



CRL AND STATE REGULATION OF RELIGION

**“Defending Religious Freedom Against
State Control”**

Outline of Presentation

- 1) **Gives the background and history** of the previous attempt (2017-2020) by the CRL - an institution of the State - to impose a system of State regulation of religion, and how/why the faith communities resisted.
- 2) **Summarises the steps taken by CRL Chair** - Ms Thoko Mkwanaazi-Xuluva - to re-open and again push for legislation to implement State regulation via Peer Review Committees.
- 3) **Explains why the “Section 22 Committee”** established by the CRL is a tool to co-opt religious leaders to help the CRL achieve its objective of peer review mechanisms (i.e. State regulation of religion).
- 4) **Exposes the falsehood of the main reasons** that the CRL uses to justify its call for further legislation to vet, license and thereby effectively control religious communities.
- 5) **Shows why the system of State regulation of religion** proposed by the CRL is unnecessary, unconstitutional, unworkable and unaffordable.
- 6) **Outlines current, alternative solutions** to address the problems in the faith communities highlighted by the CRL and which require no additional legislation, government interference or erosion of rights.

ACTION STEPS

- 1) The CRL's Section 22 Committee will be arranging meetings in every province to conduct its investigations.
- 2) It is **IMPERATIVE that religious leaders** (and concerned citizens):
 - a. **Are informed about the threat of State regulation of religion**
 - b. **Attend the S22 Committee meetings to give their views and inputs**
 - c. **Send this presentation far and wide to raise awareness**
- 3) FOR SA will monitor and track with the CRL and the S22 Committee chair to give you as much notice as possible where and when these meetings will take place.
- 4) Be ready to respond when the moment presents.
- 5) The S22 Committee can only report on its findings. As many leaders as possible should therefore attend these meetings to raise points or information and issues of concern that highlight why the legislation that is being proposed is unconstitutional, unnecessary, unworkable and unaffordable.

BACKGROUND

State Regulation of Religion

- In 2017, the CRL Rights Commission - an institution of State - conducted an investigation into “abuses” in the faith communities and produced a *“Report on the Commercialisation of Religion and the Abuse of People’s Belief Systems”*.

