



## **State of the African Diaspora Parliament**

**Melvin Brown**  
**President of the Parliament**  
**SOAD-PL LAW 007**

### **CITIZENS' BILL OF RIGHTS**

#### **LEGISLATIVE INTENT**

This Citizens' Bill of Rights is a solemn expression of the principles and values that guide our nation. It serves as a foundation for a just, democratic, and inclusive society, and its provisions are binding on all branches of government, institutions, and individuals. It is the duty of the State to uphold and protect these rights, ensuring that every citizen can live with dignity, freedom, and equality.

Natural law is the source of all laws. In all human societies, and at all times, certain fundamental principles are accepted by all. For example, for every human being endowed with reason and conscience, it is a given that any damage must be made good. This is natural, self-evident, and it goes without saying. As the French philosopher Marquis de Condorcet put it in his *Réflexions sur l'esclavage des Nègres* (1781), "this need to make reparation for the crime one has committed is a consequence of natural law, and does not need to be ordered in advance by any law." Indeed, reparation is the principle of all justice, the principle of natural law.

However, natural law cannot be the only source of legislation. In every state, successive generations establish complementary rules, written or unwritten, which constitute the laws of the land. In African kingdoms, customary law governs relations between individuals. It sets standards for agriculture, property ownership, marriages, funerals, inheritance, the appointment of chiefs, and conflict resolution, among other things.

While positive law is generally attached to a people or a state, some legal texts display a universal ambition. Long before the Declaration of Human Rights, promulgated by the UN in 1948, the first text in history to define fundamental human rights was the Charter of the Mandé, also known as the Hunters' Oath, promulgated in 1222 under the Emperor of Mali, Soundiata Keita. The text was recognized by UNESCO in 2009, and is on the list of the Intangible Cultural Heritage of Humanity.

The text of the Charter of Mandé states :

- Every life is a life; one life is not older or more respectable than another life, just as another life is not superior to another life;
- Let no one gratuitously attack his neighbor, let no one harm his neighbor, let no one martyr his fellow man.
- Wrongs must be righted.
- Help one another.
- Take care of your country.
- Hunger is not good, nor is slavery.
- War will never again destroy a village to take slaves from it; in other words, no one will ever again put the bit in his fellow man's mouth to go and sell him; nor will anyone be beaten in the Mandé, let alone put to death, because he is the son of a slave.
- Everyone is free to act as he or she pleases, within the bounds of the laws of his or her homeland.

Another landmark text in the history of pan-African communities is the Constitution of July 3, 1801, promulgated by Toussaint Louverture. Affirming the autonomy, if not the total independence, of Santo Domingo (later to become Haiti), the Constitution declares this in Article 3 : "There can be no slaves in this territory, servitude is forever abolished." Furthermore, Article 4 states, "Every man, whatever his color, is eligible for all employment", thus affirming the principle of racial non-discrimination, which was an historic first.

The 1948 Declaration of Human Rights is, of course, a milestone in universal history. All the world's states refer to it, but it has often been criticized, particularly by the countries of the South, who have often pointed out that the text sometimes seems to concern not human rights, but the rights of the white man. In reality, it is not the text itself that is contested, but its application, which sometimes seems geometry-variable, belying its universalistic principle.

For that reason, the founding texts of the African Union and CARICOM are designed to give the peoples of Africa and the Caribbean a legislative framework that truly corresponds to their aspirations, by integrating economic and social rights to a greater extent. Those rights are necessary to ensure that the rights proclaimed do not remain a purely theoretical formulation, with no concrete application. Indeed, to assert, for example, that the citizens of a state have equal rights, when in reality, a large proportion of the population is starving, is a purely formalistic conception of the law.

Nowadays, thinking about universal rights is becoming increasingly broader. As far back as 1791, Olympe de Gouges published the Declaration of the Rights of Women and Citizens. In 1959, the UN adopted the Declaration of the Rights of the Child, followed in 1975 by the Declaration on the Rights of Disabled Persons, and in 2007 by the Declaration on the Rights of Indigenous Peoples. Today, more and more people are talking about the rights of Nature and the rights of the environment. Crimes of ecocide are beginning to be taken into account, and some even believe that elements such as rivers or mountains belonging to an ancestral spiritual tradition, have its own legal rights and be subjects of law, which must be protected.

Of course, the State of the African Diaspora (SOAD) is the heir to all those texts which, in Africa, in the Diaspora and at the level of the United Nations, have laid the foundations of positive international law. However, the ambition of the citizens and Members of Parliament of this State cannot be summed up in a simple synthesis of the rights formulated here and there in the past. Being in itself a radical political innovation, SOAD constitutes a new State, beyond borders, and must consequently construct a new, sovereign law, independent of existing national and international legislations.

This text, therefore, constitutes Pan-African legislation *par excellence*, the only one to date capable of integrating citizens, from Africa, the Diaspora, and elsewhere, into a single whole. It guarantees political, economic, and social rights for them, in line with their universal and common aspirations.

