



## **Sudan Law Reform Update**

**July-September 2010**

Welcome to the ninth issue of the Sudan law reform update. The Project for Criminal Law Reform in Sudan (PCLRS) provides this regular service with a view to informing those working on, and interested in, law reform and human rights of relevant developments. The update includes a summary of the news (largely based on English language media sources) on law reform and other developments. It also aims to serve as a platform for sharing of information, comments and opinions on any issues related to law reform and human rights in Sudan. This issue covers developments up to 20 September 2010.

Yours,

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For further information, please visit our website at [www.pclrs.org](http://www.pclrs.org). Please contact Lutz Oette (REDRESS) at [lutz@redress.org](mailto:lutz@redress.org) (Tel +44 20 7793177) if you wish to share information or submit your comments for consideration, or if you do not wish to receive any further issues of the update.

## I. COMMENT

### Women's rights and the law in the shadow of the referendum

Discrimination in personal laws, lack of protection against sexual violence and criminalisation for public order offences are the most visible manifestations of the gap between current Sudanese law and respect for women's rights. Hopes that the Comprehensive Peace Agreement of 2005 and the Bill of Rights forming part of the Interim National Constitution of 2005 would act as agents for change have not materialised, with the exception of the reform of the Child Act of 2009. The war in Darfur has acted as catalyst for the incorporation of international crimes, namely genocide, crimes against humanity and war crimes that include rape and sexual violence, in the Armed Forces Act of 2008 and the amended Criminal Act of 2009. However, these reforms are limited in scope and there is scant evidence that they are backed up by political commitment to make them effective, not least because immunities for soldiers and officials remain in place. Reforms made have therefore been largely piecemeal and of negligible impact to date. They reflect a failure to address underlying structural inequalities and mindsets that foster discrimination and violence. It is this history of legally entrenched subordination that has resulted in the formation of the "No to Women's Oppression Coalition" following the landmark case in which the journalist Lubna Hussein and others were prosecuted for public order offences on the grounds of wearing trousers.

There is no evidence to suggest that the major parties and actors will use the referendum and the need for new, post-referendum constitutional arrangements as an opportunity to address the legal shortcomings pointed out above. This applies in varying degrees to the North and the South and to all levels of the law, including the Constitution, statutory law and customary laws, which raise a series of concerns over their compatibility with women's rights. An early indication that the situation may actually regress rather than progress in advancing women's rights was a recent session of the Sudanese parliament in early August.<sup>1</sup> On that occasion, parliament called for severe punishment for Zina (adultery) and homosexual acts in response to the threat of HIV/AIDS rather than relying on public awareness raising through education, while at the same time advocating and encouraging early marriage and polygamy. Reports also mentioned that parliament pushed for the wearing of the Hijab dress. It is apparent that the suggested measures raise a number of serious concerns, as articulated by Sudanese human rights organisations, not least regarding their compatibility with the Sudanese Bill of Rights and Sudan's obligations under international human rights law. Against this background, it will be of paramount importance for national, regional and international actors concerned focus and insist on the recognition and protection of women's rights. In light of previous experiences, it is vital that women are given a genuine voice in the process and that their rights are not compromised for reasons of political expediency in the course of deciding on the future of the political make-up of the country.

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<sup>1</sup> See below at II. Law Reform, 12 August 2010: 'Sudanese activists denounce parliament's call to introduce stoning for adulterous women'.

## II. LAW REFORM

### **19<sup>th</sup> September 2010**

Time to Begin a National Constitutional Review, posted by Alex de Waal

<http://blogs.ssrc.org/sudan/2010/09/19/time-to-begin-a-national-constitutional-review/>

### **6<sup>th</sup> September 2010**

Sudan's non-Muslim commission seeks to quell clerics' anger

<http://www.sudantribune.com/spip.php?article36197>

### **5<sup>th</sup> September 2010**

Public Order law will remain in force –Khartoum state Government

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%205%20Sept%2010.pdf>

### **1<sup>st</sup> September 2010**

Sudan's clerics vow to oppose amendments to non-Muslim laws

<http://sudantribune.com/spip.php?article36156>

### **18<sup>th</sup> August 2010**

SPLM politburo calls for a new constitution for Sudan

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%20-%2018%20Aug%202010.pdf>

### **12<sup>th</sup> August 2010**

Sudanese activists denounce parliament's call to introduce stoning for adulterous women

<http://www.sudantribune.com/spip.php?article35922>

### **2<sup>nd</sup> August 2010**

NCP-SPLM meet in Cairo to discuss Sudan's unity and Islamic Sharia'a laws

<http://www.sudantribune.com/spip.php?article35826>

## III. OTHER NEWS

### **Human Rights Situation**

### **19<sup>th</sup> September 2010**

NCP rejects report of Independent Human Rights Expert

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2019%20Sept%2010.pdf>

### **15<sup>th</sup> September 2010**

UN rights expert urges probe into recent Darfur attack on civilians

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2015%20Sep%2010.pdf>

### **2<sup>nd</sup> September 2010**

UNAMID agreed to hand over six IDPs delegates from Kalma camp in Darfur -Sudan

<http://www.sudantribune.com/spip.php?article36155>

### **31<sup>st</sup> August 2010**

CIA training and equipping Sudan's intelligence agents: report

<http://www.sudantribune.com/spip.php?article36136>

**9<sup>th</sup> August 2010**

Sudanese journalists welcome lifting of press gag  
<http://www.sudantribune.com/spip.php?article35893>

