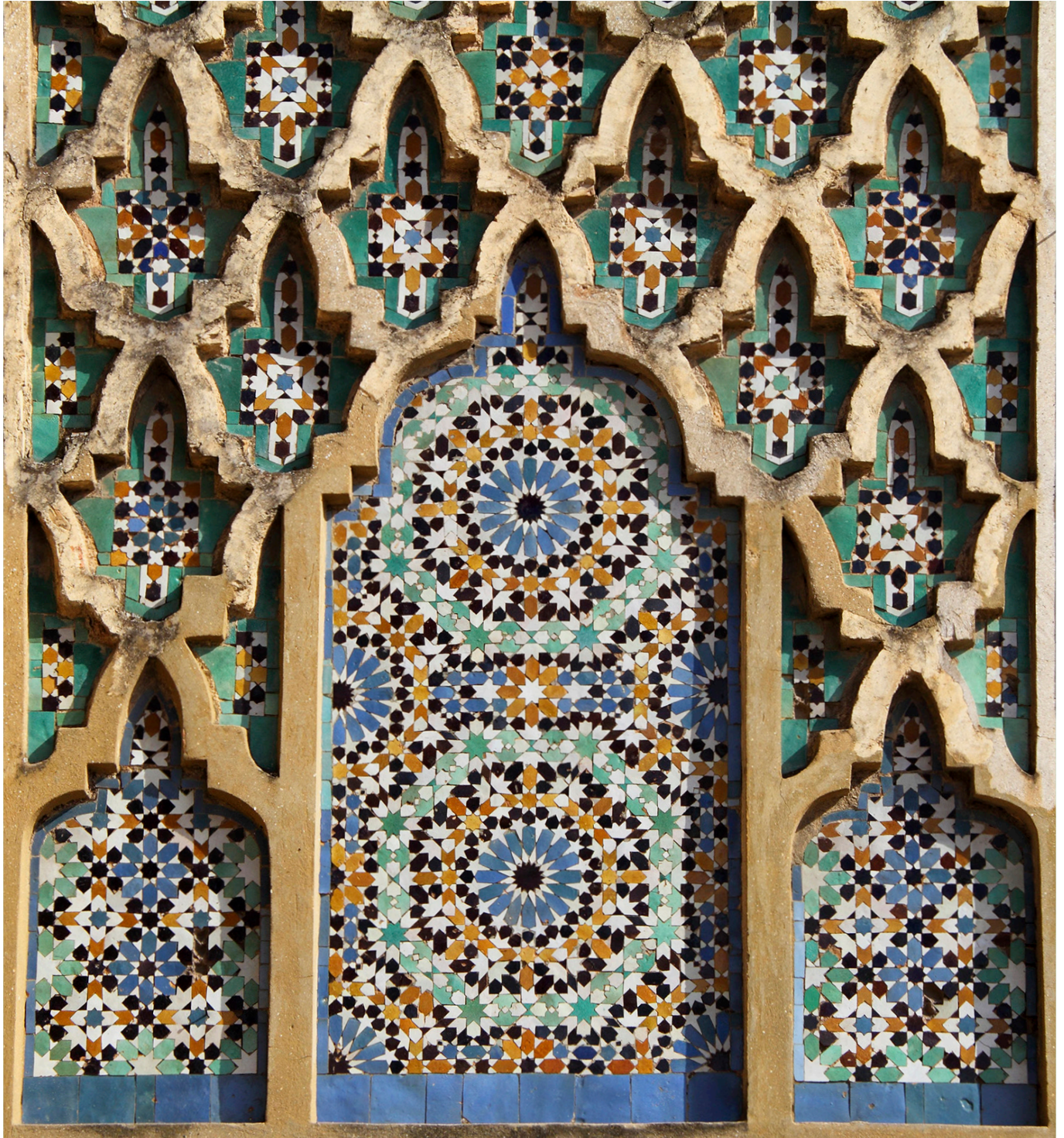


# LIBYAN NATIONAL COUNCIL FOR CIVIL LIBERTIES AND HUMAN RIGHTS

Partner Project





# INTRODUCTION

## LIBYAN NATIONAL COUNCIL FOR CIVIL LIBERTIES AND HUMAN RIGHTS (NCCLHR) PARTNER PROJECT

## CONCURRENT PROGRAMME DELIVERY

## ACHIEVEMENTS WITHIN THE LAST SIX MONTHS

### Background

The Libyan National Council for Civil Liberties and Human Rights (NCCLHR) Partner Project ("the Project") was established in September 2013 by David Hammond, a Barrister of 9 Bedford Row International Practice Group (9BRi) of the Chambers of Anthony Berry QC, in direct co-operation with the NCCLHR. United Kingdom (UK) legal support and counsel is provided by 9BRi ([www.9bri.com](http://www.9bri.com)) as the English law Chambers directly instructed by the NCCLHR to represent their interests in London and Europe.

