

SACC SUBMISSION TO COGTA

Introduction

The South African Council of Churches is a voluntary fellowship of churches and organisations whose theological basis is a common confession of the Christian faith by its members (“**SACC**”). The membership and objectives of the SACC are governed by a revised constitution that was adopted by its national conference (its supreme governing body) on 17 July 2007, and as amended in 2017.

The SACC has an extensive and longstanding track record of advocacy, care and empowerment in South Africa and has been at the forefront of representing the body of Christ and leading common Christian action during and post the dark apartheid years in South Africa.

Accordingly, as one of the largest voices for moral reconstruction and the church in South Africa, the SACC is submitting its views and recommendations to the COGTA Portfolio Committee in response to invitation to the Indaba and the questions referred to it to answer.

The Questions and Answers are as follows:

1. What ideal role should State organs, including Parliament and the CRL Rights Commission, play towards the minimisation of harmful religious practices?

- Apply existing legislation and regulations to stamp-out non-compliance, unethical and even criminal behaviour. E.g. Case of a Pastor who sprayed congregants with an insecticide for healing at Mount Zion General Assembly. The Limpopo Department of Health laid a charge against him for such a harmful practice. Lethebo Rabalago - widely known as the Doom Pastor - was also found guilty of contravening the Agricultural Stock Remedies Act, a court ruling said on the 9th February 2018.
- The “Seven Angels” of Ngcobo had to face the law, not only for their armed robbery, but also for contravening the Children’s Act, causing children to be away from school.
- The sexual abuses of “Pastor” Omotoso are the subject of our courts today.
- Enabling existing organs of state that are empowered to address these deviations such as SARS, SAPS, DHA, Advertising and Standards Authority etc. E.g. The department of Home Affairs needs to monitor their process of visa application efficiently by foreign nationals to ensure that bogus characters don’t abuse their visas for illegal purposes under the false pretence of religion.
- Existing legislation such as Companies Act, Non-Profit Organisation Act, South African Revenue Service Act, Criminal Procedure Act and Common Law Act can be enforced in their current form to combat some of the undesirable practices in some religious institutions.
- Status quo on current problematic issues is acknowledged and needs to be addressed using existing organs of the State and that is the reason the SACC had taken to Human Rights Commission to assist to address these harmful religious

after it had it confronted the spiritual leaders or pastors concerned without success.

- The CRL should also intensify role to educate communities about how they should exercise their religious freedom according to their freedom of religion as enshrined in the Constitution.

2. What can religious bodies do to guide individuals and organisations perpetrating harmful practices in the name of religion?

- The SACC is conscious that many people who get trapped in religious abuse practices are often members of our churches who step out in pursuit of what they believe are genuine possibilities of miraculous gains as promised by the practitioners of bogus religious gimmicks. While the existing churches could do well to heighten public education, the SACC would see greater value in the Public Broadcaster creating spaces for public education in this regard. That said, both the churches and the SABC can collaborate to:
 - Educate about religious rights and responsibilities
 - Embark on awareness drive to help ordinary people to be vigilant against unscrupulous individuals and organisations that exploit people under the guise of religion.
 - Expose what is not religious but harmful and inhumane.

3. What is the international best practice with regard to the minimisation of harmful religious practices? What is the international religious best practices with regard to effectively addressing harmful religious practices?

- Self-regulation of religious sector with:
 - Sound ministerial ethical codes of accountability -
 - A good constitution of the religious entity with clear guidelines for governance and accountability
 - Proper training and recognition of the religious practitioner as per the protocols of the particular religious tradition and institutions
 - Vigilant and aware population on religious freedom and accountability

- Capable state institutions that respects religious freedom whilst executing the standard laws of the country as mandated by the constitution.
- Criminal acts and wrongdoing in public life should not have a different definition when perpetrated by a person who claims or covers them in the name of religion.

