparation to release programmes for children in conflict with the law and monitor progress.

Activity 3.3.2: Based on the identified needs, UNODC will, in coordination with the MoSA, MoJ and the FCPU, improve existing rehabilitation programmes (this may include but is not limited to vocational training, educational programmes/life skills, leisure and sports activities, healthcare, etc.) and mechanisms, including admission, preliminary observation, guidance, engagement and preparation for release based on UNODC tools in Arabic¹⁴. UNODC will also provide the necessary equipment raw material.

¹³ [UNODC developed various tools that are already in use in various MENA countries, such as “Technical concepts related to the application of criteria of quality of care inside juvenile institutions” and admission, referral, personal affects, study case, classification forms designed for the case management system, both in Arabic](#)

¹⁴ UNODC developed for the rehabilitation and reintegration phase tools to support the child, such as the “Life-Plan” template, information cards on the child and its family and the UNODC Life Skills Manual; More information in the annex on rehabilitation and reintegration of children in detention in Tripoli, Libya.

Activity 3.3.3: UNODC to develop necessary training curricula for the developed or upgraded vocational and educational training workshops.¹⁵

Activity 3.3.4: UNODC to identify social workers/NGOs who can implement rehabilitation and preparation to release programmes.

Activity 3.3.5: In coordination with UNICEF and UNDP, UNODC will identify and build capacities of selected social workers/NGOs to implement rehabilitation and preparation to release programmes.

Activity 3.3.6: Under the supervision of UNODC, trained NGO will pilot selected rehabilitation and preparation to release programmes.

Output 3.4: Reintegration programmes in partnership with the FCPU and selected NGOs are in place and piloted

Activity 3.4.1: In partnership with the FCPU, UNICEF and UNDP, UNODC will take the lead in developing a reintegration approach tailored to the situation of the new reformatory and pilot its implementation in partnership with the FCPU and selected NGOs.

The selected NGO may consider to also micro-finance small actions to facilitate the reintegration of the child or support the family, as needed. More details provided in the Annex on rehabilitation and reintegration of children in detention.

Activity 3.4.2: UNODC to select, recruit and build the capacity of social workers/NGOs to pilot the implementation of reintegration programmes for children released from prison based on UNODC tools and manuals and UNODC practices in the region.

Activity 3.4.3: UNODC to pilot selected reintegration programmes for children released from prison. While not covered within the financial resources available within this Joint Programme, UNDP will seek other sources of funding to complement this activity by providing vocational education / training, skills development programme and life skill-building opportunities for the children in contact with law (outside of prisons) and for their family. Other forms of livelihood support to families of youth that are in touch with the law could be also considered to be able to provide restored livelihoods to families and keep youth out of negative coping mechanisms. The form of support would be decided based on referral and case by case approach.

Activity 3.4.4: UNODC to develop a video on children having a fresh start that will be used to convey the message that children in detention deserve another chance and if accepted by the society they will become agents of change.

Output 3.5: Children in detention are provided with legal aid.

Activity 3.5.1: UNODC to assess legal aid needs in the criminal justice sector, including identification of major stakeholders in MoJ/MOSA and civil society.

Activity 3.5.2: UNODC to strengthen capacity of public lawyers that already provide legal aid in cooperation with MoJ.

¹⁵ The project will build on UNODC experience in the field of vocational training curricula which are produced and implemented in the region.

Results Framework¹⁶

	Intervention logic	Objectively verifiable indicators of achievement			Sources and means of verification	Assumptions
			Baseline	Target		
Overall objective	All children in Libya have access to a child-friendly justice system that protects their basic rights, in accordance with UN Child Rights Convention (CRC) and relevant international legal instruments.					
Specific objective	Children in contact with the law in greater Tripoli and other targeted locations, including those in detention, are benefiting from a child-friendly justice system.					
Outcome 1:	To strengthen the enabling environment towards the development of a child-friendly justice system for all children in contact with the law, including policy development and improved coordination at the national level.					
Output 1.1	To facilitate the adoption of relevant policy by national stakeholders related to the establishment of child-friendly justice for children.	# of meetings by the National Coordination Committee	Inadequate national coordination mechanism	Establishment of national coordination committee	Meeting minutes Government reports	Agreement on definition of roles and responsibilities among stakeholders and actors when it comes to children in contact with the law
		# of existing assessments, reports and recommendations with regards to the legislative framework on non-custodial measures and alternatives to detention and recommend a pilot approach reviewed	Will be defined based on the inception phase	1 suggested pilot approach		Legal documents are accessible
		# of workshops with judges and prosecutors on non-custodial measures and alternatives to detention	None	3 workshops 45 judges and prosecutors		Judges and prosecutors are willing to participate in workshops Security is such that the workshops can take place
		# of study tours for key administrative personnel	None	At least 2 study tours		Security and COVID-19 mitigation measures

¹⁶ Indicators related to beneficiaries will be disaggregated by gender and age.

