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A PROCLAMATION TO RATIFY THE REVISED
CONSTITUTION, 2001, OF THE SOUTHERN NATIONS,
NATIONALITIES AND PEOPLES REGIONAL STATE

Whereas, it is found necessary to indicate particularly the separation of power, and needs to be transparent and efficient of state organs; and proclaim, the existing Constitution of the Southern Nations, Nationalities and Peoples' Regional State, which consulted upon and ratified through elected representatives of the Peoples of the Region, on 22nd day of June, 1995;

Now, therefore, in accordance with power entrusted to it under Article 49 sub-Article 3(a) and Article 102, of the Constitution of the Southern Nations, Nationalities and Peoples Regional State, it is hereby proclaimed as follows:

1. *Short Title*
This proclamation may be cited as the "Revised Constitution, 2001, of the Southern Nations, Nationalities and Peoples Regional State Proclamation NO.35 2001."
2. *Approval*
The revised Constitution, 2001, of the Southern Nations, Nationalities and Peoples' Regional State has approved after deeply assessed, the provisions, and contents of the Constitution of the Southern Nations, Nationalities and Peoples' Regional State Proclamation NO. 1/1995.
3. *Effective Date*
The Proclamation shall come in to force as of the 12th day of November, 2001.
Done at Awassaa, this 12th day of November, 2001

Hailemariam Desalegn
Chief Executive of the
Southern Nation, Nationalities
and Peoples' Regional State

Article 33

Right to participation in Activities

Any Ethiopian who speaks the working languages of the Region, the Zone or the special wereda has the right to be assigned or elected to serve in governmental and social activities of the State, the Zone or Special Wereda.

Article 34

Marital, Personal and Family Rights

1. Men and women, without any distinction as to race, nation, nationality or religion, who have attained marriageable age as defined by law, have the right to marry and found a family. They have equal rights while entering into, during marriage and at the time of divorce. Laws shall be enacted to ensure the protection of rights and interests of children at the time of divorce
2. Marriage shall only be concluded with the free and full consent of the intending spouses.
3. The family is the natural and fundamental unit of society and is entitled to protection by the society and the State.
4. In accordance with provisions to be specified by law, a law giving recognition to marriage concluded under systems of religious or customary laws may be enacted.
5. This constitution shall not preclude the the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute. Particulars shall be determined by law.

Article 35

Rights of Women

1. Women shall, in the enjoyment of rights and protections provided for by this Constitution, have equal rights with men.
2. Women have equal rights with men in marriage as prescribed by this constitution.
3. The historical legacy of inequality and discrimination suffered by women in Ethiopia taken into account, women, in order to remedy this legacy, are entitled to affirmative measures. The purpose of such measures shall be to provide special attention to women so as to enable them complete and participate on the basis of equality with men in political, social and economic life as well as in public and private institutions.
4. The State shall enforce the right of women to eliminate the influences of harmful customs. Laws, customs and practices that oppress women or cause bodily or mental harm to women are prohibited.
5. Women shall have a right to equality in employment, promotion, pay, and transfer of pension entitlements.
- 6 (a) Women workers employed in government or private enterprises have the right to: maternity leave with full-pay. The duration of maternity leave shall be determined by law taking into account the nature of her work, the health of the mother and the well-being of the child and the family.
(b) Maternity leave may, in accordance with the provisions of law, include prenatal leave with full pay.
7. to prevent harm arising from pregnancy and childbirth and in order to safeguard their health, women have the rights of access to family planning education, information and capacity.

orally, in writing or in print, in the form of arts, or through any media of his choice.

