

**The 8<sup>th</sup> Session**  
**The National Human Rights Commission Act, 2009**

In accordance with the provisions of the Interim National Constitution of the Republic of the Sudan 2005, be it hereby passed by the National Assembly and signed by the President of the Republic the following Act:

**Chapter I**  
**Preliminary Provisions**

**Title and Commencement**

1- This Act shall be cited as the "National Human Rights Commission Act, 2009, and shall come into force as from the date of signature.

**Repeal**

2- The National Human Rights Commission Act, 2004, is hereby repealed.

**Interpretation**

3- In this Act, unless the context otherwise requires:

"Commission":	Means the National Human Rights Commission established under Section (4) of this Act.
"Secretariat General":	Means the Secretariat General of the Commission, established under section (16) of this Act.
"Human Rights":	Means the rights and freedoms provided for in the Interim National Constitution, 2005, and in the international and regional human rights instruments, ratified by the Sudan.
"Constitution":	Means the Interim National Constitution of the Republic of the Sudan, 2005.
"Member":	Means a member of the Commission provided for under section (6) (1) of this Act.
"Chairperson":	Means the Chairperson of the Commission provided for under Section (6) (3) of this Act.
Deputy Chairperson	Means the Deputy Chairperson of the Commission provided for under Section (6) (3) of this Act.

**Chapter II**  
**The Commission**

**Establishment and Head Office**

4- (1) there shall be established under this Act a commission, to be known as the "National Human Rights Commission".  
(2) The Head Office of the Commission shall be in the National Capital. It may establish branches in all states of the Sudan.

**Independence of the Commission**

5- The Commission shall be independent in the performance of its duties and functions, in its decision-making and in the managing of its finances.

### **Composition and Membership**

- 6- (1) The Commission shall be composed of fifteen members appointed by the President of the Republic after consultations at the Presidency and obtainment of the approval of the First Vice President, taking into consideration in their appointment representation of women and civil society organizations; provided that the member satisfies the following criteria:
- (a) Be of sound mind;
  - (b) Be of not less than twenty one (21) years of age;
  - (c) Be independent, competent, experienced, non-partisan and impartial;
  - (d) Be widely known for their commitment to human rights causes; and
  - (e) Has not been convicted of a crime involving honesty and moral turpitude.
- (2) Membership of the Commission shall be for a period of five years subject to renewal for one final term.
- (3) The President of the Republic shall appoint, after consultations at the Presidency and with the consent of the First Vice President, a Chairperson and a Deputy Chairperson, provided that one of them shall be a woman.
- (4) The Chairperson and his/her Deputy shall work on full time basis.

### **Vacancy of a Member's Post**

- 7- (1) The post of a member of the Commission shall fall vacant for any of the following reasons:
- (a) Mental infirmity or physical incapacity;
  - (b) Issue of a decision under section (2) of this Act;
  - (c) Acceptance of Member's resignation;
  - (d) Death.
- (2) Membership may lapse by a decision from the Presidency of the Republic for any of the following reasons:
- (a) Conviction of a crime involving honesty or moral turpitude;
  - (b) Repeated absence as stipulated by the Regulations.
- (3) In case any post turns vacant for any of the reasons provided for in this section, selection of the successor of such member shall be made following the same procedure provided for under section (6) of this Act.

### **Oath**

- 8- The members of the Commission shall take the following oath:
- "I swear by Almighty Allah to carry out my duty as member to the National Human Rights Commission with due integrity and sincerity without fear or favoritism and Allah is my witness to this statement".

## **Chapter III**

### **Functions of the Commission, its Powers and Procedures**

#### **Functions of the Commission**

- 9- (1) The Commission shall be competent to protect and strengthen human rights, create awareness of human rights, publish the same and monitor the application of the rights and freedoms enshrined in the Bill of Rights provided for in the Constitution.

