



UNMIS Rule of Law

FACT SHEET

What is the role of UNMIS Rule of Law?

UNMIS Rule of Law (RoL) supports implementation of the Comprehensive Peace Agreement (CPA) by assisting with the following activities:

- Promoting the rule of law, including an independent judiciary.
- Developing a national legal framework that enshrines basic international standards.
- Protecting human rights of all Sudanese, with the aim of combating impunity through institutional reform.
- Where requested, supporting the creation of new institutions and/or reform of existing rule of law bodies.
- Re-establishing and strengthening the prison system in Sudan.

What does RoL do?

Coordinating with the international community, RoL supports nationally led justice reform. The unit provides legal policy advice to senior UN management and supports the CPA as well as Sudan's constitutional process.

Key tasks include monitoring adherence to rule of law-related commitments in the CPA, Interim National Constitution, Interim Constitution of Southern Sudan and state constitutions. In addition, it provides electoral support, carries out surveys on transitional justice and monitors and reports on law reform as well as the work of CPA commissions.

RoL also supports the constitutional making process in both North and South.

RoL also supports the Government of Southern Sudan (GoSS) in expanding the rule of law in selected southern states through coordinated and targeted donor programmes for technical assistance, training, capacity building, infrastructure and equipment.

What are key RoL activities?

Constitutional and Law reform

In the north

- RoL monitors and reports on law reform through consultations with the Ministry of Justice, parliamentarians, National Constitutional Review Commission (NCRC) and other actors. It also monitors new bills, with special focus on related CPA legislation, including the Referendum Bill, Security Bill, Press Bill and criminal laws.
- The unit also provided substantive input to the Political Parties Act 2007, Armed Forces Act 2007, Press and Printed Materials Bill 2009, National Child Bill 2008, Khartoum State Child Bill 2006, and Legal Aid Bill 2009.
- RoL, in collaboration with the Advisory Council for Human Rights, UN Development Programme (UNDP), UNMIS Human Rights and UNMIS Political Affairs conducted a constitution-making forum, which aimed to share national and international experiences of the constitution-making process.

In the south

- UNMIS closely monitors progress of the legislative agenda through regular meetings with the Ministry of Legal Affairs and Constitutional Development and its law-drafting consultants as well as Southern Sudan Legislative Assembly members.
- Participating in the drafting of the prison bill and the advocates bill.
- Attendance and provision of technical input to the committee on prison regulations.
- Active participation in the advisory committee for the amendment of section 143 of the criminal procedure code.
- Monitored and observed the constitutional review process.
- Technical assistance to the task force on the Traffic and Road Safety bill 2011.

CPA commissions

- RoL monitors work of the following national CPA

commissions: the Commission on the Protection of the Rights of Non-Muslims, the NCRC and the National Judicial Service Commission. RoL also conducts workshops with these bodies as requested.

Electoral support

- RoL has assisted with drafting the Electoral Act 2008 and conducted workshops to assist parliamentarians in debating the act. RoL in collaboration with UNMIS Electoral Affairs Division implemented workshops for Sudanese legal professionals on fair elections, with a focus on elections monitoring.

Transitional justice

- RoL facilitates open forums for both government constituencies and civil society where they can discuss transitional justice and the reconciliation process in Sudan. RoL also prepared a comprehensive analysis paper on transitional justice applicability in the Sudan context.

Gender and juvenile justice

- RoL is also active in the areas of juvenile and gender justice from a legislative perspective. The unit produced analyses on domestic legislation related to these areas and held several workshops on the legislative framework of juvenile justice, mainly targeting judges, prosecutors, police officers and Ministry of Justice advisors.

PRISONS ADVISORY UNIT

Corrections needs assessments

In the north: In cooperation with the Ministry of Interior and the UNDP, assessing needs in the prison sector to provide the basis for comprehensive corrections reform programming. A UNDP-funded project refurbishing sewage facilities of the Roseires prison in Ed Damazin (Blue Nile State) has already been completed; a project proposal amounting to a \$1.5 million corrections reform program has been submitted to UNDP and donors, aimed at strengthening prison administration and management, supporting vocational training and rehabilitation programmes and improving the health and hygiene conditions for prisoners, especially women, juveniles and the mentally ill.

In the south: Facilitating assessments of the state prisons on a quarterly basis, providing an ongoing

record of reforms, identifying gaps to solicit donor funding and advising on the UN Standard Minimum Rules for the Treatment of Prisoners.

Capacity building

In the north: To enhance capacity and promote the attitude of prison staff in dealing with inmates according to international standards, 30 training workshops have been conducted since 2007: 690 prison officers (554 male and 136 female) have been trained in various essential prison disciplines. Of the 690 trained officers, 80 are senior prison managers, 269 middle level managers and 341 non-commissioned officers. Courses offered have included Principles of Prisons Management, Training of Trainers, Human Rights in Prisons, Treatment of Juveniles in Detention, Treatment of Vulnerable prisoners, and Gender Issues in prison. This has been supported by the continued administering of Mentoring and Advising through Prison Development Committee meetings, prison visits and training workshops.

In the south: Conducting training-of-trainers courses in all states of Southern Sudan on training methodology, standing orders and the relevant legislative framework, ensuring sustainability beyond the UN presence.

Infrastructure rehabilitation

Since 2007, one new prison facility has been constructed in Abyei, one Quick Impact Project has been implemented in Federal Prison Port Sudan, a vocational workshop established at Omdurman Women Prison at a cost of \$250,000, and a carpentry workshop has been refurbished and re-equipped at Kober federal prison as a Quick Impact Project.

Justice and security sectors advisory and coordination cell (JSSACC)

The JSSACC for Southern Sudan works to streamline international support and advice according to identified needs, gaps and overlaps, and to strengthen and support coordination mechanism of GoSS justice and security institutions. The JSSACC works with the Southern Sudan Legislative Assembly Committee on Security and Public Order to strengthen national ownership of the justice and security sector development process.

Does RoL face any challenges?

- Lack of capacity at Ministry of Legal Affairs and Constitutional Development to draft legislation.
- Lack of official gazette in the south.
- Many stages of the legislative process make it difficult to pass laws on time.
- Lack of co-operation from other arms of government, i.e. the judiciary.
- Need for trained judges, public attorneys, investigators and supporting staff.
- No communication means with some counties and judicial actors in remote areas (lack of communication between the judicial, prosecution and investigation unit of the police).
- No functioning of customary court which increases the backlog of county courts.
- Insecurity for RoL national institutions.
- Weight of custom, tradition, and cultural influence on the legal system and justice administration.

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