

FOR SA's PROPOSED ALTERNATIVE SOLUTIONS TO THE PROBLEMS IN THE RELIGIOUS SECTOR

Freedom of Religion South Africa (FOR SA) presents alternative solutions to those proposed in the CRL Rights Commission's (CRL's) Report on the "*Commercialisation*" of Religion and Abuse of People's Belief Systems".

We believe these alternative solutions will bring greater levels of accountability to the religious community without the need for the State to intervene in the form of further legislation, as well as help to identify where "problem areas" may exist so that existing laws can be enforced and/or education and training opportunities be presented to remedy areas where there may be a lack of compliance.

NOTE: *Since 2019, many of these solutions have already been implemented. We do not see any new compelling evidence or rationale to support the CRL's new call for legislation to impose State regulation of religion.*

Solution #1:

We support the establishment of ministers' "networks & fraternals" on a purely voluntary basis because this will:

- Help ensure greater local accountability by religious practitioners;
- Encourage local communities to report criminal activity being perpetrated in the name of religion to the relevant authorities;
- Provide opportunities for education on issues such as legal compliance and other relevant areas;
- Give the potential for intervention in the event of evident leadership failure in a member organization/entity; and
- Improve communication and relationship between otherwise "independent" churches.
- These networks and organisations already exist (SACC, TEASA, IFCC, SACOFF, UUCSA, JBD, IYA etc.) and voluntary membership is rapidly increasing.

Solution #2:

We support the development (and subsequent voluntary adoption) of the "Religious Freedom Charter" and "Code of Conduct" by the South African Council for Religious Rights and Freedoms (SACRRF), the latter initiated by The Evangelical Alliance of South Africa (TEASA), because this:

- Reflects the responsibilities corresponding to the rights in the South African Charter for Religious Rights and Freedoms (the Charter) which has already been adopted by

+/- 22 million people from the religious community (and of which the CRL is also a signatory); and

- Provides an agreed benchmark and a standard for the ethics and conduct of the religious community.

Solution #3:

We encourage (on a voluntary basis) greater levels of training and education (both theological and practical management skills) for religious practitioners to support their calling. To this end, we note that:

- Being a religious practitioner is primarily an issue of calling / vocation, not as the result of an academic qualification (although supporting such a calling is certainly to be encouraged);
- Problems of non-compliance can arise through ignorance of legal requirements – not willful lawlessness;
- Religious practitioners need access to and/or education in the relevant information and knowledge so that they are empowered to run their churches properly; and
- The CRL has a key educational role to play in the above since the CRL Act, 2002 already gives the CRL the power to:
 - Conduct programmes to promote respect for and further the protection of the rights of religious communities (section 5(1)(b));
 - Assist in the development of strategies that facilitate the full and active participation of religious communities in nation-building in South Africa (section 5(1)(c)); and
 - Educate, lobby, advise and report on any issue concerning the rights of religious communities (section 5(1)(e)).

Solution #4:

We urge the CRL to improve its capacity to investigate possible “abuses” and to recommend appropriate remedial action. To this end, we note that:

- The CRL Act, 2002 already gives the CRL the power to:
 - Monitor, investigate and research any issue concerning the rights of religious communities (section 5(1)(e)); and
 - Bring any relevant matter to the attention of the appropriate authority or organ of state, and, where appropriate, make recommendations to such authority or organ of state in dealing with such a matter (section 5(1)(k)).

Solution #5:

We support compliance by religious organisations to check and vet any staff or members, especially those who have interactions with children. To this end, we recommend that religious organisations:

- Require police clearance certificates and ID copies from all perspective ministry workers, and especially children's ministry workers.
- Submit names to the Department of Justice and Constitutional Development (for NRSO checks) and the Department of Social Development (for NCPR checks).
- Establish a Child Protection Policy that includes screening procedures, ongoing training, supervision, and incident reporting protocols.

- Establish the necessary internal structures to receive and properly handle complaints by congregants and staff.

Solution #6:

We support the activation/implementation of section 5(1)(j) of the CRL Act, 2002 which empowers the CRL to register (NOT regulate!) religious practitioners and organisations. To this end, we note that:

- Keeping a register does not in any way empower the CRL (or any other body) to examine doctrine or religious practice (assuming there is no infringement of law);
- Information that could legitimately be required by the CRL in terms of its Act has the potential to reveal where there may be compliance issues (or even illegalities) taking place e.g. a church operating without a bank account;
- The CRL Act already gives the CRL the power to “*establish and maintain databases of religious organisations and institutions and experts...*” (section 5(1)(e)). Keeping a database of religious organisations and institutions (with the senior official of such an organisation as the point of contact) would enable the CRL to communicate and address effectively and efficiently any issue which may arise.

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