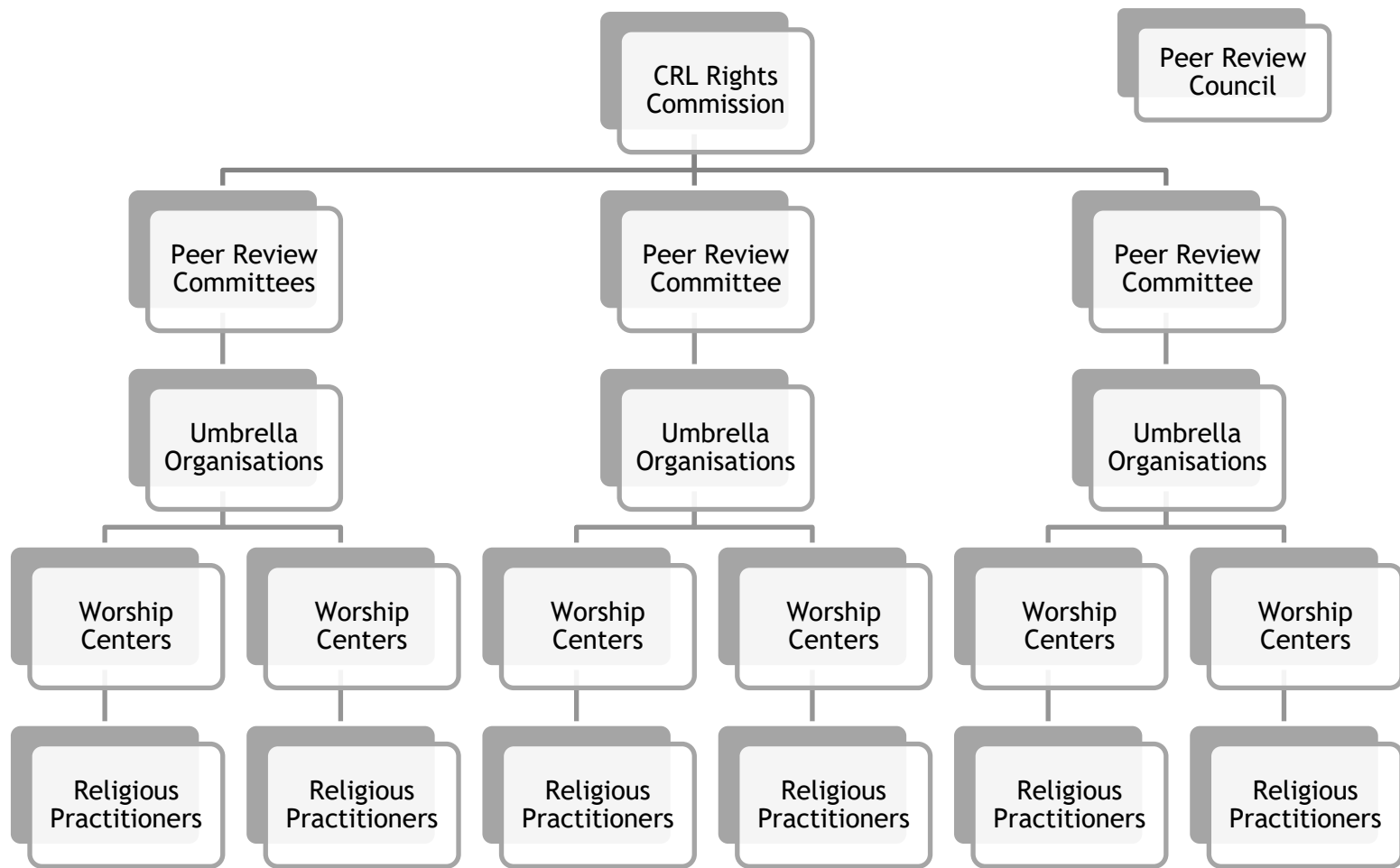
The CRL Report made the following proposals:

- **Set up a structure of Peer Review Committees to license religious practitioners and oversee churches.**
- **Every religious organisation must belong to an approved “Umbrella Organisation”.**
- **Every religious leader and organisation to be vetted to ensure that they were preaching and promoting “acceptable doctrine”.**

Role of the CRL in State Regulation of Religion

- CRL proposed itself as the “final arbiter of religion” with the “final decision powers” in religious disputes.
- CRL proposed it be granted the ultimate **power to suspend or dismiss religious leaders** - and potentially to shut down religious organisations found guilty of misconduct.

CRL's example of a Peer Review structure



CRL used a media strategy to fuel support for State regulation of religion



Mountzion General Assembly - [Facebook.com/lethebo](https://www.facebook.com/lethebo)

State Regulation of Religion

RESPONSE OF FAITH COMMUNITIES TO THE CRL's PROPOSALS:

- Bishop Zipho Siwa, then presiding Bishop of the Methodist Church of Southern Africa (MCSA) and President of the SACC:

“In whatever ‘self-regulatory’ terms this is couched, these regulatory bodies will be state-appointed, state-funded and state-controlled. As a result, the proposed legislation effectively amounts to state regulation of religion.”

- Stephen Brislin, Archbishop of Cape Town and President of the Southern Africa Catholic Bishops' Conference (SACBC):

“The recommendation that new laws be introduced to enforce registration of pastors and ministers is overkill and a response that one would expect more from a totalitarian state than a constitutional democracy.”

State Regulation of Religion

RESPONSE OF FAITH COMMUNITIES TO THE CRL's PROPOSALS:

- The Anglican Church of Southern Africa states in its submission to the CRL, that if legislation along the lines suggested by the Commission is proceeded with, the Church ***“will petition the President not to sign the legislation as passed by Parliament, that a Constitutional Court objection would be a matter of penultimate resort and that the last resort must be defiance of an unjust law.”***
- ***“TEASA is opposed to any form of control of religion by the State or its functionaries. This would in TEASA’s view seriously threaten religious freedom as well as the autonomy of churches.”*** (Extract from TEASA Submission to Parliament - October 2017)

State Regulation of Religion

Multiple structures representing South Africa's diverse faith communities attended six days of hearings in Parliament, where the proposals in the CRL's report were robustly contested and de-bunked.



