

## **FOR YOUR INFORMATION: Letter published in The Herald on Friday, 23 November 2018**

### **State regulation of all religions on the cards again**

The recent testimony of rape and abuse of power in the Omotoso trial shocked our Metro and our nation. Even though the trial has been postponed to the 10<sup>th</sup> December and remains sub judice, many church and civic society groups have nevertheless felt compelled to voice their sympathy and support of the victims and have expressed their strongest condemnation of any such harmful, criminal and illegal behaviour. As the Nelson Mandela Bay Church Leaders Network, we agree that any such unscrupulous behaviour by those entrusted with religious authority is totally unacceptable and that offenders should be prosecuted to the full extent of the law.

In terms of its Constitutional mandate, the CRL Rights Commission (CRL) is obliged to investigate any reports of abuse of religious rights and freedoms and we welcome such investigations. We also agree that they have the full right and mandate to refer such evidence to the SAPS and the judicial authorities for proper prosecution of offenders. The offending pastors who were investigated for illegal and criminal practises like feeding grass, petrol and even snakes to their congregants or spraying Doom in their faces during 2015-2017 have been investigated and whilst some of their trials are still pending, others have been convicted of assault and related crimes.

Whilst we endorse the mandate of the CRL to investigate and prosecute all offending religious leaders, at the same time we are deeply concerned about what appears to be potential overreach of their mandate and inconsistency in their application. Whilst their initial investigations and the resultant prosecution of offenders were welcomed, the CRL needs to be reminded that their primary mandate is to “promote and protect” the rights and freedoms of cultural, religious and linguistic communities in SA. Such protection and promotion cannot be over extended to also include an overall right to regulate and control religious groupings and their practise, as was recommended in their report. This overreach flies in the face of the very religious rights and freedoms that they are mandated to promote and protect. The majority of churches and denominations in SA do in fact abide by the law and respect the rights and dignity of their people. We therefore call on the CRL to stay within the ambit of their constitutional mandate.

We are alarmed at the recent call by the Parliamentary Portfolio Committee on Women in the Presidency for “government to tighten legislation and to close churches, where necessary”. According to a statement by Committee Chair Thandi Memela, “religious leaders will not be able to regulate themselves...a much more stringent system must be devised”. We are particularly concerned about the fact that this unqualified blanket call for regulation of religion follows a meeting between the Committee Chair and the Chair of the CRL, Ms Thoko Mkhwanazi-Xaluvu on 30 October at Parliament.

Over and above the potential overreach by the CRL and resultant threat to the right of freedom of religion, it also appears that the CRL is being completely inconsistent. After two full days of hearings in February 2018 with concerned religious leaders about the Constitutional dangers of State regulation of religion as recommended in the CRL report, the Department of Cooperative Governance and Traditional Affairs (COGTA) conceded that such danger did exist. They accordingly recommended that the CRL should convene a national consultative conference of religious leaders with the aim of finding solutions for self regulation without compromising on freedom of religion and without State interference. The chair of the CRL verbally endorsed this process two weeks ago at a meeting in Langa, Cape Town when she said that she did not want there to be any confusion about State involvement in the regulation of religion and that the religious community now has the responsibility to develop self-regulatory structures.

We are therefore deeply concerned that the CRL Chair now seems to have changed her mind. The fact is that there have been some very significant developments in the arena of self regulation by religious grouping in SA. For example, the South African Council For Religious Rights and Freedoms (SACFRRF) was formed in the early 2000's by a group of academics, religious scholars, religious leaders, statutory commissioners and international legal experts and in consultation with all major religious, human rights and media groups in South Africa and after extensive consultation they adopted The Charter For Religious Rights And Freedoms in 2010, which currently carries the endorsement of an estimated 25 million people in SA. The SACFRRF are also currently involved in a nationwide consultation with most religious groupings to finalise a constitutionally compatible Code of Conduct for Religion in SA, the final draft of which is being worked on at this moment.

The inconsistency of the CRL is also evident from a recent announcement by the Chair that she had handed over the process of finding solutions to the abuse and criminal activity in the religious sector to the National Religious Leaders Forum (NRLF) under Pastor Ray McCauley.

Offenders like Omotoso, the "doom pastor" and others in SA must be brought to book and we fully endorse the continued investigations, prosecution and conviction of such offenders. We also sympathise with all the victims and their families and offer them our full support. We have a Gospel mandate as church leaders to love, serve and protect the people of our congregations and our metro and will continue doing so.

However, we ask that the Government, the CRL and other constitutional bodies stay within the parameters of their constitutional mandate and allow the variety of religious groupings in our country to consult, investigate and implement ways of protecting our congregation members from abuse. We ask that we be given the freedom to do this as part of our democratic right and that we be afforded the opportunity to pursue a proper consultative process as is provided for in terms of the Constitution of our beloved country.

*Signed on behalf of the NMB Church Leaders Network*

- Pastor Daan Botha: Harvest Christian Church
- Dean Dudley Greenshields: Vicar General Anglican Church of PE
- Bishop Jacob Freemantle: Methodist Church of SA (Grahamstown District)
- Reverend Andile George: Moderator Presbyterian Church (Central & Southern Cape)
- Apostle Neville Goldman: Ebenezer International
- Bishop Mvusi Gwam: Bishop Kingdom Embassy Ethiopian Episcopal Church
- Reverend Howard Hans: Chairperson Metro SACC
- Dr Bukelwa Hans: Provincial Vice President of the SACC
- Pastor Mary-Rose Jacobs: Secretary NMB Religious Leaders Desk
- Bishop Mlungiseleli Koliti: Ethiopian Episcopal Church
- Reverend Themba Mahuwa: Branch Secretary SACC: NMB Metro Branch
- Reverend Danie Mouton: Director Synod Eastern Cape DRC
- Dr Dave Pedersen: National Director Vineyard Churches SA
- Pastor Russell Viljoen: Chairperson NM Bay Church Leaders Group
- Pastor Johannes Welskit: Regional Leader EC AFM
- Bishop Vincent Zungu: Catholic Diocese PE