

CHRISTIAN FAMILY CHURCH EMALAHLENI

TO: The COGTA Portfolio Committee

For attention: 1. Shereen Cassiem (Secretariat)
Per email : scassiem@parliament.gov.za

2. Mzameni Mdakane (Chairperson)
Per email : mmdakane@parliament.gov.za

RE: Comments on the CRL Rights Commission's Final Report on the "commercialisation" of religion and abuse of people's belief systems

**FROM: Organisation: CHRISTIAN FAMILY CHURCH
INTERNATIONAL EMALAHLENI**

Name/surname: **Ps Warren Graham**

Capacity: **Senior Pastor**

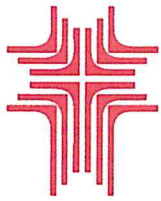
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11 OCTOBER 2017

INTRODUCTION

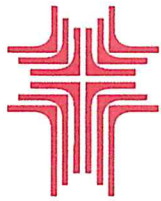
1. **Christian Family Church International** is not a denominational church, but rather an association of churches of over 580 multi-racial churches worldwide. The churches represent over 100,000 members in attendance and at **Christian Family Church International**, Emalahleni, situated at Andromeda street, Reyno Ridge, Emalahleni, it represents members in regular attendance of



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over 500. The total members of Christian Family Church International in attendance only in South Africa are estimated around 50,000.

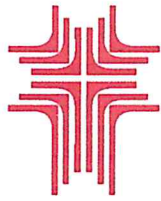
2. The senior and founding Pastors of the church, since its inception in 1979, are Drs. Theo and Beverley Wolmarans. The church has been preaching the gospel and the Word of God for almost 38 years in our community, city and country South Africa, and has seen it done scripturally with integrity and excellence to our members.
3. At **Christian Family Church International, Emalahleni**, we have created a place where all people are able to develop to Christian maturity and are prepared for their spiritual calling God has for them. We are committed to growing the church of our Lord Jesus Christ, whilst at the same time caring individually for every member regardless of our size. We fight for freedom of Religion and maintain the integrity of God's Word through the preaching of sound biblical doctrine. We value and support the role the church plays in the upliftment of our communities and the disadvantaged; striving continually to make a difference in the lives of others. We embrace high moral standards and values, and live according to the instructions of the Word of God.
4. **The Christian Family Church International, Joahnnesburg** as the mother church, has overseen the association with all these churches over the years, in terms of guidance, compliance and codes of good governance to the best of our ability always. The 580 churches relate or associate with us for this reason, and the high levels of standards required in ministry and the application of the Word of



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God is thus ensured. We are a responsible organization, respected worldwide.

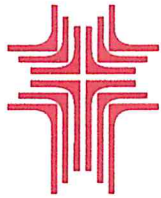
5. We recognise that there are isolated incidents of excess and abuse taking place in the name of “religion”, and share the concerns of the CRL Rights Commission (“CRL”) in this regard.
6. We believe that all people are made in the image of God and therefore have incredibly dignity and worth, and are deserving of honour and respect.
7. Against this background, we commend the CRL for what we believe to be a *bona fide* effort to prevent and combat the “commercialisation” of religion and abuse of people’s belief systems.
8. No person should be allowed to perpetrate harmful or criminal activities in the name of “religion”, and where this is happening, he/she should be prosecuted and dealt with like any other perpetrator of the law.
9. We are **concerned however that the Report, particularly the proposed compulsory licensing of all religious practitioners and places of worship in South Africa, if implemented, would bring about a complete reversal of the historic relationship of co-operation between State and religion in South Africa, and also violate the constitutional rights of Freedom of Religion (s 15) and Freedom of Association (s 18).**



THE PROBLEMS IDENTIFIED, AND RECOMMENDATIONS MADE BY, THE CRL:

10. The various problems identified by the CRL in its Report can be categorised under the following headings:

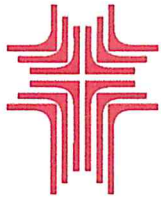
- a. **Practices that are unusual, but not harmful or unlawful:** In this regard, it is important to note that our Constitutional Court has already held that people must be free to believe, even if their beliefs (or the expression thereof by way of practice) seem “*bizarre, illogical or irrational*”;
- b. **Practices that are potentially harmful / dangerous or unethical:** It is submitted that these problems can, and should, be dealt with in terms of the existing civil and criminal law. In this regard, it is pointed out that it is not correct, as repeatedly stated by the CRL, that it can only intervene if prompted to do so by the victims (who in many instances, are willing participants);
- c. **The “commercialisation” of religion:** It is submitted that while one may (justifiably) feel a sense of moral outrage at “charlatans” and “con-artists” who exploit the poor and vulnerable in society, unless such “commercialisation” also amounts to harmful or unlawful activity, there is no legal justification for intervention;