**5<sup>th</sup> August 2010**

Sudan flogs 19 men in public for cross-dressing  
<http://www.sudantribune.com/spip.php?article35854>

**3<sup>rd</sup> August 2010**

PCP prisoners stage hunger strike  
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%20-%202003%20Aug%202010.pdf>

**Referendum****20<sup>th</sup> September 2010**

Voter registration of South Sudan referendum hoped to begin mid-October  
<http://www.sudantribune.com/spip.php?article36323>

**19<sup>th</sup> September 2010**

Sudan's Referendum Act requires amendment: official  
<http://www.sudantribune.com/spip.php?article36317>

**16<sup>th</sup> September 2010**

Referendum security is responsibility of police and UN  
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2016%20September%2010.pdf>

**16<sup>th</sup> September 2010**

NCP proposes converting Abyei into an integrated area, SPLM rejects  
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2016%20September%2010.pdf>

**17<sup>th</sup> September 2010**

Civil society groups organize referendum stakeholders, parties' dialogue  
<http://www.sudantribune.com/spip.php?article36297>

**15<sup>th</sup> September 2010**

Advocacy group warns against ambiguous provisions in South Sudan Referendum Act  
[http://www.sudantribune.com/spip.php?article36277&utm\\_source=twitterfeed&utm\\_medium=twitter](http://www.sudantribune.com/spip.php?article36277&utm_source=twitterfeed&utm_medium=twitter)

**15<sup>th</sup> September 2010**

Presidency endorses Referendum Commission Secretary-General  
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2015%20Sep%2010.pdf>

**14<sup>th</sup> September 2010**

CPA partners request UN security and logistical assistance  
<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2014%20Sep%2010.pdf>

**14<sup>th</sup> September 2010**

NCP should put in place constitutional setup to back unity – Arman

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2014%20Sep%2010.pdf>

**5<sup>th</sup> September 2010**

SPLM, NCP at crossroads over North South border issue - ICG

<http://www.sudantribune.com/spip.php?article36179>

**2<sup>nd</sup> September 2010**

UN opens first office for south Sudan referendum

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2002%20Sep%2010.pdf>

**30<sup>th</sup> August 2010**

Bashir, Kiir agree on measures to ensure timely conduct of referendum

<http://www.sudantribune.com/spip.php?article36120>

**29<sup>th</sup> August 2010**

South Sudan's referendum should be held on time - UN envoy

<http://www.sudantribune.com/spip.php?article36102>

**26<sup>th</sup> August 2010**

“Dialogue with SPLM over dual nationality underway” – NCP

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2026%20August%2010.pdf>

**25<sup>th</sup> August 2010**

SPLM welcomes Bashir's launch of pro-unity campaign

<http://www.sudantribune.com/spip.php?article36061>

**23<sup>rd</sup> August 2010**

Abyei residents demonstrated, demanded PCA ruling implementation

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%2023%20Aug%2010.pdf>

**15<sup>th</sup> August 2010**

The people of Nuba and Darfur demand self-determination

<http://www.sudantribune.com/spip.php?article35952>

**14<sup>th</sup> August 2010**

Mbeki urges CPA partners to respect outcome of southern referendum

<http://www.sudantribune.com/spip.php?article35943>

**7<sup>th</sup> August 2010**

Sudan's AEC voices concern over delays in Abyei's referendum body and border demarcation

<http://www.sudantribune.com/spip.php?article35874>

**6<sup>th</sup> August 2010**

UN may establish monitoring panel for South Sudan referendum

<http://www.sudantribune.com/spip.php?article35872>

**5<sup>th</sup> August 2010**

Referendum should be credible, free and fair – UN Envoy

<http://www.sudantribune.com/spip.php?article35868>

**4<sup>th</sup> August 2010**

CPA partners resolve to complete all outstanding issues ahead of referendum

<http://unmis.unmissions.org/Portals/UNMIS/MMR/MMR%20-%202004%20Aug%202010.pdf>

**2<sup>nd</sup> August 2010**

South Sudan Taskforce prepares for negotiations on post-referendum arrangements

<http://www.sudantribune.com/spip.php?article35829>

**1<sup>st</sup> August 2010**

Sudan's security adviser says PCA ruling on Abyei "did not resolve dispute"

<http://www.sudantribune.com/spip.php?article35819>

**30<sup>th</sup> July 2010**

Sudan's NCP hints at delaying the 2011 referendum over border demarcation

<http://www.sudantribune.com/spip.php?article35802>

**IV. DOCUMENTS**

Report of the independent expert on the situation of human rights in the Sudan, Mohammed Chande Othman, 14 September 2010, UN Doc. A/HRC/15/CRP.1

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.CRP.1\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.CRP.1_en.pdf)

Note in particular the Independent Expert's recommendation (p.8) that the Government of Sudan:

"Continue the process of review of national laws to conform with the CPA [Comprehensive Peace Agreement], the Interim National Constitution (INC) and international human rights standards; priority should be given to withdrawing enforcement powers, including of arrest and detention for the NSS [National Security Service] in line with the information gathering and advisory role envisioned for the NSS in the CPA and the INC."