State Regulation of Religion

After the hearings, the COGTA Parliamentary Portfolio Committee made several observations, findings and recommendations, dismissing the main proposals in the CRL's report. The PC COGTA Report:

- Did NOT support CRL proposal for legislation to regulate the religious sector.
- Stated that the CRL Rights Commission is NOT the body that should regulate the religious sector.
- Noted that the vast majority of submissions argued that the CRL's recommendations were unconstitutional.
- Noted that denominations have been self-regulating, and this has been working well for them.

State Regulation of Religion

Quotes from COGTA's Report with its observations and recommendations:

- Highlighted ***“the need to protect religious freedom without attempting to regulate it from the side of the State.”***
- Recognised that *“even views which some might regard as extreme, were allowed [by the Constitution] and should not be regulated.”*
- Noted that *“there were enough existing laws that could deal with the prevailing religious challenges. However, there were loopholes in the legislation, including lack of enforcement.”*
- Stated that *“the CRL Rights Commission should provide essential assistance in helping [religious practitioners and organisations] to get their house in order and to ensure compliance with existing legislation.”*
- The development of a **charter for self-regulation and a code of conduct.**
- Recommended better enforcement of advertising standards and strengthening of NPO and tax laws to push for religious organisations to register.

CURRENT DEVELOPMENTS

CURRENT SITUATION

- In a Newzroom Africa interview on 12 February 2025, Mrs Mkhwanazi-Xaluva said:

*“Society needs help, and we are saying **Parliament must pass the relevant regulation** that will say it's not business as usual around churches anymore. It's back on the table now, squarely, and we're going to be pushing it through.*

*We are saying **there should be a peer review**, like you have a peer review for lawyers, for doctors, for social workers, for teachers, for everyone. You need a system that says: **you want to open up a church, you want to be a religious leader, you apply first**. We test if you don't have an unusual history. The peer review committee will sit down and **assess each person and grant them a license to run a church...**”*

- At a meeting with FOR SA and senior religious leaders of major faith groups, Mrs Mkhwanazi-Xaluva said, *“**Things have got a lot worse...**”*

BUT is this true?

Responses to Parliament's recommendations

RELIGIOUS FREEDOM CHARTER

- The South African Council for the Protection and Promotion of Religious Rights and Freedoms (the SACRRF) conducted an extensive and inclusive process to produce the “Religious Freedom Charter”.
- **In October 2010, this Charter was adopted and signed by the vast majority of the faith communities of South Africa, representing over 20 million people.** The CRL Rights Commission is a signatory to this Charter.

CODE OF CONDUCT

- The Evangelical Alliance of South Africa (TEASA) initiated a process that commissioned the SACRRF to produce a “Code of Conduct”. **It was developed by and for faith communities** and reflects and details - in keeping with the rights enshrined in the Religious Freedom Charter - the responsibilities that should be manifested by religious leaders and organisations.
- **This “Code of Conduct” is available and ready to use.**

Responses to Parliament's recommendations

VOLUNTARY NETWORKS

- **Multiple “umbrella organisations” have been formed to provide a level of accountability and cohesion to the “independent” church movement.**
- The largest is the South African Community of Faith-based Fraternals and Federations (SACOFF). Formed in 2021, this organisation of faith-based organisations has a membership of 222 member organisations representing 16,648 churches with between 5 and 6 million members.

CHURCH REGISTRATION

- **Religious organisations are not legally required to register to operate or conduct religious activities in South Africa.**
- **BUT - registration is necessary to obtain legal status**, open a bank account, receive tax-exempt status, or access certain benefits and protections. This requires submitting documentation, listing office bearers, submitting reports, maintaining proper accounting records, etc.

Responses to Parliament's recommendations

TIGHTER LAWS & REGULATIONS

➤ **General Laws (Anti-Money Laundering and Combating Terrorism Financing) Amendment Act, 2022**

Compliance obligations: Religious NPOs engaged in cross-border activities must register and adhere to reporting standards to avoid penalties.