- d. **Non-compliance with, or non-enforcement of, the existing law:** It is submitted that the obvious solution for this “problem” identified by the CRL in its Report, is (more effective) implementation and enforcement of the existing laws by the State;
- e. **Lack of good governance:** It is submitted that the CRL has a very important role to play in educating religious institutions, practitioners and communities among all religions, in this regard – for example, by providing sample constitutions, memorandums of incorporation, board resolutions, etc. Ideally, the CRL would function as a “one stop shop” for religious institutions and practitioners on issues affecting them.

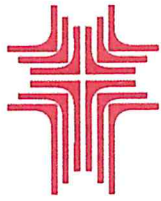
11. The CRL’s proposed solution to the above problems is the broad-scale regulation of religion in South Africa, including specifically the compulsory licensing of all “religious practitioners” and “places of worship” in South Africa, without which they will not be able to operate.

12. To facilitate the regulation of religion in South Africa, the Report proposes that the CRL Act, 2002 be amended so as establish an elaborate structure of Umbrella Organisations (within each religion), Peer Review Committees (a Committee per religion), as well as a (multi-faith) Peer Review Council – all of whom will be subject to the CRL, who will have “the final decision powers” (p 47 of the Report).

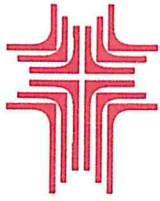


CONCERNS REGARDING THE CRL'S RECOMMENDATIONS:

13. The **CRL's proposal amounts to State capture of religion**: The CRL is defined in the Constitution as a State institution. Its mandate is '*to promote and protect the religious rights of communities*' and it was never intended, either in terms of the Constitution or the CRL Act, to license and control them.
14. The CRL's proposal is a clear overreach of their legislative powers and prerogatives as a Chapter 9 institution, which do not grant them executive power. (In fact, the Constitution itself would have to be amended to grant them such power). Their campaign to assume this function through an amendment of the CRL Act is therefore an attempted "power grab". It is misguided, unconstitutional and amounts to State capture of religion.
15. The **"Peer Review Committee" will be dependent on, and under the control of, the CRL. This is NOT self-regulation, but State control of religion**: The CRL proposes that each religion has its own Peer Review Committee, so for example, there will be a single Committee for the entire Christian religion. The CRL claims that this is self-regulation, but the Peer Review Committee is defined as "*an advisory body to the CRL Rights Commission*" (page 47 of CRL Report).
16. The Report clearly states that "*the final decision powers shall lie with the CRL Rights Commission*". Ultimate control of all religion will therefore vest in the CRL (page 47 of CRL Report).



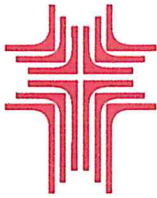
17. **“Umbrella Organisations” will be evaluated on whether (or not) their doctrine and practices are “acceptable”, which is a violation of Freedom of Religion:** The primary task of the Peer Review Committee is to establish and license Umbrella Organisations, whose function is to provide specialist support, advice, oversight, governance and capacity building to churches. According to the CRL Report, the Peer Review Committee, in licensing an Umbrella Organisation applying for recognition, must take into account whether it has *“set minimum standards of good governance, ethics and acceptable religious practices as per their religious doctrine”* and whether the spiritual leaders of the Umbrella Organisation are able *“to ensure that [a member of this Umbrella Organisation] remains on a good spiritual path”*.
18. Contrary to what the CRL Report suggests, it is therefore inevitable that the CRL will take decisions regarding the acceptability of doctrinal belief and expression. This proposal is fundamentally opposed to the constitutional right to Freedom of Religion (page 46 of CRL Report).
19. **The CRL’s proposal is a violation of Freedom of Association:** The CRL’s proposal insists that all religious practitioners and associated places of worship MUST belong to an Umbrella Organisation. This association is compulsory and without exception. It is therefore a violation of the right to Freedom of Association, since freedom to associate must include the right to choose not to associate.



20. **Lack of funding for the elaborate regulatory structure:** It is doubtful whether the national fiscus has the budget and/or capacity to set up and maintain such an elaborate regulatory structure as proposed by the CRL. We submit it is not reasonable or realistic (in the cases of poorer communities) to expect religious practitioners and/or places of worship who themselves are entirely reliant on voluntary contributions from their members, to fund and support what is effectively State regulation of religion.