### NCCLHR Partner Project Focus

The Project is focusing on continuing expansion of both legal and commercial expert support for the institutional development of human rights across the criminal, civil and commercial areas in Libya in support of and on behalf of the NCCLHR. The main effort for 2014-2015 will be the expansion of the newly introduced work area of business and human rights led by Mazars LLP, while the Project includes concurrent expert development support for international human rights training and awareness for NCCLHR staff by 9BRi and Aktis Strategy Limited.

### Project Programmes

The Project will deliver an outcome approach that is achieved through a number of individual human rights programmes. These have been designed to work either independently of or concurrently with one another, in order to provide maximum flexibility in approach for eventual successful delivery.

Individual programmes cover NCCLHR Anti-Bribery and Corruption development and training, NCCLHR Human Rights in Business mentoring and knowledge development, an NCCLHR internal "Train the Trainers" and NCCLHR Community Engagement and Awareness Raising Capacity Building programme and a NCCLHR Continuous Professional Development (CPD) programme to assure medium to long-term NCCLHR professional knowledge development. All programmes are aimed at supporting long-term NCCLHR sustainability for the benefit of the State of Libya and Libyan society through confidence in working with and through, the NCCLHR.

### NCCLHR Achievements 2013-14

- Endorsed by the UN Special Representative to the Secretary General for Libya, Mr. Tarek Mitri on 19 December 2013.
- Held the first international human rights conference in Libya on 19 January 2014 in Tripoli.
- Presented the Second NCCLHR Annual Report of 2013 to the international community.
- Presented the NCCLHR three year Strategic Plan as drafted by the Danish Institute of Human Rights to the international community.
- Formally adopted the United Nations Guiding Principles for business and human rights (UNGP) otherwise known as the "Protect, Respect and Remedy Framework" through a "Declaration of Adoption" as drafted by David Hammond of 9BRi. This is the first time that a North African human rights' organisation has adopted the UN "Protect, Respect and Remedy" framework.
- Signed a second bi-lateral Memorandum of Understanding with Mazars LLP to develop business and human rights in Libya.

## OUTCOME

The establishment of integrated, expert legal and commercial support to the NCCLHR for the evolution of and support of a self-sustaining, measurable and recognised independent civil liberties and human rights official organisation in Libya; one which is nationally and internationally recognised, readily accessible to and used by the Libyan society based upon confidence in representation, transparency of process and accountability to the international human rights community.

## NEXT STEPS

Following a successful initial, but unfunded six-month establishment period, over the next 12 months the Project's next steps are:

- refining the national and international scope and detail of the Project;
- developing willing partners and independent oversight entities in support of the Project;
- drafting of core NCCLHR documentation; and
- seeking on-going international funding sources and NCCLHR donors.

## KEY POINTS

- **The NCCLHR Partner Project is established and successfully delivering results against a current background of political and internal security instability. It is assisting in the rebuilding of the rule of law and promoting both national and regional stability.**
- The NCCLHR Partner Project fully supports the NCCLHR vision of a Libyan society based on a culture that encompasses human rights and where civil liberties and human rights are protected by the rule of law.
- The NCCLHR is independently established in Libyan law (Law No.5/2011) with a lawful mandate to represent human rights on behalf of Libyan society.
- The NCCLHR has a comprehensive three year Strategic Plan developed by the Danish Institute for Human Rights. This will support the future development of a Libyan human rights National Action Plan (NAP).
- The NCCLHR has achieved more awareness and promoted accountability for human rights abuses in Libya than any other national Libyan entity in the areas of criminal and civil human rights abuses at the time of writing.
- The NCCLHR is independently leading the development of business and human rights with assistance from Mazars LLP, as stated in the NCCLHR Strategic Plan. This commenced with the NCCLHR "Declaration of Adoption of the UN Guiding Principles for business and human rights" on 19 January 2014 in Tripoli.
- The NCCLHR urgently requires international recognition and comprehensive support to develop the rule of law, assist in protecting and respecting human rights and civil liberties and provide access to lawful remedies for abuses in Libya.
- **Failure to seize the initiative, develop and support all human rights NCCLHR-led work, will add to the continuing and grave failure to address human rights abuses as against Libyan society.**