Governance scrutiny: There is an increased emphasis on transparency in leadership and financial dealings, necessitating robust internal controls and documentation.

➤ **Immigration laws**

A foreign national must have a general work or long-term visitor visa to perform paid work as a pastor.

Visiting pastors from visa-exempt countries can be granted a 90-day permit to engage in either non-remunerative business activities or unpaid charitable or voluntary activities.

CURRENT SITUATION

In a Newzroom Africa interview on 12 February 2025, Mrs Mkhwanazi-Xaluva said:

“We're going to set up a Section 22 Committee that will be made up of religious leaders who will help us push through the legislation in Parliament, convince parliamentarians that this thing needs to happen.”

NOTE: In terms of **Section 22 of the CRL Act of 2002**, the CRL can establish investigative committees to conduct inquiries into issues affecting ... religious... communities and to make recommendations to Parliament.

➤ In a Newzroom Afrika interview on 16 April 2025, Mrs Mkhwanazi-Xaluva said:

It was regrettable that the government *“lost control of the religious sector”* after 1994 (i.e. at the end of the Apartheid regime), but *“this must stop now.”*

Section 22 Committee established by CRL

In a media release from the CRL on April 22, 2025, the purpose of the Section 22 Committee was provided.

Among other things, it will:

- Undertake provincial and national consultations with religious leaders in the Christian sector.
- Conduct **“extensive research to assess the scale and impact of abuse of people’s beliefs and harmful religious practices”** in eroding the religious rights of Christian believers.
- **Develop strategies “to deal with and curb spiritual transgressions”.**
- **“Make recommendations for a legal and/or legislated framework to promote peer review mechanisms in the religious sector.”**

CRL rationale for Section 22 Committee

- The CRL Chair's assertion that the CRL is legally and duty-bound to implement the recommendations of the PC COGTA Report and set up the Section 22 Committee is incorrect in law:
- Unless adopted by parliamentary resolution, Parliamentary Portfolio Committee (PPC) reports are not legally binding instruments. Thus, the recommendations of the PC COGTA report are guidance, not legislative mandates.
- According to Section 181 of the Constitution, the CRL is independent and subject only to the Constitution and the law (i.e., not PPC reports).
- On July 1, 2025, the Speaker of Parliament confirmed that the PC COGTA report “lapsed at the end of the 2018 annual session and has not been revived”. It therefore has no legal effect.
- There is therefore no reason in law for the CRL to be pushing this agenda again.

Is the process and mandate of the Section 22 Committee constitutional?

- **Targeting one religious group [IE] Christians for investigation, without equal and immediate scrutiny of others, constitutes unfair discrimination.** Section 9 (Equality clause) of the Constitution guarantees equality before the law and equal protection and benefit of the law.
- The CRL's proposed “**staggered approach**” to look into other faith groups **later does not satisfy the requirement of equal treatment** under the law.
- **Terms like “spiritual transgressions” are vague and potentially theologically subjective.** The State has no constitutional mandate to adjudicate doctrine or enforce particular doctrine.
- Any recommendation for “**a legal and/or legislated framework to promote peer review mechanisms in the religious sector**” will almost certainly be **unconstitutional**.
- **It directly contradicts the recommendations of the previous PC COGTA Report**

Is the Section 22 Committee independent of the CRL

- Mrs Mkwanazi-Xaluva said, at a meeting with FOR SA on May 21, 2025, that the Section 22 Committee is independent of the CRL and will follow its own mandate.

BUT IS THIS TRUE?

1. The CRL is providing the finances, secretarial and administrative services and will oversee its work.
2. The CRL are already holding *ad hoc* meetings with selected individuals and fraternals (EG - KZNCC, Great Commission) to persuade and solicit support for the Committee (with a clear end-goal of establishing Peer Review Mechanisms).
3. At the press conference to announce the Committee, Mrs Mkhwanazi-Xaluva stated:

“We started way back in 2017 and we are more agitated now than we’ve ever been before. We will be pushing with everything that we have to make sure that this happens.”

