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FACT CHECKING THE CRL: A Public Record of False, Misleading, and Unsubstantiated Claims Following Professor Xulu's Resignation

Introduction: Why this document exists

Following the public resignation of Professor Musa Xulu as Chairperson of the CRL Rights Commission's Section 22 Committee for the Christian Sector, the CRL Chairperson and the Acting Chair of that Committee, Rev Dr John Maloma, embarked on a series of press conferences and media interviews from 21 to 25 January 2026.

Unfortunately, these engagements did not clarify the facts in dispute. Instead, in response to Professor Xulu's detailed stated reasons for resigning, the CRL and Section 22 Committee leadership presented a narrative which failed to engage the substance of Professor Xulu's allegations, and also appeared to be an attempt to:

- **Recast the record,**
- **Shift responsibility,**
- **Cast doubt on critics through implication,**
- **Refer to "proof" to be produced at a later stage (while, to our knowledge, none has yet), and..**
- **Create confusion about the purpose, scope, and direction of the Section 22 process.**

FOR SA has therefore undertaken a systematic evaluation of statements made by the CRL Chair and Rev Dr Maloma. This document sets out what was said (using direct quotes) and then assesses those statements against the available record and verified information.

Where FOR SA states facts, it does so based on the available evidence, in order to distinguish between factual findings, inference and opinion.

CLAIM 1. The Section 22 Committee represents 40 million Christians

Exact quote (CRL Chair): "*People must do the mathematics themselves.*"

Evaluation: FALSE AND MISLEADING

What was said:

The CRL Chair and Rev Dr Maloma have repeatedly asserted that the Section 22 Committee represents "40 million Christians", using this figure to imply overwhelming support for the Committee, its process, and its regulatory agenda.

The facts:

The representivity claim raises serious difficulties. South Africa's total population is approximately 63 million. The repeated claim of "40 million Christians" risks overstating representivity by:

- conflating nominal religious identification with active participation,
- including minors, and
- assuming institutional representation where none is demonstrated.

For "40 million Christians" to be meaningful in a representational sense, one would effectively have to assume that almost all adult South Africans are practising Christians represented through the CRL's selected structures. That inference is not supported by the considerations set out above.

When institutional representivity is examined, further concerns arise:

- The **South African Council of Churches (SACC) is not formally part of the Section 22 Committee**, although public statements have at times been understood as suggesting otherwise.
- **TEASA** claims to represent **4 million** Christians, yet several of its largest member denominations have publicly opposed any legislative agenda (as set out in this document), including:
    - Apostolic Faith Mission – over **1 million** members
    - Full Gospel Church – just under **1 million** members
    - Assemblies of God – just under **1 million** members

  Together, these denominations account for approximately **2.7 to 2.9 million people** (around 70% of TEASA's claimed constituency). On that basis, TEASA's stance does not reflect the stated position of a substantial portion of its claimed constituency, and it is unclear what consultation (if any) occurred before TEASA adopted its position.
- **SACOFF** is **not represented** on the Section 22 Committee and **opposes** any legislative agenda. SACOFF represents (on the figures presented): over 220 fraternals, more than 20,000 churches, and **approximately 5 million people** of faith.
- The **IFCC** is **not represented** and has **rejected** any State-led legislative approach to religion.

At the same time, the Committee primarily consists of representatives of bodies such as the Zion Christian Church (ZCC), Shembe-aligned traditions, and the Church of the Nazarene. **These traditions do not necessarily reflect the doctrinal positions commonly associated with major evangelical denominations in South Africa.** This raises a **representational concern** where recommendations affecting evangelical constituencies are shaped by structures that are not representative of those constituencies.

Concerns about public accuracy are not new. In 2018, Kevin Mileham rebuked the CRL Chair on two occasions in the COGTA Portfolio Committee and warned that misleading Parliament may constitute an offence. More recently, Marina van Zyl alleged that the CRL Chair misled Parliament and repeated the same warning.

Why this matters:

The legitimacy of the Section 22 Committee depends on accurate claims about representation, so where:

- numbers are overstated,
- major evangelical bodies are excluded, and
- significant constituencies publicly oppose a legislative agenda,

the claim that the Section 22 Committee represents the Christian faith in South Africa becomes difficult to sustain. This is not a minor misunderstanding; it is an overstatement of representivity that undermines confidence in what follows.

