

JUSTICE ALLIANCE OF SOUTH AFRICA

J A S A

ANNUAL REPORT

2007/8

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HELD AT

**THE JUBILEE CENTRE
CAPE TOWN**

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From Honorary Director John Smyth

The Conception of JASA

1. *Amos 5.24 “Let justice roll on like a river, righteousness like a never-failing stream”*

*Micah 6.8 “And what does the Lord **require** of you? To act justly and to love mercy and to walk humbly with your God”*

During 2006, after some 4 years of work in South Africa grappling with moral issues in the context of our Constitution, it became increasingly clear to me that the church must play a greater part in setting the moral agenda for the country and doing battle with the flood tide of secularism and humanism. South Africa’s heritage as a Christian country, and indeed that of the whole Continent which looks to us for a lead, was at stake. My work with Doctors for Life had taught me that opportunities for using the courts, the media, and making an impact on Parliamentary legislation, abounded if only a mechanism could be designed to harness them.

JASA was therefore the response of a handful of Christian minds, and a handful of churches to the scriptural injunction which *requires* that every believer must engage in the pursuit of justice.

I therefore begin this report by placing on record my gratitude first to God, and then to the individuals (the Board members and a number of others) who encouraged me to run with this vision and played a vital role in setting up this voluntary association.

The Birth of JASA

2. On 31 January 2007 the founding members met over Breakfast in Durban to sign and ratify the Constitution which had been drawn up under the oversight of Brian Agar, a Trust attorney. The Constitution incorporated the necessary provisions to enable us to apply in due course for Non-Profit-Organisation status and that process will be pursued this year. JASA nevertheless became fully functional as a juristic body from 31 January 2007.

Brian Agar also advised that should the time come when JASA has a substantial turn-over in financial terms, then the Board should consider turning the association into a Trust. This course was not adopted originally because it is relatively lengthy and cumbersome.

The First 4 Months

3. This period began with my wife and I finding a house for us to live in which would also provide offices for the organisation. By reason of it being the seat of Parliament, as well as a bigger legal and media centre than Durban, the Board were in no doubt that Cape Town was the right venue. Before the end of February a suitable house was found in Bergvliet (southern suburbs, but close to the M3 arterial road into the city) and we moved in at the beginning of June. During this period my work for Doctors for Life continued but I was able to begin promoting JASA as a body which would have a much wider mandate than DFL which of course was limited by its articles of association to medical matters. Funds for JASA began to trickle in and initially four churches committed themselves to making monthly donations.

Staffing: We are extremely fortunate and grateful to God for the three ladies who assist in the work as volunteers. My wife, **Anne**, appointed by the Board as Secretary, works tirelessly as my assistant doing a hundred and one things, not least manning the phones, keeping the books and writing up the monthly accounts, and always being available to act as “chaperone” when female JASA clients come to see me, some traumatised for example by abortion experiences. She also plays an invaluable role as a sounding board for ideas, and reading and correcting documents. **Gil Marsden** has come on board as our website designer and operator and I hope the time will soon come when we can pay her a small salary in exchange for sharing more of the administrative load. And then we are very blessed to have the services of **Tina Mostert** an articled clerk with Grant Gunston, a local firm of attorneys, who assists me with legal matters. We extend our warm thanks to her and the directors of her firm.

June to December 2007

4. Once the office was set up in Cape Town, JASA rapidly blossomed, and when Parliament returned from its recess in August we became extremely busy with Parliamentary submissions:

(a) Top of the agenda was the **Abortion Amendment Bill** which was introduced to replace the 2004 Act that I (under the DFL banner) had been instrumental in persuading the Constitutional Court to strike down. It is now history that after a long battle both in the Provincial Parliaments and the National Assembly (where JASA played the leading role making the first submission), the Bill eventually became law in February 2008 without any of the changes JASA and its many allies had fought so hard to introduce. Nevertheless we see all that happened as part of an on-going campaign and I quote with permission an encouraging summary from our close ally and friend Dr Frank Muller of the Christian Medical Fellowship:

“The Bill was bulldozed through in customary fashion, but some points are worth noting. First, the DA’s liberal stance on abortion has been tempered by an understanding of new facts – as the official opposition, this made a significant difference in the final vote. Secondly, the level of public awareness on the issues at stake was increased and many newspaper editors are now publishing stories showing the extent of the abuse of the present legislation. Previously few newspapers printed articles critical of ‘abortion on demand’. Thirdly, the level of the debate has been raised considerably. “Pro-lifers” who participated in the process are more able to defend their position rationally and eloquently. These are all things for which we ought to be grateful to our Father.”

