



هَيْئَةُ الْعُلَمَاءِ السُّنِّيَّةِ

SUNNI ULAMA COUNCIL GAUTENG

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The COGTA Parliamentary Portfolio Committee

The Chairperson and honourable members of the committee

Impact of the Disaster Management Act Regulations on the religious sector

Introduction

Sunni Ulama Council Gauteng is an Islamic theological association operating in all the inland provinces of the country. Our previous engagement with COGTA related to our input in respect to the idea of self-regulation for the religious sector.

We wish to place on record our appreciation in allowing us the opportunity to respond to the above.

Preamble

Islam as a religion provides for the following principles:

- The protection and sanctity of life.
- The protection against disease and potential disease.
- Acknowledging that cure should be found searched for taking into account that the cure is holistic and the spiritual aspect of the process is an integral part of the process.
- The enabling of the best environment in all ways of like including during a pandemic.

We acknowledge the following:

- The covid pandemic was a unique experience in this era and a process of educating from the frontline would result in errors being made.
- The Disaster Management Act (DMA) provides for more sweeping powers than most other pieces of legislation carry.
- That the good intentions as proclaimed through various platforms by the governing party, who have administered the DMA is not being questioned nor has it been questioned.

Response

1. The application of the DMA instead of other pieces of legislation as mooted in some quarters has not been taken into account in our response here under as we believe it would add no substance to our submission.
2. As outlined above the DMA is the more draconian piece of legislation available. However, it must be benchmarked against the principles of "rational" and "proportional".
3. The DMA furthermore does not provide for unlimited and unjustifiable encroachment on the constitution and the rights enshrined in the constitution. We would particularly want to refer to the following rights:
 - The right to equal treatment
 - The right not to be unfairly discriminated against on the grounds of religion and belief.
 - The right to freedom of religion and belief.
 - The right to peaceful assembly, and
 - The right to freedom of association.

The above should be read together with section 31 of the constitution.

It is our argument that in the implementation of the DMA neither the principals as enumerated in 2 above was either not met or substantially ignored, and the embedded rights referred to in 3 above had been irrationally limited.

The United States of America and a number of other countries had correctly come to the conclusion that that no science existed which proved that religious events were more dangerous than other activities and therefore taking into account the support which would be levied from Islam as outlined in the preamble.

RECOMMENDATIONS

1. That religious work in a pandemic must be classified as essential work.
2. That religious activity must be seen as no different to other aspects of society or societal activities and should be treated accordingly.
3. Directions and or decisions must have current, reliable and provable science as the benchmark before implementation.