



Constitution

of the

Earth Federal Republic

Approved with the unanimity of the Earth Republic citizens in a referendum celebrated the 16th of July, 2017.

Preamble: Foundation of the Nation

The citizens of the Earth Federal Republic, pursuing the goals spelled out in this Constitution, establish the Earth Federal Republic as an online-based nation. The shorter names Earth Republic and EFR may be used to refer to the Nation as well.

Chapter I: Nation Definition

Article 1: Citizens

- (1) Citizens of the Earth Federal Republic are all humans who are children of a citizen of the Nation or who are naturalized.
- (2) The Earth Federal Republic does not have any official language. English is used as a vehicular language, and Esperanto has a special recognition as an International Auxiliary Language.

Article 2: Form

- (1) The Earth Federal Republic is a secular, sovereign, and democratic republic. All entities that depend on the government of the Nation must yield to these principles.
- (2) The Earth Federal Republic is a federal nation.
- (3) This Constitution is the supreme law of the Earth Republic; it is directly binding on all Nation authority. The general rules of public international law constitute an integral, inviolable part of the national law.

Article 3: National Symbols

- (1) The national colors of the Earth Federal Republic are dark green, white, and dark blue. Their respective hexadecimal color codes are #005E00, #FFFFFF and #00517A.
- (2) The official flag is the Earth Flag, consisting of a dark green circle representing the Earth inside a bigger white circle representing the atmosphere over a dark blue background that represents the universe
- (3) The official logo of the republic consists of two concentric circles. The internal circle being dark green and the external one dark blue.
- (4) The official flag and logo shall not be used to represent other nations and institutions outside the Earth Republic.
- (5) The official flag and logo shall be used by any person to represent the Republic.
- (6) The motto of the Earth Republic is “kune ni progresas” or, translated to English, “together we progress”.

Chapter II: Nation Objectives

Article 4: General Constitutional Objectives

(1) The Earth Federal Republic promotes justice and universal protection of human rights as individual rights. The State encourages fraternity among its citizens by establishing solidarity and national unity.

(2) The Earth Federal Republic acknowledges the right of its citizens to self-determination, and the right of minorities to group autonomy.

Article 5: Security

(1) The Earth Federal Republic promotes worldwide peace. Acts undertaken to prepare war or to otherwise disturb the peaceful relations between nations are unconstitutional.

(2) The Government takes adequate measures to preserve its integrity even in the state of war or civil war.

(3) The Earth Federal Republic protects its citizens against harassment, extremism, and humiliation.

Chapter III: Organization

Part I: General Organization

Article 6: Elections

(1) Absent of special provisions, elections are universal, direct, free, equal, and secret.

(2) Elections are always free and equal.

(3) Elections are always secret if a person eligible to vote or be elected so demands.

(4) Elected representatives are servants of all, not only of their constituents.

(5) The Alternative Vote system is used for all Elections.

Article 7: Organizational Principles

(1) The Earth Federal Republic separates executive, legislative, and adjudicative powers.

(2) The Earth Federal Republic acknowledges the autonomy of each State.

(3) Autonomy is bound to the principle of democratic organization.

Article 8: Decentralization, Mutual Assistance

(1) The Earth Federal Republic powers belong to the States if not assigned to the national entities by this Constitution.

(2) The government of each State must consist of a minimum of two members who mustn't be part of the National Government.

Article 9: National Powers

(1) State powers belong to the National Government for the following subject matters:

- a) state defence,
 - b) foreign relations,
 - c) economic regulations,
 - d) infrastructure,
 - f) solidarity systems,
 - g) private, criminal, and procedural law,
 - i) and all other subject matters which by their very nature or as a corollary to the subjects listed have to be centralized on the national level.
- (2) The State may give up sovereign powers to international or supranational bodies, including systems of mutual collective security and trade organisations, as long as it retains an adequate representation in those bodies and those bodies guarantee sufficient legal protection for the Citizens.

Part II: Executive Power

Article 10: National Government, President and Founder

- (1) The executive power of the State is vested in the national Government. It includes diplomatic affairs.
- (2) The President is the representative of the National Government.
- (3) The President does not handle more power than the rest of the Ministers.
- (4) To make decisions, unanimity in the Government is required.
- (5) National Ministers, including the President, are elected by all citizens yearly.

Article 11: Impeachment

- (1) An impeachment of the President or the full Government by the General Assembly takes the form of a new governmental election.

