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Constitution of the Republic of Mcarthia

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Constitution of the Republic of Mcarthia

RESOLVING to establish a nation founded on principles of democracy, equality, and freedom;

FURTHER RESOLVING to create a nation and government that accurately represents the desires of the People of Mcarthia;

TAKING INSPIRATION from the Scandinavian nations,

**WE, THE PEOPLE OF MCARTHIA, DO HEREBY ESTABLISH THIS
CONSTITUTION: -**

1. The Country

- a. Mcarthia shall be a parliamentary democracy and a republic.
- b. The Republic of Mcarthia shall be founded as an independent sovereign nation.
 - i. The Republic of Mcarthia shall be officially known as such, but its name may be abbreviated to ‘the Republic’ or ‘Mcarthia.’
 - ii. Mcarthia may enter into international agreements or organisations in that name.
- c. Mcarthia shall consist of the land that comprised Mcarthia prior to this constitution being established.
- d. The city of Mcarthia City shall be the capital city of Mcarthia.
 - i. In its capacity as capital city, governance and administration shall primarily be conducted from the city.
- e. The National Flag of Mcarthia shall be the Mcarthian Cross.
- f. The official language of Mcarthia shall be English.

2. The People of Mcarthia

- a. Citizens of Mcarthia shall be defined as those residents of Mcarthia for at least two years, those born on Mcarthian land, those who have two parents with Mcarthian citizenship, those with one parent with Mcarthian citizenship who are not entitled to any other citizenship, or those who have been naturalised under Mcarthian law.
- b. Residency on Mcarthian territory shall not be considered a prerequisite to citizenship.

3. Rights of the People of Mcarthia

- a. All citizens of Mcarthia shall be entitled at all times and in all circumstances to the following rights, irrespective of age, nationality, ancestry, race, religion, ethnicity, gender, sexual orientation, culture, or any other personal characteristic:
- i. The right to life; capital punishment is outlawed.
 - ii. The right to liberty, except when detained by the order of a judicial authority, and security.
 - iii. The right to free speech, expression, thought, and conscience.
 - iv. The right to food, water, shelter, and medical care.
 - v. The right to practise, hold, and change their religion or faith, or lack thereof.
 - vi. The right to freedom from torture, cruel and unusual punishment, and inhuman and degrading treatment.
 - vii. The right to be treated equally and with universalizability.
 - viii. The right to assemble peacefully.
 - ix. The right to be free from slavery and involuntary work or labour, with the exception of penal labour when found guilty by a court of law.
 - x. The right to equality before the law.
 - xi. The right to not be punished without legal basis.
 - xii. The right to a free trial.
 - xiii. The right to vote in free, direct, secret, and equal national elections when the age of twelve has been achieved.
 - xiv. The right to be free from armed service; conscription is outlawed.
 - xv. The right to choose what work, paid or unpaid, they undertake.
 - xvi. The right to receive respect for personal privacy and family life.
 - xvii. The right to an education free of charge until the age of eighteen.
 - xviii. The right to freedom from discrimination.
 - xix. The right to request and receive protection from harassment or violence.
 - xx. The right to hold citizenship of Mcarthia, when citizenship has already been granted or the above stated criteria have already been met.
 - xxi. The right to peacefully enjoy possessions, and to not be deprived of them, except when the state deems it necessary to enforce laws controlling property, in accordance with the general interest, or to secure the payment of taxes or other contributions or penalties.
 - xxii. The right to receive assistance to end their life if they so choose when in conditions of great suffering, and when such choice has been made

completely voluntarily, without harassment and molestation, and when such choice has been reviewed and verified by at least two medical experts.

