

PEOPLE FOR LIFE

DINO VALENTA

Vice Chairman

Pretoria

22 May 1996

Thank you for honouring me by reading my plea to you. I am very concerned about how the new constitution will be interpreted concerning the following two rights.

1. Everyone has the right to life.
2. Everyone has the right to privacy.

I understand that it could be interpreted that a mother's right to privacy can be held supreme over the right of the unborn baby to life.

I have a few important comments to make about this.

1. Why should we discriminate against human beings according to age and affluence. Have not the youngest and the poorest equal rights to the rest of us?
2. The argument of the right to privacy is no longer valid in this case, as there are now two lives involved. That of the mother and that of the unborn baby. The unborn child also has a right to privacy and ending this child's life by whatever means is grossly violating his/her right to privacy and above all his/her right to life.

All human beings deserve protection, especially the innocent and defenseless.

True democracy is to defend and uphold the rights of all, without discrimination. Everyone has a right to life.

An innocent life, whether having been conceived in a relationship of mutual love or in the case of rape and incest, has rights. Equal to the rest of us. This is not an opinion.

Let us not impose our beliefs on the unborn.

CERTIFICATION OF NEW CONSTITUTIONAL TEXT

28 May 1996

I have been asked by the President of the Court to advise you as follows:

1. The Republic of South Africa Constitution, 1993 - the interim Constitution - required a new Constitution for South Africa to be adopted by the Constitutional Assembly in accordance with 34 Constitutional Principles set out in schedule 4 to the interim Constitution.

2. The Constitutional Court is required in terms of section 71 of the interim Constitution to certify whether or not the Constitution adopted by the Constitutional Assembly complies with the Constitutional Principles.
3. The Constitutional Court cannot add to, amend or delete any of the provisions of the Constitution drawn up by the Constitutional Assembly. The representations made in your fax dated 22 May that the right to life and/or right to privacy clauses in the Constitution should be amended is beyond the power and jurisdiction of the Court.
4. Should you contend that the Constitution as adopted by the Constitutional Assembly and submitted the Constitutional Court for certification does not comply with the Constitutional Principles set out in schedule 4, you should set out in writing the particular Constitutional Principle/s that have not been complied with, and submit such in writing to me by not later than 31 May 1996. Any such contentions will be taken into account by the Constitutional Court when it decides whether or not the Constitution adopted by the Constitutional Assembly complies with the Constitutional Principles.

For your convenience, we enclose copies of schedule 4 of the Constitution and the directions given by the President of the Constitutional Court and draw your attention especially to the provisions of paragraph 4 of the latter.

MS M NIENABER
THE CONSTITUTIONAL COURT