

Country/entity	South Sudan Sudan
Region	Africa (excl MENA)
Agreement name	The Interim National Constitution of the Republic of Sudan 2005
Date	06/07/2005
Agreement status	Multiparty signed/agreed
Agreement/conflict level	Intrastate/intrastate conflict (Sudan Conflicts (1955 -))
Stage	Framework/substantive - comprehensive (Constitution)
Conflict nature	Government/territory
Peace process	109: Sudanese (North-South) peace process The peace process between the North and South of Sudan, while one country, which addressed the end of conflict between these two parts of the country.
Parties	Ahmed Ibrahim Eltahir, Speaker of the National Assembly; Hon. Gabriel Mathiang Rok, Speaker of the National Liberation Council of the Sudan People's Liberation Movement (SPLM), Rumbek - New Sudan;
Third parties	
Description	An Interim Constitution covering a comprehensive range of issues. The Constitution is split into 17 parts: The State, the Constitution and Guiding Principles; The Bill of Rights; The National Executive; The National Legislature; The National Judicial Organs; Public Attorneys and Advocacy; The National Civil Service; Independent National Institutions and Commissions; Armed Forces, Law Enforcement Agencies, and National Security; The National Capital; Government of Southern Sudan; The States and Abyei Area; Finance and Economic Matters; State of Emergency and Declaration of War; Census and Elections; Southern Sudan right to self-determination; and Misc Provisions.

Agreement document [SD_050706_Interim_National_Constitution.pdf](#) []

Main category	Page 14, PART TWO, BILL OF RIGHTS 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. Page 14, PART TWO, BILL OF RIGHTS 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. Page 15, PART TWO, BILL OF RIGHTS Restriction on Death Penalty 36. (3) No death penalty shall be executed upon pregnant or lactating women, save after two years of lactation.
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Page 17, PART TWO, BILL OF RIGHTS

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.

Page 30-31, PART THREE, THE NATIONAL EXECUTIVE, CHAPTER V, THE GOVERNMENT OF NATIONAL UNITY

Duties of the Government of National Unity

82. The Government of National Unity shall undertake the following duties:-

... (b) establishment of a decentralized democratic system of governance taking into account the cultural, ethnic, racial, religious, and linguistic diversity and gender equality,

Page 52, PART SEVEN, THE NATIONAL CIVIL SERVICE, Principles and Guidelines for the National Civil Service Employees

Guidelines for Inclusiveness in the National Civil Service

136. The National Civil Service, notably at the senior and middlelevels, shall be representative of the people of the Sudan; to ensure this, the following principles and guidelines shall be recognized and observed:-

... (c) no level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region or gender,

Page 64, PART ELEVEN, GOVERNMENT OF SOUTHERN SUDAN, CHAPTER II, THE EXECUTIVE OF SOUTHERN SUDAN

Southern Sudan Council of Ministers

165. (1) There shall be established a Southern Sudan Council of Ministers to be appointed by the President of Government of Southern Sudan, in consultation with the Vice President and approved by Southern Sudan Assembly. The Government of Southern Sudan shall be established with due regard to the need for inclusiveness in recognition of ethnic, religious diversity and gender.

Page 75, PART THIRTEEN, FINANCE AND ECONOMIC MATTERS, CHAPTER I, GUIDING PRINCIPLES FOR EQUITABLE SHARING OF RESOURCES AND COMMON WEALTH

185. (1) Resources and common wealth of the Sudan shall be shared equitably to enable each level of government to discharge its legal and constitutional responsibilities and duties and to ensure that the quality of life, dignity and living conditions of all citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language or region.

Page 92, PART FOURTEEN, STATE OF EMERGENCY AND DECLARATION OF WAR

Powers of the President in the State of Emergency

211. The President of the Republic, with the consent of the First Vice President, may during the state of emergency take, by virtue of law or exceptional order, any measures that shall not derogate from the provisions of this Constitution and the Comprehensive Peace Agreement except as may be provided herein:-

(a) to suspend part of the Bill of Rights. However, there shall be no infringement on the right to life, sanctity from slavery, sanctity from torture, the right of non-discrimination on the basis of race, sex, religious creed, the right in litigation or the right to fair trial,

Page 102-103, SCHEDULES

Schedule (B)

Powers of the Government of Southern Sudan

The exclusive legislative and executive powers of Government of Southern Sudan shall be as follows:

18. Rehabilitation and benefits to disabled war veterans, orphans, widows and care for the dependents of deceased war fallen heroes;

Page 105-106, SCHEDULES

Schedule (D)

Concurrent Powers

The National Government, the Government of Southern Sudan and state governments, shall have legislative and executive competencies on any of the matters listed below:-

21. Women's empowerment;

26. Mother, Child protection and care;

Women, girls and gender

Participation [Effective participation](#)

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Equality [Equality \(general\)](#)

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[Social equality](#)

Page 14, PART TWO, BILL OF RIGHTS

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.

Particular groups of women No specific mention.

International law No specific mention.

New institutions No specific mention.

Violence against women No specific mention.

Transitional justice [Past and gender](#)
Page 102-103, SCHEDULES
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Institutional reform [Emergency/criminal law/corruption reform](#)
Page 15, PART TWO, BILL OF RIGHTS
Restriction on Death Penalty
36. (3) No death penalty shall be executed upon pregnant or lactating women, save after two years of lactation.
[Public administration](#)
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Development [General](#)
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(3) The State shall combat harmful customs and traditions which undermine the dignity and the status of women.

Education

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Right to Education

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Reproductive rights

Page 14, PART TWO, BILL OF RIGHTS

Rights of Women and Children

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

Implementation No specific mention.

Other Page 105-106, SCHEDULES

Schedule (D)

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