				(FCPU and detention facility staff, respectively)		situation are such that study tours can take place
		# of relevant decrees and regulations formally adopted		Minimum 3		The political situation is stable enough to ensure their adoption by the government
Output 1.2	To develop an Information Management software to facilitate the establishment of a case management system across the justice sector for children in contact with the law	Development of an Information Management software	Outdated modes and routines of managing cases of children in contact with the law	Software developed and put in place	Approved technical documents Site visit to monitor information management system set up including testing and operationalization System generated data/reports	Security is permissive to allow for continuing the series of actions needed to complete and operationalize the case management system. There is no significant resistance to this activity
		# of people trained to use the Information Management software (per ministry)	0 people trained on use of information management software	20 people trained on information management software	Site visit, training reports and training materials	Security is such that training can take place
Output 1.3	To rehabilitate the physical infrastructure of the FCPU facility in Tripoli, including to ensure that it is child-friendly.	# of FCPU physical infrastructure rehabilitated and equipped	Current FCPU physical set up not conducive to providing child friendly environment	1 FCPU unit in Tripoli	Site visit Progress/completion reports government reports	Security is such that rehabilitation can take place no interference or appropriation or use of the building by nonstate groups All essential infrastructure and utilities are provided to the unit
Outcome 2	Improved access of families and children to tailored services accelerating the rehabilitation and reintegration of children in contact with the law	# of children who have accessed services through the FCPU		300 children	Case management system	Cases are referred to the FCPU by the police and public prosecutor's office
Output 2.1	An enabling environment supporting the establishment and management of functional FCPU is strengthened.	Selection criteria for the appointment of staff to the FCPU adopted		Selection criteria adopted	Approved document from FCPO; Minutes	Inter-ministerial Steering Committee facilitates the adoption of essential regulations
		Regulatory framework established to ensure referral of		Regulatory framework for case	Approved document; Minutes	

		all cases of children in contact with the law to FCPU		management and referral adopted		
Output 2.2	Children have access to fully functional FCPU in Tripoli and other targeted locations that are providing child-friendly services for child witnesses, victims of violence and (alleged) child-offenders (including alternatives to the deprivation of liberty through probation services.	# of justice sector personal assigned to the FCPU trained on SoPs and guidelines for the FCPU		50 personnel appointed to FCPU 75 police officers	Attendance lists; Training report; Partner report	Relevant ministries appoint staff to the FCPU
		# and categories of actors/children targeted with information material and manuals		100 members of the justice sector 2000 relevant service providers (health officials, teachers, etc)		
Outcome 3	Detained children benefit from improved detention conditions and have access to rehabilitation, pre-release planning and assistance programmes, as well as reintegration services after release	# of children in detention benefiting from adequate services within a protective environment	TBD after assessment	100 children		
Output 3.1	Basic needs of children of both genders at the detention facility for children deprived of their liberty are met	# of consultations and needs identified	No assessment report	Assessment report	Report;	Access to detention facility graded
		Refurbishment of selected areas of detention facility	TBD after assessment	Refurbished areas in juvenile detention facility;	Pre and post pictures; procurement reports;	Political and security situation, including COVID-19 mitigation measures, are such that procurement efforts can be implemented
		# of hygiene kits distributed	None	100 children receive hygiene kits	Procurement reports; List of receiving children;	Political and security situation, including COVID-19 mitigation measures, are such that procurement efforts can be implemented
Output 3.2	Staff in contact with children in detention are trained and enabled to cater for special needs of children deprived of their liberty	# and type of trainings developed	TBD after assessment	Training material	Training material; Attendance lists; Pre- and post training evaluation; Photos	Access to staff was graded to carry out assessment