## THE UNITED NATIONS



“The respect for human rights has become a key criterion for judging states, and one of the most important conditions for them to earn the respect among nations. This has led such states to establish independent national organizations for human rights that receive the support of the state while maintaining their independence. Libya has become one of those states upon the establishment of the National Council for Public Liberties and Human Rights, which has achieved significant progress during the last year, and for that it is to be commended and supported.”

Mr. Tarek Mitri, UN Special Representative to the Secretary General for Libya,  
18 December 2013

## UK INTENT IN SUPPORT OF LIBYA

“[I am] delighted to be back in Libya again to reiterate the UK’s unwavering support for the people of Libya as they continue their efforts to build a more stable and democratic future.”

Mr David Quarrey, Director for the Middle East and North Africa in the Foreign  
and Commonwealth Office, 5 February 2014, Tripoli, Libya

# THE NATIONAL COUNCIL FOR CIVIL LIBERTIES AND HUMAN RIGHTS

## THE NCCLHR



## INDEPENDENCE

The NCCLHR was established by the National Transitional Council (NTC) of Libya on the 28 November 2011 according to Law No. 5. The Board of the NCCLHR was constituted by Decree No. 185 of 2011 as passed by the NTC. The law established the NCCLHR mandate and which is based in accordance with the 'Paris Principles'.

The Paris Principles are a set of international standards that frame and guide the work of National Human Rights Institutions (NHRIs) and which define the role, composition, status and functions of national human rights institutions, as assisted by the UN Human Rights Office.

The NCCLHR is the independent national human rights institution for the State of Libya. It is the focal point for human rights support for all applicable criminal, civil and commercial matters, including the handling of complaints, recording, investigation and reporting of alleged abuses and the direct engagement with Libyan State investigative and judicial authorities for effective remedies.

## VISION

The **VISION** of the NCCLHR is a Libyan society based on a culture that encompasses human rights and where civil liberties and human rights are protected by the rule of law.

## MISSION

The **MISSION** of the NCCLHR is to protect and promote civil liberties and human rights for the Libyan nation and for all Libyans. This mission builds on the recent (November 2013) Danish Institute for Human Rights support to the NCCLHR, along with 9 Bedford Row International for the finalisation of the NCCLHR three year Strategic Plan.

## WHAT DOES THE NCCLHR PARTNER PROJECT OFFER?

**FOCUS.** The Project's main focus for 2014-15, will be business and human rights, with specific reference to the UN Guiding Principles on business and human rights. It will contribute to improvements in education about and legitimate recourse to, an independent human rights organisation on behalf of Libyan society for criminal, civil and commercial human rights abuse.

**DEVELOPMENT.** The Project will support the development of the rule of law and transnational justice through established NCCLHR relations with the Libyan Government ministries and international judicial and human rights bodies. It will improve accountability for NCCLHR governance and establish independent and accountable anti-bribery and corruption policies that may be held out as a regional benchmark standard.

**RESULTS.** Results will be verifiable through measurable increases in the NCCLHR institutional capacity to further take on, investigate and refer human rights abuse cases to the Libyan government ministries, measurable increases in NCCLHR legal training and knowledge through completed external expert sessions/courses to be held (in the first instance) in Tripoli, accountable internal governance regimes as independently assessed by Mazars LLP and increased confidence by the Libyan society, through public awareness of the established capability of independent national investigations and referrals for human rights abuses.

<sup>1</sup> Where required, facilities are available via the Project partners in Morocco, Tunisia and London



# NCCLHR UK ENGAGEMENT

## BACKGROUND



In June 2013, Mr. David Hammond, a barrister of 9 Bedford Row International (9BRi), visited Tripoli for a private instruction and during which time, the opportunity to speak with the NCCLHR presented itself.