CLAIM 2: "This is not about State control. It is voluntary."

Evaluation: MISLEADING

What was said:

The CRL Chair and Rev Dr Maloma repeatedly asserted that the Section 22 process is "not about State control" and that participation is "voluntary".

The facts:

The latest "Final Draft Christian Sector Self-Regulatory Framework in RSA", released under the authority of the CRL (December 19, 2025) **explicitly mandates consultation towards the development of a legislative framework to regulate religious institutions and leaders**.

Legislation is, by definition, an instrument of the State. It is enacted by Parliament and enforced by the State through law. Calling the process "voluntary" while simultaneously advancing a legislative outcome is internally inconsistent and risks misleading the public about the true nature and extent of the contemplated State involvement.

Why this matters:

South Africans are being asked to accept assurances that are difficult to reconcile with the framework's own text. This is not a semantic dispute. It is at the heart of whether this framework will enable State regulation of religious activity through legislation.

CLAIM 3: "A legislative framework just means an enabling structure for self-regulation."

Evaluation: MISLEADING

What was said:

Rev Dr Maloma suggested that references to a "legislative framework" merely describe an enabling environment for a sector-led process.

The facts:

The framework does not use the phrase “enabling structure”. **It uses the term “legislative framework” and links it to registration systems and a regulatory council**. Those are legal and regulatory constructs, not informal sector arrangements.

Reframing legislation as a benign “enabler” is not a reflection of what the document actually says.

Why this matters:

This inconsistency in the meaning and implications of the terminology used downplays the legitimate constitutional concerns about whether the proposed approach will introduce State regulation of religion.

CLAIM 4: “The Terms of Reference were just discussion guidelines.”

Evaluation: MISLEADING

What was said:

Rev Dr Maloma claimed that the Terms of Reference were merely to guide discussion and produce a document “by the church, for the church”.

The facts:

According to Professor Xulu, **the Terms of Reference were repeatedly altered (including the insertion of legislative outcomes)** without proper consultation or transparency. Professor Xulu says he was handed a new version moments before speaking at the public launch of the Section 22 Committee in October 2025.

On this account, the Terms of Reference did not function as neutral discussion prompts; they operated as a mechanism shaping the process toward defined outcomes.

Why this matters:

A process is difficult to characterise as open or consultative if its foundational rules are repeatedly changed and substantive outcomes are embedded in those rules from the outset.

CLAIM 5: “This is not a policy and does not present a predetermined position.”

Evaluation: MISLEADING

What was said:

The CRL leadership insisted that the “Final Draft Christian Sector Self-Regulatory Framework in RSA” is not a policy and does not advance a predetermined position.

The facts:

Where a document directs consultations toward legislative and regulatory mechanisms, it is difficult to characterise it as neutral. On its face, the framework sets a pathway toward a regulated, legislated outcome. Describing it as “just a framework” does not alter what the document proposes and enables**.**

Why this matters:

Public trust depends on accurate, text-based descriptions of what is proposed. The framework's own wording contradicts the CRL's assertions.

CLAIM 6: "Nobody has criticised the document."

Evaluation: FALSE

What was said:

Rev Dr Maloma and the CRL Chair claimed that no one has objected to or criticised the framework.

The facts:

FOR SA publicly criticised the document immediately, identifying the clear legislative implications and the constitutional risks and concerns. Other written critiques exist. To say nobody has criticised the framework is therefore inaccurate.

Why this matters:

Accurate public communication requires acknowledging material dissent. Claims of "no criticism" create a misleading impression of consensus.

CLAIM 7: "FOR SA took the CRL and Professor Xulu to court."

Evaluation: FALSE

What was said:

Rev Dr Maloma alleged that FOR SA is litigating against the CRL and Professor Xulu.

The facts:

FOR SA has NOT taken the CRL or Professor Xulu to court. The allegation is simply incorrect.

Why this matters:

Inaccurate claims about litigation can mislead the public record and may unfairly undermine the credibility of critics.

CLAIM 8: "The CRL had nothing to do with the October 2025 document."

Evaluation: MISLEADING

What was said:

The CRL Chair described certain outputs associated with the Section 22 process as "unauthorised," thereby attempting to distance the Commission from those outputs.