		# of officials trained	TBD after assessment	30	Attendance list; pre-post training evaluation;	Staff is willing to participate; political and security situation, including COVID-19 mitigation measures allow for gatherings and/or training sessions
		# of trainers trained	TBD after assessment	10	Attendance list; pre-post training evaluation;	Staff is willing to participate; political and security situation, including COVID-19 mitigation measures allow for gatherings and/or training sessions
		# of SOPs, codes of conduct, rights and duties booklets, classification and inspection policies, including training on developed material and ToTs	TBD after assessment	Documents developed	Documents developed	Political and security situation, including COVID-19 mitigation measures allow for information gathering to develop the material
Output 3.3	Rehabilitation and preparation to release programmes in partnership with the FCPU and NGOs are in place and piloted	Action plan in place	No action plan in place	1	Action plan	Political and security situation, including COVID-19 mitigation measures allow for the implementation of rehabilitation and preparation to release programmes
		# of rehabilitation programmes supported	TBD after assessment	Increase to the baseline	Site visits, UNODC reports; government reports;	Access granted to detention facilities
		# of training curricula for vocational workshops developed	TBD after assessment	Increase to the baseline	Copies of training curricula, UNODC reports;	Assessment was possible to be carried out
		Name of selected and contracted NGO	None selected	TBD	UNODC reports	Qualified NGOs are applying in the selection process
		# of NGO staff and social workers trained	TBD	Increase to the baseline	Attendance list; pre-post-evaluation	Political and security situation, including COVID-19 mitigation measures allow for training sessions

		# of piloted rehabilitation programmes	TBD	TBD	Site visits ; UNODC reports ; government reports	Political and security situation, including COVID-19 mitigation measures allow for the implementation of rehabilitation and preparation to release programmes Access to the detention facilities granted
Output 3.4	Reintegration programmes in partnership with the FCPU and selected NGOs are in place and piloted	Reintegration approach developed	TBD after assessment	One reintegration approach developed	copy of developed reintegration approach, UNODC reports;	Political and security situation, including COVID-19 mitigation measures allow for the implementation of reintegration programmes
		# of NGO staff and social workers trained	TBD	TBD		Political and security situation, including COVID-19 mitigation measures allow for the training of NGO staff
		# of children reintegrated	TBD	TBD	NGO/social worker reports; photos of released children if appropriate;	Political and security situation, including COVID-19 mitigation measures allow for the follow up of children outside of the detention facilities
		Develop a video on children having a fresh start that will be used to convey the message that children in detention deserve another chance and if accepted by the society they will become agents of change.	None	One	Documentary produced	Political and security situation, including COVID-19 mitigation measures allow for interviews with selected persons
		# of the children in contact with law benefitted through training or other form of livelihoods support		10 children in contact with law	Site visits reports and/report by NGO Government/ FCPU reports Meeting minutes Media outlet reports	Cases are found among children in contact with the law where forms of livelihood support are feasible Sufficient information will be made available for identified cases to make a

						determination on the form of support for children or their families and the ability to follow up on progress Willingness of relevant stakeholders to embrace the model and seek to replicate it
Output 3.5	Children in detention are provided with legal aid.	# of assessment reports on legal aid needs # of public lawyers trained	None TBD	Assessment report 10 public lawyers trained	Assessment material Pre- and post-training evaluation	Political and security situation, including COVID-19 mitigation measures, allow for social interaction.

VI. Management and coordination arrangements

The Joint Programme (JP) will be jointly managed, coordinated and implemented by UNDP, UNICEF and UNODC (thereinafter referred as “Participating UN Organizations” or PUNOs). The Joint Programme will be managed and coordinated using the pass-through funding modality. The Multi-Partner Trust Fund Office (MPTF Office) of the UNDP will serve as the Administrative Agent (AA) of the Joint Programme. The AA functions are fully described in the Fund Management Arrangement Section below. UNDP will serve as a Convening Agency in the UNJP, responsible for coordination of joint programmatic activities, consolidating narrative reporting and evaluation.

The Steering Committee is composed of the signatories to this programme or their designated representatives from the three respective agencies UNDOC, UNICEF and UNDP. EU will also be a member of the Steering Committee.

The Steering Committee is the decision-making authority; highest body for strategic guidance, fiduciary and management oversight and coordination.

The Steering Committee will guide the implementation of the programme and review progress. It reviews and approves JP Document and annual work plans, provides strategic direction and oversight, reviews implementation progress and addresses problems, reviews and approves progress reports and evaluation reports, notes budget revisions/reallocations. Meets semi-annually.