Part III: Legislative Power

Article 12: General Assembly

- (1) The legislative power is vested in the General Assembly.
- (2) The General Assembly consists of all citizens that wish to participate in politics.
- (3) The General Assembly draws up its own rules of procedures and elects a General Assembly president and General Assembly vice-president. If the General Assembly has less than six members, the National President shall moderate the General Assembly sessions and a president shall not be elected.
- (4) Decisions of the General Assembly require a majority of the votes cast (simple majority) unless this Constitution provides otherwise.
- (5) The General Assembly decides which Ministries should be created before governmental elections.

Article 13: Rights of the Members of the General Assembly

(1) Members of General Assembly may not be subjected to court proceedings or disciplinary action for a vote cast or a statement made by them in the General Assembly or in any of its committees (Indemnity).

Article 14: Lawmaking Process

(1) Bills can be introduced by any Earthian. Bills can specify the additional requirement of a public referendum after they have been voted upon.

(2) Laws altering this Constitution require two thirds of the votes cast (qualified majority) in a referendum. All laws are void if they are unconstitutional.

(3) Laws have to specify their effective date.

(4) Bills can be submitted to a referendum if provided by a General Assembly decision or as part of the initiative.

Article 15: Treaties

(1) The Government signs treaties with other nations.

(2) The legislative power of the General Assembly includes the power to ratify treaties with other nations.

(3) Treaties not ratified within six months have to be revoked by the Government.

Article 16: National Ordinances

(1) Laws may empower National Ministers to adopt National Ordinances regarding a specified subject matter.

(2) National Ordinances do not require ratification by the General Assembly.

Article 17: State of Emergency

(1) In cases of grave and immediate threat to the existence of the State, the Government may take necessary measures of defence.

(2) All emergency measures must be confirmed or revoked by the General Assembly at the earliest time possible. The Government is bound by the General Assembly's decisions.

Part IV: Adjudicative Power

Article 18: Independent Courts

(1) The adjudicative power is vested in independent courts.

(2) Judges are citizens elected by the General Assembly. They are independent and shall not take part in the General Assembly. Their office ends at time of retirement, when they lose their electoral rights, or after requesting so in the General Assembly.

(3) Judges act as moderators of all official communication channels. Judges may also act as moderators of unofficial communication channels.

(4) If the number of citizens is too low to handle independent courts, the adjudicative power shall be shared between the General Assembly and the National Government.

Article 19: National Court

- (1) The National Court has supreme jurisdiction over review and other matters assigned to it by law.
- (2) The National Court decides issues involving this Constitution. In particular, the National Court has jurisdiction over:
 - a) disputes between state entities concerning their respective rights and duties under this Constitution;
 - b) challenges of a national or regional entity, a Court in the course of its determination, or a third of the Members of the General Assembly against the constitutionality of a law;
 - c) claims of individuals regarding violations of their constitutional rights;
 - d) popular complaints about the violation of fundamental rights;
 - e) all other cases assigned to its jurisdiction by law.
- (3) Decisions of the National Court are directly binding for all entities of the State.
- (4) The office of National Court Justices does not exceed a period of 2 years.

Article 20: Local Courts

- (1) The Government of each State may create an independent Local Court with the permission of the National Court.
- (2) All legal issues regarding a single State should be resolved by the Local Court.
- (3) In the case of an inconsistent application of the Law, the National Court may get involved in the issue.

Chapter IV: Fundamental Rights

Part I: General Provisions

Article 21: Human Rights

- (1) The Earth Federal Republic acknowledges liberty and equality of all humans.
- (2) Human dignity must be respected in any case.
- (3) Everyone is free to do or not to do whatever they choose. Everyone is responsible for acts freely chosen.
- (4) Slavery is abolished.

Article 22: Applicability

- (1) Fundamental rights apply to all persons, citizens and foreigners.
- (2) Fundamental rights are inviolable and inalienable.

Part II: Liberties and Property

Section I: Integrity

Article 23: Personal Integrity

- (1) Everyone has the right to life and bodily integrity.
- (2) Everyone has the right to remain free (personal freedom).
- (3) All citizens are free to be anywhere in, move throughout, join, and leave the Earth Federal Republic.
- (5) Torture is prohibited.

Section II: Religious Freedom

Article 24: Freedom of Religion and Belief

- (1) Everyone has the right to choose and practice their religion, creed, conscience, faith, confession, and belief.
- (2) Everyone can refuse to give religious instructions.

Section III: Freedom of Communication

Article 25: Freedom of Expression and Information

- (1) Everyone has the right to freely express and disseminate their opinions.
- (2) The freedom of the press and other media is guaranteed.
- (3) Everyone has the right to freely retrieve information from publicly available sources.
- (4) Censorship is abolished.

Article 26: Right to Assemble and Associate

- (1) Everyone has the right to peacefully assemble.
- (2) Everyone has the right to associate with others. This includes association in political parties.
- (3) Every adult has the right to marry one partner.