- xxiii. The right to engage in sexual intercourse with a person of their choosing, providing that all parties involved have achieved the age of sixteen, have consented, and are not within two degrees of kinship or are direct ancestors or descendants.
 - xxiv. The right to marry a person of their choice, providing that both parties have achieved the age of eighteen, have consented, are not within two degrees of kinship or are direct ancestors or descendants, and are not already married to another person.
 - xxv. The right to an abortion.
 - xxvi. The right to live in a clean and healthy environment.
 - xxvii. The right to live free from corruption.
 - xxviii. The right to uncensored communications across all media.
 - xxix. The right to transparency from the government and public authorities.
 - xxx. The right to whatever assistance the Mcarthian government can reasonably provide through embassies and consulates when on foreign territory and in need of assistance.
 - xxxi. The right to petition, individually or collectively, the government and public authorities of Mcarthia and any subsidiary body of the government or public authorities of Mcarthia.
 - xxxii. The right to an effective remedy for any violation or infringement of these rights.
- b. Reasonable intrusion on these rights shall only be made pursuant to an order from the highest judicial body of Mcarthia, or by an order from an individual or body who has been granted by the highest judicial body of Mcarthia the right to make said order.
 - c. All of these rights shall be subject to interpretation by the highest judicial body in Mcarthia.

4. The Mcarthian Parliament

- a. The highest legislative body of Mcarthia shall be a parliament, known hereafter as ‘the Mcarthian Parliament’ or ‘Parliament.’
- b. The Parliament shall represent the People of Mcarthia.

- c. The Parliament shall have the authority, subject to this Constitution, to enact, amend, and repeal laws; to levy taxes and appropriate funds; and to hold other members of the government to account.
- d. Parliament shall consist of at least five elected individuals known as Members of Parliament, or MPs.
 - i. MPs shall be elected every year in general, direct, free, secret, and equal elections, according to an appropriate system of proportional representation.
 - ii. Any citizen of Mcarthia who has attained the age of twelve may stand for election.
- e. MPs may be removed from office by the People they represent.
 - i. Details shall be provided by statute.
- f. MPs may present bills to Parliament, which, following a simple majority vote, shall be adopted into law.
- g. The Parliament shall be chaired by a presiding officer, known as the Speaker of Parliament, who shall be the head of state of Mcarthia.
- h. The Parliament shall be accountable to the People of Mcarthia.

5. The President of Mcarthia

- a. The head of state of Mcarthia shall be known as the President.
- b. The President shall represent the country and be responsible for its foreign affairs.
- c. The President shall be politically neutral.
- d. The President shall have the authority to ratify legislation presented to them by Parliament, and to bestow upon individuals national honours and decorations.
 - i. The President may refuse to ratify legislation or treaties, but must provide to Parliament a reason for doing so. If the President refuses to ratify legislation or treaties, they may not be enacted.
- e. The President shall also have the authority to dissolve Parliament and call a new general election in extraordinary circumstances.
- f. The President of Mcarthia shall be Kit McCarthy.
 - i. Should Kit McCarthy die, resign, or be deemed medically unfit to hold office by two medical experts, a new President shall be appointed by Parliament.
- g. The President shall be accountable to the Parliament.

6. The Mcarthian Government

- a. The Government of Mcarthia shall consist of the Ministers, and shall be led by the First Minister.

- i. The First Minister shall be elected immediately after a parliamentary election by MPs in general, direct, free, secret, and equal elections every year.
 - ii. Any MP may stand for election.
 - iii. Any MP may present a motion of no confidence against the First Minister, which, if successful, shall result in the Government being dissolved, and a new election for First Minister being held.
- b. The Government of Mcarthia shall exist to govern and administer Mcarthia in accordance with the wishes of Parliament and the People of Mcarthia.
- c. The Government shall be assisted by the Civil Service of Mcarthia.
- d. The First Minister shall appoint other Ministers to positions of authority in the Government.
 - i. The First Minister shall choose a selection of Ministers to form the Cabinet of Mcarthia, the highest executive body in Mcarthia.
- e. The President may dissolve government and call an election for First Minister in extraordinary circumstances.
- f. The Government shall be accountable to Parliament and the President.

