Mr. Chairman, Portfolio committee members,

My name is Rev Cheryl Jonck and I represent the Wesleyan Church of Southern Africa as the chairperson of the Moral Actions Committee. The Southern African region of the Wesleyan Church consists of Districts in Zimbabwe, Limpopo Province, Kwazulu-Natal, Eastern Cape and Gauteng. The majority of our churches are in the rural areas of Southern Africa.

I would like it to be placed on record that until today, the Wesleyan Church of Southern Africa has never been offered any opportunity to partake in any public hearings or consultations with regards to the proposal made by the CRL Rights Commission on Commercialisation of Religion and abuse of peoples’ beliefs.

Within our governance, the Wesleyan Church has levels of accountability starting from what is the smallest gathering, known as a preaching point right up to our Southern Africa Regional Board who is accountable to the General Board that sits in North America.

I do not, and will not, profess to be a member of the legal profession as a number of those presenting to this committee may be. I am, however, first and foremost a Pastor who wishes to ensure that all pastors or religious practitioners may practice their rights of Freedom of Religion as per the Constitution of the Republic of South Africa.

While I am in total agreement with the CRL’s concern over the excesses and abuses that are taking place in our country in the name of religion, I do believe that the proposal before this committee will punish and limit the freedom of religion of the majority as opposed to curbing the excesses and abuses of the minority.

In the book of 2 Peter, Peter, warns the church of false teachers and p

rophets. False teachers and prophets have always been a part of Christianity and they will until, as we Christians believe, Jesus’ second coming. Jesus Christ himself prophesied of false teachers in the Gospel according to Matthew in chapter 24. Based on the scriptures, I believe evil men and women will continue to rise up and declare their heresies.

The Constitution of South Africa states very clearly in s 15 “Everyone has the right to freedom of conscience, religion, thought, belief and opinion and in s18 “everyone has the right to freedom of association.

Further, when I study the South African Charter for Religious Rights and Freedoms it is clear in paragraph 3 that “Every person has the right to the impartiality and protection of the state in respect of religion.” Further, in section 7(2) of the Constitution, the SACRRF states that “the state must create a positive and safe environment for the exercise of religious freedom.” Any form of regulation, in my humble opinion, is not creating a positive and safe environment for anybody to exercise their freedom of religion. When the State, as proposed by the CRL, regulates religion, impartiality and protection disappears out the back door.

### The Mission of the CRL, as published on their website is “*To foster the rights of communities to freely observe and practice their culture, religion and language.*

### With these fact in mind, I submit to this committee that the terms regulation and freedom together are purely oxymoronic.

### I make my submission under two headings:

### Practitioners who behave in abusive or illegal ways

### The Constitutional court has already in the Prince case held that people must be permitted to believe whatever they wish, even if these beliefs are “*bizarre, illogical or irrational.”* I submit to this committee that those “religious practitioners” who are determined to practice such beliefs will do so despite any form of regulations as proposed by the CRL. This committee has already heard that victims of such acts have denied any form of assistance because they have partaken willingly.

### For example, forcing or suggesting to followers that eating grass would “bring them closer to God” is not a normal practice of any Christian church who follows the teaching of Jesus Christ. But, when we look at s15, 18 of the constitution, those who act on such bizarre beliefs are doing so within their constitutional rights of Freedom of Religion and the Freedom of Association.

### Recently I watched a television debate between the CRL chairlady and the executive director of FOR SA, an alleged victim of pastoral abuse was invited to share her story. It transpired that the “abuse” of which the pastor was accused was:

### Making alterations in his flat to accommodate large groups for the church meetings; and

### Shouting at the alleged victim when he was challenged on the noise made during the Sunday morning gatherings.

### I submit that neither of these accusations could seriously be considered as pastoral or spiritual abuse.

### The solution, in my opinion, would be to find a way in which to deal with these practitioners who do operate outside the law or who do cause bodily harm to their followers. Such as in the case of the so-called “prophet of doom”, the health department in the Limpopo Province took the offender to court and the court forbade him to continue with such unhealthy practices. I cannot conceive how regulating those religious practitioners who comply to the laws of their specific religions as well as to the laws of the country will ever prevent the outrages that have, do and will occur.