The Steering Committee members will each designate one focal point for coordinating the programme implementation. The focal points will submit the annual narrative reports to the co-Team Leader for consolidation.

The establishment of an International Coordination Committee will be explored as part of the implementation of Joint Programme. It would meet once a year. Additional meetings can be arranged ad hoc at the request of the EU Delegation to Libya or any of the members.

The International Coordination Committee, if established, would consist of national stakeholders from all relevant ministries as well as key international actors engaged in justice sector reform in Libya (e.g. EUBAM, UNSMIL, etc) to improve coordination and facilitate legislative reform; After consultations with the national counterparts, other stakeholders, including civil society organisations, other donors and development partners may be invited in order to improve coordination and complementarity of interventions.

Joint Programme Structure / Project Office Costs

Under the project management section, there are several categories of costs that are envisaged for the functioning of the Project, including costs of staff, administration and management staff, directly assigned to the operations of the project office. Other costs of a project office will include travel and subsistence costs for staff and other persons directly assigned to the operations of the project office; depreciation costs, rental costs or lease of equipment and assets composing the project office; costs of maintenance and repair contracts specifically awarded for the operations of the project office; costs of consumables and supplies specifically purchased for the operations of the project office; costs of IT and telecommunication services specifically purchased for the operations of the project office; costs of energy and water specifically supplied for the operations of the project office; costs of facility management contracts including security fees and insurance costs specifically awarded for the operations of the project office.

UNICEF

UNICEF Libya has offices in Tripoli, Benghazi, and Tunis. Administrative, logic and management staff will be located predominately in Tripoli (international staff are temporarily on rotation into Tripoli from Tunis due to security issues). UNICEF’s RO will provide technical input on specific issues, as required.

UNODC

The main project offices are based in the UNODC Country Office in Tripoli, Libya, and in the UNODC Regional Office for North Africa and Middle East (ROMENA) in Cairo, Egypt. In addition, the implementation of the action is supported by related administrative, logistic and management staff located in UNODC Country Office in Tunis, Tunisia, UNODC HQ and UNODC Brussels.

At the national level, the action will benefit from the direct support of the offices mentioned above. The following costs are necessary to achieve the overall objective of the action. The parties agree that they are directly attributable to it, and therefore that they comply with the costs eligibility criteria as referred to in Article 18.1 of the General Conditions in Annex II. Therefore, these costs are to be considered as "project office costs" falling under Article 7.1.1 (b) (ii) to (viii) of the Special Conditions. These costs include but are not limited to, general operating expenses (rental, utilities, internet, communication, consumables, UNDP service costs as per the universal price list, security or rental equipment), contractual services (training, external publication, and technology services), equipment (purchase of furniture and equipment, software), travel (travel from/to field offices/project locations), specific to the action implementation in the field. Please see below for detailed information on staffing.

In addition to the core UNODC project team, at the external/internal coordination and political level, the Regional Representative and the Deputy Regional Representative for the MENA region will engage with ministers and heads of national agencies and attend relevant high-level events, meetings and initiatives to raise the profile of the Action, facilitate its implementation, and foster buy-in and ownership. They will further ensure that activities under the Action are in line with UNODC policies pertaining to international conventions and legal instruments. The Regional Representative and the Deputy will further coordinate with other UN entities and other multilateral and bilateral technical assistance providers at senior level to ensure that activities, as well as other implementers' activities, do not duplicate and that synergies are built and to ensure the EU visibility of the Action. They will also participate in internal consultations and team coordination meetings related to the Action's implementation.

With regards to administration and finance, field direct support functions will be provided from UNODC Country Office in Tunis, Tunisia and the Regional Office in Cairo, Egypt, in application of the UNODC rules and regulations, notably those pertaining to segregation of duties. The services will include procurement, local human resources, IT, finance, etc.

