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PRESS STATEMENT

SUDAN: RUSHED LEGISLATIVE REFORMS ARE COUNTERPRODUCTIVE

Distinguished legal experts and human rights organisations today expressed their concerns about current efforts to rush through key legislation without adequate consultation. These reforms, including legislation on national security and the media, have important implications for human rights in Sudan. The lack of consultation adds to a series of deficiencies, which are now seriously undermining Sudan's reform agenda or 'democratic transformation', as envisaged in the Comprehensive Peace Agreement (CPA) and the Interim National Constitution (INC) of 2005.

The Khartoum Centre for Human Rights and Environmental Development (KCHRED) and the international human rights NGO REDRESS welcomed the renewed impetus of the Sudanese Government to adopt important pieces of legislation in the forthcoming session of Parliament, scheduled to begin in early February 2009. However, it has been reported that according to an agreement between the National Congress Party (NCP) and the Sudan Peoples' Liberation Movement (SPLM), the Government and the political parties are to submit the outstanding bills to Parliament for its consideration by the end of January 2009. The passing of these laws comes at a crucial time with elections planned to take place later in 2009.

The process of law reforms has been, and continues to be, deeply flawed. Amin Mekki Medani, one of the foremost legal experts and human rights activists in Sudan, expressed serious doubts about the process;

'Many features of the process we witness are alien to any genuine legislative reforms. Several bodies are tasked with engaging in law reform but they lack power and capacity. There has also been a great deal of confusion about their mandates and their workings, which has hindered meaningful public debates. Debates are often limited to high-level political bargaining between the two CPA partners behind closed doors and laws are frequently passed without effective scrutiny given the NCP's absolute majority in parliament. More than three years have passed since the signing of the CPA and the adoption of the NIC but only few acts have been adopted, and there are concerns about their conformity with the Bill of Rights.'

Amir Suleiman, Director of the KCHRED, echoed these views, explaining why it is vital that civil society is consulted in the reform process;

‘Law reforms are of immense symbolic and practical importance but there is no system of effective consultation of experts and civil society at large. Even where changes are made, the old mindsets prevail. For example, the Police Act retained immunity legislation for officials that facilitates impunity and we have concerns that the same may happen in respect of the Security Forces law under consideration. In addition, many important issues have not even been considered, such as a wholesale review and reform of the Criminal Act.’

The CPA and the Bill of Rights commit the Government of Sudan to the rule of law and the promotion and implementation of human rights. Legislative reforms are a key means to fulfil this commitment. As in any reform process, the people of Sudan as the ones ultimately affected must be informed and be able to express their views in public fora. It is vital that the media, in particular the press, can fulfil its role in this regard without any censorship or other undue interference.

KCHRED and REDRESS call on the Government of Sudan to:

- (i) extend the period leading up to the prolonged parliamentary session until March 2009 to allow more time for a careful drafting of the proposed legislation;
- (ii) consult widely on key pieces of legislation under consideration;
- (iii) publish any Bills in advance for public consideration;
- (iv) refrain from taking any measures that undermine the freedom of the press, such as by means of pre-print censorship, and the freedom of expression

and, in terms of structural changes:

- (v) adopt and make public a comprehensive and detailed law reform agenda;
- (vi) strengthen the capacity and transparency of bodies tasked with working on law reform;
- (vii) put into place a procedure, such as compatibility studies, with a view to ensuring the compatibility of legislation with the CPA, INC and Sudan’s obligations under international law.

KCHRED and REDRESS call on all political parties to

- (i) reinvigorate their efforts to promote legislative reforms as a crucial component of the process of ‘democratic transformation;’
- (ii) consult widely on any proposals, position papers or bills;
- (iii) engage with the public on relevant issues as widely as possible.

End.

Background:

The Project on Criminal Law Reform in Sudan is a joint initiative of KCHRED and REDRESS to promote civil society engagement in law reform efforts and advance human rights protections in Sudan. Recent position papers and documents issued by the project are available on REDRESS’ website. See: www.redress.org/country_sudan.html.

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