

Earthspace Human Rights Code

Richard Penn, 1 August 2017

This is a second draft of the human rights code for my fictional space-based state. It is based on the Universal Declaration of Human Rights, the European Human Rights Code, and the Canadian Charter of Human Rights. Some extra clauses have been added to account for the high risks and tiny community sizes involved in living in spaceships and stations.

The document forms part of my work in progress, an applicants' guide to joining a major expedition heading out into the asteroid belt.

Discussion and questions are always welcome, at the [Asteroid Police Facebook](#) group.

Earthspace Human Rights Charter

Whereas Earthspace is founded upon principles that recognise the principles of fundamental justice and the rule of law; everyone has the following fundamental freedoms:

Freedom of conscience and religion

1 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change their religion or belief, and freedom, either alone or in community with others and in public or private, to manifest their religion or belief in teaching, practice, worship and observance.

Freedom of opinion and expression

2 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

3 The freedom and pluralism of the media shall be respected.

Freedom of assembly and association

4 Everyone has the right to freedom of peaceful assembly and association.

5 No one may be compelled to belong to an association.

Equality before the law

6 Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race; planetary, national or ethnic origin; colour; religion; sex, sexual orientation or gender identity; age; or mental or physical disability.

Affirmative action programs

7 Clause 6 does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race; planetary, national or ethnic origin; colour; religion; sex, sexual orientation or gender identity; age or mental or physical disability.

The rights of the child

9 Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

10 In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

11 Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents unless that is contrary to his or her interests.

The rights of the elderly

12 Earthspace recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life.

Integration of persons with disabilities

13 Earthspace recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

Freedom to travel

14 Every citizen of Earthspace has the right to enter, remain in and leave Earthspace.

15 Every citizen of Earthspace has the right to move and reside freely in any ship or station of Earthspace.

16 Every citizen of Earthspace and every person who has the status of a permanent resident of Earthspace has the right to employment in any ship or station.

Outside country nationals

17 Freedom of movement and residence may be granted to nationals of outside countries legally resident in an Earthspace ship or station.

Asylum from persecution

18 Everyone has the right to seek and to enjoy in Earthspace asylum from persecution.

19 This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Limitations

20 The rights specified in clauses 15 to 19 are subject to:

20a any laws or practices of general application in force in a ship or station other than those that discriminate among persons primarily on the basis of present or previous residence; and

20b any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.

20c any laws requiring a person to remain on a ship or station while the health of residents or the safety of the vessel depends on that person remaining aboard.

20d any laws requiring a person entering a ship or station to demonstrate the ability to adapt to the gravity or other conditions present or reasonably expected therein.

20e any laws limiting the number or capabilities of persons entering or residing on a ship or station, in order to preserve the health and safety of residents.

Life, liberty and security of person

21 Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Slavery

22 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Right to the integrity of the person

23 Everyone has the right to respect for his or her physical and mental integrity.

24 In the fields of medicine and biology, the following must be respected in particular:

24a the free and informed consent of the person concerned, according to the procedures laid down by law;

24b the prohibition of eugenic practices, in particular, those aiming at the selection of persons, unless such selection is necessary for the safety of the ship or station;

24c the prohibition on making the human body and its parts as such a source of financial gain;

24d the prohibition of the reproductive cloning of human beings.

24e the right of a woman to terminate her pregnancy prior to the stage where a live birth is possible, or at a later stage when the woman's health is in danger or in case of severe foetal abnormality.

Health care

25 Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by the laws and practices of a ship or station. A high level of human health protection shall be ensured in the definition and implementation of all Earthspace policies and activities.

Limitation

26 A ship or station may undertake a course of action that risks the health or lives of persons aboard, providing the unanimous consent of all competent persons aboard is obtained prior to undertaking such action, no additional risks are presented to other ships or stations without such consent, and the government of Earthspace is informed of such plans.

Social Security

27 Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and in accordance with the organisation and resources of each ship or station, of the economic, social and cultural rights indispensable for their dignity and the free development of their personality.

28 Earthspace recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by Earthspace, ship or station laws.

29 Everyone residing and moving legally within Earthspace is entitled to social security benefits and social advantages in accordance with Earthspace law and ship or station laws and practices.

30 In order to combat social exclusion and poverty, Earthspace recognises and respects the right to social and housing as-

sistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Earthspace law and local laws and practices.

Conscientious objection

31 The right to conscientious objection is recognised, in accordance with the laws governing the exercise of this right.

Right to family life

32 Persons of full age, without any limitation due to race, nationality, religion, sexuality or gender identity, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

33 Marriage shall be entered into only with the free and full consent of the intending spouses.

34 The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

35 Everyone has the right to respect for his or her private and family life, home and communications.

36 The right to marry and the right to found a family shall be guaranteed in accordance with the laws governing the exercise of these rights.

Limitation

36a No person may become pregnant or cause a pregnancy to begin or continue to term, without the consent of all persons aboard the ship or station where the child is intended to reside.

Democratic rights

37 The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

38 Every citizen of Earthspace has the right to vote in an election of members of the legislative assembly and to be qualified for membership therein.