3. Freedom of press and other mass media as well as freedom of artistic creativity is guaranteed. Freedom of press shall specifically include the following elements:
 - (a) Prohibition of any form of censorship;
 - (b) Access to information of public interest.
4. In the interest of free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press as an institution shall enjoy legal protection in order to ensure its operational independence and its capacity to entertain diverse opinions.
5. Mass media financed by or under the control of the State shall operate in a manner ensuring its capacity to entertain diversity in the expression of opinion.
6. These rights can be subjected to limitations only by laws which are issued based on the principle that freedom of expression and information cannot be limited on account of the content or effect of the point or view expressed. Legal limitations can be imposed on these rights in order to protect the well-being of the youth, and the honour and reputation of individuals. War propaganda as well as public expression of opinion intended to injure human dignity shall be prohibited by law.
7. Any citizen who violates any legal limitations on the exercise of these rights may be held liable under the law.

Article 30

*The Right of Assembly,
Demonstration and Petition*

1. Everyone has the right to assemble and to demonstrate together

with others and to petition peaceably and unarmed, and to petition. Appropriate regulations may be made in the interest of public convenience relating to the location of open-air meetings and the route of movement of demonstrations or, for the protection of democratic rights, public morality and peace during such a meeting or demonstration.

2. This right does not exempt from liability under laws enacted to protect the well-being of the youth, or the honour and reputation of individuals, and laws prohibiting and propaganda of war and any public expression of opinions intended to injure human dignity.

Article 31

Rights of Association

Every person has the right to freedom of association for any cause or purpose. Organizations formed, in violation of appropriate laws or to illegally subvert the constitutional order, or which promote such activities are prohibited.

Article 32

*Freedom of Movement and
Right to choose Residence*

Without prejudice to the federal Constitution, Article 32, any resident of this State or any person lawfully in this State has, the right to liberty of movement and freedom to choose his residence, right to job, right to possession of private property as well as to leave the region at any time he wishes to.

Article 26

Right to Privacy

1. Everyone has the right to privacy. This right shall include the right not to be subjected to searches of his home, person or property, including the seizure of any property under his personal possession.
2. Everyone has the right to the inviolability of his notes and correspondence including postal letters, and communications made by means of telephone, telecommunication and electronic devices.
3. Government officials shall respect and protect these rights, No restrictions may be placed on the enjoyment of such rights except in compelling circumstances and in accordance with specific laws whose purpose shall be the safeguarding of national security or public peace, the prevention of crimes or the protection of health, public morality or the rights and freedoms of others.

Article 27

*Freedom of Religion, Conscience
and Belief*

1. Everyone has the right to freedom of thought, conscience, and religion. This right shall include the freedom to hold or adopt and religion or belief of his choice, and the freedom, either individually or in community with others, in public or private to manifest his religion or belief in workshop, observance, practice and teaching.
2. Subject to the provisions of sub-Article 2 of Article 118, believers may establish institutions of religious education and administration in order to propagate and organize their faith.

3. No one shall be subject to correction or other means which would restrict or prevent his freedom to hold a belief of his choice.
4. Parents and legal guardians have the right to bring up their children ensuring their religious and moral education in conformity with their own convictions.
5. The right to express one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, public health, education, public morality or fundamental rights and freedoms of other citizens, and to guarantee the independence of the state from religion.

Article 28

Crimes Against Humanity

Criminal charges on persons who committed offences against humanity, defined by international treaties which Ethiopia ratified or by the Ethiopian domestic laws, such as genocide, Summary executions, forcible disappearance or torture, shall not be barred by period of limitation, such offences may not be commuted by amnesty or pardon of the legislature or any other state organ.

PART TWO

DEMOCRATIC RIGHTS

Article 29

Right of Thought, Opinion and Expression

1. Everyone has the right to hold opinions without interference.
2. Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas regardless of frontiers either

5. Accused person has the right to be represented by a legal counsel of his choice, and, if he does not have sufficient means to pay for it and miscarriage of justice would result, to be provided with legal representation at state expense.
6. He has the right to appeal to the competent court on judgement or order passed by a court which heard the case.
7. He has the right to request for the assistance of an interpreter at state expense where the court proceedings are conducted in a language he does not understand.

