



THE CHARTER OF RIGHTS AND FREEDOMS

2019 Cap 0

A Charter to guarantee the inherent and inalienable rights and freedoms of Rabian citizens; to specify and stipulate the measures to protect the rights and freedoms; to comply with the commitments made in the *Association of United Micronations Declaration of Human Rights*; and for matters connected therewith.

[1st June 2019]

Whereas the Kingdom of United Counties is founded upon principles that recognise the rule of law and the supremacy of human rights:

GUARANTEE OF RIGHTS AND FREEDOMS

Rights and freedoms in Rabbistan

1. *The Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

FUNDAMENTAL FREEDOMS

Fundamental freedoms

2. Everyone has the following fundamental freedoms:
 - (a) freedom of conscience and religion;
 - (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
 - (c) freedom of peaceful assembly; and
 - (d) freedom of association.

DEMOCRATIC RIGHTS

Democratic rights of citizens

3. Every citizen of Rabbistan has the right to vote in an election of members of Parliament or of a legislative assembly and to be qualified for membership therein.

Maximum duration of legislative bodies

4. (1) No Parliament and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members.

Continuation in special circumstances

- (2) In time of real or apprehended war, invasion or insurrection, a Parliament may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the Parliament or the legislative assembly, as the case may be.

Annual sitting of legislative bodies

5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

MOBILITY RIGHTS

Mobility of citizens

6. (1) Every citizen of Rabbistan has the right to enter, remain in and leave Rabbistan.

Rights to move and gain livelihood

- (2) Every citizen of Rabbistan and every person who has the status of a permanent resident of Rabbistan has the right
- (a) to move to and take up residence in any county except for the Capital Region; and
 - (b) to pursue the gaining of a livelihood in any county except for the Capital Region.

Limitation

- (3) The rights specified in subsection (2) are subject to
- (a) any laws or practices of general application in force in a county other than those that discriminate among persons primarily on the basis of county of present or previous residence; and
 - (b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.

Affirmative action programs

- (4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a county of conditions of individuals in that county who are socially or economically disadvantaged if the rate of employment in that county is below the rate of employment in Rabbistan.

LEGAL RIGHTS

Life, liberty and security of person

7. 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.

Search or seizure

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

Detention or imprisonment

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

Arrest or detention

10. Everyone has the right on arrest or detention
- (a) to be informed promptly of the reasons therefor;
 - (b) to retain and instruct counsel without delay and to be informed of that right;
- and

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

Proceedings in criminal and penal matters

11. Any person charged with an offence has the right
- (a) to be informed without unreasonable delay of the specific offence;
 - (b) to be tried within a reasonable time;
 - (c) not to be compelled to be a witness in proceedings against that person in respect of the offence;
 - (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;
 - (e) not to be denied reasonable bail without just cause;
 - (f) 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 five years or a more severe punishment;
 - (g) 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 Rabian or international law or was criminal according to the general principles of law recognised by the community of nations;
 - (h) 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
 - (i) 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.

Treatment or punishment

12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Self-crimination

13. 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.

Interpreter

14. 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.

EQUALITY RIGHTS

Equality before and under law and equal protection and benefit of law

15. (1) 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, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Affirmative action programs

- (2) Subsection (1) 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, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

OFFICIAL LANGUAGES

Use of the official languages

16. (1) Citizens of Rabbistan have the right to freely use any of the official languages of English, Chinese and French, which have equal statuses in the law, wherever in Rabbistan.

Measures regarding the convenience of communication

(2) Subsection (1) does not preclude any effort made by the Parliament and government of Rabbistan in order to enhance the convenience of communication between ethnic groups and counties.

MINORITY LANGUAGE EDUCATIONAL RIGHTS

Language of instruction

17. (1) Citizens of Rabbistan,
- (a) whose first language learned and still understood is that of the English, Chinese or French linguistic minority population of the county in which they reside, or
 - (b) who have received their primary school instruction in Rabbistan in English, Chinese or French and reside in a county where the language in which they received that instruction is the language of the English, Chinese or French linguistic minority population of the county,
- have the right to have their children receive primary and secondary school instruction in that language in that county.

Continuity of language instruction

(2) Citizens of Rabbistan of whom any child has received or is receiving primary or secondary school instruction in English, Chinese or French in Rabbistan, have the right to have all their children receive primary and secondary school instruction in the same language.

Application where numbers warrant

- (3) The right of citizens of Rabbistan under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English, Chinese or French linguistic minority population of a county
- (a) applies wherever in the county the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and
 - (b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

ENFORCEMENT, GENERAL, APPLICATION AND CITATION

Enforcement of guaranteed rights and freedoms

18. (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Exclusion of evidence bringing administration of justice into disrepute

(2) Where, in proceedings under subsection (1), 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.

Other rights and freedoms not affected by Charter

19. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Rabbistan.

Multicultural heritage

20. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Rabians.

Rights guaranteed equally to both sexes

21. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Rights respecting certain schools preserved

22. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Rabbistan in respect of denominational, separate or dissentient schools.

Legislative powers not extended

23. Nothing in this Charter extends the legislative powers of any body or authority.

Application of the Charter

24. (1) This Charter applies
- (a) to the Parliament and government of Rabbistan in respect of all matters within the authority of Parliament; and
 - (b) to the legislature and government of each county in respect of all matters within the authority of the legislature of each county.

Exception

- (2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force.

Exception where express declaration

25. (1) Parliament or the legislature of a county may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.

Operation of exception

- (2) An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration.

Five year limitation

- (3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.

Re-enactment

- (4) Parliament or the legislature of a county may re-enact a declaration made under subsection (1).

Five year limitation

- (5) Subsection (3) applies in respect of a re-enactment made under subsection (4).

Citation

26. This Charter may be cited as *the Charter of Rights and Freedoms*.