(2) Without prejudice to the provisions of subsection (1), the Commission shall have the following functions:

- (a) to operate as a reference for information to the government, different States organs concerned and civil society organizations working in the field of human rights;
- (b) to enlighten the public on human rights and the necessity to respect them and to apply them by all bodies;
- (c) Preparation of human rights studies and researches.
- (d) to study any matter of a national nature relating to human rights, referred thereto by the Government, or by the State organs, or by civil society organizations and to make recommendations on the same;
- (e) to provide advice to the government on any matter relating to human rights, whether referred to it by the government or initiated on its own motion;
- (f) to prepare studies and initiate, through bodies concerned, bills, legislations or decisions relating to human rights and to prepare reports and submit recommendations on the same to the bodies concerned;
- (g) to submit recommendations, proposals and reports to the government or to the National Assembly, or to any other body concerning any matter relating to human rights, including request to review legislative provisions or administrative decisions to be in conformity with the basic principles of human rights;
- (h) to receive complaints from individuals and other bodies and to conduct investigations thereon and to take the necessary measures in accordance with the provisions of this Act or any other law and to recommend appropriate remedies to the relevant body;
- (i) to address competent authorities regarding any matter relating to any violation of human rights and to request them to end such violation;
- (j) to encourage the government to join international treaties, conventions and agreements, on human rights;
- (k) to endeavor to harmonize national legislations and practices with human rights standards;
- (l) to prepare annual reports on the situation of human rights in the Sudan;
- (m) to spread awareness of human rights among different sectors of the people of the Sudan, through media, seminars, publications and any other means of information;
- (n) to cooperate with the United Nations and its specialized agencies, regional organizations, human rights centers, non-governmental organizations and any other similar organizations working in the field of human rights;
- (o) to establish close relations with organizations which are active in the field of human rights outside and inside the Sudan;
- (p) to submit reports to the National Assembly on any specific matter concerning human rights;
- (q) to approve the organizational chart and terms and conditions of service of employees of the Commission;

### **Powers of the Commission**

10- (1) The Commission shall have the following powers:

- (a) to look into complaints of human rights violations raised to it by individuals or civil society organizations or by any other body to ascertain whether or not there is violation of human rights and take appropriate measures;

- (b) to form committees, or task force groups or seek help of any person or any entity on permanent or temporary basis, to assist in the discharge of its responsibilities;
  - (c) to investigate with full freedom on any matter falling within its competence whether referred to it by government or it decided on its own motion or referred to it by some other body concerned with human rights causes;
  - (d) to address the public directly or through available means of information in order to disseminate its opinions and recommendations, to all sectors of the society;
  - (e) to coordinate with the Human Rights Commission in Southern Sudan and other states on matters pertaining to fulfilling constitutional commitments in relation to the human rights;
  - (f) to make internal regulations for the conduct of its business and procedure of its meetings.
- (2) Notwithstanding the provisions of sub-section (1) (a), the Commission may not look into any complaint if the same is being heard by any competent court.

### **Procedures of the Commission**

- 11- (1) Whenever the Commission decides that there is a violation of human rights on the part of any public servant or any of the government or non-government organizations, or any other body, the Commission may:
- (a) recommend to the relevant government authorities to take the appropriate measure for prompt reparations of the aggrieved person or to publish its findings or to take any other appropriate measures as it deems appropriate;
  - (b) provide the complainant or his representative, if they so requested, with a copy of the summary of report of the investigation;
- (2) The relevant government organs shall inform the Commission within sixty days of the measures taken concerning the recommendations submitted to it under the provisions of sub-section (1)(a).
- (3) The Commission may request all government and non-government institutions to provide any information concerning the extent of implementation of the Bill of Rights enshrined in the Constitution, and to report on any derogation or deprivation of these rights.
- (4) Any statement made by any person before the Commission shall not be used against them in any civil or criminal proceedings save when they are being tried for perjury, provided that such statement:
- (a) was made in reply to a question which the Commission asked them to answer, or
  - (b) is related to the subject matter under investigation.

### **Meetings of the Commission**

- 12- (1) The Commission shall meet once at least every month upon the invitation of its Chairperson.
- (2) The Commission may convene an extraordinary meeting at the invitation of the Chairperson or at the request of one third of the members.
- (3) The quorum for the meetings of the Commission shall be reached when more than half of its members are present.
- (4) Decisions shall be taken by a majority of votes of members present and in case of a tie, the Chairperson shall have a casting vote.