### The CRL would do far better to deal with those who step out of line than with those who are legitimate religious institutions and who practice within the law of our country.

### Those religious institutions that have been formed by immigrants from other African countries who make use of such institutions to launder monies should be dealt with by the courts of law because their sole purpose is to operate illegally. Furthermore, such operators will continue to do so, no matter how much regulation is put in place by the CRL. If they can operate unlawfully under the present laws of the country, how would any additional laws or regulation prevent them from continuing with their devious practices? Organs of state, such as SARS Home Affairs, DSD etc that are already in place, should rather take these offenders to task. Once again, I submit that putting such laws in place that will punish the entire church is, as one of our colleagues said, these steps are draconian to say the least.

### Devious people who wish to operate illegally, will find methods to undermine laws, no matter how many different laws there may be.

### Proposed Solutions by the CRL

### Lack of Corporate Governance

### Apparently, there are religious institutions who do not have sufficient corporate governance within their institutions, even though they do operate otherwise under the law. I would recommend that the CRL with the assistance of those religious institutions who do have sound corporate governance educate and recommend to those who lack in this area. This would then be fulfilling the functions of the CRL to monitor and educate institutions in the religious community.

### Registering of all churches as NPO, NPC or PBO

### The CRL is proposing that all religious institutions register as NPO, NPC or PBO. This task would be arduous to say the least for numerous churches and groups. One only has to drive throughout our beautiful country on a Sunday to see the number of believers that meet in the open under trees. Having registered Christian Schools owned and administered by the Wesleyan Church, and knowing the intricacies of making such applications, I can only imagine the literal nightmare it would be for these outdoor gatherings to make such applications. And once again, the policing of such gatherings would be time consuming when there are more urgent concerns for our Police service to attend to.

### Peer Review Boards

### It is inconceivable that a “peer review board” can determine the ability of any applicant to become a religious practitioner when such board could not possibly know the doctrines, beliefs and requirements of all the numerous denominations and religious institutions in South Africa. Currently each denomination or institution has certain requirements for applicants according to each own doctrine and belief system and based on these, practitioners are appointed. The only manner in which such a board could function effectively would be if all religious institutions comply to the same doctrines and belief systems as well as the same requirements for prospective practitioners. This would then deny everybody their rights as per s15 of the Constitution of South Africa.

For the benefit of those who were not present yesterday, I would like to remind the committee that there was an overwhelming agreement by all submissions that the CRL proposals are completely overboard. All those that submitted presentations are in agreement that the Church should be given the opportunity to find solutions to the problems that are faced by the charlatans who operate under the name of religion.

### In conclusion, I firstly submit to this committee that additional laws will not prevent those who wish to behave illegally from doing so. The only effect will be that all those religious institutions who do operate within the law will be regulated and controlled by the State and that is denying such institutions of their constitutional rights. Further, we should consider Africa to see what solutions other countries have found to eradicate these charlatans.

### Secondly, I submit that each religious institution or denomination or church group be permitted to continue with their “self-governance” as has been the case for many decades in this country. That they all continue to appoint their practitioners according to their requirements, doctrines and beliefs in accordance the Constitution of South Africa and the SACRRF. That religion in this country continue to be monitored by the CRL who will continue “*To foster the rights of communities to freely observe and practice their culture, religion and language as well as protect the religious communities with impartiality, thus creating a* positive and safe environment for the exercise of religious freedom.

### May God bless you all richly.

### Respectfully submitted

### REV. CHERYL JONCK

### CHAIRPERSON OF THE MORAL ACTION COMMITTEE OF

### THE WESLEYAN CHURCH OF SOUTHERN AFRICA