

Project Document

Law Reform Pillar

Background:

Law reform studies have demonstrated that the existing criminal laws of many Arab countries do not meet the needs of the countries in question. Many of them need to change or modernize their current criminal laws in order to achieve the compliance of these laws with modern international systems and concepts such as fighting corruption, organized and transnational crimes, respect for human rights, etc. These countries also need that texts of new laws be proposed and presented to the concerned parties who can promulgate them.

The regional working unit developed a preliminary prototype for the pillar related to law reform studies. This prototype raised the important issue of unifying criminal laws into one law. However, the prototype for the unification of laws cannot be implemented during the period allocated to the Project. Thus, it is submitted for discussion in order for the concerned countries to execute it through their own reform agendas.

Objectives:

The law reform pillar aims to:

1. Modernize existing criminal laws in order for them to comply with modern international systems and concepts
2. Suggest new laws, when deemed necessary
3. Propose the unification of a country's criminal laws into one law

Working area:

A preliminary prototype was developed during Phase I of the Project in order for it to be used as a template by the pilot countries. This prototype encompasses the following topics:

1. Functions and specializations of the public prosecutor, and the structure of the public prosecution office
2. Strengthening of the fair trial principles according to the United Nations principles
3. Modernization of the penal code and the addition of articles related to modern crimes

Template to be adopted for the implementation of the studies:

For example, here is the first topic:

- a) Structure and functions of the public prosecution:
 1. National laws: Article ... from law ...

Article ... from law ...

(Articles related to the national laws of each pilot country and those related to the functions and structure of the public prosecution)

2. National literature:
(Current experiences and national literature related to past attempts to develop and modernize laws related to the function of the public prosecution and its structure)
3. International literature:
(International experiences and literature including international conventions and studies)
4. Successful international experiences and dominant international literature (for example, the experiences of the Netherlands, Belgium...)

b) Analysis and recommendations:

This is the most important part which includes an analysis and recommends the implementation of laws whether by amending, removing or adding article, or to develop a guide that provides the know-how for the amendment and the implementation of law projects.

Action plan:

The following steps should be taken in the implementation of the action plan:

1. Appointing national experts specialized in law reform in each pilot country
2. Writing the first draft of the law reform study according to the established methodology
3. Holding a session to discuss the first draft of the study
4. Amending the first draft based on the results of the discussion session whereas the national expert shall incorporate the comments that were discussed
5. Holding a national workshop to discuss the revised first draft
6. Incorporating the comments brought up during the national workshop
7. Drafting a guide on how to make amendments and propose law projects
8. Holding a regional workshop to discuss the outcomes of each country (if deemed necessary)
9. Drafting the regional study

These activities, except the regional study, shall be held in each pilot country.