

TRUE FREEDOM CANNOT BE REALISED IN ZAMBIA WITHOUT ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN THE NEW CONSTITUTION, SAYS JCTR

As we celebrate Africa Freedom Day here in Zambia, the Jesuit Centre for Theological Reflection (JCTR) recognises and greatly appreciates the relative freedom and peace Zambia has enjoyed in the past 44 years. The citizens of Zambia can indeed be proud of the political and moral culture that has nurtured freedom, protected freedom, and challenged leaders to continue promoting freedom. In many ways, Zambia is the envy of our neighbours!

In the celebrations this year, it must be borne in mind that without the respect of all basic human rights, there cannot be true human freedom. Having only political and civil freedoms and rights legally enforceable in our Constitution hinders development and is inconsistent with the basic enjoyment of human freedom in a free Zambia.

While political and civil freedoms are very important, especially the freedom from colonial oppression and racial discrimination that we have traditionally celebrated on Africa Freedom Day, not protecting and promoting Economic, Social and Cultural Rights (ESCR) is dangerous. For this ignores the fact that the enjoyment of these ESCR leads to fuller political and civil freedoms. How can we say that Zambians are free when they cannot claim good health, quality basic education, clean water and environment, decent housing and employment? How can we say Zambians are indeed free, when rights of women, rights of children, rights of the differently-abled are not legally enforceable?

The monthly JCTR *Basic Needs Basket* and the more recently launched JCTR *Rural Basket* have shown serious development challenges in terms of access to basic needs, and lack of decent wages to meet these needs. Most of these problems relate to the expansion of people's choices and freedoms.

It is from this perspective that the JCTR asserts that there should be institutional frameworks and structures to guarantee the full range of human freedoms and rights. Some of these frameworks and structures are the inclusion of ESCR in a new Bill of Rights of a new Constitution and the reform in the Judicial system that makes sure that ESCR are legally enforceable (justiciable) and practically applicable. Indeed we can learn much from the example of other countries such as South Africa.

Dominic Liche, Political Ethics Officer at the JCTR says that, "Ignoring ESCR will continue to lead to a situation where Zambians are denied the benefits of a mature democracy, and economic and social freedoms." It is not possible to enjoy civil and political rights without a robust promotion and enjoyment of economic, social and cultural rights. For example, how does one intelligently vote if she or he has not had the opportunity for a good education? Or how does one participate vigorously in political life if one is denied good health conditions?

All Zambian citizens need to recognize that ESCR are basic and just as crucial to meeting people's needs and freedoms as are the civil and political rights that are in the current Bill of Rights. "Since true freedom is one that enables people to have full opportunities to enjoy their freedoms," comments Liche, "the new Bill of Rights should strengthen the freedom we celebrate by having in it Economic, Social and Cultural Rights."

Africa Freedom Day this year must not only be about honouring our great freedom fighters of the Independence struggle but also about working for inclusion of the basic social, economic and cultural freedoms in our new Bill of Rights of the new Constitution. For that reason, JCTR encourages Zambian citizens to sign on to the petition asking the National Constitutional Conference to give us a new Bill of Rights in a new Constitution. Visit our website: www.jctr.org.zm for more details.

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