



**CRL RIGHTS COMMISSION'S PRELIMINARY REPORT OF THE HEARINGS ON  
COMMERCIALISATION OF RELIGION AND ABUSE OF PEOPLE'S BELIEF  
SYSTEMS**

## **TABLE OF CONTENTS**

- 1. INTRODUCTION**
- 2. CONSTITUTIONAL MANDATE**
- 3. LEGISLATION**
- 4. BACKGROUND**
- 5. RESOLUTION OF APPOINTMENT**
- 6. RATIONALE FOR THE STUDY**
- 7. METHODOLOGY**
- 8. PROCESS AND PROCEDURES**
- 9. MANAGING THE PROCESS**
- 10. INVESTIGATION/RESEARCH QUESTIONS**
- 11. CHALLENGES AND OBSTACLES**
- 12. SUBSTANTIVE ISSUES**
- 13. RELIGIOUS FREEDOMS AND CRL RIGHTS COMMISSION**
- 14. SUMMARY OF FINDINGS**
- 15. RECOMMENDATIONS**
- 16. PROPOSED IMPLEMENTATION OF RECOMMENDATIONS**
- 17. MOTIVATION FOR A NEW REGULATION**
- 18. THE PROPOSED ACT AND ITS PROCESSES**
- 19. CONCLUSION**
- 20. REFERENCES**
- 21. ANNEXURES**

## 1. INTRODUCTION

Section 15(1) of the Constitution of the Republic of South Africa 1998 states that *everyone has the right to freedom of conscience, religion, thought, belief, and opinion*. In addition, section 31(1) (a) states, *persons belonging to a cultural, religious, or linguistic community may not be denied the right, to enjoy their culture, practice their religion, and use their language*. This promotion and protection of religious freedom emanates from the acknowledgment and acceptance that religion in South Africa has over the years played a very prominent part in the lives of different communities, as most communities understand religion as a pathway towards a higher spiritual being.

However, the recent controversial news reports and articles in the media about pastors instructing their congregants to eat grass and snakes, to allegedly drink petrol or to part with considerable sums of money in order to be guaranteed a miracle or blessing has left a large portion of society questioning whether religion has become a commercial institution or commodity to enrich a few. Some communities have also started asking whether the government should leave the developments as they are or should something be done about the perceived commercialisation of religion.

In response to this religious state of affairs, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission) decided to undertake an investigative study to:

- Investigate and understand further issues surrounding the commercialisation of religion and traditional healing.
- Identify the causes underlying the commercialisation of religion and traditional healing.
- Understand the deep societal thinking that makes some members of our society vulnerable and gullible on views expressed and actions during religious ceremonies.

- Assess the religious framework and its relevance to deal with the prevailing religious challenges.
- Formulate findings and recommendations that address the status quo on commercialized religion and traditional healing.
- What is the spread of religious institutions in the country?
- What various miraculous claims are made by religious leaders and traditional healers regarding the powers to heal and make miracles?
- What form of legal framework regulates the religious and traditional sectors currently?

## **2. CONSTITUTIONAL MANDATE**

The CRL Rights Commission is one of the Chapter Nine Institutions which is founded in terms of section 181 of the Constitution of the Republic of South Africa 1996. The Commission was established to guard, promote democracy and the rights of the citizens of the country. It is an independent institution and subject only to the Constitution. Its activities and functions are to be impartial, and powers must be exercised and performed without fear, favor or prejudice.

Although the Chapter Nines are state institutions, they operate outside government and partisan politics, and they are free from interference by other organs of state. The Constitution asserts their independence in authoritative terms, using language that is in keeping with that used to declare the independence of the judiciary.

Chapter Nine Institutions are intermediary institutions, which provide an opportunity for public participation in a way that the individual and collective needs of citizens can be articulated outside the partial environment of party politics. This independence provides a reliable voice for people and contributes to the programme of transformation to which the Constitution commits these institutions.

The mandate of the CRL Rights Commission, as stated in section 185 of the Constitution, stipulates that the Commission must promote respect for the rights of cultural, religious, and linguistic communities and promote tolerance among such communities. The right to cultural, religious, and linguistic identity is an inalienable right inextricably connected to human dignity. It entails mutual respect and friendship – concepts required to realize the South African dream of building a nation united in diversity. The mandate is also included in the provisions of section 81 of the Constitution.

