



Religious and Cultural Freedom 1.1 – General Statements

	Protocol from CPA	Interim National Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
Machakos Protocol	<p>Part A: Agreed Principles</p> <p>1.4 That religion, customs, and traditions are a source of moral strength and inspiration for the Sudanese people.</p> <p>1.5 That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to:</p> <p>(i) 1.5.1 Establish a democratic system of governance taking account of the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of the Sudan...</p>	<p>1. Nature of the State</p> <p>(1) The Republic of the Sudan is an independent, sovereign State. It is a democratic, decentralized, multi-cultural, multilingual, multi-racial, multi-ethnic, and multi-religious country where such diversities co-exist.</p>	None	<p>In Preamble: In approbation of the preparation of the means to become extricated from past divisions; recognizing ethnic, cultural, linguistic, and religious diversity as a source of strength and unity of our people;</p> <p>1. Nature of the State...</p> <p>(2) The powers of government in Southern Kordofan State shall flow from the will of the people and shall be exercised according to democratic foundations and principles, the rule of law, and respect for human rights in the framework of peaceful coexistence between all the ethnicities, cultures, religions, and beliefs with which this State is blessed.</p>
Southern Kordofan and Blue Nile Protocol	<p>In Preamble: REAFFIRMING that citizenship shall be the basis for equal rights and duties for all Sudanese citizens regardless of their ethnicity or religion; and</p> <p>UNDERLINING the importance of recognizing the cultural and social diversity of the Sudan as a source of strength and unity; and Principles: The diverse cultural heritage and local languages of the population of the State shall be developed and protected;</p>	<p>(3) The Sudan is an all-embracing homeland where religions and cultures are sources of strength, harmony and inspiration.</p>		<p>8. Fundamental Principles of the Constitution</p> <p>This Constitution is predicated upon and guided by the following principles:...</p> <p>b. Religion, beliefs, customs, and traditions shall be a source of moral strength and inspiration for the citizens of the State.</p> <p>c. The cultural and social diversity of citizens of the State shall be the foundation of national cohesion.</p>



Religious and Cultural Freedom 1.2 – Discrimination

	CPA Protocol	Interim National Constitution	Blue Nile Interim Constitution	South Kordofan Interim Constitution
Power Sharing Agreement	<p>1.6.2.12 Equality Before the Law All persons are equal before the law and are entitled without any discrimination to the equal protection of the law;</p> <p>1.6.2.13 Freedom from Discrimination The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;...</p> <p>1.6.2.16 Equal Rights of Men and Women (a) The equal right of men and women to the enjoyment of all civil and political rights set forth in the International Covenant on Civil and Political Rights and all economic, social, and cultural rights set forth in the International Covenant on Economic, Social and Cultural Rights shall be ensured;</p> <p>2.6 Civil Service 2.6.1.4 No level of government shall discriminate against any qualified Sudanese citizen on the basis of religion, ethnicity, region, gender, or political beliefs; 2.6.1.5 The National Civil Service will fairly represent all the people of the Sudan and will utilize affirmative action and job training to achieve equitable targets for representation within an agreed time frame;...</p>	<p>12. Social Justice (1) The State shall develop policies and strategies to ensure social justice among all people of the Sudan, through ensuring means of livelihood and opportunities of employment. The State shall also encourage mutual assistance, self-help, co-operation and charity. (2) No qualified person shall be denied access to a profession or employment on the basis of disability; persons with special needs and the elderly shall have the right to participate in social, vocational, creative or recreational activities.</p> <p>15. Family, Women and Marriage (2) The State shall protect motherhood and women from injustice, promote gender equality and the role of women in family, and empower them in public life.</p> <p>31. Equality before the Law 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.</p> <p>32. Rights of Women and Children (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.</p>	<p>10. Fairness and Social Welfare 1. The State shall formulate strategies and policies that ensure social justice among the entire population of the State by ensuring ways of earning a livelihood and jobs and encouraging mutual assistance, self-help, cooperation, and charitable activity. 2. No qualified person may be denied access to any profession or employment due to a physical disability. All persons with special needs and the elderly in the State shall be entitled to participate in social, professional, artistic, or recreational positions.</p> <p>13. Family, Women, and Children The State shall take upon itself to protect motherhood and childhood, protect women from oppression, strengthen equality between the two sexes, affirm the role of women in the family and society, and empower</p>	<p>11. Fairness and Social Welfare 1. The State shall formulate strategies and policies that ensure social justice among the entire population of the State by ensuring ways of earning a livelihood and jobs and encouraging mutual assistance, self-help, cooperation, and charitable activity. 2. No qualified person may be denied access to any profession or employment due to a disability. All persons with special needs and the elderly in the State shall be entitled to participate in social, professional, artistic, or recreational activities.</p> <p>23. Equality before the Law All persons shall be equal before the law and shall have equal rights and duties. All may persons may enjoy the protection of the law without any discrimination as to race, color, sex, language, religious creed, political opinion, or ethnic origin.</p> <p>24. Rights of Women and Children 1. The state shall guarantee men and women the equal right to enjoy all</p>