4. What is in the view of your organisation considered to be harmful religious practices?

- Human beings are created in the image of God, and have intrinsic dignity that accords with their being human. That is why, amongst other points, will the dead body of a human being have to be buried and not left lying unattended, like that of an animal. That dignity is thus a human fundamental attribute, such that any act against a human being, the undermines their God given dignity is at odds with the will o& God for humanity. This is why the SACC declared apartheid, which reduced the dignity of Blacks on the grounds of race, and its religious justification as a heresy and a sin and crime against humanity. That applied to the whole expanse of apartheid legislation - all with the effect of undermining human dignity, with its designed creation of the impoverishment of black people. In this regard, the SACC and its member churches will regard as a harmful religious practice, any act or practice that harms the God given dignity of any person. These may include:
- The excesses that have made the headlines in our country, such as of “pastors” jumping on top of prostrate people; groping or fingering people’s breasts and genitals; driving a car on top of another person; hoodwinking people into consuming harmful substances in the name of religious faith; cajoling people to surrender their hard earned pensions and savings with the promise of possible miraculous returns; and such like practices that can be challenged even with the current statutory provisions of advertising standards.
- The exploitation of the poor and vulnerable in the name of religion.
- Any violation of criminal laws of the country that are meant to promote and protect the freedoms and rights of people in our constitutional democracy.
- In addition to this, SACC member churches believe that the grace of God cannot be for sale, and therefore cannot be commercialized or promised for a price or any favour. That, from a the9logucsl point of view, would be considered an abuse of religion.

5. What can your religious body do to sanction individuals and organisations perpetrating harmful practices in the name of religion?

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- SACC is formed by association of churches rather than individual persons therefore, SACC holds affiliated member churches accountable to the SACC protocols; and as such we hold each accountable to observe best religious conduct based on our faith and fairly universal ethical standards.
- In turn, SACC member churches sanction their respective ministers, officials and congregants as per their own procedures.
- SACC, does make public statements indicating its rejection of the behaviour and conduct that we consider harmful to dignity of God's people. For example, when the gimmicks of "Pastor" Mnguni of Soshanguve became known, the SACC spent many hours and days engaging that situation, with the hope of changing the man from his practices, and even considered helping offer theological training if that might help him redirect his spirituality, if his sense of vocation was for real. We never got far enough, and the SACC convened an emergency consultative meeting to reflect on this affront to human dignity in the name of religion. It is out of this consultation that the SACC filed a formal complaint with the South African Human Rights Commission. It is our understanding that the Human Rights Commission passed our complaint on to the CRL Rights Commission, which was, at that same time, about to launch an investigation into commercialization of religion.

6. Is a voluntary non-binding Code of Conduct for religious sector feasible and practical? What are the strengths and pitfalls?

- SACC does not consider a code of conduct of the religious sector feasible and practical.
- The pitfall is in the complexity of the broad diversity of the religious sector, that it is not homogenous in its nature, thus it is impractical and unenforceable. At best it is aspirational with no practicability.

7. Should the conduct of the religious practitioners be regulated? If so would such regulation not amount to violation of the rights of the practitioners to exercise their freedom of religion without inhibitions?

- No! As SACC, the practitioners of our member churches, which we understand to refer to ministers, pastors, priests, moderators, superintendents and bishops, are licensed and overseen by an internal regulatory system in their laws and canons, which have set provisions to act against any wrongdoing by one of these. Any misdemeanor outside of church law, and in the domain of civic law that falls in the broad domain of the State and its justice system, including fraud, public misrepresentations, etc., these, we believe, like any other such felony, should be dealt with effectively in the justice system because the existing laws of the

country are sufficient even when they applied to address harmful religious practices.

- Also, the existing self-regulation dispensation to continue with each Faith or religious institution governing its affairs as per their constitution, code of conduct and tradition. The one area that might be helpful is to ensure that each registered religious entity be required to demonstrate that it does have internal systems to deal with abuses.

