

Press Release

INCLUSION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN THE NEW CONSTITUTION A MUST, SAYS JCTR

May 2008

The Jesuit Centre for Theological Reflection (JCTR) calls on the National Constitutional Conference (NCC) to seriously consider the inclusion of Economic, Social, and Cultural rights (ESCR) in a new Bill of Rights of the new Constitution. As a result of a workshop held on 10 May 2008 given to leaders of clubs and associations at the University of Zambia and representatives from the Zambia Open University and Cavendish University, it was clear that having these rights in the Bill of Rights will lead to development and generally better standards of living for all Zambians.

The workshop, whose theme was “Economic, Social and Cultural Rights: Making Human Rights a Reality for Zambians,” was organised by the University of Zambia Law Association (UNZALAW) in collaboration with the JCTR. The workshop heard inputs from distinguished Zambian citizens that included Mr. John Mwanakatwe, SC and Mr. Simon Kabanda who underscored the need for the inclusion of Economic, Social and Cultural rights in the new Constitution.

Dominic Liche of the Church’s Social Teaching Programme of the JCTR says, “Unless these rights are included in the Bill of Rights and respected, it would be difficult to effectively deal with issues of poverty, gender, child and maternal mortality, illiteracy, and unemployment. Further, it is possible to implement and have ESCR that are legally enforceable (justiciable) as has been seen in the case of South Africa whose Constitution has ESCR in the Bill of Rights.”

Peter Henriot, Director of the JCTR stressed that, “It has to be realised that many development challenges in Zambia are linked to Economic, Social and Cultural rights. For instance, meeting the Millennium Development Goals (MDGs) and effective implementation of the Fifth National Development Plan can be possible if ESCR are legally enforceable and respected. Having ESCR in the Bill of Rights would enable citizens to hold government and private institutions accountable for abuse or failure to enable full enjoyment of ESCR.”

JCTR believes that there should be an institutional framework that gives space for citizens to claim these rights and make government accountable in instances when these rights are not being fulfilled. One such framework is a comprehensive Bill of Rights that includes ESCR. One of the deficiencies of the current Bill of Rights (Part III of the Constitution) is that it only contains the civil and political rights

without ESCR. ESCR are said to be “Directive Principles of State Policy” (Part IX, Article 113 of the Constitution) that can only be fulfilled when there are enough national resources.

The “State of Human Rights in Zambia 2007” report by the Zambian Human Rights Commission shows that there are grave abuses of human rights. The challenge of ensuring that there are no abuses of human rights in Zambia requires protection of both civil and political rights, and Economic, Social and Cultural rights. We recognise that respect of ESCR complements and leads to respect of civil and political rights and without the fulfillment of these ESCR, civil and political rights can never be fully protected because these rights are interdependent.

JCTR believes that by virtue of being human, human beings have rights that are universal, inalienable, indivisible, and that ought to be respected. This principle is the motivation for the campaign spearheaded by the JCTR through a petition to demand that the members of the NCC include Economic, Social and Cultural rights in a new Bill of Rights of the new Constitution.