

Transcending Societal Issues for Space Exploration (12)
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THE RIGHT TO HEALTH IN SPACE OUTSIDE, A PENDING TASK FOR THE HUMAN RIGHTS.

Abstract

Human Rights (HR) are the result of a constant struggle for the recognition of the dignity of a person, by their nature they are inherent to every human being by the simple fact of being so, that is to say, they are universal, inalienable, unrenounceable, imprescriptible and indivisible, these must be guaranteed by the States, as well as by the International Community, independently of where the subject is located.

According to the classification of "The three generations", the first generation of human rights includes equality and freedom, won in the French Revolution and enshrined in the "Declaration of the Rights of Man and Citizen", which were literally limited to men; in 1966 the second generation was established in the "Covenant on Social, Economic and Cultural Rights", where we can locate the right to health; finally, the third generation is based mainly on the environment and are also called Rights of Peoples or Solidarity.

On the other hand, throughout space exploration, the effects of micro-gravity on the human body have been studied, which can be an increase in body temperature, genetic modifications, loss of vision, increase in height, alteration of the circadian cycle and sleep, decalcification, muscular atrophy and increased risk of cancer, together with psychological affectations, in short, the health of those who carry out a space mission will be diminished in one way or another.

It is at this point that human rights play an essential role for astronauts, cosmonauts, taikonauts or any other, even though they are outside the Earth, they continue to enjoy their fundamental rights and the States are obliged to guarantee them, goods that the legal framework applicable to the outer space does not mention in any case, in other words, the right to health of the personnel who carry out research outside the Earth's atmosphere and the way to protect it, is not protected by the applicable regulations.

It is common to believe that in the development of the space sector, the social sciences play a secondary role, but the history of the International Space Station (ISS) provides a clear example of the relevance of legal norms. The first step in its development was the signing of the multilateral cooperation agreements that the States Parties concluded in 1998, which mainly consisted of the Intergovernmental Agreement (IGA).

As described above, being located in outer space does not exempt one from complying with legal norms. It is of utmost importance to discuss during this Congress the legal implications of space development, whose non-observance results in the violation of the Human Rights of those who take off into space.