8. The role of churches addressing social ills and moral decay in our society;

In addressing the present day challenge of rampant social ills, society places much responsibility on the religious sector; and rightly so, since the churches especially, have in the past been very influential in shaping public morality from a person's early age through school. However, this is no longer the case in the main. Both school and home, has less of a religious formation - with the home pressed by different work engagements. A study conducted for the SACC by the Human Sciences Research Council showed that only 38% of South African families live with both parents. This suggests a child headed or single parent home. This would be most likely the mother who would have to work doubly hard to put food on the table, and thus with limited scope and time to support children with school work, let alone deal with their ethical orientation. Religious teaching thus competes freely with all other (often) more attractive persuasions of lifestyle to young minds, and the dazzling advertisements, together with the unfortunate role models in the confines of poor communities from political and other celebrities that can also provide unhelpful examples of life. Little respite comes even from religious; in the face of fraudulent self enriching religious personae. Even so, the SACC believes that it and other honest to goodness religious bodies will continue to play a role in shaping public morals and addressing social ills. It should however be recognised that our social ills are also related to the state of poverty and inequality that impacts on people's sensibilities. For its part, the SACC commits to proactively lead, champion and action the values and programs for the eradication of poverty, national reconciliation, and the integrity of creation and contribute towards the empowerment of all those who economically, socially and spiritually marginalized. We believe that the country has yet to achieve the "promise"

of the post-apartheid South Africa. And that we all, religious organisations included, should do all we can to realise the “promise” of a just, reconciled, peaceful, equitable and sustainable South Africa; free of racism, tribalism, xenophobia, and gender prejudices; free of corruption and deprivation; with food and shelter for all, and every child to grow to its God given potential. To this end, the SACC, together a number of civil society organisations took 18 months of deliberations and workshops in working groups around four themes and their subsections, as essential to bring to approximation the South Africa we pray for, and the ideal of a livable South Africa. These are:

- Economic Transformation so as to seriously include the excluded majority that has 99% of poverty, yet with 90% political vote.
- Comprehensive Quality Education, to truly educate for productivity and effective participation in the economy and meaningful social integration into the culture of our constitutional democracy
- Healing and Reconciliation, taking seriously the Preamble to the Constitution that calls on us to heal the woundedness of our society that we carry with us in every challenge - sexual and gender based violence showing the pain of that woundedness for women; together with other challenges in family, in society and in the State.
- Anchoring Democracy, creating an ethical State with good governance, transparency, accountability and stability, without which the other three elements will fall short.

That is what we strive for as the SACC, and that is the South Africa we pray for. And this, we believe, will go some distance in creating an environment for better public morality. Together with civil society partners we delivered through this process, a Civil Society Manifesto published in March 2019. We had hoped to bring it to the National Assembly, but for the dissolution of the 5th Parliament at that time. It is out of this that we are developing our intervention to social ills. It is common cause that the SACC has an extensive and longstanding track record of advocacy, care and empowerment in South Africa and has been at the forefront of representing the body of Christ and leading common Christian action during and

post the dark apartheid years in South Africa. We stand with that commitment which defines our social justice existence under God.

9. What is the religious sector doing to address these social ills?

It would not be possible for one entity to speak for the whole religious sector, but as far as the SACC and its member churches are concerned, this question is addressed immediately above, but should the Portfolio Committee wish for further details, we would be happy to share our thinking in this regard.

10. Why is the church no longer seemingly at the forefront of upholding moral integrity in society?

This question, from the SACC point of view, is similar to the question on #8 above, and our response thereto. We are willing to expand further should our response to #8 to suffice.

Conclusion

As an ecumenical organisation whose aim is to become the moral compass of South Africa, we do subscribe to the rule of law, which constitutes the foundation of our democracy. Our constitution seeks to ensure alignment and compliance with existing laws and our members are encouraged to do the same.

We believe South Africa has solid existing laws. However, those laws are rendered ineffective through poor or inconsistent application and enforcement, especially when it comes to presumed religious personalities. Given the plethora of existing legislation governing all types of organisations, including religious and Christian organisations, we believe that it is not necessary to introduce new laws. However, the departments and government entities tasked with implementing and applying such legislation, should be well resourced and supported to ensure effective implementation and monitoring compliance with applicable laws, including evaluating and addressing non-compliance with such laws.

Our Constitution, the supreme law of the land, prescribes very specific things in the Preamble, that need attention to create a truly united and common citizenship that lives peaceably. We believe more focus should go in that direction. On our part, we remain committed to building our nation and all its people through moral reconstruction and ensuring the empowerment of all people who are spiritually, socially and economically marginalised. This can be done through adhering to the democratic principles of freedom of association, which includes the recognition of God as the supreme Creator of all people and creation.