Religious and Cultural Freedom 1.2 – Discrimination

CPA Protocol		Interim National Constitution	Blue Nile Interim Constitution	South Kordofan Interim Constitution
Wealth Sharing Agreement	<p>1 – Guiding Principles</p> <p>1.4 The sharing and allocation of wealth emanating from the resources of the Sudan shall ensure that the quality of life, dignity and living conditions of all the citizens are promoted without discrimination on grounds of gender, race, religion, political affiliation, ethnicity, language, or region. The sharing and allocation of this wealth shall be based on the premise that all parts of Sudan are entitled to development.</p>			



Religious and Cultural Freedom 1.3 – Religious Freedom

Machakos Protocol	CPA Protocol	Interim Constitution	Blue Nile Constitution	Southern Kordofan Constitution
	<p>AGREED TEXT ON STATE AND RELIGION Recognizing that Sudan is a multi-cultural, multi-racial, multi-ethnic, multi-religious, and multi-lingual country and confirming that religion shall not be used as a divisive factor, the Parties hereby agree as follows:</p> <p>6.1 Religions, customs and beliefs are a source of moral strength and inspiration for the Sudanese people.</p> <p>6.2 There shall be freedom of belief, worship and conscience for followers of all religions or beliefs or customs and no one shall be discriminated against on such grounds.</p> <p>6.3 Eligibility for public office, including the presidency, public service and the enjoyment of all rights and duties shall be based on citizenship and not on religion, beliefs, or customs.</p> <p>6.4 All personal and family matters including marriage, divorce, inheritance, succession, and affiliation may be governed by the personal laws (including Sharia or other religious laws, customs, or traditions) of those concerned.</p> <p>6.5 The Parties agree to respect the following Rights:</p> <ul style="list-style-type: none"> • To worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes; • To establish and maintain appropriate charitable or humanitarian institutions; • To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief; • To write, issue and disseminate relevant publications in these areas; • To teach religion or belief in places suitable for these purposes; • To solicit and receive voluntary financial and other contributions from individuals and institutions; • To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief; • To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religious beliefs; • To establish and maintain communications with individuals and communities in matters of religion and belief and at the national and international levels; • For avoidance of doubt, no one shall be subject to discrimination by the National Government, state, institutions, group of persons or person on grounds of religion or other beliefs. <p>6.6 The Principles enumerated in Section 6.1 through 6.5 shall be reflected in the Constitution.</p>	<p>6. Religious Rights The State shall respect the religious rights to:-</p> <p>(a) worship or assemble in connection with any religion or belief and to establish and maintain places for these purposes,</p> <p>(b) establish and maintain appropriate charitable or humanitarian institutions,</p> <p>(c) acquire and possess movable and immovable property and make, acquire and use the necessary articles and materials related to the rites or customs of a religion or belief,</p> <p>(d) write, issue and disseminate religious publications,</p> <p>(e) teach religion or belief in places suitable for these purposes,</p> <p>(f) solicit and receive voluntary financial and other contributions from individuals, private and public institutions,</p> <p>(g) train, appoint, elect or designate by succession appropriate religious leaders called for by the requirements and standards of any religion or belief,</p> <p>(h) observe days of rest, celebrate holidays and ceremonies in accordance with the precepts of religious beliefs,</p> <p>(i) communicate with individuals and communities in matters of religion and belief at national and international levels.</p>	<p>18. Rights 1. The State shall undertake to protect and execute the Bill of Rights included in Chapter 2 of the Interim National Constitution of 2005.</p>	<p>30. Freedom of Creed and Worship Every person shall have the right to freedom of religious belief and worship, to declare his religion or creed, and to express it—subject to requirements of law and public order—through worship, education, and the practice or performance of rites or ceremonies. No one shall be coerced to adopt a religion in which he does not believe or to practice rites or rituals to which he does not voluntarily consent.</p>



Religious and Cultural Freedom 1.3 – Religious Freedom

	CPA Protocol	Interim Constitution	Blue Nile Constitution	Southern Kordofan Constitution
Power Sharing Agreement	<p>1.6.2.7 Freedom of Thought, Conscience and Religion Everyone shall have the right to freedom of thought, conscience and religion;...</p>	<p>38. Freedom of Creed and Worship (from Bill of Rights) 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</p>		