The CRL Rights Act, 19 of 2002, empowers the CRL Rights Commission to monitor, investigate, and research any issue concerning the rights of cultural, religious, and linguistic communities. It also allows cognate and relevant matters to be referred to or brought to the attention of the appropriate authority or organ of state, and where appropriate, makes recommendations to such authority or organ of state dealing with the matter.

The above formed the basis and rationale for an investigative study by the CRL Rights Commission on the commercialisation of religion and the abuse of people's belief systems.

### **3. LEGISLATION**

Section 15 of the Constitution of South Africa, recognizes that everyone has the right to freedom of religion. Again, section 31(1) (a) states, *persons belonging to a cultural, religious, or linguistic community may not be denied the right, to enjoy their culture, practice their religion, and use their language*. The above sections emphasize the importance of the freedom of religion and what it means and the day-to-day rights and responsibilities associated with this freedom. These include the right to gather to observe religious belief, freedom of expression regarding religion, the right of citizens to make choices according to their convictions, the

right to change their faith, the right to be educated in their religion, the right to educate their children in accordance with their philosophical and religious convictions and the right to refuse to perform certain duties or assist or participate in activities that violate their religious beliefs.

The South African Charter of Religious Rights and Freedoms (SACRRF), a Religious-legal document that defines the freedoms, rights, responsibilities and relationship between the “State” of South Africa and her citizens concerning religious belief forms the basis of the investigative study (see the website link for the charter under references). This SACRRF charter further reinforces and explains the religious freedom as expressed in section 15 and 31 of the Constitution of the Republic of South Africa. This SACRRF charter was also very instrumental in guiding the CRL Rights Commission during the investigative study.

#### **4. BACKGROUND**

In recent years, scores of churches, religious Organisations, and traditional healing practices have mushroomed throughout the country, changing the face of the religious communities and practice irreversibly. Streets are marked with signs and advertisements with promises of miracles, ranging from healing to prosperity. When companies place advertisements claiming their products could deliver certain results, they are accountable to the Advertising Standards Authority, and they have to verify and/or justify such claims. One of the questions raised by the investigative study was: Why does this standard not apply to religious institutions and traditional healers? If leaders claim they can perform certain miracles and charge people for such activities, are they not accountable to ensure that they deliver on their promises?

Practices, which called for the attention of the CRL Rights Commission reported by the media, included some religious leaders such as a pastor that fed live rats

and snakes to his congregants and even made some of them drink petrol. There have been numerous other unusual practices that have been reported as being the norm in other religious circles. If the mandate of the CRL Rights Commission is to 'promote and protect the rights of religious and cultural communities, the intention of the study was to gain some understanding on why people allow such practices and what caused people to believe in them, to the extent of inexplicable gullibility.

There has been a remarkable proliferation and increase of religious activities and acts, such as:

- a. Advertisements of religious activities in public spaces, making fantastic and mythical promises, soliciting gifts/offerings/donations in cash or kind;
- b. The unprecedented increase of religious organisations/leaders from outside South Africa.

Some of the melodramatic demonstrations were even reported abroad. Herewith are examples of reports of such activities and acts:

- i. *A South African preacher made his congregation eat grass to 'be closer to God' before stamping on them. Under the instruction of a certain Pastor, dozens of his followers dropped to the floor to eat the grass at his church after being told it would 'bring them closer to God.' These methods have drawn criticism from thousands of people although members of his congregation swear by his method – he is said to have claimed that human beings can eat anything to feed their bodies and survive whatever they choose to eat (Mail Online, Jim Reilly, 10 January 2014).*
- ii. *67 South Africans Killed in Nigeria building Collapse” (All Africa),*
- iii. *Independent churches concerned by the influence of false churches” (29 August 2016 – Cajnews Africa (Henry Ifeanyi).*

- iv. *Over and above these headlines and news reports, there were also complaints lodged with the CRL Rights Commission.*

## 5. RESOLUTION OF APPOINTMENT

As per the mandate of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission) a unanimous decision was taken by the CRL Rights Commission to undertake an investigative study regarding the commercialisation of religion and abuse of people's belief systems in South Africa.

