

PART TWO: BILL OF RIGHTS

Nature of the Bill of Rights

27 (1) The Bill of Rights is a covenant among the Sudanese people and between them and their governments at every level and a commitment to respect and promote human rights and fundamental freedoms enshrined in this Constitution; it is the cornerstone of social justice, equality and democracy in the Sudan.

(2) The State shall protect, promote, guarantee and implement this Bill.

(3) All rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan shall be an integral part of this Bill.

(4) Legislation shall regulate the rights and freedoms enshrined in this Bill and shall not detract from or derogate any of these rights.

Life and Human Dignity

28. Every human being has the inherent right to life, dignity and the integrity of his/her person, which shall be protected by law; no one shall arbitrarily be deprived of his/her life.

Personal Liberty

29 Every person has the right to liberty and security of person; no person shall be subjected to arrest, detention, deprivation or restriction of his/her liberty except for reasons and in accordance with procedures prescribed by law.

Sanctity from Slavery and Forced Labour

30 (1) Slavery and slave trade in every form is prohibited. No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced or compulsory labour except as a penalty upon conviction by a competent court of law.

Equality before the Law

31 All persons are equal before the law and are entitled without discrimination, as to race, colour, sex, language, religious creed, political opinion, or ethnic origin, to the equal protection of the law.

Rights of Women and Children

32 (1) The State shall guarantee equal right of men and

women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits.

(2) The State shall promote woman rights through affirmative action.

(3) The State shall combat harmful customs and traditions which undermine the dignity and the status of women.

(4) The State shall provide maternity and child care and medical care for pregnant women.

(5) The State shall protect the rights of the child as provided in the international and regional conventions ratified by the Sudan.

Sanctity from Torture

33 No person shall be subjected to torture or to cruel, inhuman or degrading treatment.

Fair Trial

34 (1) An accused is presumed to be innocent until his/her guilt is proved according to the law.

(2) Every person who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her .

(3) In all civil and criminal proceedings, every person shall be entitled to a fair and public hearing by an ordinary competent court of law in accordance with procedures prescribed by law.

(4) No person shall be charged of any act or omission which did not constitute an offence at the time of its commission.

(5) Any person shall be entitled to be tried in his/her presence in any criminal charge without undue delay; the law shall regulate trial in absentia.

(6) Any accused person has the right to defend himself/herself in person or through a lawyer of his/her own choice and to have legal aid assigned to him/her by the State where he/she is unable to defend himself/herself in serious offences.

Right to Litigation

35 The right to litigation shall be guaranteed for all persons; no person shall be denied the right

to resort to justice.

Restriction on Death Penalty

36 (1) No death penalty shall be imposed, save as retribution, hudud or punishment for extremely serious offences in accordance with the law.

(2) The death penalty shall not be imposed on a person under the age of eighteen or a person who has attained the age of seventy except in cases of retribution or hudud.

(3) No death penalty shall be executed upon pregnant or lactating women, save after two years of lactation.

Privacy

37 The privacy of all persons shall be inviolable; no person shall be subjected to interference with his/her private life, family, home or correspondence, save in accordance with the law.

Freedom of Creed and Worship

38 Every person shall have the right to the freedom of religious creed and worship, and to declare his/her religion or creed and manifest the same, by way of worship, education, practice or performance of rites or ceremonies, subject to requirements of law and public order; no person shall be coerced to adopt such faith, that he/she does not believe in, nor to practice rites or services to which he/she does not voluntarily consent.

Freedom of Expression and Media

39 (1) Every citizen shall have an unrestricted right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law.

(2) The State shall guarantee the freedom of the press and other media as shall be regulated by law in a democratic society.

(3) All media shall abide by professional ethics, shall refrain from inciting religious, ethnic, racial or cultural hatred and shall not agitate for violence or war.

Freedom of Assembly and Association

40 (1) The right to peaceful assembly shall be guaranteed; every person shall have the right to freedom of association with others, including the right to form or join political parties, associations and trade or professional unions for the protection of his/her interests.

(2) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society.

(3) No association shall function as a political party at national, Southern Sudan or state level unless it has:-

- (a) its membership open to any Sudanese irrespective of religion, ethnic origin or place of birth,
- (b) a programme that does not contradict the provisions of this Constitution,
- (c) democratically elected leadership and institutions,
- (d) disclosed and transparent sources of funding.

Right to Vote

41 (1) Every citizen shall have the right to take part in the conduct of public affairs, through voting as shall be regulated by law.

(2) Every citizen who has attained the age specified by this Constitution or the law, shall have the right to elect and be elected in periodic elections, through universal adult suffrage in secret ballot, which shall guarantee the free expression of the will of the electorate.

Freedom of Movement and Residence

42 (1) Every citizen shall have the right to freedom of movement and the liberty to choose his/her residence except for reasons of public health and safety as shall be regulated by law.

(2) Every citizen shall have the right to leave the country as shall be regulated by law and shall have the right of return.

Right to Own Property

43 (1) Every citizen shall have the right to acquire or own property as regulated by law.

(2) No private property may be expropriated save by law in the public interest and in consideration for prompt and fair compensation. No private property shall be confiscated save by an order of a court of law.

Right to Education

44 (1) Education is a right for every citizen and the State shall provide access to education without discrimination as to religion, race, ethnicity, gender or disability.

(2) Primary education is compulsory and the State shall provide it free.

Rights of Persons with Special Needs and the Elderly

45 (1) The State shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in this Constitution; especially respect for their human dignity, access to suitable education, employment and full participation in society.

(2) The elderly shall have the right to the respect of their dignity. The State shall provide them with the necessary care and medical services as shall be regulated by law.

Public Health Care

46 The State shall promote public health, establish, rehabilitate, develop basic medical and diagnostic institutions, provide free primary health care and emergency services for all citizens.

Ethnic and Cultural Communities

47 Ethnic and cultural communities shall have the right to freely enjoy and develop their particular cultures; members of such communities shall have the right to practice their beliefs, use their languages, observe their religions and raise their children within the framework of their respective cultures and customs.

Sanctity of Rights and Freedoms

48 Subject to Article 211 herein, no derogation from the rights and freedoms enshrined in this Bill shall be made. The Bill of Rights shall be upheld, protected and applied by the Constitutional Court and other competent courts; the Human Rights Commission shall monitor its application in the State pursuant to Article 142 herein.