Article 21

*The Rights of Person Held in
Custody and Convicted Prisoner*

1. A person held in custody and person imprisoned upon conviction and sentenced has the right to treatment respecting his human dignity.
2. A person shall have the opportunity to communicate with, and to be visited by, his spouse or counsel, partner, close relative, friend, religious councilors, medical doctors and his legal advisor.

Article 22

Non-retroactivity of Criminal Law

1. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence at the time when it was committed or omitted; nor shall a heavier penalty be imposed on any person than the one that was applicable when the criminal offence was committed.
2. Notwithstanding the provisions of sub Article of this Article allow promulgated subsequent to the commission

offence shall apply if it is advantageous to the accused or convicted person.

Article 23

Prohibition of Double Jeopardy

No person shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with criminal law and procedure.

Article 24

Right to Honour and Reputation

1. Everyone has the right to have his honour and good reputation respected.
2. Everyone has the right to freely develop his personality in a manner compatible with the rights of other citizens.
3. Everyone has the right to be recognized as a person everywhere.

Article 25

Rights of Equality

all persons are equal before the law. All persons are entitled, without any discrimination, to equal protection of the law. Accordingly, all persons have the right to equal and effective protection of the law without discrimination on grounds of race, nation, nationality, colour, sex, language, religion, political opinion, social origin, wealth, birth or other status.

ment which is imposed in accordance with the law;

- (b) Any service exacted in lieu of military service in case of conscientious objectors;
- (c) Any service exacted in case of emergency or calamity threatening the life or well-being of the community;
- (d) Any economic or social development activity voluntarily performed by a community within its locality.

Article 19

Rights of person Arrested

1. Person arrested has the right to be informed immediately, in a language he understands of the particular of the charge and the reason for his arrest.
2. Person arrested has the right to remain silent upon arrest, he has the right to be informed promptly in a language he understands, that any statement he makes may be used as evidence against him in court.
3. Arrested person has the right to be brought before the court of law within 48 hours of his arrest excluding the time reasonable required for the journey from the place of arrest to the court. On appearing before the court, he has the right to be given prompt and specific explanation of the reasons for his arrest due to the alleged crime.
4. Every person has an inalienable right to petition the court to order his physical release where the arresting police officer or the law required fails to bring him before a court within the prescribed time and to provide reasons for his arrest. Where the interest of justice requires, the court may order the arrested person to remain in custody or, when requested, remand him for a time strictly required to carry out the necessary investigation. In determining the additional time necessary for investigation the court shall

ensure that the responsible law enforcement authorities carry out the investigation respecting the arrested person right to a speedy trial.

5. Every arrested person shall not be compelled to make confession or to produce evidence against him statements made or evidences obtained through coercion shall not be admissible.
6. Every arrested person has the right to be released on bail. The court may, however, in exceptional cases prescribed by law, deny bail right or demand adequate guarantee for the conditional release of the arrested person.

Article 20

Rights of Accused Person

1. Accused person has the right to public trial before an ordinary court of law within a reasonable time after having been charged; however the court may hear cases in a closed session only with a view to protecting the right to privacy, public morals and national security.
2. Accused person has the right to be informed of the particulars of the charge brought against and to be given the charge in writing.
3. Any person charged with penal offence has the right to be presumed innocent until proved guilty according to law and not to be compelled to testify against himself.
4. Accused person has the right to access to any evidence produced against him to examine witnesses testifying against him to adduce or make adduced his own defensive evidence and to obtain the attendance of an examination of witnesses on their behalf before the court.

Article 15

The Right to Life

Every Person has the right to life, no person shall be deprived of his life except as a punishment for a serious criminal offence determined by law.

Article 16

The Right of Security of Person

Everyone has the right to protection against bodily harm.

Article 17

The Right to Liberty

1. No one shall be deprived of his liberty except in accordance with the established legal procedures.
2. No person shall be subjected to arbitrary arrest, and be detained without a charge or conviction.

