

**PRO LIFE**  
Johannesburg  
27 May 1996

## **OBJECTION TO CERTIFICATION OF THE NEW CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA BY THE CONSTITUTIONAL COURT**

27 May 1996

I, Claude Edward Newbury, in my capacity as National President of Pro Life, South Africa, do hereby object to the certification of the New Constitution by the Constitutional Court as follows:

1. I object to the inclusion of parts of paragraph 12 of the New Constitution, as this paragraph conflicts with certain of the 34 constitutional principles contained in Schedule 4 of the Interim Constitution. The said paragraph 12 states, inter alia, that: 'Everyone has the right ... to make decisions regarding reproduction and control over their body'. This paragraph thus effectively gives all women an unlimited discretion to terminate their pregnancies and thereby end the lives of their unborn children. In so doing, this paragraph conflicts with the following of the above-mentioned Constitutional principles:
  - 1.1 Principle I states, inter alia, that: 'The Constitution of South Africa shall provide ... a Democratic System of Government! The above-mentioned unlimited discretion will permit the arbitrary termination of the lives of unborn children, something totally undemocratic, as this cannot happen to other citizens.
  - 1.2 Principle II states, inter alia, that: 'Everyone shall enjoy all universally accepted fundamental rights'. Of these, the most important is the right to life. The above-mentioned unlimited discretion will result in the denial of this right to unborn children.
  - 1.3 Principle III states, inter alia, that: 'The Constitution shall prohibit racial, gender and all other forms of discrimination'. The above-mentioned unlimited discretion will result in discrimination against unborn children for the reasons stated in paragraph 1.1 above.
  - 1.4 Principle V states, inter alia, that: 'The legal system shall ensure the equality of all before the law'. The above-mentioned unlimited discretion will result in the inequality of unborn children before the law for the reasons stated in paragraph 1.1 above.
2. I object to the following omissions from the New Constitution because the said omissions cause Paragraph 12 of the said Constitution to conflict with Constitutional Principles I, II, II and V as stated above i.e.
  - 2.1 The words 'from conception' have been omitted at the end of paragraph II of the New Constitution, which states that 'Everyone has the right to life'.

- 2.2 The following sub-paragraph has been omitted at the end of the said Paragraph 12:  
'(3) Nothing contained in this paragraph or elsewhere in this Constitution shall permit the relaxation of the abortion laws of the Republic of South Africa'.
3. I submit in support of my objections that the unborn child is a complete human being from conception and is entitled to full legal personality and full legal protection from this time. I will furnish extensive and substantial evidence to this Honourable Court in support of my submission if this is required.

**NATIONAL PRESIDENT  
PRO LIFE, SOUTH AFRICA**

-----

Dr C E Newbury  
National President  
Pro Life, South Africa  
Roosevelt Park

Dear Dr. Newbury

## **CERTIFICATION OF NEW CONSTITUTIONAL TEXT**

Thank you for your submission of May 27 1996

I have been asked by the President of the Constitutional Court to inform you that your objection will in due course be taken into account by the Constitutional Court.

**MS. M NIENABER**