

# **DRAFT**

## **CODE OF CONDUCT FOR RELIGION IN SOUTH AFRICA**

### **PREAMBLE**

WHEREAS we affirm the fundamental right to freedom of religion protected by section 15 of the Constitution, and described in the South African Charter of Religious Rights and Freedoms; and

WHEREAS we accept and appreciate the truth that the right to freedom of religion carries corresponding duties and responsibilities which we pledge to fulfil to the best of our abilities; and

WHEREAS the right to freedom of religion is an important mechanism for the equitable regulation of the relationship between religion and the state, providing that religious institutions enjoy recognition, protection and cooperation in a constitutional state as institutions with their own jurisdiction; and

WHEREAS the state has the responsibility to govern justly, constructively and impartially in the interest of everybody, and the role of the state and law is to accommodate and protect diverse belief systems and regulate relationships in a diverse environment equitably, and not to deny or eradicate diversity by imposing a single, uniform standard to the exclusion of differing beliefs or convictions; and

WHEREAS we, while true to our beliefs and convictions, undertake to act in the best interest of the society of which we are privileged to be a part; and

WHEREAS we, as religious community, although unique in nature, accept that we function as a part of and within society, and are subject to the law of the land; and

WHEREAS we acknowledge with sadness and regret the reprehensible conduct occurring in certain religious institutions; and

WHEREAS we believe that the religious community should act decisively among ourselves to address such conduct, and develop clear standards to guide our actions and prevent abuse and exploitation in religion and contribute to a spirit of mutual respect and tolerance among the people of South Africa;

NOW, THEREFORE, we subscribe to the following code of conduct to give further expression to our rights, responsibilities and role within society – within the framework of, and subject to, section 15 of the Constitution and the South African Charter of Religious Rights and Freedoms:

## **CODE OF CONDUCT**

1. We pledge to promote and enhance the well-being of people and of society as a whole in accordance with our beliefs and convictions, and to refrain from conduct that undermines the constructive role of religion in society.
2. As religion is meant to assist and enhance, and not obstruct life, we respect, protect and preserve life, and shall do or promote nothing to devalue, dehumanise or destroy life.
3. As human beings have inherent dignity, we respect and uphold the dignity of every person and shall not abuse or exploit people, or do anything to violate or degrade human dignity.
4. We respect the rights of others set out in the Constitution, including the right of every person to believe in accordance with their convictions, and to choose their own faith, worldview or religion.
5. We respect the right of every person not to be coerced, bullied, harassed, intimidated, manipulated or victimised in any way in relation to belief, to be coerced to act against their beliefs, or to participate in behaviour or perform acts that are inconsistent with their beliefs.
6. We respect the right of every person to change their faith, religion, convictions or religious institution, or to form a new religious community or religious institution.
7. We respect the right of every person not to be subjected to any form of coercion or indoctrination that may destroy, change or compromise their religion, beliefs or worldview.
8. We respect the right of every person to the private or public, and individual or joint, observance or exercise of their convictions in the lawful and constructive ways referred to in the Charter of Religious Rights and Freedoms.
9. Whenever we maintain traditions and systems of, and follow practices in terms of, religious personal, matrimonial and family law, we shall ensure, as required by the Constitution, that those traditions, systems and practices are consistent with the Constitution.
10. Mindful of the respective jurisdictions of religion and the state, we acknowledge the duty of the state to protect the constitutional right to freedom of religion, and shall encourage cooperation between religion and the state for that purpose whenever appropriate.
11. As a part of a democratic society in which the rule of law applies, we shall respect the Constitution and the law, we shall observe the law in all our endeavours, and we shall inform and educate ourselves and our members in respect of good citizenship and the observance of the law. We shall not perform acts or allow behaviour, or expect from our members the performance of acts,

that are unlawful or may cause physical harm or damage to property. Whenever, in the exercise of our rights, we cannot in good conscience observe a particular law, we shall engage peacefully with the state explaining the grounds for our actions in terms of our beliefs and convictions, while emphasising the respect for differences of opinion required in a diverse society, and that law should not be an instrument imposing a single worldview on society.

12. When exercising our freedom of expression and when sharing our convictions with other consenting persons, we shall respect the dignity of others, we shall not victimise, ridicule or slander others on the ground of their faith, religion, convictions or religious activities, and we shall not advocate hatred based on religion that constitutes incitement to violence or to cause physical harm. We express concern that difference of convictions may be too easily be labelled as “hatred”, thereby unduly restricting the necessary freedoms of expression and association essential in a free and open society.
13. We respect the education rights of every person, and encourage every person and institution in the education environment to exercise their religious freedom and develop their ethos in a way that is equitable, free, voluntary and non-discriminatory, and with due regard to the rights of minorities.
14. In the exercise of our right to regulate our own affairs, we shall act lawfully and in accordance with the principles of tolerance, fairness, openness and accountability. In our internal affairs, we undertake, specifically, to follow the rules of natural justice insofar as they are applicable.
15. We shall not abuse the confidentiality and privileged nature of our internal affairs and communications, and shall act in the interest of justice in this respect.
16. We shall put in place appropriate leadership, management and control mechanisms and processes to ensure our internal operations are carried out and resources used in a lawful and responsible manner.
17. We shall act honestly, with integrity and with full disclosure in respect of our finances.
  - We shall refrain from unlawful, corrupt, manipulative or misleading conduct when soliciting contributions or securing funds.
  - We shall respect the interests and well-being of givers and not pressurise them in any way into giving beyond their means. We shall not minister to anyone in a financially manipulative or exploitative manner.
  - We shall not misappropriate funds, and shall honour and use gifts and contributions only for the purpose for which they were received, and shall communicate regularly with givers to acknowledge and confirm such contributions and expenditures.
  - We shall keep accurate financial statements in accordance with accepted financial practices.
  - We shall subject our financial statements to independent audit at least annually.

- We shall act transparently and, while maintaining confidentiality in respect of support and contributions, shall make our financial affairs openly available through reports and other means.
- We shall make ourselves accountable to our members or supporters in respect of management and finances in whatever way appropriate.
- Except insofar as we are entitled to reasonable remuneration, compensation or other income, we shall refrain from acting corruptly or fraudulently, and from enriching ourselves in any way out of the funds of our institution.

THE SOUTH AFRICAN COUNCIL FOR THE PROTECTION AND PROMOTION  
OF RELIGIOUS RIGHTS AND FREEDOMS

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