

The South African Constitution, whilst containing many positive provisions, guarantees every liberal freedom and so-called right currently being debated in the Western World. Constitutions of nations such as the United States are being reinterpreted by their judiciaries to allow for abortion and to open the debate surrounding issues such as 'sexual orientation'. But South Africa's Constitution explicitly guarantees all these 'rights'. All legislation passed since 1996 is measured against the secular humanistic values enshrined in the Constitution. South Africans have consequently seen a rising tide of immorality sweep the nation.

Almost on a daily basis Christians are faced with legislation that directly opposes our Judeo-Christian ethos.

### **THE NATIONAL GAMBLING ACT 1996 AND THE LOTTERIES ACT 1997**

**Provided for the regulation and co-ordination of casino's, gambling and wagering and provided for an initial 18 licences to be granted country-wide. More recently, the Minister of Social Development has echoed the calls of the ACDP to investigate the detrimental affect that gambling has had on the social fabric of society.**

The National lotteries Act established a national lottery owned and controlled by central government.

One of the consequences of these pieces of legislation is that wealth is perceived to be a matter of luck. This conflicts with the biblical principles of wealth creation.

### **THE FILM AND PUBLICATIONS ACT, 1996**

Notwithstanding that the overwhelming majority of submissions were in favour of retaining or strengthening the laws restricting immoral materials in South Africa, the Films and Publications Act was passed which only reflected the minority views of pornographers who requested that pornography be constitutionally protected.

The Cape Attorney-General expressed his concerns regarding the legislation stating that: “It is impossible to police and will lead to a free-for-all culture of pornography.”

Adult pornography is protected. It is adult pornography that fuels rapists and it is adult pornography which is used by gang members to lure children, placing children in harmful and dangerous situations.

### CAPITAL PUNISHMENT AND THE CRIMINAL LAW AMENDMENT ACT, 1997

Capital punishment was abolished in 1995 following the Constitutional Court’s judgment that certain provisions of the Criminal Procedure Act 52 of 1997 that provided for the death penalty, were unconstitutional.

During parliamentary question time, the Minister of Justice was unable to give the assurance that those criminals who had had their death sentences commuted would not re-offend, should they be granted parole.

### CHOICE OF TERMINATION OF PREGNANCY ACT, 1996

Made abortion-on-demand in South Africa legal up to and including the twentieth week of pregnancy. Taxpayers’ money is used to fund and promote abortion even though most surveys indicate that the majority of South Africans are opposed to it and alternatives to abortion, like motherhood and adoption, are not a priority.

Three times as many innocent lives are taken through abortion than are taken by criminals, and while statistics reveal that abortions after 12 weeks account for almost one third of abortions in South Africa, Cheryllyn has reported that hospital staff have revealed that this figure is closer to two thirds (66%) as any reporting that would hinder access to CTOP is omitted.

Minors **do not** need their parents' permission to have an abortion; neither does a wife need her husband's permission. There are penalties of up to 10 years in jail for preventing an abortion. Health professionals are not protected in the Act if they refuse to assist in or perform abortions.

Subsequent challenges to the Act in the courts failed as the unborn child is deemed to be non-persons, and is not the bearer of constitutional rights. The government continues to make more funds available to increase the number of abortions in the country. The Act has been amended to allow greater access to abortion facilities.

### **EDUCATION LAWS AMENDMENT ACT, 1999**

Minimizes the role and authority of parents, and even the provinces to determine education policy. In the Education laws Amendment Act 2005 provision is made for the department to override recommendations for the appointment of teachers by school governing bodies (SGB'S), and does not require giving reasons for doing so. Continual uncertainty impacts on all and disrupts learning.

Outcomes Based Education (OBE) has failed dismally and is more directed at shaping students socially than teaching them knowledge. 'Tolerance', the main 'value' taught, squarely challenges Christian beliefs and basic skills in reading writing and mathematics have not in many instructions been adequately transferred.

Planned Parenthood has won the right to train all South Africa's Life Skills teachers. The main message taught is 'condomise' and sexually explicit material is given to adolescent children. 'Alternative' lifestyles such as homosexuality and lesbianism are taught to be acceptable. The right to obtain an abortion, without parental consent, is also taught.

### **SOUTH AFRICAN SCHOOLS ACT, 1996**

**Curtailed the freedom of schools to educate in line with their religious principles.**

Home-schoolers have experienced problems. This introduces unjustified interference, including assessments at the learners' nearest public schools. These assessments are subjective and unreliable, as government refuses to give parents any written guidelines. Furthermore local officials have the full right to deny any parent permission to home-school.

The most recent policy announcements regarding religious observances in schools as well as multi-faith religious education remain a serious concern for Christian parents. Learners will be

tested on their knowledge and practices of all faiths.

### **BROADCASTING ACT, 1999**

**Before this Act was passed there were attempts to close Christian radio stations by redefining “Community Radio Stations” in the bill to mean a geographical community, rather than a 'community of interest'. Christians marched in protest, and the proposed amendment was dropped. However, the Act has since been used in attempts, some successful, to close Christian radio stations for various reasons.**

The Bill was pushed through parliament with every reference to the protection of religion excluded. This means that the public broadcaster no longer has any legal obligation to show any Christian programming at all.