21. **The CRL has ignored submissions and alternative solutions proposed by the majority of the faith community in South Africa:** The CRL has failed to take into account the serious concerns and objections submitted by faith communities throughout South Africa. Its proposal for compulsory licensing of all religious practitioners and places of worship is a complete overkill and does not even provide a viable solution for the issues and problems which their Report identified.

22. **The process followed by the CRL is deeply flawed, and unrepresentative of the religious community in SA:** The CRL interviewed a “random sample” of only 85 religious practitioners before coming to the conclusions (and recommendations) detailed in its Report. Given that the broad and diverse religious community of South Africa has not been consulted on an issue which directly affects each and every one of them, the process followed by the CRL has been woefully inadequate.



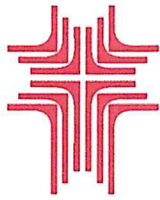
ALTERNATIVE SOLUTIONS TO CRL's PROPOSAL:

23. The CRL can (and should) refer complaints of abuses to the relevant authorities, so that the relevant laws can be enforced:

We have been advised and submit that there are existing laws already in place to deal with every "abuse" that the CRL has identified and these simply need to be enforced. For example, the "Prophet of Doom" was interdicted using existing law, and prohibited from spraying poisonous substances on people (or any similar action) or face time in jail.

24. The problem is the non-enforcement of existing laws, hence for e.g. the recommendation for the CRL to set up a "rapid response unit" to alert the relevant authorities whenever it receives a complaint. There is also nothing prohibiting the CRL from reporting abuses to the relevant authorities, or going to court themselves.

25. The CRL can (and should) play a leading role in ensuring that religious leaders and their organisations understand their legal obligations: Many of the issues identified in the CRL's Report derive from a lack of compliance fueled by ignorance. The reality is that some religious practitioners simply do not know or understand the various aspects of the existing legal framework they need to comply with. A critical role of the CRL is therefore to educate, inform and indeed encourage, religious communities and institutions towards lawful and accountable behaviour.

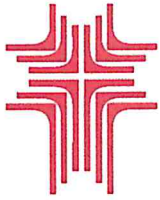


26. The CRL can therefore play a valuable role in ensuring there is an improvement in the education and capacity building of the religious community. There are currently well-developed, practical and scalable initiatives that have broad support within the religious sector, that will put in place capacity building and training mechanisms for the religious community.

27. **The CRL can (and should) assist in the necessary consultation process needed to develop a “Code of Ethics”**: We recommend a broad-based process of consultation with the aim of developing a “Code of Ethics” to identify and guide the behaviour, standards and processes that should be expected from a *bona fide* religious practitioner or religious organisation. Although subscription to this Code would be voluntary, it would define ethical benchmarks and certify individuals or organisations as being in compliance, thereby endorsing their adherence to these standards. *The South African Charter for Religious Rights and Freedoms* (SACRRF), which is supported by over 22 million people from across the religious spectrum, already provides a foundation from which to develop such a “Code of Ethics”.

CONCLUSIONS:

28. In light of the foregoing, while we understand the CRL’s concerns regarding the “commercialisation” of religion and abuse of people’s belief systems and are grateful for their efforts in wanting to do something about it, we cannot support its sweeping and far-reaching recommendations for the regulation of religion in South Africa.



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29. We have read and support the submissions, including the alternative recommendations, made by Freedom of Religion South Africa (FOR SA) and the SA Council for the Promotion and Protection of Religious Rights and Freedoms (SACRRF), in response to the CRL's Report.
30. We are fully persuaded that the South African religious community is well able to self-regulate and to make the necessary adjustments to address the valid concerns expressed by the CRL's Report. Our concern is that the CRL's proposal clearly amounts to a power grab to capture the religious community and bring it under the control of the State.
31. In conclusion, we **strongly appeal to the COGTA Parliamentary Portfolio Committee to hold back the referral of its recommendations to Parliament, until such time as a broad consultative process with the religious sector has taken place to discuss the way forward** and we affirm our commitment to working with the CRL and representatives of the religious sector in South Africa, in finding solutions that are practical and constitutionally permissible.
32. Should you have any questions, please do not hesitate to contact us. Please also keep us informed of future developments and invite us to any opportunities for further discussion in relation to this issue. **In particular also, we would appreciate your feedback with regard to the outcome of the COGTA deliberations, the recommendations to be made to Parliament (if any) and the**