

To: The President

Mr Cyril Ramaphosa

Per e-mail: presidentrsa@presidency.gov.za

Cc'd to: Fezile@presidency.gov.za; Boitumelom@presidency.gov.za;

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Cc: The Minister of Cooperative Governance and Traditional Affairs

Dr Nkosazana Dlamini-Zuma

Per mail: ministry@coqta.gov.za; MandisaMB@coqta.gov.za

Cc: The Deputy Minister of Cooperative Governance and Traditional Affairs

Mr Obed Bapela

Per e-mail: Unathis@coqta.gov.za

12 April 2021

Dear President Ramaphosa and Minister Dlamini-Zuma,

RE: REVIEW OF THE CURRENT REGULATIONS PERTAINING TO RELIGIOUS GATHERINGS

1. We refer to the Regulations pertaining to religious gatherings, published in the *Government Gazette* on 30 March 2021. In terms of these Regulations, *inter alia*:

1.1. All faith-based or religious gatherings are permitted but limited to 250 persons or less (for indoor venues) and 500 persons or less (for outdoor venues), and if the venue is too small to hold the prescribed number of persons observing a distance of at least 1.5 metres from each other, then not more than 50% of the capacity of the venue may be used, subject to strict adherence to all health protocols and social distancing measures (regulation 72(3)(a));

1.2. Persons attending faith-based or religious gatherings are not permitted to sleep over, after a service, at the place of worship, and to gather outside of the designated places of worship (regulation 72(3)(b)).

- 1.3. The provisions of this regulation shall be reviewed and amended where necessary, within 15 days from the date of publication of this regulation in the *Gazette* (regulation 72(8)) – i.e. by **14 April 2021**.

2. The above Regulations followed a Zoom meeting convened between the President and interfaith leaders on 17 March 2021 - in particular, to discuss religious gatherings in view of the (then) upcoming holy day celebrations during the month of April.

3. *Freedom of Religion South Africa (FOR SA)* itself was invited to participate in this meeting, and we thank you for including us in this important consultation – particularly in view thereof that in this matter of COVID-19 and the impact of the Lockdown Regulations on the religious community, we have been representing up to 18.5 million people from a cross-spectrum of churches, denominations and faith groups, who have mandated *FOR SA* to speak on their behalf. Again, we mention that the vast majority of the churches and organisations represented by *FOR SA* do not form part of (and/or their views are not currently represented by) the South African Council of Churches (SACC) or any of the other structures typically included in consultations with the Government.

4. At the meeting, *FOR SA*'s Adv Nadene Badenhorst made representations on behalf of *FOR SA* and its constituency. In particular, we emphasised that churches do not want to be “super spreaders”, and definitely do not want to be seen as being irresponsible. For this reason – and even though many churches and religious institutions felt that they should (at that stage already) be allowed to open up to 50% of capacity, and we would support / endorse that in principle – *FOR SA* proposed, as a compromise, that for Easter:
 - 4.1. Religious gatherings be allowed up to 50% of the capacity of their venues, with a cap of 500 people (indoors) and – in keeping with Government's own ratios - 1,000 people (outdoors).

 - 4.2. This is subject however to a differentiated approach to different areas, following the science and allowing Government to impose more severe restrictions in areas identified as “hotspots”.

- 4.3. These restrictions need to be reconsidered after Easter, with the possibility of opening up religious gatherings to 50% of capacity and dependent (of course) on the rate of infections at the time.
5. As you are aware, even though many churches and religious organisations were hoping that they would be opened up to 50% of the capacity of their venues for Easter (as almost unanimously requested during the Zoom meeting) and were therefore disappointed at the numerical caps imposed by the Regulations, they were compliant with the Regulations nonetheless and even commended by yourself for their cooperation and understanding during this time. Certainly, no church or religious service was reported as constituting a “super spreader” event, or contributing to an increase in infections, during this time.
6. Having had regard to the daily infection rates over the period since the Easter weekend, and including today, we note that there has been no uptick in infections. In fact, it is evident that the health impact of COVID-19 has drastically decreased, with a reported seven day average of 48 related deaths and 861 new infections (i.e. 0.001% of the population).
7. Against the above background, and in circumstances where the Regulations itself anticipate a review of the regulations pertaining to religious gatherings within 15 days, *FOR SA* now writes to you to request as follows:
- 7.1. That religious gatherings be allowed to open up to 50% of the capacity of their venues (without any numerical cap on the numbers of people allowed), subject to strict adherence to all health and social distancing protocols.
- 7.2. This is subject however to a differentiated approach to different areas, following the science and allowing Government to impose more severe restrictions in areas identified as “hotspots”.
8. We trust that our request will meet your favourable consideration, and would be grateful if you were to include us in any further consultations with interfaith leaders that may be held in this regard.

Adv Nadene L. Badenhorst

Legal Counsel, *FOR SA*