Published on *Treatment Action Campaign* (http://tac.org.za/community)

Statement in support of the Constitutional Court

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Created *2009/08/19 - 10:17am*
19 August, 2009 - 10:17 ? moderator

WE SUPPORT THE CONSTITUTIONAL COURT

Our Constitution is the product of a great struggle for democracy and equality, in which many gave up their lives so that present and future generations of South Africans may have a better life.

In its foundation, the Constitution provided the alternative to civil war. It stands today as a vital guarantor of our individual rights and freedoms against abuses of power.

In its recognition of certain basic socio-economic rights, it provides legal means to support social and political activism, requiring government, now and in future, to proceed progressively to realise the demands of the people for decent health care, education, housing, safety and security, dignity and freedom from poverty. It provides vital means to address the legacy of racial and class-based discrimination and oppression.

With this Constitution, South Africa has been able to hold its head up proudly throughout the world.

Since its establishment, the Constitution ? and with it, South Africa? has been well served by the Judges of the Constitutional Court. While opinions have differed on the interpretation of laws and the merits of cases, integrity has been the hallmark of the work of the Court.

The authority of the Court among the people, its integrity, impartiality and independence from political pressures and executive power, have enabled it during the first 15 years of our democracy to hand down decisions of the utmost importance for vulnerable, poor and marginalised people.

The Court has defended the rights of newborn babies, pregnant women, people without houses, communities without land, pensioners without social grants, women suffering gender-based violence, lesbian and gay people, workers and victims of discrimination in employment and citizenship status.

In the years ahead ? and all the more so in harsh economic conditions
?impartial and fearless work by the Courts will be crucial in ensuring that the government can and will promote the social justice obligations imposed on it by the Constitution.

No action or judgment of a Court is above scrutiny and principled criticism. Judges who breach the ethics of their office or abuse their judicial powers must be brought to account, however high or low they may be. The object of the JSC complaints process must be to ensure the integrity and independence of the judiciary, so that its necessary authority in the discharge of its public duties can be maintained.

Manipulations and sharp tactics aimed at weakening the Judges in order to advance personal and political ambitions ought to be condemned by the entire people of South Africa. By threatening the independence of the judiciary, those methods threaten us all.

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Source URL (retrieved on *2016/08/27 - 5:56pm*): http://tac.org.za/community/node/2734