

THE INTERIM NATIONAL CONSTITUTION OF THE REPUBLIC OF SUDAN, 2005

Citizenship and Nationality

- 7 (1) Citizenship shall be the basis for equal rights and duties for all Sudanese.
- (2) Every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship.
- (3) The law shall regulate citizenship and naturalization; no naturalized Sudanese shall be deprived of his/her acquired citizenship except in accordance with the law.
- (4) A Sudanese national may acquire the nationality of another country as shall be regulated by law.

Language

- 8 (1) All indigenous languages of the Sudan are national languages and shall be respected, developed and promoted.
- (2) Arabic is a widely spoken national language in the Sudan.
- (3) Arabic, as a major language at the national level and English shall be the official working languages of the national government and the languages of instruction for higher education.
- (4) In addition to Arabic and English, the legislature of any subnational level of government may adopt any other national language as an additional official working language at its level.
- (5) There shall be no discrimination against the use of either Arabic or English at any level of government or stage of education.

CHAPTER III

DUTIES OF THE CITIZEN

- 23 (1) It shall be the duty of every Sudanese citizen to pledge allegiance to the Republic of the Sudan, abide by this Constitution, respect the institutions created hereunder and safeguard the territorial integrity of the country.
- (2) In particular every citizen shall:
- (a) defend the country and respond to the call for national service within the terms of this Constitution and the law,
 - (b) abhor violence, promote harmony, fraternity and tolerance among all people of the Sudan in order to transcend religious, regional, linguistic, and sectarian divisions,
 - (c) preserve public funds and assets and respect legal and financial obligations towards the State,
 - (d) avert and thwart corruption and sabotage,
 - (e) participate fully in the development of the country,

- (f) take part in the general elections and referenda as stipulated in this Constitution and the law,
- (g) abide by law and co-operate with the appropriate agencies in the maintenance of law and order,
- (h) preserve the natural environment,
- (i) generally, be guided and informed in his/her actions by the interests of the nation and the principles enshrined in this Constitution.

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.

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.

Eligibility for the President of the Republic

53 A candidate for the office of the President of the Republic shall:-

- (a) be a Sudanese by birth,
- (b) be of sound mind,
- (c) be at least forty years of age,
- (d) be literate ,
- (e) not have been convicted of an offence involving honesty or moral turpitude.

The two Vice Presidents, Assistants and Advisors

62 (1) The elected President of the Republic shall appoint two Vice Presidents, one from Southern Sudan and the other from Northern Sudan. If the elected President is from the North, the position of the First Vice President shall be filled by the person who has been elected to the post of President of Government of Southern Sudan, as the President's appointee to the said position. In the event that a person from the South wins the Presidential elections, the elected President shall appoint the First Vice President from the North upon the recommendation of the party that won the highest number of northern seats in the National Assembly.

(2) The two Vice Presidents shall satisfy the same conditions required for the office of the President of the Republic.

(3) The President of the Republic may appoint assistants and advisors and define their functions and seniorities.

(4) To assume their respective offices, the two Vice Presidents, assistants and advisors shall take before the President of the Republic the same oath taken by the President.

THE INTERIM CONSTITUTION OF SOUTHERN SUDAN, 2005

Extracts on nationality

Rights of the Child

21. (1) Every child has the right:

- (a) to life, survival and development;
- (b) to a name and nationality;
- (c) to know and be cared for by his or her parents or legal guardian;
- (d) not to be subjected to exploitative practices or abuse, nor to be required to serve in the army nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being;
- (e) to be free from any form of discrimination;
- (f) to be free from corporal punishment and cruel and inhuman treatment by any person including parents, school administrations and other institutions;
- (g) not to be subjected to negative and harmful cultural practices which affect his or her health, welfare and dignity; and
- (h) to be protected from abduction and trafficking.

(2) In all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies, the primary consideration shall be the best interest of the child.

(3) All levels of government in Southern Sudan shall accord special protection to orphans and other vulnerable children; child adoption shall be regulated by law.

(4) For the purposes of this Constitution, a child is any person under the age of eighteen years.

CHAPTER II CITIZENSHIP, RIGHTS AND DUTIES Citizenship and Rights

48. (1) Every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship.

(2) Citizenship is the basis of equal rights and duties for all Sudanese in Southern Sudan, subject to Article 9 (3) of this Constitution.

(3) Every citizen in Southern Sudan shall enjoy all the rights guaranteed by this Constitution and the Interim National Constitution.

(4) The law shall establish a public registry of every birth, marriage or death in Southern Sudan.

Duties of the Citizen

49. (1) It shall be the duty of every Sudanese citizen in Southern Sudan to uphold and abide by this Constitution and respect the laws of Southern Sudan.

(2) Every citizen in Southern Sudan shall in particular:

- (a) defend the country and respond to the call for national service in accordance with the provisions of the Interim National Constitution, this Constitution and the law;
- (b) abhor violence and promote harmony, unity, fraternity and tolerance among all people of Southern Sudan in order to transcend ethnic, religious, geographical, and political divisions;
- (c) preserve public funds and assets and respect legal and financial obligations;
- (d) avert and combat corruption and sabotage;
- (e) participate fully in the development of Southern Sudan;
- (f) take part in general elections and referenda as stipulated in this Constitution and the law;
- (g) abide by the law and co-operate with the appropriate agencies in the maintenance of law and order;
- (h) protect the environment and conserve natural resources;
- (i) be guided and informed in all actions by the interests of the nation and Southern Sudan and the principles enshrined in this Constitution and the Interim National Constitution;
- (j) promote democracy, good governance and the rule of law; and
- (k) respect the rights and freedoms of others.