\*\*\*

### **Article 1 : Jurisdiction**

1. This Bill of Rights refers to the territories under the jurisdiction of the State of the African Diaspora.
2. This Bill of Rights also refers to the digital jurisdiction of the State of the African Diaspora.

### **Article 2 : Right to Life, Liberty, and Security of Person**

1. Every citizen has the right to life, liberty, and security of person.
2. No one shall be subjected to arbitrary arrest, detention or exile.

### **Article 3 : Right to Equality and Non-Discrimination**

1. All citizens are equal before the law and are entitled to equal protection and benefit of the law.
2. Discrimination based on race, color, ethnicity, origin, gender, religion, disability, sexual orientation, socio-economic status or any other status is strictly prohibited.

### **Article 4 : Freedom of Expression**

1. Freedom of speech is guaranteed to all citizens, ensuring the right to express opinions and ideas without censorship or retaliation.
2. Freedom of expression does not authorize defamation, threat, incitement to hatred or violence, or incitement to commit a felony or a crime.

### **Article 5 : Right to Privacy**

1. The right to privacy is inviolable, and no citizen shall be subjected to arbitrary interference with their privacy, family, home, or correspondence.
2. The collection, processing, and usage of personal and/or institutional data shall be regulated to protect the privacy of individuals and institutions. Surveillance, searches, or seizures must be conducted based on lawful and justifiable grounds and with respect for due process.

### **Article 6 : Freedom of Religion and Belief**

1. Every citizen has the right to freedom of thought, conscience, and religion within the limits of the law, as specified in the Law on Spirituality, Religions and Citizenship, adopted in January 2022.
2. Proselytism and religious violence are prohibited.
3. The State shall not establish any religion, and individuals are free to practice and change their religion or belief.

### **Article 7 : Right to Assembly and Association**

Citizens have the right to peacefully assemble and associate with others; they also have the right to form and join associations, unions, or groups, including political parties and NGOs for peaceful and lawful purposes.

### **Article 8 : Right to Education**

1. Every citizen has the right to education.

2. Primary and Secondary education shall be compulsory and free of charge, as soon as the necessary infrastructures are put in place.
3. Higher education shall be accessible to all citizens based on merit, as soon as the necessary infrastructures are put in place.

#### **Article 9 : Right to Work and Fair Labor Practices**

1. Citizens have the right to work under just and favorable conditions.
2. Forced labor, child labor abuse, and unfair labor practices are strictly prohibited.

#### **Article 10 : Right to Healthcare**

1. Every citizen has the right to enjoy the highest attainable standard of physical and mental healthcare, including ancestral and traditional healthcare systems.
2. Access to healthcare services, sanitation, and safe drinking water shall be ensured.
3. No citizen shall be coerced, forced or obligated to take any vaccines or medications that they deem will be detrimental to their health, even in times of an emergency. In that case emergency provisions will be implemented in line with Article 16 of this Law
4. Citizens have the right to social security.
5. Adequate provisions for the elderly, pregnant women, children, and all disabilities shall be ensured.

These provisions shall become effective as soon as the necessary infrastructure and social services are in place.

#### **Article 11 : Right to a Healthy Environment**

1. Citizens have the right to live in an environment that is ecologically sustainable.
2. The State shall take measures to prevent environmental degradation and ensure the conservation of natural resources.

#### **Article 12 : Right of access to SOAD Court of Justice**

1. All citizens shall be entitled to a fair and public hearing by an independent and impartial tribunal. The presumption of innocence, the right to a defense, and the right to legal representation shall be respected.
2. Every citizen has the right to access justice and legal remedies. Legal aid shall be provided to those who cannot afford legal representation.

#### **Article 13 : Right to Political Participation**

1. Citizens have the right to participate in the governance of their country. The right to vote and stand for public office shall be exercised through free and regular elections.
2. The relevant protocols shall be defined by the SOAD electoral Code.
3. Political pluralism shall be recognized.

#### **Article 14 : Right to Cultural Identity and Preservation of Heritage**

1. Citizens have the right to preserve, express, and promote their cultural identities.
2. Cultural diversity within the State shall be celebrated and protected.

### **Article 15 : Right to Property**

1. Citizens have the right to own property; the right to property shall not be arbitrarily deprived.
2. In the public interest, and subject to just and fair compensation, property may be expropriated.

### **Articles 16 : Emergency Provisions**

In times of emergency, the State may impose restrictions on certain rights, but such restrictions must be necessary, proportionate, temporary and subject to review. Basic human rights, as defined in Articles 2, 3 and 5, shall not be derogated even during emergencies.

### **Articles 17 : Nationality and Citizenship**

People can acquire nationality and citizenship of the State of the African Diaspora, as defined in the Law on Nationality and Citizenship, adopted in January 2022.

\*\*\*