### PREVENTION OF DISCRIMINATION AND PROMOTION OF EQUALITY ACT 2000

The laudable stated aim of this Act was to prohibit discrimination, including 'hate speech', on the basis of amongst other grounds, race, sexual orientation, religion and pregnancy. Unfortunately, on closer study, the Act redefines the word “marital relationship” to include those in a same-sex relationship and includes ‘termination of pregnancy’ in its definition of pregnancy.

This act prohibits one saying anything “hurtful” or 'discriminatory' against another person's religion. ACDP President Kenneth Meshoe, objecting to the bill said in parliament on 26 January 2000: “(This) Bill is going to directly affect a number of rights enshrined in the Bill of Rights such as the right to freedom of belief, freedom of religion, freedom of association, freedom of speech and freedom of conscience. The ACDP regards this Bill as one of the worst and most far-reaching interventions by this Government in the regulation of private life...”

The act explicitly makes provision for special protection on the basis of 'sexual orientation'. At this stage, the foreign homosexual 'partners' of South Africans are recognized as 'married' for the purposes of receiving permanent residence, homosexuals are allowed to adopt children and their 'partners' receive pensions and other benefits from state institutions.

This act makes it a criminal offence for private individuals and institutions to 'discriminate' against homosexuals by refusing to employ them or give them the same benefits as married couples. They may not be denied membership in any private clubs and institutions. This may include churches, depending on the interpretation given by the special ‘Equality Courts’

established to adjudicate such matters. It also opens the way for legislation to allow homosexuals to 'marry'.

It is significant that the Constitutional Court is at present considering amending the common law definition of marriage to include so-called 'same-sex marriages'.

### **FIREARMS CONTROL ACT, 2000**

The Firearms Control Act restricts the right of law-abiding citizens to obtain firearms to protect themselves and their families from criminals. The Act has been accused of being 'impossible to implement' due to the introduction of excessively stringent requirements for gun-ownership. The focus should be on apprehending criminals who are in illegal possession of firearms, not in harassing legal firearm holders, or preventing those citizens who wish, for a variety of reasons, to possess firearms. At present, there are thousands of firearm – owners who have not yet applied to renew their licences and a huge backlog of dismissed applications for licences.

We are additionally very concerned about the concept of 'gun free' zones, as this leaves only the criminals with firearms in gun-free zones.

### **IMMIGRATION ACT, 2001**

This Act enshrined the rights of homosexual partners to obtain permanent residence in South Africa, and followed the Constitutional Case which decided that after the words "spouse", the following words are to be read "**or a partner in a permanent same-sex life partnership in which the parties have undertaken reciprocal duties of support.**"

" This was the first time in South Africa's history that a court usurped the function of Parliament by adding words to legislation, and is a prime example of judicial activism that is sweeping the world

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### **JUDICIAL OFFICERS AMENDMENT ACT, 2003**

This legislation includes provisions allowing similar provisions for same-sex partners, as well as heterosexual partners, who choose not to get married.

This decision and the consequent legislation strikes at the very heart of family values in South Africa. Besides protecting homosexual partners, it also encourages heterosexual partners not to get married, as they will enjoy the same pension benefits.

## **ALTERATION OF SEX DESCRIPTION AND SEX STATUS ACT, 2003**

The aim of the Bill is to provide for the alteration of the sex description of persons in the National Population Register whose sex organs have been altered by surgical or medical treatment or "**by evolvment through natural development resulting in a sex change**"- whatever the latter means.

This is another example of the impact of secular humanism on our legislative process - secular humanism being undergirded by concepts of atheism and evolution.

## **SEXUAL OFFENCES AMENDMENT BILL**

The reduction of the age of consent for sexual intercourse from the present 19 years (as contained in the present Sexual Offences Act) to 16 years for boys, and in certain circumstances of consensual homosexual or heterosexual sexual experimentation (of a non-penetrative nature), even to further reduce the age for children to between 12 and 16 years.

It is utterly outrageous that twelve to sixteen year olds, most of whom will not have reached puberty, should legally be able to give their consent to older children who want to exploit them sexually.

Minors may not enter binding contracts without parental guidance. It is furthermore illegal to sell liquor or cigarettes to children under the age of 18, as these are deemed harmful to children's health. Surely this minimum should likewise apply to the age that children be allowed to consent to sex, particularly in view of the HIV-AIDS pandemic. Casual sexual relationships nowadays have additional life-threatening consequences.

The ACDP rejects the reduction of the age of consent for sodomy from the present statutory age of 19 to 16. There is no doubt that boys need to be protected from homosexual acts during their formative years.

The South African Law Commission conceded in its report that the age limits were set “arbitrarily”. The ACDP has called for a reconsideration of these arbitrary age limits as the implications for our children are inestimable. Teenage years are fraught with emotional conflict as the transition from child to adult is made, and our children need to be protected and guided, rather than encouraged to participate in homosexual and heterosexual sexual experimentation, with possible life-threatening consequences.