UNDP

To ensure the project is implemented according to UNDP corporate policies the project team – located in project-dedicated space within the two UNDP offices in Tunis and Tripoli - is comprised of project coordination and technical functions as well as support functions at different levels to ensure services are efficiently and effectively delivered to meet project needs and conform to UNDP policies and procedures. These positions are integrated into the ongoing and on ground dedicated staff of UNDP-UNSMIL Policing and Security Joint Programme (PSJP) comprising the project manager, project management specialist, project coordination and project associate. Each, within their already elaborated scope, dedicate an adequate time to the preparation, implementation, overall management and follow up of the activities of the Joint Programme so the development results are achieved and sustained through the interlinked work already being carried out as part of PSJP. In addition, direct project cost related to the overall support provided by the CO will include M&E specialist, communication specialist, procurement specialist and finance specialist in order to ensure that these support functions are performed for effective, efficient and quality implementation of the activities of this action. In implementing this project, there are several categories of costs that are envisaged for the functioning of the project office, including general operating costs such as travel and subsistence costs for staff and other persons directly assigned to the operations of the project, office rent, security, communication and internet services, IT equipment, stationary and other office supplies, and maintenance. UNDP will identify international and/or local NGOs for programmatic cooperation; UN sister agencies, international development partners, contractors to supply works, goods and services; and consultants/experts.

VII. Fund management arrangements

The programme will be using a pass-through fund management modality where UNDP Multi-Partner Trust Fund Office will act as the Administrative Agent (AA) under which the funds will be channeled for the programme through the AA. Each participating UN organization receiving funds through the pass-through would have to sign a standardized Memorandum of Understanding with the AA.

The Participating UN Organizations will:

- Assume full programmatic and financial responsibility and accountability for the funds disbursed by the AA.
- Establish a separate ledger account for the receipt and administration of the funds disbursed to it by the Administrative Agent.
- Each UN organization is entitled to deduct their indirect costs on contributions received according to their own regulation and rules, taking into account the size and complexity of the programme. Each UN organization will deduct 7% as overhead costs of the total allocation received for the agency.

The Administrative Agent will charge direct costs for respective staff of the MPTF Office based in New York to carry out the following activities:

- (a) Sign Contribution Agreement and SAAs with donors and receive contributions from donors that wish to provide financial support to the Programme through the AA.
- (b) Administer such funds received in accordance with its regulations, policies and procedures, as well as the relevant MOU and Joint Programme and Contribution Agreement/SAA, including the provisions relating to winding up the Fund account and related matters;
- (c) Subject to availability of funds, disburse such funds to each of the PUNOs in accordance with decisions from the Steering Committee (SC), taking into account the budget set out in the approved JP documents;
- (d) Ensure consolidation of statements and reports, based on submissions provided by each PUNO, as set forth in the JP document and provide these to each donor that has contributed to the Joint Programme account and to the SC;
- (e) Provide final reporting, including notification that the Joint Programme has been operationally completed;
- (f) Disburse funds to any PUNO for any additional costs of the task that the SC may decide in accordance with the JP document.

The Convening Agency will consolidate narrative reports provided by the Participating United Nations Organizations. As per the MoU:

- Annual narrative progress report and the final narrative report, to be provided no later than three months (31 March) after the end of the calendar year.

The MPTF Office will:

- Prepare consolidated narrative and financial progress reports, based on the narrative consolidated report prepared by the Convening Agency and the financial statements/ reports submitted by each of the Participating UN Organizations in accordance with the timetable established in the MoU;
- Provide those consolidated reports to each donor that has contributed to the Joint Programme Account, as well as the Steering Committee, in accordance with the timetable established in the Administrative Arrangement.
- Provide the donors, Steering Committee and Participating Organizations with:
 - Certified annual financial statement (“Source and Use of Funds” as defined by UNDG guidelines) to be provided no later than five months (31 May) after the end of the calendar year;

- Certified final financial statement (“Source and Use of Funds”) to be provided no later than seven months (31 July) of the year following the financial closing of the Joint Programme.

Accounting - Each UN organization will account for the income received to fund its programme components in accordance with its financial regulations and rules.

Interest on funds - Interest will be administered in accordance with the financial regulations and rules of each UN organization.

VIII. Monitoring, evaluation and reporting

Monitoring: *tbc.*

Evaluation: *tbc*

Reporting: Progress and final reports to the EU will be prepared in accordance with the reporting schedule outlined in the fund management section.

Communication and Visibility

Communication and visibility will be ensured throughout the implementation of the project through different communication means including - but not limited to - media coverage, printed materials, involvement and participation of the EU in different activities and events, including consultative meetings/workshops, ceremonies and a number of trainings. Public acknowledgement of EU support will be systematic. The visibility will aim to emphasize on the project’s contribution and the role of the EU in supporting national and international efforts to promote peace and stability.

All JP activities will adhere to the European Union’s requirements for visibility on EU funded activities as described in the FAFA and the Joint Visibility Guidelines for EC UN Actions in the field. A communication and visibility action plan is included in Annex VI to the present Contribution Agreement.

