

WOMEN FOR RESPONSIBLE RIGHTS

Menlopark
30 May 1996

WRITTEN OBJECTION: OMISSION FROM THE CONSTITUTION

i) We hereby submit our objection to the omission of the Right on the Protection of the Family and of Marriage.

ii) Grounds for the objection:

The new Constitution adopted on 8 May 1996 by the Constitutional Assembly, does not directly provide for a right on the protection of family and marriage. To comply with the provisions of the Constitution of 1993, the new Constitution should be amended to include a direct provision for this right.

That this right is indeed universally protected, is evidenced by inter alia the following:

- a) Section 12 of the Universal Declaration of Rights of the UN (1948)
 - b) Article 10 of the International Covenant on Economic, Social and Cultural Rights (1966)
 - c) Article 23(1) of the International Covenant on Civil and Political Rights (1966)
 - d) Articles 8(1) and 12 of the European Convention on Human Rights (1950)
 - e) Article 5(d)(iv) of the International Covenant on the Elimination of All Forms of Racial Discrimination (1965)
 - f) Part I(16) of the European Social Charter (1961)
 - g) Article 18 of the Banjul Charter on Human and People's Rights (1981) (The African Charter of Human Rights)
 - h) Article 6 of the German Basic Law (1949)
 - i) Article 41 of the Irish Constitution (1937)
- iii) Constitutional principle contravened: In terms of Principle II of the interim constitution, everyone shall enjoy all the universally accepted human rights which shall be provided for protected by the Constitution. In view of the above, it submitted that this omission is a contravention of Constitutional Principles of the Interim Constitution, 1993.

Submitted on behalf of Women for Responsible Rights by RZ Dekker (vice chairperson).