Article 18

Prohibition Against Inhuman Treatment

1. Everyone has the right to protection against cruel, inhuman or degrading treatment or punishment.
2. No one shall be held in slavery or servitude. Trafficking in human beings for whatever purpose is prohibited.
3. No one shall be required to perform forced or compulsory labour.
4. For the purpose of sub-Article 3 of this Article, the term "Forced or compulsory labor" shall not include:
 - (a) Any work to be done in the ordinary course of imprisonment or during conditional release from such imprisonment.

Article 12

Conduct and Accountability of the Government

1. The conduct of the affairs of the government shall be transparent.
2. An elected representative may be recalled if the electorate lack confidence in him. Particulars shall be determined by law.
3. Any Public official or representative is accountable for any failure in official duties.

CHAPTER THREE
FUNDAMENTAL RIGHTS AND FREEDOMS

Article 13

Effectiveness and Definition

1. All legislative, executive and judicial organs of this State, at all levels of government, shall have responsibility and obligation to observe and enforce the provisions enclosed in this Chapter.
2. The fundamental rights and freedoms specified in this Chapter shall be interpreted in conformity with the Universal Declaration of Human Rights, International Covenants on Human Rights and Principles of other relevant international instruments which Ethiopia has adopted.

PART ONE
HUMAN RIGHTS

Article 14

The Right to Life, the Security of Person and Liberty

Every person has the inviolable and inalienable right to life, security of person and liberty

Article 5
Languages

1. All languages in the Region shall enjoy equal State recognition.
2. Amharic shall be the working language of the Regional State.
3. Zones and Special Woredas may determine their respective working languages in their own Councils.

Article 6
Capital City of The State

The Capital City of the State shall be Awassa.

Article 7
Expression of Gender

Provisions of this Constitution set out in the masculine gender shall also apply to the feminine gender.

CHAPTER TWO
THE FUNDAMENTAL
PRINCIPLES OF THE CONSTITUTION

Article 8
Power of the People

Without prejudice to the supremacy of the Constitution of the Federal Democratic Republic of Ethiopia:

1. All power of the Regional State resides in the peoples of the Southern Nations, Nationalities and Peoples' Regional State;
2. Peoples' power shall be manifested through their elected representatives and through their direct democratic participation.

Article 9

Supremacy of the Constitution

Without prejudice to the supremacy of the Constitution of the Federal Democratic Republic of Ethiopia:

1. This Constitution shall be the supreme law of the Regional State. Any law, customary practice or decision of any governmental organ or official which is inconsistent with this Constitution shall be of no effect;
2. All the dwellers of this State, governmental organs,, political organizations and other associations along with their official shall be bound by this Constitution and be responsible for its observance;
3. The assumption of state power in any way except in accordance with the provisions of this constitution is prohibited.

Article 10
Human and Democratic Rights

1. Human rights and freedoms are inviolable and inalienable. They are inherent in the dignity of human beings.
2. Human and democratic rights of peoples and citizens shall be respected.

Article 11
Separation of State and Religion

1. State and religion are separated from each other.
2. There shall be no state religion.
3. The State shall not interfere with religious activities and religion shall not interfere with state affairs.

Preamble

We, the Southern Nations, Nationalities and Peoples:

Dedicated to ensure the supremacy of the law, to advance our economic and social development to further develop our language, culture and unity, and consolidate the peace and prospect of a democratic order which our struggle and sacrifices have brought about in a Region we have established on the basis of equality and common understanding by using our right of selfdetermination;

Convinced that the fulfilment of these objectives in our State requires full respect of individuals and nations, nationalities and peoples fundamental rights and freedoms, recognition of the equality of sex and the observance of languages and religions without any discrimination;

Convinced that the continuing to live with our proud cultural legacies in the State we have long inhabited, we have through continous interactions on various forms and levels, built up common interests and outlooks;

Cognizant that our future commn destiny can best be served by rectifying the unjust relationship which we inherited from the past dictatorial regimes and by further promoting our shared interest;