Media statement from the S. 22 Committee Chair

- Professor Musa Xulu has been appointed Chair of the Section 22 Committee. **The process behind his selection and appointment or his suitability for the role is not clear.**
- Professor Xulu stated that enquiries and consultations will be conducted throughout South Africa in 2025 and 2026, after which:

“It will be possible for a legislated framework to ... establish a board that will take responsibility for the religious sector”

On June 22, Professor Xulu released a draft 15-page document to “set out the scene for the justification of the CRL Rights Commission’s Christian Sector Council for Peer Review...”

- **It is evident that the outcome of the Committee’s investigations are already decided. It is effectively a front for the CRL to provide “evidence” to justify and support their push for legislation to implement State regulation of religion.**

What does State regulation of religion look like?

The CRL Chair informed FOR SA at a meeting on May 21 that they are looking at other African nations where State regulation of religion is in place. But here is what is happening in other African nations:

➤ RWANDA

Over 9,800 religious organisations have already been shut down.

All senior religious leaders are required to hold a degree in religious studies, or a related qualification, from an “accredited institution”.

Churches and religious bodies must submit their internal by-laws and obtain a “collaboration letter” from local district authorities.

Annual reports disclosing all sources of funding must be presented.

A yearly “service fee” of 2 million Rwandan francs (about R25,000) is payable.

There is a total ban on political speech.

Non-compliant religious organisations can be immediately shut down.

What does State regulation of religion look like?

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➤ ANGOLA

Only pastors with an official theological degree are recognised as religious practitioners.

Signatures of 60,000 members are required to register legally as a church

Each signature must be notarised - costing +/- R8 million to register a church.

The Angolan government has shut down over 2,000 churches.

DEBUNKING THE CRL's ARGUMENTS

What are the CRL's reasons for regulation?

Criminals are hiding behind religious freedom



What is the correct response?

- **South Africa has plenty of laws to sanction criminal behaviour.** The Timothy Omotoso case clearly shows this - he faced 32 criminal charges. If successfully prosecuted, he would have been imprisoned for a long time.
- **There is no such thing in law as a “religious” or “spiritual” crime.** A crime is a crime, whether you are a pastor, a postman or a politician.
- **Religious freedom has never been a defence to a criminal charge.**
- **The problem is the lack of efficient and effective law enforcement by the State.** If they cannot do that, how can passing more laws be the solution?
- **When existing laws are enforced properly, they work.** The so-called “Prophet of Doom” was convicted of five counts of assault and fined with a suspended jail sentence if he repeats the offence.
- **The CRL does not need more power and control. It can use its existing powers.** Section 5 of the CRL Act gives it extensive powers to investigate and liaise with any appropriate authority or organ of state to make recommendations on how to deal with a matter of concern.

What are the CRL's reasons for regulation?

There are many paedophiles in the Church and the CRL must protect women and children from sexual predators



Photo by Erika Giraud on Unsplash

What is the correct response?

The Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007 (SORMA) is the cornerstone of South Africa's legal response to sexual offences. The Act emphasises the particular vulnerability of children.

Offences such as rape and sexual assault carry severe penalties, often involving lengthy imprisonment terms. The Act also criminalises the exposure of children to pornography, sexual grooming, and other forms of exploitation.

The Children's Act, 2005 protects children's rights and provides for the establishment of the National Child Protection Register, which keeps a record of persons who are unsuitable to work with children.

Mandatory Reporting: Individuals aware of sexual or other offences (e.g. abuse) against children are legally obligated to report such incidents to the authorities.

Mandatory Checks: Legally required for all individuals working with children, including teachers and church workers against the National Register for Sex Offenders (NRSO) and National Child Protection Register (NCPR).

What is the correct response?

Best Practices: Churches are strongly encouraged to implement thorough background checks, which is mandated by law. Both legal compliance and proactive policies play vital roles in protecting women and children from potential harm.

This includes requiring staff (and also volunteers working with children) to be checked against the National Register for Sex Offenders (NRSO) and National Child Protection Register (NCPR) and requiring police clearance (criminal record check).

What are the CRL's reasons for regulation?

