

JCTR PRESENTS TO NCC CITIZENS' DEMAND FOR ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ESCR) IN THE NEW BILL OF RIGHTS

Yesterday, 3 February, the Jesuit Centre for Theological Reflection (JCTR) presented to the Human Rights Committee of the National Constitutional Conference (NCC) more than 12 thousand (12,481) signatures from Zambians across the nation demanding that these rights be included in the new Bill of Rights of the new Constitution. This was after their submission to the Human Rights Committee of the NCC on the strong need of making Economic, Social and Cultural Rights justiciable and legally enforceable through inclusion in the new Bill of Rights.

This is a strong voice from many Zambians that strengthens the wishes of many Zambians expressed in the last three Constitutional Review Commissions (Mvunga, Mwanakatwe, and Mung'omba Commissions). These wishes must be taken seriously by members of the NCC but also by government. "We should not take for granted the voices and aspirations of Zambians that made such demands. The realization of ESCR through inclusion in the new Bill of Rights is mandatory in promoting human dignity and also in according these rights their proper place," says Dominic Liche of the Church Social Teaching Programme at the Jesuit Centre for Theological Reflection.

It is encouraging that the NCC through the Human Rights Commission is seriously considering inclusion of ESCR in the new Constitution in its review of the proposed Mung'omba Draft Constitution. According to Liche, however, "we have noticed some distracting voices that are trying to sway support of NCC members towards non-inclusion. These voices have mainly argued that provision of ESCR will bankrupt Zambia and that Zambia cannot afford a Referendum. Such voices are merely misleading for we have stressed that these rights will be progressively realized and prioritisation and maximisation in utilisation of available resources can ensure that more and more Zambians access their needs."

JCTR is not necessarily arguing for distribution of "free" social services, but "access" to these basic necessities. Those against the Referendum seem to be saying that people's choices and aspirations do not matter in making a Constitution that is claimed to be a "People's Constitution". Mr. Liche stressed that "Zambia should adopt the new Constitution through a Referendum because the Constitution begins with "We, the people..." and people must be involved in the adoption process. Otherwise, there is a danger that the next President and Party in power will simply call for a new Constitution."

It is the duty of Zambians especially policy makers (such as members of the NCC) and the legal professionals to make clear in policy and legislation how these rights can be implemented. To continue hiding under the cover of "Zambia has no money and ESCR will make us bankrupt" is inadequate to answering the demands of the many Zambians who want these rights to be enshrined in the new Bill of Rights of the new Constitution. According to the JCTR ESCR, constitutionally guaranteed, are necessary for the fulfilment of the Millennium Development Goals (MDGs), the Fifth National Development Plan (FNDP) and the Vision 2030

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