### **Functions of the Chairperson**

- 13- The Chairperson shall be the first responsible person for the Commission and shall supervise all administrative and financial matters required for the Commission, and without prejudice to the generality of the foregoing; the Chairperson shall have the following functions:
- (a) Chair the meetings of the Commission;
  - (b) Represent the Commission before others;
  - (c) Follow-up implementation of the decisions of the Commission;
  - (d) Forward to the Presidency of the Republic and the National Assembly, periodical reports approved by the Commission concerning all matters relating to human rights and any violation committed from time to time;
  - (e) Any other responsibilities which the Commission may assign to him.

### **Functions of the Deputy Chairperson**

- 14- The Deputy Chairperson shall perform the functions of the Chairperson in their absence as well as performing the functions delegated to them by the Chairperson.

### **Emoluments and Privileges of the Chairperson, Deputy Chairperson and Members of the Commission**

- 15- The Presidency of the Republic shall determine the emoluments of the Chairperson, their Deputy and the entitlements of the members of the Commission.

## **Chapter IV The Secretariat General and its Functions**

### **Establishment of the Secretariat General**

- 16- The Commission shall establish a Secretariat General headed by the Secretary General and shall include such number of employees according to the approved organizational chart to enable the Commission to perform its duties.

### **Functions of the Secretariat General**

- 17- The Secretariat General shall be responsible for running the executive and administrative work of the Commission and, without prejudice to the generality of the foregoing, the Secretariat General shall have the following functions:
- (a) execute decisions and directives of the Commission;
  - (b) prepare minutes of the meetings and deliberations;
  - (c) carry out necessary executive and administrative business of all permanent and non-permanent specialized committees;
  - (d) prepare the annual budget of the Commission well in accordance with the principles and standards adopted by the State and submit the same to the Commission for approval and submission to the Presidency of the Republic for endorsement;
  - (e) Prepare the Commission's organizational chart, the conditions of service of staff and submit them to the Commission.
  - (f) Undertake any other tasks assigned to it by the Commission or by the Chairperson.

## **Chapter V General Provisions**

### **Immunity of the Chairperson, their Deputy And Members of the Commission**

- 18- Save in cases of *flagrante delicto*, the Chairperson, their Deputy or any member of the Commission shall not be arrested or have any criminal or civil proceedings taken against them in connection with any work relating to the performance of duties assigned to them under this Act except after obtaining written permission from the Presidency of the Republic.

### **Participation of the Relevant Government Organs**

- 19- The Council of Ministers shall appoint six representatives of the relevant governmental organs to take part in the deliberations of the Commission in advisory capacity.

### **Budget, Accounts, Subsidies, and Audit**

- 20 (1) The Commission shall have an independent budget to be submitted to the Presidency of the Republic for endorsement and shall be approved by the National Assembly as part of the State consolidated annual budget;
- (2) The Commission shall establish its own accounting unit to operate on the basis of established accounting norms including the keeping of sound books on revenue and expenditure;
- (3) The Commission may receive national or foreign subsidies in accordance with the guidelines laid down by the Presidency of the Republic;
- (4) The national Audit Chamber or whoever it authorizes shall audit the accounts of the Commission at the end of every fiscal year and evaluate its financial reports and, forward the same to the National Assembly.

### **Power to Make Regulations**

- 21- (1) Notwithstanding the provisions of the Financial and Accounting Procedures Act (2007), the Commission may make the necessary regulations for the implementation of the provisions of this Act. Such regulations may include organization of the administrative, financial, and accounting matters, the procedures of the business of the Commission and receiving and handling of complaints.
- (2) Notwithstanding the provisions of sub-section (1), the Commission may not make regulations concerning terms and conditions of service of the employees of the Commission or amicable settlement of claims of damage or any other matters entailing financial obligations, except with the consent of the bodies concerned.

## Testimony

I hereby certify that the National Assembly has approved the National Human Rights Commission, 2009, in its 3<sup>rd</sup> meeting of the 8<sup>th</sup> session, on 25 Rabie Thani 1430 H, corresponding to 21 April 2009 and; the Permanent Joint Committee of the two Chambers has ruled, in its meeting No ( ) on ..... 1430 H corresponding to ..... 2009, that this Act does not affect the interests of the states.

Ahmed Ibrahim al-Tahir  
Speaker,  
National Assembly  
Chairperson,  
Permanent Joint Committee of the two Chambers

I concur.  
Omar Hasan Ahmed al-Basheer  
Field Marshal,  
President of the Republic

Date: .....1430 H, corresponding to .....2009.