Religious and Cultural Freedom 1.4 – Language, Education, and Cultural Heritage

	Protocol from CPA	Interim National Constitution	South Sudan Interim Constitution
Power Sharing Agreement	<p>2.8 Language:</p> <p>2.8.1 All the indigenous languages are national languages which shall be respected, developed and promoted.</p> <p>2.8.2 Arabic language is the widely spoken national language in the Sudan.</p> <p>2.8.3 Arabic, as a major language at the national level, and English shall be the official working languages of the National Government business and languages of instruction for higher education.</p> <p>2.8.4 In addition to Arabic and English, the legislature of any sub-national level of government may adopt any other national language(s) as additional official working language(s) at its level.</p> <p>2.8.5 The use of either language at any level of government or education shall not be discriminated against.</p>	<p>8. Language</p> <p>(1) All indigenous languages of the Sudan are national languages and shall be respected, developed and promoted.</p> <p>(2) Arabic is a widely spoken national language in the Sudan.</p> <p>(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.</p> <p>(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.</p> <p>(5) There shall be no discrimination against the use of either Arabic or English at any level of government or stage of education.</p> <p>13. Education, Science, Art and Culture</p> <p>(4) The State shall recognize the cultural diversity of the country and shall encourage such diverse cultures to harmoniously flourish and find expression, through the media and education.</p> <p>(5) The State shall protect Sudan’s cultural heritage, monuments and places of national historic or religious importance, from destruction, desecration, unlawful removal or</p>	<p>6. Language</p> <p>(1) All indigenous languages of Southern Sudan are national languages and shall be respected, developed and promoted.</p> <p>(2) English and Arabic shall be the official working languages at the level of the governments of Southern Sudan and the States as well as languages of instruction for higher education.</p> <p>(3) There shall be no discrimination against the use of either English or Arabic at any level of government or stage of education.</p> <p>(4) English, as a major language in Southern Sudan, and Arabic, shall be the official working languages of the governments of Southern Sudan, and the states and the languages of instruction for higher education.</p> <p>(5) In addition to English and Arabic, the legislature of any sub- level of government in Southern Sudan may adopt any other national language as an additional official working language or medium of instruction in schools at its level.</p> <p>(6) The Government of Southern Sudan shall promote the development of a sign language for the benefit of people with special needs.</p> <p>37. Rights of Ethnic and Cultural Communities</p> <p>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 context of their respective cultures and customs in accordance with this Constitution and the law.</p> <p>41. Education, Science, Art and Culture</p> <p>(1)</p> <p>(d) recognize the cultural diversity of Southern Sudan and encourage such diverse cultures to harmoniously flourish and find expression through education and the media;</p> <p>(e) protect cultural heritage, monuments and places of national, historic or religious importance from destruction, desecration, unlawful removal or illegal export; and</p> <p>(f) protect, preserve and promote the cultures of the people of</p>



Religious and Cultural Freedom 1.4 – Language, Education, and Cultural Heritage

Protocol from CPA		Interim National Constitution	South Sudan Interim Constitution
Southern Kordofan/Blue Nile Protocol	1.2. The diverse cultural heritage and local languages of the population of the State shall be developed and protected;	<p>illegal export.</p> <p>47. Ethnic and Cultural Communities 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.</p>	<p>Southern Sudan which enhance their human dignity and are consistent with the fundamental objectives and principles set out in this Chapter.</p> <p>174. Traditional Authority (1) The institution, status and role of traditional authority, according to customary law, are recognised under this Constitution. (2) Traditional authority shall function in accordance with this Constitution and the law. (3) The courts shall apply customary law subject to this Constitution and the law.</p>
Wealth Sharing Agreement	<p>The Wealth Sharing Agreement states</p> <p>3.1 The Parties agree that the basis for an agreed and definitive framework for the management of the development of the petroleum sector during the Interim Period shall include the following...</p> <p style="padding-left: 40px;">d) national environmental policies, biodiversity conservation guidelines, and cultural heritage protection principles.</p>		



Religious and Cultural Freedom 1.5 – Religion and the State

Protocol from CPA		Sudan Interim Constitution	Blue Nile Interim Constitution	Southern Kordofan Interim Constitution
Machakos Protocol	3.2.2 Nationally enacted legislation having effect only in respect of the states outside Southern Sudan shall have as its source of legislation Sharia and the consensus of the people...	5. Sources of Legislation (1) Nationally enacted legislation having effect only in respect of the Northern states of the Sudan shall have as its sources of legislation Islamic Sharia and the consensus of the people. (2) Nationally enacted legislation applicable to Southern Sudan or states of Southern Sudan shall have as its sources of legislation popular consensus, the values and the customs of the people of the Sudan, including their traditions and religious beliefs, having regard to Sudan’s diversity. (3) Where national legislation is currently in operation or is to be enacted and its source is religion or custom, then a state, and subject to Article 26 (1) (a) herein in the case of Southern Sudan, the majority of whose residents do not practice such religion or customs may:- (a) either introduce legislation so as to allow practices or establish institutions, in that state consistent with their religion or customs, or (b) refer the law to the Council of States to be approved by a two-thirds majority of all the representatives or initiate national legislation which will provide for such necessary alternative institutions as may be appropriate.	39. Sources of Legislation The sources of legislation in the State shall be the Islamic Sharia, popular consensus and agreement, and the Sudanese people’s values, customs, traditions, and religious beliefs, taking into account Sudan’s diversity.	63. Sources of Legislation The sources of legislation in the State shall be the Islamic Sharia, popular consensus and agreement, and State citizens’ values, customs, traditions, and religious beliefs, taking into account Sudan’s diversity.
	3.2.4 Where national legislation is currently in operation or is enacted and its source is religious or customary law, then a state or region, the majority of whose residents do not practice such religion or customs may: (i) Either introduce legislation so as to allow or provide for institutions or practices in that region consistent with their religion or customs, or (ii) Refer the law to the Council of States for it to approve by a two-thirds majority or initiate national legislation which will provide for such necessary alternative institutions as is appropriate.			