The facts:

The CRL appointed the Committee, approved its mandate, and publicly associated itself with the process. It is therefore not credible to disclaim responsibility for outputs produced through Commission-appointed structures once public controversy arises.

Why this matters:

Institutional accountability cannot be applied selectively.

CLAIM 9: "Professor Xulu's resignation press conference was facilitated by FOR SA."

Evaluation: FALSE

What was said:

The CRL Chair alleged that FOR SA facilitated Professor Xulu's resignation press conference.

The facts:

FOR SA did not initiate, organise or fund Professor Xulu's press conference. The allegation is unfounded.

Why this matters:

This framing risks undermining the credibility of Professor Xulu's account by suggesting he acted at the behest of a third party rather than under his own volition and for his own stated reasons.

CLAIM 10: "FOR SA violated press freedom by circulating questions."

Evaluation: FALSE

What was said:

The CRL Chair accused FOR SA of violating freedom of the press by sharing suggested questions with journalists.

The facts:

Providing question suggestions does not restrict press freedom or undermine the independence, integrity or professionalism of journalists. Journalists retain editorial discretion over what they ask and report. In this instance, the CRL leadership did not address the substance of those questions.

Why this matters:

Framing suggestions and legitimate requests for clarification as a violation of press freedom (or freedom of expression) risks deflecting attention from the underlying accountability issues and discouraging transparent engagement.

CLAIM 11: “FOR SA marched to Parliament and the Union Buildings.”

Evaluation: FALSE

What was said:

The CRL Chair claimed FOR SA participated in public protests calling for her removal.

The facts:

FOR SA did not march to Parliament or the Union Buildings. These marches were organised by the South African Church Defenders (SACD), NOT FOR SA. This is inaccurate.

Why this matters:

Inaccurate claims about involvement in lawful protest activity risk portraying constitutional critics as disruptive actors rather than participants exercising lawful advocacy.

CLAIM 12: “No one has been discriminated against.”

Evaluation: MISLEADING

What was said:

Rev Dr Maloma asserted that no churches or groups were excluded or marginalised.

The facts:

Professor Xulu’s resignation described exclusionary practices, representational imbalance, and marginalisation or dismissal of dissenting voices. Concerns have also been raised about whether the Committee’s composition and selection process ensured fair representation.

Why this matters:

Democracy and diversity cannot be credibly upheld if meaningful dissent is not reflected in participation or outputs.

CLAIM 13: Racialised attacks on FOR SA and its leadership.

Evaluation: UNACCEPTABLE AND UNSUBSTANTIATED

What was said:

The CRL Chair and Rev Dr Maloma framed criticism in racial and identity terms, describing FOR SA as “white-led”, “Eurocentric”, and aligned with “powerful perpetrators”.

The facts:

These characterisations do not engage the substance of the constitutional and legal concerns raised. **They amount to ad hominem framing that risks delegitimising constitutional critique by shifting the focus from the merits to identity and race.**

FOR SA unequivocally condemns racism in all its forms. FOR SA has always held that justice demands that victims must be supported and perpetrators prosecuted to the full extent of the law: freedom of religion is never an excuse for abuse and crime.

Why this matters:

Racialising legitimate constitutional debate undermines democratic accountability and may deter legitimate scrutiny.

CLAIM 14: "Proof will be provided later."

Evaluation: REMAINS TO BE SEEN

What was said:

The CRL Chair claimed that documentary proof would be provided at a later stage, while asking the public to accept her account in the interim.

The facts:

Serious claims were advanced without supporting documents being produced at the time, and substantiation was repeatedly deferred. This sequence – claim first, evidence later (if at all) – undermines transparent public accountability.

Why this matters:

Public accountability requires evidence, not assurances.

CONCLUSION:

A concerning pattern that cannot be dismissed simply as a mere misunderstanding:

Taken together, these statements indicate consistent themes:

- Downplaying the extent of State involvement while advancing legislative and regulatory outcomes,
- Claiming an absence of criticism where documented criticism exists,
- Mischaracterising critics and their roles,
- Using race- or identity-based framing that deflects from the substantive issues and legitimate concerns, and
- Deferring substantiation while asking the public to accept assertions in the interim.

This cannot credibly be dismissed as mere confusion. It has the effect of obscuring the substantive constitutional and legal issues raised.

FOR SA will continue to insist on transparency, constitutional fidelity, and accurate public discourse. The relevant record is now set out in this document.