Article 27: Right to Privacy

- (1) Everyone has the right to privacy.
- (2) The privacy of direct or private messages as well as the secrecy of email and any other type of private communication are inviolable.

Section IV: Freedom of Profession and Activities

Article 28: Freedom of Profession

- (1) All citizens have the right to freely choose their occupation, their place of work, and their place of study or training.
- (2) There is no duty to work. Forced labor is prohibited.

Article 29: Freedom of Research, Science, and Teaching

- (1) Everyone has the right to research and conduct science.
- (2) Everyone has the right to perform arts.
- (3) Everyone has the right to teach and to found private schools.

Section V: Political Rights

Article 30: Electoral Rights

- (1) All citizens have the equal right to vote and to be elected.
- (2) There is no compulsory voting.

Article 31: Right to Petition

- (1) Everyone has the right to address written petitions to the competent agencies, to governments, and to the General Assembly.

Article 32: Freedom of Citizenship

- (1) Citizens can at any time give up their citizenship.
- (2) Citizens may at no time be forced to give up their citizenship.

Article 33: Right to Self-Determination and Resistance

- (1) Everyone has the right to collective self-determination including the right to decide about membership in regional or local entities. The State guarantees these rights through adequate powers of decentralized regional governments.
- (2) All citizens have the right to civil disobedience and resistance against attempts to abolish this constitutional order, should no other remedy be available.

Article 34: Right to Found Political Parties

- (1) Everyone has the right to found political parties respecting the principles of secularity, sovereignty, and democracy.
- (2) Everyone is free to carry on political activities in or with such parties.

Section VI: Other Liberties

Article 35: Freedom of Procreation and Childrearing

- (1) Everyone has the right to procreation.

(2) Parents have the right to bring up and educate their children. They have the right to decide about their children's participation in religious instructions.

Part III: Equality

Article 36: Equality

- (1) All humans are equal before the law (general equality).
- (2) Matrimonial equality and legitimacy equality are guaranteed.
- (3) All citizens are equally eligible for public office according to their professional aptitude.

Article 37: Prohibition of Discrimination and Privileges

- (1) No person may be discriminated against or privileged on the basis of sex, gender, origin, race, language, origin, parentage, creed, or faith.
- (2) Measures for the advancement of persons are admissible to remedy past discrimination (affirmative action).

Article 38: Abolishment of Nobility

- (1) No title of nobility is granted by the State.

Part IV: Right to Protection

Article 39: Special Protection

- (1) Protection of human dignity is a duty of the State.
- (2) Everyone, including foreigners, persecuted on political grounds has the right to asylum.

Part V: Procedural Rights

Article 40: Access to courts

- (1) Everyone has free recourse to the courts.
- (2) Everyone has the right to a constitutional judge. Extraordinary courts are not allowed.

Article 41: Fair Trial

- (1) Everyone has the right to a fair trial. Evidence obtained illegally is inadmissible. Everyone has the right of access to all state information required for the exercise or protection of any of their rights (file access).
- (2) Everyone has the right to trial by jury.
- (3) No one may be deprived of membership in official communication channels without due process of law.

Article 42: Criminal Justice

- (1) No act may be punished unless it constituted a criminal offence under the law before having been committed (*nulla poena sine lege*). No one may be punished for the same act more than once (double jeopardy).
- (2) Only judges may indict persons.
- (3) Everyone accused enjoys the right
 - (a) to a speedy and public trial,
 - (b) to be presumed innocent until proven guilty,
 - (c) not to be a witness against themselves,
 - (d) promptly to be informed about the reason of accusation or detention and about the right to be silent,
 - (e) to counsel for defence,
 - (f) to communicate with next-of-kin, partner, and legal, medical, and religious counsellor, and
- (6) to redress in case of false imprisonment.

Chapter V: Individual Restrictions

Part I: General Provisions

Article 43: Admissible Restrictions

- (1) The State can apply restrictions on individual rights only for the purpose of protecting individual rights of other persons or furthering other state interests explicitly mentioned in this Constitution (constitutional interest).
- (2) Any restriction on individual rights must be competent and narrowly tailored to further the constitutional interest. Such restriction must be an adequate means to achieve the purpose of furthering the constitutional interest. In no case may the essence of a fundamental right be infringed.

Part II: Forfeiture of Fundamental Rights

Article 44: Forfeiture of Rights

- (1) Persons and political parties who abuse fundamental rights in order to combat the free democratic basic order forfeit these rights.
- (2) Such forfeiture and the extent thereof is determined by the Supreme Court.