IX. Legal context or basis of relationship

Table 3: Basis of relationship

Participating UN Organization	Agreement
UNODC	MoU + Addendum for EU contributions among UNODC, UNICEF and UNDP; and Contribution Agreement with EU and SAAs between UNDP and donors (as applicable)
UNICEF	MoU + Addendum for EU contributions among UNODC, UNICEF and UNDP; and Contribution Agreement with EU and SAAs between UNDP and donors (as applicable)
UNDP	MoU + Addendum for EU contributions among UNODC, UNICEF and UNDP; Contribution Agreement with EU and SAAs between UNDP and donors (as applicable)

The Implementing Partners/Executing Agency⁷ agree to undertake all reasonable efforts to ensure that none of the funds received pursuant to this Joint Programme are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by Participating UN organizations 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 programme docume

X. Work plans and Budget

A. Work Plan

Activities	Schedule					Lead agency	Collaboration
	Year 1				Year 2		
	Q1	Q2	Q3	Q4			
Activity 0-Essential preparatory works							
Recruitment of staff							
Official Action Launch							
Output 1.1: To facilitate the adoption of relevant policy by national stakeholders related to the establishment of child-friendly justice for children.							
Activity 1.1.1 explore the establishment of an international coordination mechanism						UNDP	
Activity 1.1.2: UNODC to assess existing legislations on non-custodial measures and alternatives to detention and recommend a pilot approach						UNODC	
Activity 1.1.3 UNODC to deliver Two workshops to judges and prosecutors on non-custodial measures and alternatives to detention						UNODC	
Activity 1.1.4 UNODC to facilitate one study tour for key criminal justice actors concerned with the implementation of alternatives to imprisonment from line ministries						UNODC	
Activity 1.1.5: UNICEF will facilitate at least one study tour for key staff related to the FCPU to another country that is running functional FCPUs.						UNICEF	
Activity 1.1.6: UNICEF (see Output 2.1) and UNODC will support national stakeholders in the development of specific policies and decrees that will support the functioning of the Family and Child Protection Units,						UNICEF/UNODC	
Activity 1.1.7: UNDP will work to develop strategy clearly defining roles and responsibilities for relevant institutions (MOI, MOJ, Judiciary, MOH, MOSA) at national level						UNDP	
Activity 1.1.8: UNDP will work toward establishing National Coordination Committee among the relevant institutions/actors						UNDP	
Activity 1.1.9 Develop and implement communication and public outreach programme						UNDP	
Output 1.2 To develop an Information Management software to facilitate the establishment of a case management system across the justice sector for children in contact with the law							
Activity 1.2.1 Development of Information Management software for case management						UNDP	

Activity 1.2.2 Establishment of a unit to maintain software in FCPO and training of relevant actors to use software						UNDP	
Output 1.3: To rehabilitate the physical infrastructure of the FCPU facility in Tripoli, including to ensure that it is child-friendly.							
Activity 1.3.1 Rehabilitate and equip child-friendly FCPU in Tripoli						UNDP	
Output 2.1: An enabling environment supporting the establishment and management of functional FCPU is strengthened.							
Activity 2.1.1 Support to the FCPO, including selection criteria for appointment to the FCPU						UNICEF	
Activity 2.1.2 Input into regulatory framework including a) Decree to divert cases to FCPU, b) SOPs for FCPU, c) establishment of probation services as alternative to detention, d) case management and data sharing systems						UNICEF/UNODC	
Output 2.2: Children have access to fully functional FCPU in Tripoli that are providing child-friendly services for child witnesses, victims of violence and (alleged) child-offenders (including alternatives to the deprivation of liberty through probation services).							
Activity 2.2.1 Establishment of the FCPU in Tripoli						UNICEF	
Activity 2.2.2 Establishment of the case management system and referral pathways (including piloting the Information Management software – see activity 1.2.1)						UNICEF	
Activity 2.2.3 Capacity building personnel appointed to FCPU						UNICEF	
Activity 2.2.4 Awareness raising regarding existence and objective of FCPU						UNICEF	
Output 3.1: Basic needs of children of both genders at the detention facility for children deprived of their liberty (boys and girls) are met							
Activity 3.1.1: UNODC to conduct consultations with relevant authorities to identify needs for the new detention facility and agree on a roadmap.						UNODC	
Activity 3.1.2: Based on the identified needs and available budget, UNODC to undertake limited refurbishment works and procure necessary furniture/equipment.						UNODC	
Activity 3.1.3: UNODC to establish/enhance family visiting areas to provide for a child-friendly environment without bars.						UNODC	
Activity 3.1.4: UNODC to provide detained children (boys and girls) with necessary sensitization materials hygiene kits upon admission and during their stay as required, including PPE items to mitigate the COVID-19 spread.						UNODC	
Output 3.2: Staff in contact with children in detention are trained and enabled to cater for special needs of children deprived of their liberty							
Activity 3.2.1: UNODC to train, design, develop SOPs, codes of conduct, rights and duties booklets/infographics,						UNODC	