Lawyers and accountants are regulated, so why not religious practitioners and organisations?

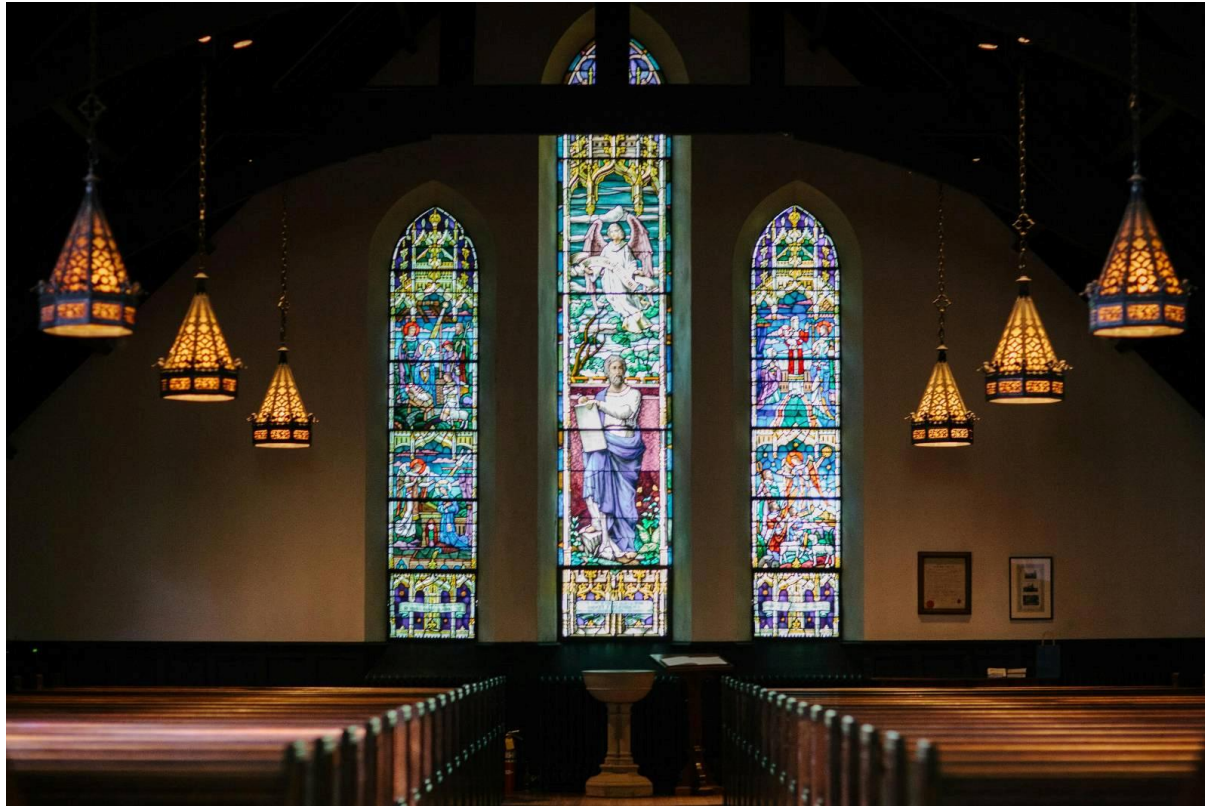


What is the correct response?

- The faith community cannot be regulated like the legal, medical or accounting professions because there is no uniform body of learning or law.
- A calling - not an education - is the primary qualification for ministry. The twelve Apostles appointed by the Lord Jesus Christ were described as “*uneducated and untrained men*” (Acts 4:13).
- There are an estimated 2,000+ distinct Christian theological groups globally. Which theological and doctrinal view should be “official” and have the backing of the State? And what happens to the rest?
- The Constitutional Court has ruled that even if a belief is “bizarre, illogical or irrational”, it is nevertheless protected by the Constitution.
- Religious belief and religious practice are inextricably tied. Any State interference or imposition of religious orthodoxy will infringe and violate religious freedom rights.

What are the CRL's reasons for regulation?

Peer Review Committees are intended to stamp out charlatans and misguided theology.



