



# REFERENDUM AND THE BILL OF RIGHTS



## INFOGRAPHIC

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Research and Analysis Division  
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info@pmrczambia.net | www.pmrczambia.com

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**WHAT IS A REFERENDUM?** A referendum is a process that allows citizens to approve or reject a law to be passed by legislature. It is therefore an opportunity in deciding for citizens to directly participate whether government should undertake an issue or law

### REQUIREMENTS TO VOTE IN THE REFERENDUM

- Eligible voter shall vote
- Zambian citizen** and in possession of a **green national registration card**
- Be **18 years of age** at the time of referendum
- Born on or before **11<sup>th</sup> august 1998**

### REFERENDUM QUESTION

“Do you agree to the amendment to the constitution to enhance the Bill of Rights contained in part III of the Constitution of Zambia and to repeal and replace article 79 of the constitution”

**Voting “yes” or “no” to:**

- Amend and enhance the Bill of Rights
- Repealing and Replacing Article 79

**WHAT IS THE BILL OF RIGHTS?** The Bill of Rights is a set of legal guarantees that are specifically set out within the constitution to protect fundamental rights and freedoms of individuals. The Bill of Rights is fundamental to democracy and constitutionalism and is the basis of Zambia’s social, political, legal, economic and cultural policies and state action.

### UNDERSTAND ARTICLE 79

#### Article 79 (Current)

**Process of amending the Constitution and the Bill of Rights**

Amendments requiring referendum

- Bill of Rights
- Article 79

Referendum threshold - 50% of eligible votes voting yes

No Time frame

Requirement - Holder of green NRC and attained the age of 18

#### Articles 301 - 303 (Proposed Replacement)

**Process of amending the Constitution and the Bill of Rights**

Amendments requiring referendum

- Supremacy of the Constitution
- Sovereign of the Republic
- Sovereign authority of the people of Zambia
- Electoral System for Presidential and Parliamentary
- Tenure of office of the President and vacancy
- Vice Presidency election to office and swearing in
- Ministers (appointment, role and vacancy)
- Provincial Ministers (appointment, role and vacancy part 3 - Bill of Rights Article 301 and 302

303 - Referendum threshold - 50% of registered voters voting and more than 50% of the votes vote in favor

303 - Referendum to be held within 120 days after first reading of the bill

303 - Requirement - Registered voter

### WHAT WILL BE NEW IN THIS BILL OF RIGHTS?

- Amending the Civil and Political Rights
- Addition of Economic, Social, Cultural and Environmental Rights
- Addition of Further and Special rights

**Civil and Political Rights:** - Protect the individual’s freedom from infringement by government, social organizations and private individuals.

### ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS

- Social and Economic rights guarantee that every person be afforded conditions under which they are able to meet their needs.
- They provide for health care, decent housing, food of acceptable standard, clean and safe water, education and social protection.
- Consumer rights – Goods to be of acceptable standard, compensation, advertising and information.
- Labour relations – right to employment, decent working conditions, join a union

### FURTHER AND SPECIAL RIGHTS

- Rights for older members of society - participate in society, social protection, independent living.
- Rights relating can marriage and family – **19 years** to marry someone of **opposite sex**, paternal and maternal leave
- Special and further rights for children – **equal before the law**, both parents to protect child, nationality, maternal and childcare
- Further rights for the youth – **personal development, access to gainful employment**
- Further protection of young person- Labour protection
- Rights for persons with disabilities – education, use of **braille and sign, tax free assertive devices**, social protection

### SOME RIGHTS ARE NON DEROGABLE

- Right to habeas corpus
- Freedom of conscience belief and religion
- Protection from slavery servitude or forced labour
- Fair trial and non refoulement
- Security of person and inhuman treatment

### DETAILS IN THE BILL OF RIGHTS

Some Articles That Have Been Modified	Articles that have been included
Right to assemble	Access to information
Right to Life	Freedom of media
Protection from forced labor	Equality before the law
Acquisition of property	Non-refoulement
Discrimination	Right to retrial
Detention	
Equality of both gender	

### UNDERSTANDING ARTICLE 79

The Referendum question talks about Modifying by Repealing and Replacing Article 79

WITH

Part XIXA (19) Containing **Article 301 to 303**

### SOME MAJOR CHANGES TO ARTICLE 79

- CURRENT (ARTICLE 79)**
- Bill of Rights
  - Article 79
  - Provisions to the declaration of war, state of emergency
- PROPOSED (ARTICLE 301 - 303)**
- Bill of rights part iii
  - Supremacy of the constitution - 1
  - Sovereignty of the republic - 4

- CURRENT**
- 50% Eligible voters voting yes
  - No time limit
- PROPOSED**
- 50 % Of registered voters voting
  - 50 % Of those who have voted voting yes
  - Time limit 120 days

### WHERE TO ACCESS THE BILL OF RIGHTS

The PMRC app is a unique and informative platform where you find “The Bill of Rights”, “The Amended Constitution”, “Legislation at your fingertips” as well as PMRC Publications on various topics. The app is also a friendly mobile version of the PMRC website. You can also download the PMRC brochure to understand different aspects of PMRC work

**To access the Bill of Rights go to these the following links**  
Electoral Commission of Zambia ECZ website [www.elections.org.zm](http://www.elections.org.zm)  
PMRC website [www.pmrczambia.com](http://www.pmrczambia.com) and on our “PMRC APP” on google play call **PMRC**

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