classification and inspection policies adapted to Libyan context, utilizing tools designed by UNODC							
Activity 3.2.2: Design and implement basic training sessions for social workers nominated by MoSA and judicial police nominated by MoJ on the developed SOPs and guidelines, based on UNODC guidelines for officials working with children in conflict with the law.						UNODC	
Activity 3.2.3: UNODC to design and implement ToT sessions for social workers nominated by MoSA and judicial police nominated by MoJ on the developed SOPs and guidelines.						UNODC	
Output 3.3: Rehabilitation and preparation to release programmes in partnership with the FCPU and NGOs are in place and piloted							
Activity 3.3.1: In coordination with the MoSA, MoJ and the FCPU, UNODC will facilitate the development of an action plan for the introduction/expansion/resumption of rehabilitation and preparation to release programmes for children in conflict with the law and monitor progress.						UNODC	
Activity 3.3.2: Based on the identified needs, UNODC will, in coordination with the MoSA, MoJ and the FCPU, improve existing rehabilitation programmes (this may include but is not limited to vocational training, educational programmes/life skills, leisure and sports activities, healthcare, etc.) and mechanisms, including admission, preliminary observation, guidance, engagement and preparation for release based on UNODC tools in Arabic ¹⁷ . UNODC will also provide the necessary equipment raw material.						UNODC	
Activity 3.3.3: UNODC to develop necessary training curricula for the developed or upgraded vocational and educational training workshops						UNODC	
Activity 3.3.4: UNODC to identify social workers/NGOs who can implement rehabilitation and preparation to release programmes.						UNODC	
Activity 3.3.5: In coordination with UNICEF and UNDP, UNODC will identify and build capacities of selected social workers/NGOs to implement rehabilitation and preparation to release programmes.						UNODC	
Activity 3.3.6: Under the supervision of UNODC, trained NGO will pilot selected rehabilitation and preparation to release programmes.						UNODC	

¹⁷ UNODC developed for the rehabilitation and reintegration phase tools to support the child, such as the “Life-Plan” template, information cards on the child and its family and the UNODC Life Skills Manual; More information in the annex on rehabilitation and reintegration of children in detention in Tripoli, Libya.

Output 3.4: Reintegration programmes in partnership with the FCPU and selected NGOs are in place and piloted							
Activity 3.4.1: In partnership with the FCPU, UNICEF and UNDP, UNODC will take the lead in developing a reintegration approach tailored to the situation of the new reformatory and pilot its implementation in partnership with the FCPU and selected NGOs.						UNODC	
Activity 3.4.2: UNODC to select, recruit and build the capacity of social workers/NGOs to pilot the implementation of reintegration programmes for children released from prison based on UNODC tools and manuals and UNODC practices in the region.						UNODC	
Activity 3.4.3: UNODC to pilot selected reintegration programmes for children released from prison. While not covered within the financial resources available within this Joint Programme, UNDP will seek other sources of funding to complement the activity by providing vocational education/training, skills development programme and life skill-building opportunities for the children in contact with law (outside of prisons) and for their family.						UNODC/UNDP	
Activity 3.4.4: UNODC to develop a video on children having a fresh start that will be used to convey the message that children in detention deserve another chance and if accepted by the society they will become agents of change.						UNODC	
Output 3.5 Children in detention are provided with legal aid.							
Activity 3.5.1: UNODC to assess legal aid needs in the criminal justice sector, including identification of major stakeholders in MoJ/MOSA and civil society.						UNODC	
Activity 3.5.2: UNODC to strengthen capacity of public lawyers that already provide legal aid in cooperation with MoJ.						UNODC	

B. Budget

Budget of the Action is presented in Annex III to the Contribution Agreement.