Following a meeting at the NCCLHR offices, the President, Mr. Mohammed Al-Allagi wrote to Mr. Hammond requesting formal 9BRi engagement. It was agreed that 9BRi would be well placed to offer legal support through training, advisory and mentoring roles based upon its current international reputation and human rights experience in emerging conflict States and States subject to civil unrest.

In September 2013, Mr. Hammond established the NCCLHR Partner Project in conjunction with the NCCLHR.

NCCLHR delegation visited London (28 October - 2 November 2013) to explore opportunities for increased international engagement. Mr. Hammond facilitated access to and meetings with a number of commercial and legal entities, as well as the UK Foreign and Commonwealth Office (FCO) in order to develop the concept of human rights in business, in addition to the existing NCCLHR roles in criminal and civil matters. Memoranda of Understanding were signed for the first time by the NCCLHR, with 9BRi and the international accounting firm, Mazars LLP.

Mr. Hammond returned to Tripoli in November 2013 to assist in the drafting of the NCCLHR three year Strategic Plan as led by the Danish institute of Human Rights. He has subsequently returned to Tripoli, along with Partners and representatives of Mazars LLP and Aktis Strategy Ltd, to assist in the running of the NCCLHR International Conference on 19 January 2014 and to deliver multiple documents translated into Arabic in support of the emerging role and international profile of the NCCLHR.



# PARTNERS



The NCCLHR Partner Project is supported by the following entities:



**Mazars LLP**, an award winning international accounting firm specialising in business and human rights and Anti-Bribery and Corruption. Mazars LLP, through its London and Tripoli offices, is responsible for developing NCCLHR auditing and governance practices, Anti-Bribery and Corruption implementation and developing knowledge in relation to business and human rights.

Mazars won the 'Audit Innovation of the Year' award for its "Human Rights Audit" practice at the inaugural International Accounting Bulletin (IAB) Awards. The 'Audit Innovation of the Year' award recognizes the practice which has made a major, demonstrable impact on audit quality and client service.

Mazars is also a member of the UN Global Compact, which signals its commitment to respect the rights of its own employees and stakeholders.

Mazars was awarded the 2012 IAB Accounting Innovation award for its Human Rights Reporting line.



*Judges felt the Mazars 'Human Rights Audit' was pertinent, innovative and could set a benchmark for global best practice.*

Comments of the judges who awarded Mazars the IAB 'Audit Innovation of the Year' award 2012.



**Aktis Strategy Limited**, a specialist strategy consultancy with expertise in institutional development and rule of law reform in fragile and conflict-affected states. Aktis is already engaged in projects to reform Libya's security and rule of law institutions and brings to bear world-class expertise in how to build robust institutions via professional development and training interventions.

9 BEDFORD ROW  INTERNATIONAL



**9 Bedford Row International**, the international practice group of the Chambers of Anthony Berry QC, London. 9 BRi regularly handles international, criminal and judicial matters for private individuals, States, governments and organisations from the start of a crisis as it develops on the international stage, to investigations and the court proceedings that may follow. These include on-going high-profile international Human Rights cases at the European Court of Human Rights. 9BRi further assists in training and mentoring for foreign States judiciary and legal organisations. 9BRi has the benefit of instructions in Libya, Pakistan, Russia, Kenya, Syria, Lebanon, Bangladesh, and Russia and in the International Criminal Court (ICC). It has also established judicial training courses (and provided training materials) in Bahrain, East Africa and Columbia.

# INDEPENDENT REVIEW AND OVERSIGHT

## INTERNATIONAL ENTITIES

The Project is to be voluntarily disclosed to Human Rights Watch (HRW), Amnesty International, No Peace without Justice (NPWJ), Lawyers for Justice in Libya (LFJL), the Danish Institute for Human Rights (DIHR) and the Institute for Human Rights in Business (IHRB).

Professor John Ruggie, former UN Special Rapporteur to the Secretary General and author of the UN Guiding Principles for business and human rights, has asked to be kept apprised of the progress and output of the Project.