Recognized that the existing Constitution of Southern Nations Nationalities and Peoples' which adopted on 22nd June, 1995 through our representatives, does not indicate accountability, transparency, efficient organizational structure of state organs clearly and unable to bring fast socio-economic development;

Therefore, it is necessary to revise the existing Constitution, an instrument that binds us in a mutual commitment to fulfil the objectives and principles set forth above; we discussed and adopted the revised Constitution of Southern Nations, Nationalities and Peoples' on this 12th day of November 2001, in Awassa, by an extra-ordinary meeting of the State Council.

CHAPTER ONE GENERAL PROVISIONS

Article 1

Nomenclature of the Regional State

This constitution proclaims the democratic establishment of the Southern Nations, Nationalities and Peoples' Regional State. Accordingly, this State shall be known as The Southern Nations, Nationalities and Peoples' Regional State.

Article 2

Boundaries of the State

Without Prejudice to the boundaries stated in the Constitution of the Federal Government, the boundaries of the Southern Nations, Nationalities and Peoples' Regional State shall be those of the Zones and Special Weredas.

Article 3

The State Flag

The Southern Nations, Nationalities and Peoples' Regional State shall have its own flag and emblems. The State flag shall consist of the blue at top, white in the middle and red at the bottom, and shall have a State emblem hut at the center. Particulars shall be determined by law.

Article 4

The State Anthem

The State Anthem shall reflect the ideals of the constitution, the commitment of the peoples of the State to live together with the rest peoples of Ethiopia in a democratic order and of their common destiny. Details shall be determined by law.

- (c) to vote and be elected at periodic elections to any office at all governmental level, election shall be held by universal suffrage and secret ballot in order to ensure the free expression of the will of the electorate;
2. The right of every person to be a member of political parties, labour unions, trade organizations, employers' and professional associations shall be respected if he meets the general and special requirements stipulated by such organizations.
3. Election to positions of responsibilities within the organizations mentioned under sub-Article 2 of this Article shall be conducted in a free and democratic manner.
4. The provisions of sub-Article 2 and 3 of this Article shall apply to civic organizations which significantly affect the public interest.

Article 39

National Rights of the Southern Nations

Nationalities and Peoples Regional State

In accordance with the provisions of the Ethiopian Federal Democratic Republic Constitution the, Nations Nationalities and peoples of the Southern Nations, Nationalities and Peoples Regional State have unconditional right of self-determination, including to secession. Accordingly, each Nation, Nationality and People have the right to:

1. Preserve its identity and have it respected, promote and preserve its heritage, artifact and history, and use and develop its own language and culture;
2. Administer its own affairs within its own defined territory and effectively, impartially and justly participate in the activities of

- the Federal government;
3. Establish its own governmental organizations pertinent to its geographical settlement and get fair representation in the State and Federal administration;
4. The right of self-determination, including secession, of every Nation, Nationality and Peoples in the Southern Nations, Nationalities and Peoples Regional State can be exercised:
 - (a) When a demand for secession has been approved by a two-thirds majority vote of the members of legislative council of the concerned Nation, Nationality or People;
 - (b) When the Federal Government has organized a referendum which must take place within three years from the time when it received the concerned council's decision for secession;
 - (c) When the demand for secession is supported by a vote of majority during the referendum;
 - (d) When the Federal Government transferred power to the Council of Nation, Nationality or People that demanded secession; and
 - (e) When the division of assets is effected in accordance with the law.
5. Nations, Nationalities or Peoples of the State have the right to establish, at any time, their own State.
6. The right of any Nation, Nationality or People, to form its own State is exercisable under the following procedures:
 - (a) When the demand for statehood has been approved by a two-thirds majority of the members of the Council of the Nation, Nationalities or People concerned, and the demand is presented in writing to the State Council;
 - (b) When the Council that received the demand has organized a referendum within one year to be held in the