What is the correct response?

- It is not - and should never be - the role of the State to interfere in religious doctrine.
- A State-appointed “Peer Review Mechanism” to vet and qualify who can register as a religious practitioner or run a religious organisation IS State control of religion.
- When States tried to enforce religious orthodoxy in Europe in the early 16th and mid-17th centuries, the results were catastrophic. The Huguenots were Christian protestants who lived in France. Persecution (including massacres) decimated their numbers from 2 million to 200,000. Some fled to South Africa and established Franschoek.
- South African law recognises the *Doctrine of Entanglement*. Courts avoid ruling on religious doctrine or churches' internal affairs and disputes. The State should do the same and only intervene when actual laws are broken.
- Religious freedom must remain voluntary and unrestricted within the rule of law.

What are the CRL's reasons for regulation?

Religion is used to financially manipulate vulnerable people



What is the correct response?

- **Law enforcement must handle cases of fraud, tax evasion, money laundering, racketeering or other criminal activity.** There should not be special regulations targeting religion.
- **Religious organisations must follow proper accounting practices and pay applicable taxes.** Singling them out for special treatment will amount to unfair discrimination.
- **Do you want the State to decide the limits of legitimate giving to a faith-based organisation?**
- Should the State protect people from the consequences of their own financial choices? **Where does faith end and financial gullibility begin?**
- If the State decides to protect the poor and vulnerable, will it also shut down all casinos and State lotteries?
- **Best Practices:** By requiring a police clearance for staff and any volunteer working with finances, will help identify persons with a history of financial crime.

Why should State regulation be resisted?

IT IS UNNECESSARY

- Existing laws cover every instance of “abuse” or actual crime. The problem is not a lack of law, but inefficient and incompetent enforcement by the State.
- There is NO reason to believe that another layer of legislative control will solve the problem. If the State is unable/unwilling to enforce existing laws, why will it enforce additional/new laws?
- How will a system of State licensing of religious practitioners prevent criminal behaviour?
- What will the sanction be if criminal behaviour occurs? Clearly, the same laws that already exist will need to be applied.
- The CRL’s proposals make it evident that the push for State regulation is to gain control of the religious sector, not to address any abuses which may occur within it.

Why should State regulation be resisted?

IT IS UNCONSTITUTIONAL

- The South African Constitution protects the right to religious freedom very clearly.

Section 15 (1) *“Everyone has the right to freedom of conscience, religion, thought, belief and opinion”.*

- Any attempt by the State to interfere in or enforce any form of religious orthodoxy will almost certainly infringe religious freedom rights.

Section 18 *“Everyone has the right to freedom of association”*

- The right to freedom of association guaranteed by Section 18 of the Constitution clearly includes the right NOT to associate.
- If you - or your church - are forced to join a Peer Review Committee approved “umbrella organisation”, how will this not violate this right?
- **The CRL’s proposals give lip service to the Constitution but evidently do not respect the rights of the religious communities it guarantees.**

Why should State regulation be resisted?

IT IS UNCONSTITUTIONAL

- The South African Constitution protects the collective rights of individuals.

Section 31 (1)

Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community:

- (a) to enjoy their culture, practise their religion and use their language; and
 - (b) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.
- Section 31 affirms that **religious communities have the constitutional right to govern themselves according to their own values and beliefs, as long as this is not inconsistent with the Bill of Rights.**
 - The CRL's proposals would represent an unconstitutional intrusion into this protected space.

Why should State regulation be resisted?

IT IS UNWORKABLE

Assuming that a framework for State regulation is implemented, **multiple (often irreconcilable) issues will arise**, among which are:

- **How do you define a Religious Practitioner?** Pastors? Worship leaders? Children's/Youth ministry leaders? Home group leaders?
- **Who will be appointed to the Peer Review Committee** to define who may (or may not) be a licensed Religious Practitioner?
- **What happens if you disagree with the decision** (or the doctrinal position) of the Peer Review Committee? [EG] the "Home Church" movement.
- **Who will monitor compliance** to ensure all Religious Practitioners are registered and licensed?
- **What are the penalties for non-compliance?** Fines? Possible jail sentences?
- **The CRL claim that legislation to appointment and empower Peer Review Committees to vet, approve and license religious organisations and religious practitioners is "self-regulation". Do you agree? We do not!**

Why should State regulation be resisted?