# PROGRAMMES

## PROGRAMME 1

### **NCCLHR: Introduction to Human Rights and Business Programme**

Programme Outcomes:

1. Introduction to the NCCLHR of the practical commercial steps to be taken to engage with national and international businesses and potential future investors in respect to protection, respect and remedies relating to human rights in business.
2. Business development workshop(s) and seminars nationally and internationally.
3. Training of a NCCLHR representative team as to the practices put forward by the UN Guiding Principles and how business has applied them to date.
4. Design and implementation of frameworks to provide guidance to multi-national business to operate ethically within Libya and for the advancement of the Libyan people.

## PROGRAMME 2

### **NCCLHR Anti-Bribery and Corruption Mechanism Programme**

Programme Outcomes:

1. Training to the NCCLHR for corruption risk management applicable to public sector, private sector and third sector organisations, nationally and internationally.
2. Review of NCCLHR Anti-Bribery and Corruption policies processes and procedures.

## PROGRAMME 3

### **NCCLHR 'Train the Trainer' Programme**

Programme Outcomes:

1. The NCCLHR creates a cadre of in-house trainers with human rights subject matter knowledge, training skills and is able to support the NCCLHR's Continuing Professional Development (CPD) programme.

## PROGRAMME 4

### **NCCLHR Community Engagement and Awareness Raising Capacity Building Programme**

Programme Outcomes:

1. The NCCLHR establishes Libyan society and community human rights' engagement and awareness raising programmes. It is able to effectively address and engage national and international political and human rights audiences, increase national human rights awareness and understanding across Libya, including how human rights should be protected, respected and what means of redress is available.

## PROGRAMME 5

### **NCCLHR Continuing Professional Development (CPD) Programme**

Programme Outcomes:

1. Establishment of a recognised Continuing Professional Development programme for NCCLHR lawyers and staff based upon the English Bar's CPD programme, annual requirements and accountability processes. To be published as a publicly available policy reflecting the requirement within the NCCLHR Strategic Plan.
2. Establishment of a NCCLHR internal section to deliver, promulgate and account for NCCLHR CPD to be reported on as part of the 6 monthly NCCLHR Report to the Libyan State.

# THE FUTURE FOR THE NCCLHR

## ACCESS TO INFORMATION

Since the fall of the Gadaffi regime in October 2011, the awareness of the available protections and recourse to effective remedies for human rights abuses within Libya across the criminal, civil and commercial areas has been slow to be comprehensively addressed at the State level. This essential responsibility has fallen upon the NCCLHR, who continually work and operate in a very difficult and dangerous environment, where respect for the rule of law is often weak at best and human rights abuses occur daily, virtually unchecked by the relevant State authorities. At the time of writing, Libyan citizens have limited awareness of the scope of their human rights and their right of referral to a source of independent national human rights advice and representation.

## A BEACON OF HOPE

The NCCLHR is a beacon of hope for the respect for and promotion of human rights in Libya. It currently stands surrounded by a turbulent political and violent internal security situation where human rights abuses occur daily. It has the benefit of lawful establishment as an independent human rights organization and firm foundations underpinned by growing international support and recognition.

## ESSENTIAL SERVICES

The NCCLHR provides invaluable access to individual human rights awareness, protections and potential remedies through the organs of the State of Libya. However, its national presence, acceptance and roles are currently limited by national instability and a lack of funds to allow the necessary expansion both throughout the State of Libya and internationally. Run by dedicated staff, the NCCLHR is continually seeking to expand and develop its internal expertise and so, with international assistance such as that provided by the **NCCLHR Partner Project**, NCCLHR experience grows daily.

## INTERNATIONAL SUPPORT FOR EXPANSION

The NCCLHR requires greater international support through the likes of recognition, engagement, professional training, the imparting and development of knowledge, individuals willing to travel to and teach in Libya and crucially, donor funding. Such fundamental support is required in order to ensure the NCCLHR's continued and essential national expansion.

## DONORS AND DONATIONS

Independent donors are actively sought to assist the ongoing development of the NCCLHR Partner Project. Without adequate funding, the project can not continue to deliver the level of success achieved to date.

## THE FUTURE

The future in Libya is currently uncertain, but the NCCLHR and the **NCCLHR Partner Project** are now delivering positive effects within Libya for the ultimate benefit of Libyan society. The effects may be small, but the efforts are contributing to the re-establishment of the rule of law, respect for human rights and equally as important; contributing to national and regional stability.





# PLEASE GET IN TOUCH...

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