

## **WORLD FEDERATION OF DOCTORS WHO RESPECT HUMAN LIFE**

Cape Town

30 May 1996

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

I, Dr. Norma Mary Wardle, in my capacity as Secretary of South African Branch of The World Federation of Doctors Who Respect Human Life and on behalf of the world-wide body of the World Federation of Doctors Who Respect Human Life, do hereby object to the certification of the New Constitution of the Republic of South Africa, by the Constitutional Court on the following counts:

1. I object to the inclusion of parts of paragraph 12 of the New Constitution, as the 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 appears to effectively give all women and 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 Constitutional principles:
  1. 1. Principle 1 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 by their mothers, something totally undemocratic, as this cannot happen to children once they are born or indeed to any other citizens. The event of birth is merely a change in environment for the child, from one of containment within the womb to one outside of the womb. The humanity and worth of the child is unchanged by the event of birth. Furthermore all tests the public opinion in South Africa, on the issue of abortion have shown a very significant persisting rejection of abortion.
  - 1.2. Principle 11 states, inter alia, that: "Everyone shall enjoy all universally accepted fundamental rights". Of these, the most fundamental is the right to life, for without this right all other rights are totally meaningless. All human rights depend on the existence of life. The above-mentioned unlimited discretion will result in the denial of this most fundamental and prime 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 permit and result in fatal discrimination against unborn children for the reasons stated in paragraph 1. I 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 the following, omissions from the New Constitution because the said omissions cause Paragraph 12 of the said Constitution to conflict with Constitutional Principles 1, 11, 111 and V as stated above, i.e.:
  2. 1. The words "from conception" have been omitted at the end of paragraph 11 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 any objections that the unborn child is a human being from the time of conception, which event scientifically marks the beginning of the life of every human being, 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.
- (4) Communications from the Constitutional Court may be addressed to me at P. O. Box 160 1, Cape Town 8000.

**Norma Mary Wardle**  
Secretary  
South African Branch  
World Federation of Doctors Who Respect Human Life