

AFRICAN CHRISTIAN DEMOCRATIC PARTY PROPOSED AMENDMENTS TO THE CONSTITUTION

1. Pre-amble:

We demand that the Pre-amble be re-discussed by all political parties after due notice and that our detailed submission be used as a basis for such discussion. The minimum we request at the beginning of the preamble is "in humble submission to Almighty God."

2. Section 2:

Refers to the Constitution as 'the supreme law of the Republic; law or conduct inconsistent with it is invalid.'

This is unacceptable to the ACDP, because we believe that law or conduct that is inconsistent with the Bible, which is the Word of God, should be invalid. We believe that God's law must be over all forms of civil government. The Word of God is the only standard to be used in order to determine what conduct should be regarded as invalid. Christians may obey the constitution of a country, but only to the extent that such a constitution is not in conflict with the Bible. Any provision in the constitution that undermines the Bible, should actively be resisted by Christians. Absolute authority and power belong to God alone; no earthly institution can claim them.

A possible amendment of Section 2 that would be supported by the ACDP should read as follows: 'The Constitution, to the extent that it is not inconsistent with the Bible, is the supreme law of the Republic, law or conduct inconsistent with it is invalid.'

3. Section 8 Subsection 2:

The ACDP supports the horizontal application of the Bill of Rights, only to the extent that such application does not conflict with the Bible. A case in point is the equality clause in Section 9, subsection 2, which prohibits discrimination on the grounds of 'sexual orientation'. This is in direct conflict with the Word of God, which prohibits homosexual activity and relationships. If section 9(3) is applied as it stands, it will prevent Christians from speaking out against the sin of homosexuality. The ACDP, therefore, cannot support section 9(2), unless section 9(3) is altered.

4. Sub-section 9(3):

The Bill is to be a shield against the power of the State. The ACDP specifically opposes the inclusion of "sexual orientation" as a grounds for discrimination. The 'sexual orientation' clause, in particular, is unbiblical, because it legitimises the practice of homosexuality. The Bible literally and clearly forbids homosexuality. It is not valid to use the argument that the state cannot legislate morality, whilst the introduction of clause 9(3) has led to the protection and will lead to the possible legislation of immorality.

The practice of homosexuality is a lifestyle, or sub-culture. If we call on the protection of this one sub-culture, on what basis are other sub-cultures excluded. Delete 'sexual orientation' We prefer the word 'gender' to be removed, because it is contained in the word 'sex'.

5. Sub-section 9(4):

The complete disregard of the basic presumption of innocence is strenuously opposed. This sub-section needs to be deleted.

6. Section 11:

We propose the amendment should read "everyone has the right to life from the moment of conception to natural death except by execution of a court sentence following conviction for a crime for which the death penalty is prescribed by an Act of Parliament.

7. Section 12:

We propose that subsections 12(a) and (b) be deleted as they can be used to legalise abortion on demand. If they must be retained, then it must be clearly stated that these subsections do not imply legalising abortion on demand.

8. Subsection 15(2)(a):

We propose the deletion of the word "public" so that (a) should read "...those observations follow rules made by the appropriate authorities." School boards and committees should make the rules regarding the use of their facilities and not the state.

9. Subsection 16(1)(c):

We propose the deletion of the entire (c). "Freedom of artistic creativity" gives pornography a constitutional protection it does not deserve. The issue of pornography and the attendant evils of impurity was fully addressed in our submission of freedom of expression.

10. Sub-section 22:

We propose the deletion of the word "occupation" as it is largely used in this context to constitutionalise prostitution which many societies regard as evil. Prostitution destroys families, marriages, the moral fibre of society and, therefore, should not receive a constitutional protection.

11. Sub-section 23(3)(c):

We propose the removal of the brackets in (c). The right to strike must be balanced with the right to lock-out. Both must either be in the constitution or out.

12. Section 25:

We believe the right to property is a God-given right that must be entrenched in the constitution.

13. Sub-section 27(1)(a):

We propose the deletion of the words "Reproductive health care" as this entrenches the right to abortion clinics. The ACDP totally opposes legalising abortion on demand.

14. Sub-section 28:

We see subsection 28(1)(b) as an attempt to have the State decide for the child, usurping the role of the Supreme Court which has always been the main custodian of minor children. The State should not interfere with parental rights.

Sub-section 28(2):

International legal precedent in the U.S. and Canada has established that parents are the best judges of children's best interest and not the State.

Sub-section 28(3):

The definition of child has to be extended to all persons from the moment of conception.

15. Sub-section 29(2):

Delete the phrase "at their own expense".

The ACDP endorses a proposal that a voucher formula be introduced into our educational system, which would meet a wide range of educational needs; as well as lead to greater efficiency and higher standards. The ACDP supports the following threefold distribution of funds for schools:

a. An equal sum in the form of a voucher for parents for every child within a particular phase of schooling. Thus every child in pre-primary would be credited equally, every pupil in senior primary, every student in senior secondary, etc. This sum of money would be credited to the school attended by the pupil - irrespective of area, quality of teachers, etc.

b. A sum made available to schools assessed to be historically disadvantaged in resource allocation. Thus assessment of absence of libraries, laboratories, school fields, etc., would gain an additional annual sum for the school in order to make good these missing educational needs. This sum could only be spent on making good such backlogs.

c. A sum credited to a school serving a socio-economically disadvantaged area. This is aimed at balancing out the ability of certain parents to "pay" for better education for their children. This sum would allow such schools to hire additional staff, or to ensure the staff they employ have the best qualifications.

16. Sub-section 30:

Delete the qualifier "*but no one exercising these rights may violate a constitutional right of anyone else*". The limitations clause deals with this adequately.

17. Sub-section 32:

Delete: "*whose rights have been adversely affected by administrative action*".

18. Sub-section 35(1):

The formulation denoted **18** in the margin is to be preferred. (has been deleted).

Sub-Sections 35(2) and 38:

What has been said about the nature of Divine Law previously applies *mutatis mutandis*.