

HUMAN RIGHTS AND ZAMBIA'S FUTURE

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Tomorrow, 10 December 2008, we celebrate the 60th Anniversary of the Universal Declaration of Human Rights (UDHR). This is the famous United Nations Charter adopted by all the members of the UN in 1948, putting forth a call that the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world” (Preamble).

We all talk a lot about human rights these days, especially here in Zambia when we are working on a new Constitution with a new Bill of Rights. Let me mention three points I believe are very important to consider if rights are not simply rhetoric but are truly reality.

RIGHTS AND DUTIES

Just last Friday, I was on the regular morning show that Radio Christian Voice offers weekly to JCTR to talk about our work of “faith promoting justice.” The topic of human rights was mentioned, and one of the many SMS messages coming into the station challenged this emphasis on rights with a very simple example. “All this talk about rights has really caused problems in my family. I can't punish my child if he disobeys me because he claims I'm violating his human rights!”

Well, that wasn't the first time I've heard that complaint. And I think that unless we can answer the complaint in a very reasonable way, we may lose some much-needed support for human rights here in Zambia – not just for children but for all of us. Because of some very broad interpretations of rights – “I can do whatever I want and you can't stop me!” – there is real danger of a growing rejection of these fundamental norms for decent respect of human dignity.

I think that the place to begin to respond to the complaint is the reminder that individuals only exist and have rights within community. That statement should certainly ring bells with Zambians, because it is so resonant to the “Ubuntu” wisdom expressed in the African proverb, “A person is a person through other persons,” or “I am because we are and we are because I am.”

Not only does the human person come to the fullness of life within a community but the community flourishes and is enriched because of the persons belonging to it. And that truth immediately brings up the topic of duties and responsibilities. Because every right that a person has is accompanied by a duty.

I have the right to speak, but the duty to speak the truth. I have the right to practice my faith, but the duty to respect others' faith. I have the right to vote, but the duty to choose wisely and without selling my vote. I have the right to an education but the duty to use my talents to benefit the society I live in.

This right/duty link is plainly expressed in UDHR Article 29 (1): “Everyone has duties to the community in which alone the free and full development of [her or] his personality is possible.”

So what does the parent tell the child who claims her or his rights are being violated when they are obliged to obey or to be respectful or to help out in the family needs? Remind that

child that he or she has duties and responsibilities, too! And of course the issue is not only for children but for all of us.

RIGHTS AND HUMAN DIGNITY

The second lesson about rights is that they have their foundation in the equal dignity that each person has as a creature made in the image of God. At least that is the truth that we who belong to the Judeo-Christian tradition uphold, recalling the clear word of Genesis 1:27. Human rights don't come from the goodness of a political dispensation but from the generosity of a creating God.

That's an important truth to emphasise these days here in Zambia. Governments don't grant rights, they protect rights. I don't earn rights, I deserve rights. You don't choose to respect my rights, you have the obligation to honour my rights.

Article 1 of the UDHR states it very simply: "All human beings are born free and equal in dignity and rights." That's all persons – woman and man, black and white, rich and poor, Muslim and Christian, Bemba and Tonga, old and young, Zambian and American, etc., etc.!

This foundation of human rights on the religious truth that we are all equally God's creatures should mean a lot to Zambians who like to declare Zambia is a Christian nation. As I've said before in this column, the leading exponents for a new Bill of Rights in our new Constitution should be all those who claim to be Christians in a Christian nation!

FULLNESS OF RIGHTS

A third lesson about rights is that they are intimately linked together, so much so that to violate one set of rights is to weaken the remaining sets of rights. Conversely, to promote one set of rights is to enhance the remaining set of rights. I can't claim my right to life without also claiming my right to liberty and security. You can't attack my right to free movement without damaging my right to employment.

Now let's put that into the current debate about inclusion of Economic, Social and Cultural Rights (ESCR) into the new Bill of Rights of our new Zambian Constitution. Sometimes you hear the argument that only civil, political and legal rights should be in the Bill of Rights – as they are now in the document given to Zambians by the British colonial authority in 1964 (and unchanged or up-dated since then!).

ESCR are not seen to have the same worth and merit, or they are too expensive and complicated to implement. Hence they should only be "guiding principles" as they are in our current Constitution.

But after extensive study and widespread consultation, the Mung'omba Constitutional Commission thought otherwise. It explicitly included ESCR in a new Bill of Rights in the draft Constitution. And it argued that "all categories of rights are considered to be equally necessary in ensuring dignity and peace for the individual. These rights are, in essence, indivisible and interdependent" (Interim Report, p.111).

For a citizen to intelligently exercise the political right to vote requires that the right to education be implemented. If I am to have my right to life respected, then my right to a clean and healthy environment must be promoted.

When the National Constitutional Convention (NCC) picks up business again, it can include ESCR, rights of women and children and the elderly and persons differently-abled in a new Bill of Rights that will add dignity to the new Constitution that all Zambians will be endorsing in a National Referendum!

Surely one of the very best ways to celebrate tomorrow the 60th Anniversary of the Universal Declaration of Human Rights is for President Rupiah Banda, Vice President George Kunda and the entire Cabinet to come out in strong endorsement of a new Bill of Rights in our new Constitution. Let's hear it from them!

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