It is also significant that the Child Justice Bill recommends that the rebuttable presumption that a child cannot distinguish between right and wrong be maintained at 10 to 14 years of age. Thus certain pieces of legislation presume that a child over the age of twelve can consent to sexual relations, can have an abortion and be given contraceptives without parental consent, whilst the Child Justice Bill presumes that a child between the ages of 10 and 14 cannot tell the difference between right and wrong.

**AGE OF CONSENT OFFENCES OFFER THE BEST LEGAL PROTECTION FOR BOYS AND GIRLS FROM ADULT ABUSERS.** Liberalising the offences will make convicting child sex abusers more difficult.

Predatory men will now be able to claim that their victims consented. If those men are to be convicted their victims will have to prove that they did not consent.

### **DECRIMINALISATION OF PROSTITUTION**

The SA Law Commission is to issue a discussion paper on the possible decriminalization or legalization of prostitution in South Africa. The ACDP believes that this proposal will cause the further deterioration of family life and the moral fiber of our nation.

### **END OF LIFE BILL**

South Africa may soon have the most liberal euthanasia laws in the world if the SA Law Commission's recommendations are accepted. A proposed bill released by the Commission in 1999 proposes the introduction of active voluntary euthanasia by means of a lethal agent. Anyone suffering of an intractable disease, that is, any physical or mental condition that cannot be cured and is the cause of suffering considered “not reasonable to be endured”, even if the condition is not terminal can commit suicide with the help of a doctor. The Bill proposes that doctors perform euthanasia on their own authority. It normalizes the practice of ending a

patient's life by withdrawing "life-sustaining medical treatment", which according to the bill includes artificial feeding with or without the patient's consent. The bill states that "any interested person" can instigate the ending of a life.

### **DOMESTIC PARTNERSHIPS AND HOMOSEXUAL 'MARRIAGE'**

The Constitutional Court has ruled that gay couples were capable of and had equal family life to that of heterosexuals.

### **CHILDREN'S BILL**

Cheryllyn Dudley: "We object, however, to various clauses in the bill which are of great concern. The bill provides for 12-year-old children to carry the responsibility of consenting to medical treatment and surgical operations including termination of pregnancy. It also makes provision for 12-year-olds to access contraception without parental consent. This legislation also confirms the court judgment allowing same-sex partners to adopt children."

The second part of the Children's Bill to be dealt with in parliament in 2005 contains a section abolishing parental corporal punishment.

This section totally erodes parental authority and follows the abolition of corporal punishment in schools.

### **POLICY CONSIDERATIONS:**

One of the most far-reaching policy decisions of the government has been its unacceptable approach to HIV-AIDS. The failure to provide ante-retroviral treatment to prevent mother-to-child transmissions is beyond comprehension. It is also inexcusable that rape survivors were not, until fairly recently, provided ante-retrovirals, whilst the rapist would, in terms of various court decisions be entitled to such treatment at state expense.

### CONCLUSION:

The above is not a conclusive list of all legislation and policy affecting our Judeo-Christian ethos. Much blame for the liberal rights reflected in the above laws lies with the constitutional interpretation by the Constitutional Court, and the Legislature's rigid adherence to secular humanist values enshrined in the constitution.

Today in South Africa, there are many talk s about rights, but little talk about duties and responsibilities.

Confusion over human rights as they relate to judicial pronouncements arises from moral and intellectual relativism. If it is assumed that no absolute law exists, then it follows that an individual's rights must be equally relative. The French Declaration of the Rights of Man placed rights in the strong arm of the state. Rights were given by the state and could just as easily be taken away. The bloody French revolution followed.

Contrasted with this is the American Declaration of Independence, of 1776 that “ **all men are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of happiness** ”

What secular humanists call rights, such as homosexual rights, lesbian rights, prostitute rights, abortion rights, we Christians consistently call wrongs.

How can we have a moral regeneration in this climate? Today, the battle in South Africa is not physical, but moral. Unless a sufficient number of pro-moral South Africans acknowledge that fact and are willing to do battle on a basis of common moral conviction, we will not be able to meet the challenges facing us, such as the HIV-Aids epidemic, rampant crime and corruption, extreme poverty.

**Our society is in a state of moral decay not because the majority of South Africans love degeneracy, but because secular humanism has exercised more influence on our culture**

than that of faith-based organizations, such as the Church .

As long as moral relativism prevails, human rights always will be elusive. When a nation moves away from the absolutes of God's law we can expect an immediate substitute to fill the void. Unfortunately, the 'human rights' idea has become the alternative to God's Law.

If pro-moral Christians stand together as fellow South Africans concerned with the preservation of the family and moral decency, we can, with God's help, win this battle as His promise is **"if My people who are called by My name will humble themselves, and pray and seek My face, and turn from their wicked ways, then I will hear from haven, and will forgive their sin and heal their land**  
." 2 Chronicles 7:14

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