

P.O. Box 1566

Bethal

2310

073 644 2039



admin@mountolives.co.za

www.mountolives.co.za

2920 ext. 22

Virgo/Capricorn Strs

eMzinoni

Mount Olives Ministries (PBO 930015239) A Member of Int. Fed. Of Christian Churches

TO : COGTA Parliamentary Portfolio Committee
FROM : Mount Olives Ministries
DATE : 9 March 2020
SUBJECT : Submission for indaba and colloquium with the religious sector on harmful religious practices

Dear Secretary

Following an invitation to participate in the process of developing and presenting solutions to bring a greater level of voluntary accountability to the religious community of South Africa, we have duly considered the below alternative solutions to those proposed in the CRL Rights Commissions' Report on the *Commercialization of Religion and the 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. Furthermore, we have responded to the additional discussion points.

Alternative Solutions

Solution #1: We support the establishment of networks or fraternities for religious practitioners because this will:

- help ensure greater local accountability by religious practitioners.
- encourage local communities to report questionable activity being perpetrated in the name of religion to the relevant authorities.
- provide opportunity 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.
- improve communication and relationship between otherwise “independent” churches.

We note that:

- It is important for such networks and fraternities to be diverse allowing for religious practitioners to align with a network or fraternity that best reflects their belief system.
- Each network or fraternity will be responsible to compile a code of conduct which will be binding to its members.

Solution #2: We encourage 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.

- 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 cultural, religious and linguistic communities in nation-building in South Africa (section 5(1)(c));
 - educate, lobby, advise and report on any issue concerning the rights of cultural, religious and linguistic communities (section 5(1)(e));

Solution #3: 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 already gives the CRL the power to:
 - monitor, investigate and research any issue concerning the rights of cultural, religious and linguistic communities (section 5(1)(e));
 - 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 #4: We support the activation/implementation of section 5(1)(j) of the CRL Act, 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 organization as the point of contact) would enable the CRL to communicate and address effectively and efficiently any issue which may arise.

Additional discussion points

In the view of your organization, what are considered to be harmful religious practices?

Harmful religious practices are practices which are in violation of the integrity of Scripture and its principal and thereby impeding human development as prescribed in the salvific message of the Bible.

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

As an independent church, our organization only has jurisdiction to sanction religious practitioners who are members of the church. We do this using disciplinary guidelines outlined in the Bible as well as our church constitution. For the sanctioning of individuals and organizations beyond our jurisdiction, we refer to solution#1 where we support the establishment of networks and fraternities for religious practitioners. We recommend that it be made mandatory for religious leaders and organizations to belong to a network or fraternity of their kind (one that is reflective of their interpretation of Scripture or doctrine). These fraternities will have authority to sanction its members when they practice harmful practices.

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

No, it's impractical if non-binding because it defeats the intended purpose of a code of conduct. It's also not feasible if it is a Code of Conduct for the entire religious sector. It

is more practical when each religious fraternity has its own code of conduct whose discipline will be binding.

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?

Yes, however they should be regulated only according to what the Bible sanctions, which we believe will be fulfilled by the respective fraternity. In this manner, their rights will not be violated and in fact will be enhanced.

What are the best international religious practices with regard to effectively addressing harmful religious practices?

One intentional standard which restricts harmful religious practices is that religious practitioners be theologically trained by institutions recognized by the country.