7. The Judiciary

- a. Rule of law shall continue to apply in Mcarthia.
- b. Mcarthia shall use the common law system.
- c. The Judiciary of Mcarthia shall be the highest judicial body in Mcarthia.
- d. Judicial authority shall be vested in the Judges of Court.
 - i. The Judges of Court shall represent the law.
 - ii. The Judges shall be appointed by the President or First Minister.
 - 1. The Judges shall serve for life, except by virtue of a judicial ruling or legislation.
 - iii. The Judges shall be independent, and be subject only to the law.
 - iv. The Judges shall be headed by a Supreme Judge, appointed and dismissed by the First Minister.
 - 1. The Supreme Judge shall chair the Supreme Court.
- e. The Judiciary shall exist to enforce and interpret the law, in accordance with the general and public interest.
- f. The Judiciary shall have the authority to pass sentence on citizens, residents, or visitors of Mcarthia; to repeal legislation it deems unconstitutional; and to, with the approval of a two-thirds supermajority of Parliament, remove any individual from

office if there are reasonable grounds to suspect they are incapable of holding office or are otherwise unfit to do so.

- g. The Judiciary shall consist of a number of courts:
 - i. The Supreme Court, the highest court of Mcarthia and the final court of appeal for all other courts in the Judiciary;
 - ii. The Court of Appeals, the second highest court and the penultimate court of appeal for all other courts.
 - iii. The High Court of Justiciary, the highest criminal court in the Judiciary;
 - iv. The Court of Session, the highest civil court in the Judiciary;
 - v. The Central Court, the lowest court in the judiciary.
- h. This section does not affect the standing of any court or tribunal established under an international agreement that Mcarthia is already party to.
- i. Inferior Courts shall be bound to follow the precedents of superior Courts in accordance with the doctrine of *stare decisis*.
- j. All Courts should respect the precedents of equal Courts in accordance with the doctrine of horizontal *stare decisis*.
- k. When verdict or sentence is delivered, all affected parties shall be entitled to appeal against the verdict or sentence at the next highest relevant Court, if they consider a failure to have been made by the Judiciary.
- l. All citizens are entitled to have civil matters and cases heard at court.
- m. Each Court may sit simultaneously in multiple locations.
- n. All Mcarthian citizens, residents, and visitors may be brought before the Judiciary.
- o. The Judiciary shall be accountable to the People of Mcarthia, as well as Parliament, the President, the First Minister, and the Government of Mcarthia.

8. Judicial Procedure

- a. An act shall only be punished if:
 - i. It constituted an offence under the law before the act had been committed.
 - ii. It has not been punished before under general legislation.
- b. When accused in Court, everyone shall be entitled to:
 - i. The right to a hearing in accordance with the law.
 - ii. The right to hear the charges against them, and the grounds for those charges.
 - iii. The right to see all evidence against them.
- c. When detained, everyone shall be entitled to:

- i. The right to independent legal advice free of charge.
 - ii. The right to contact family members or friends at reasonable intervals, and immediately after being detained or decision being made on their detention.
 - iii. The right to view procedural rules that apply to their treatment.
 - iv. The right to know how long they can legally be detained.
 - v. The right to be informed of the reason for their detention.
 - vi. The right to medical care free of charge.
 - vii. The right to equal treatment.
- d. Infringement on the rights listed in section (8), subsection (d) may only be made pursuant to an order from the highest judicial body of Mcarthia, or by an order from an individual or body who has been granted by the highest judicial body of Mcarthia the right to make said order.

9. Legislation and Case Law

- a. Legislation may be enacted, amended, and repealed by Parliament (with the ratification of the President), and may be repealed by the Judiciary.
- b. A piece of legislation shall be known as an act or a statute.
- c. Legislation which is enacted by Parliament shall be made publicly viewable.
- d. Case law shall be made publicly available.

10. Miscellaneous Provisions

- a. The Mcarthian Government shall always promote, safeguard and support the welfare of children and young people of Mcarthia.
- b. The Mcarthian Government shall ensure that Mcarthia's natural resources are used in a manner most likely to be sustainable in the long term.
- c. Kit McCarthy shall be recognised as the Founder of the Republic of Mcarthia.

11. Amendment

- a. This Constitution may be amended following a national free, general, direct, equal and secret referendum open to all Mcarthian citizens over the age of twelve, in which more than 80% of eligible Mcarthian citizens vote.

12. Entry into Force and Validity

- a. This Constitution shall enter into force by the will of Kit McCarthy with the approval of all those who will then become Mcarthian citizens.
- b. This Constitution shall remain valid until the People of Mcarthia freely decide to adopt a different constitution for their nation.