39 Everyone has the right to equal access to public service in their ship or station and in Earthspace.

40 Every citizen of Earthspace has the right to vote and to stand as a candidate at elections to the Earthspace Parliament in

the ship or station in which he or she resides, under the same conditions as nationals of that ship or station.

41 Members of the Earthspace Parliament shall be elected by direct universal suffrage in a free and secret ballot.

42 Every citizen of Earthspace has the right to vote and to stand as a candidate in local elections in the ship or station in which he or she resides under the same conditions as nationals of that ship or station.

42a No person has the right to vote or stand as a candidate in local elections unless they are legally resident and physically present aboard that ship or station, or a boat or other vessel belonging to that ship or station.

42b No person has the right to vote or stand as a candidate in Earthspace elections unless they are legally resident and physically present aboard a ship, station, boat or vessel under the flag of Earthspace.

Maximum duration of legislative bodies

43 No legislative assembly shall continue for longer than three Earth years from the date fixed for the return of the writs at a general election of its members.

Substantial change of population

44 In the case where a ship or station has added or lost a substantial proportion of its population, new elections must be held within a reasonable time for a local legislative assembly and for representatives in the Earthspace legislature.

Annual sitting of legislative bodies

45 There shall be a sitting of Parliament and of each legislature at least once every twelve Earth months, or where there is a substantial change in the orbit or future plans of a ship.

Right to petition

45 Any citizen of Earthspace and any natural or legal person residing or having its registered office in a Member ship or station has the right to petition the Earthspace Parliament.

Right to due process

Search or seizure

46 Everyone has the right to be secure against unreasonable search or seizure.

Arrest or detention

47 Everyone has the right not to be arbitrarily detained or imprisoned.

48 Everyone has the right on arrest or detention:

48a to be informed promptly of the reasons therefor;

48b to retain and instruct counsel without delay and to be informed of that right; and

48c to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful.

Criminal and penal proceedings

49 Any person charged with an offence has the right:

49a to be informed without unreasonable delay of the specific offence;

49b to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law;

49c not to be compelled to be a witness in proceedings against that person in respect of the offence;

49d to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;

49e not to be denied reasonable bail without just cause;

49f except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for one Earth year or a more severe punishment;

49g not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Earthspace or international law or was criminal according to the general principles of law recognised by the community of nations;

49h if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and

49i if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

50 A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

51 Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.

Treatment or punishment

52 No one shall be condemned to the death penalty, or executed.

53 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

54 The severity of penalties must not be disproportionate to the criminal offence.

Exclusion of evidence

55 Where a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

Language of Proceedings

56 A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Language and cultural rights

Official language

57 English is the official language of Earthspace

58 The statutes, records and journals of Parliament shall be printed and published in English.

Minority language rights

59 Everyone has the right to use their own language in any debates and other proceedings of Parliament, where interpretation can be provided for other participants.

60 Any member of the public in Earthspace has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Earthspace in their own language, and has the same right with respect to any other office of any such institution where

60a there is a significant demand for communications with and services from that office in such language; or

60b due to the nature of the office, it is reasonable that communications with and services from that office be available in that language.

Multicultural heritage

61 This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Earthspace citizens.

Education rights

Right to Education

62 Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

63 Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or other groups.

64 Parents have a prior right to choose the kind of education that shall be given to their children.

65 The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the local laws governing the exercise of such freedom and right.

Language of instruction

66 Citizens of Earthspace whose first language learned and still understood is that of a large proportion of the population of the ship or station in which they reside, have the right to have their children receive primary school instruction in that language in that ship or station.

Continuity of language instruction

67 Citizens of an Earthspace ship or station of whom any child has received or is receiving primary school instruction in a language other than English in that ship or station, have the right to have all their children receive primary school instruction in the same language.

Employment rights

Right to work

68 Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

69 Every citizen of Earthspace has the freedom to seek employment, to work, to exercise the right of establishment and to provide services to any ship or station of Earthspace.

70 Every worker has the right to protection against unjustified dismissal, in accordance with Earthspace law and local laws and practices.

Right to fair pay

71 Everyone, without any discrimination, has the right to equal pay for equal work.

72 Everyone who works has the right to just and favourable remuneration ensuring for themselves and their family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

73 Nationals of outside countries who are authorised to work in ships and stations of Earthspace are entitled to working conditions equivalent to those of citizens of Earthspace.

Working hours and conditions

74 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

75 Every worker has the right to working conditions which respect his or her health, safety and dignity.

76 Children and young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

Right to trade unions

77 Everyone has the right to form and to join trade unions for the protection of their interests.

78 Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.

79 Workers and employers, or their respective organisations, have, in accordance with Earthspace law and ship or station laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action, where such action does not endanger the ship, station or persons therein.

Property rights

80 Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law in so far as is necessary for the general interest.

81 The freedom to conduct a business in accordance with Earthspace law and local laws and practices is recognised.

Intellectual property

82 Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which they are the author.

83 The arts and scientific research shall be free of constraint. Academic freedom shall be respected.