(b) Our most encouraging moment was of course the victory in getting the clause forbidding spanking children removed from the Children’s Bill. JASA took the initiative in writing to Parliament pressing for the crucial public hearing in the National Assembly (I used my ‘clout’ as the architect of the Con Court case where the Court spelt out the duty to hold public hearings, and also used the Media through a press release which resulted in an interview on SAFM etc), and our Chairman, Tim Makamu, made a powerful submission at the National Assembly hearing which no doubt helped to win the day.

(c) I also made an oral submission to the National Assembly opposing on-line gambling.

5. Other events in the latter part of the year were a half hour video presentation by myself for mPower Ministries on the topic of SA Abortion Law (to go into schools, universities etc) and a great deal of work behind the scenes with junior doctors in the Eastern Cape who were in danger of being coerced into participating in abortions against their consciences.

6. At the same time we continued pressing forward to trial the two important DFL cases; one relating to the theatre sister who was fired for refusing to do abortion evacuations, and the other the case of the schoolgirl subjected to a wholly illegal abortion in Durban arranged by her school behind her parents' back.

7. Running concurrently with all these matters was the need to take every opportunity to bring in some fees for JASA by providing a service to clients who are able to pay a fee. To this end I have advised in relation to an appeal to the Constitutional Court concerning the adoption of SA children by Christian foreigners; I have advised Africa Christian Action about a particular abortion matter they are dealing with; I have advised the Gun Owners Association of SA about Firearm's Rights, and of course Doctors for Life have contributed some fees to JASA for the work I do for them.

January 2008

8. The early part of the year gives us a break from Parliamentary matters and therefore the opportunity to consider whether it is appropriate to take on new litigation. I believe that we need to establish our credibility and raise our profile at this stage by being seen to be willing to take to court on a pro amico/pro bono basis selected cases relating to constitutional rights and human rights for the poor, or other persons unable to pay legal fees. Even if there is no crucial moral principle involved, I believe it is important that JASA should be seen to provide a service to the least privileged members of society.

To this end we have selected two cases, the first of which is the now celebrated circumcision case on behalf of a Christian Xhosa student who has been disowned by his family. Our reasons for taking this matter on were first, the importance of exposing the dangers and high-mortality rate of traditional circumcision, second, the seriousness of forcing a young man against his will to engage in a rite involving ancestral worship against his

conscience, and thirdly the all important practical issue that it is a matter properly litigated in the Equality Court where I can personally represent JASA and the young man. We did not embark on this venture lightly, and of course we have been at pains to stress that JASA is in no way opposed to male circumcision; that is not the issue. So far our aspirations have been achieved; the Judge President in charge of the case has already fixed a date on April 29 for a preliminary hearing; both Special Assignment (SABC) and Carte-Blanche (M-Net) are working on programmes particularly designed to expose the mortality rate, and even the New York Times is taking an interest. It also provided an invitation from the Editor of the Eastern Cape Dispatch newspaper to write an article on the topic of “Individual Rights versus Community Rights” which was published on 7th February.

Our second case, which we will file in the Equality Court in March, concerns a coloured family of street-traders who were allegedly the victims of horrid racism, which would have disgraced even the apartheid era, at a camp site in Langebaan. Again this is an Equality Court issue which I can handle myself at little expense to JASA.

Summary

I hope this report demonstrates that in little over 6 months we are on track to fulfil the objectives set out in JASA’s Constitution of “upholding and developing Judeo-Christian values, and the Constitution, by means of litigation in the courts, submissions to Parliament and involvement in the media.”

I would add that the battle to raise adequate funds to support the work and appoint more staff is the most difficult part of my task, and I need to be relieved of this burden as soon as possible.

John Smyth
Honorary Director

15 March 2008