IT IS UNAFFORDABLE

The CRL Chair told FOR SA at a meeting on 21 May that **“Parliament will decide”** how the regulation/licensing system they propose will be financed.

BUT....

An estimated +/- 100,000 “religious organisations” and (assuming four per organisation) an estimated **400,000 “religious practitioners”** will qualify for registration, licensing and regulation.

ChatGPT estimates that a start-up “business model” to implement and manage this project will cost the following:

- Vetting/licensing of **“religious organisations” @R2,000: R200 million**
- Vetting/licensing of **“religious practitioners” @R500: R200 million**
- CRM system and **IT Infrastructure : R150 million**
- National & Provincial **Staffing (200+): R200 million**

Total: R750 million

Why should State regulation be resisted?

IT IS UNAFFORDABLE

- Apart from the “start up” costs, the estimate for **annual system maintenance is +/- R300 million.**
- **This is SIX TIMES to total budget allocation currently given to the CRL!**
- If you are forced to register and be licensed before you are permitted to function as a religious organisation or a practitioner, you can be confident that **you will be required to pay for it.**
- **An estimated annual license fee of +/- R3,000** will be needed to cover the costs of being monitored by the State.

ALTERNATIVE SOLUTIONS

ALTERNATIVE SOLUTIONS TO STATE REGULATION

- These solutions **already exist today**.
- They **require no further legislation** because all the powers and prerogatives needed already exist in current legislation and law.
- They **address and effectively resolve all the legitimate issues** of concern identified in the CRL's Report.
- Most importantly, they **leave the religious community free of State interference and allow it to remain truly self-regulatory**.

SOLUTION #1

We support the establishment of ministers' “networks & fraternals” on a voluntary basis because this will:

- Help ensure greater local accountability by religious practitioners.
- Encourage local communities to report criminal 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 organisation/entity.
- Improve communication and relationship between otherwise “independent” churches.
- These already exist (SACC, TEASA, IFCC, SACOFF, UUCSA, JBD, IYA etc.) and voluntary membership is rapidly increasing.

SOLUTION #2

We support the voluntary adoption of the “Religious Freedom Charter” and the “Code of Conduct” developed by the South African Council for the Protection of Religious Rights and Freedoms (SACRRF) because this will:

- **Reflect the responsibilities corresponding to the rights in the SA Charter of Religious Rights and Freedoms, already voluntarily adopted by +/- 22 million people from the religious community.**
- **Provide an agreed, voluntary benchmark and a standard for the ethics and conduct of the religious community.**

SOLUTION #3

We encourage (on a voluntary basis) greater levels of training and education (both theological and practical management skills) for religious practitioners.

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 often arise through ignorance of legal requirements, and not wilful lawlessness.
- **The CRL has a key educational role** to play since Section 5 of the CRL Act already gives the CRL the power to educate and advise religious communities.

SOLUTION #4

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... religious 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 in dealing with such a matter** (section 5(1)(k)).

SOLUTION #5

We support strict compliance by religious organisations to check and vet any staff or members, especially those who interact with children (and women).

To this end, we recommend that religious organisations:

- Require **police clearance certificates** and **ID copies** from all prospective ministry workers, and especially children's ministry workers.
- Submit names to the **Department of Justice and Constitutional Development** (for NRSO checks) and the **Department of Social Development** (for NCPR checks).
- Establish a **Child Protection Policy** that includes screening procedures, ongoing training, supervision, and incident reporting protocols.
- Establish the necessary internal structures to receive and properly handle complaints by congregants and staff.

SOLUTION #6

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:

- **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 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).**
- **In terms of its Act, the CRL can legitimately require information that has the potential to reveal where there may be compliance issues (or even illegalities) taking place.**
- **[EG] A church operating without a bank account; a foreign national pastor; etc.**

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RESOURCES ON THE CRL
STATE REGULATION MATTER**

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