It was further decided that a random sampling method would be utilized to select random religious institutions/Organisations and then summon them, as per the provision of the CRL Rights Act 19 of 2002, to appear before the CRL Rights Commission.

The CRL Rights Commission would hold an investigative study comprised of hearings across the country in all nine provinces, between 3<sup>rd</sup> November 2015 and 23<sup>rd</sup> March 2016. The dates and venues of the hearings were as follows:

PROVINCE	CITY	DATE
KWAZULU NATAL	DURBAN	14-15 OCTOBER 2015
GAUTENG	JOHANNESBURG	3-6,9,16,17,18,20,24 NOVEMBER 2015, 2 DECEMBER 2015 AND 16 MAY 2016.
KWAZULU NATAL	DURBAN	1-2 FEBRUARY 2016
WESTERN CAPE	CAPE TOWN	12 FEBRUARY 2016
LIMPOPO	POLOKWANE	16 FEBRUARY 2016
FREE STATE	BLOEMFONTEIN	25 FEBRUARY 2016
EASTERN CAPE	PORT ELIZABETH	1 MARCH 2016



NORTH WEST	MAHIKENG	9 MARCH 2016
NORTHERN CAPE	KIMBERLY	16 MARCH 2016
MPUMALANGA	NELSPRUIT	23 MARCH 2016

At the conclusion of the hearings, the CRL Rights Commission summed up its findings and drew recommendations for submission to the National Assembly of the Republic of South Africa.

## 6. RATIONALE FOR THE STUDY

The rationale for a study of this nature included gaining a deeper understanding of the following:

- i. **Religious and Traditional Healing Practices:** human beliefs relating to that which the different groups regard as sacred, holy, spiritual or divine - whether or not deities are involved. Practices will include rituals, sermons, commemoration or veneration, sacrifices, festivals, feasts, trances, initiations, funerary services, matrimonial services, meditation, prayer, music, art, dance, public service, or other aspects of human culture.
- ii. **Dogma:** the religious and traditional healers' framework defining religious and traditional health practitioners' views, practices and beliefs.
- iii. **Message and Communication:** the content of the message proclaimed by the groups to the followers to guide their beliefs and lifestyle.
- iv. **Community Engagement:** the systematic approaches that have been developed in order to ensure the integration of religion and traditional healers' engagement into the wider range of community activities.
- v. **Registration and Incorporation:** the filing of articles of incorporation under law for recognition of the entity by the local, provincial and national government.

- vi. **Regulation and Compliance Monitoring:** regulations issued by government to implement important information and instructions on applicable standards. The regulations define the types of facilities covered, set effective dates, and provide additional detail on certain provisions in the standards. They also address existing facilities and topics beyond building design, including access to programmes, services, and communication and provision of auxiliary aids and services.
- vii. **Institutional Strategic Framework:** this incorporates the vision, mission, objectives and goals of the group as articulated in the organisational strategic framework.
- viii. **Institutional Governance and Management:** the ownership, governance and role of the leadership team including practitioners, reverends, pastors, priests, imams, temple leaders, healers, abbots, elders, deacons, board members, small group leaders and similar leadership positions.
- ix. **Organisational Structure:** the organisational arrangements including operational and enabling divisions and services.
- x. **Funding and Financial Accounting Practices:** sources of income, budgeting and expenditure allocations, assets and liabilities, tax and other statutory deductions, compliance with the legislative systems, processes and procedures for financial accounting.
- xi. **Role of Religion/Traditional Healing in the Lives of the People:** why are communities compelled to search for spiritual meaning for their lives? How are religious leaders, traditional health practitioners and their ceremonies contributing to need fulfilment?
- xii. **Levels of Satisfaction in terms of Performance of the Religious and Traditional Healers Group:** the evaluation of performance of the group against its strategic objectives, key performance indicators, targets and key initiatives reflected in the scorecard.

## 7. METHODOLOGY

### i. Sampling Plan

The random sampling design adopted for the survey was a multi-stage stratified sample design. The design considers the proportionate distribution of religion in the country taking into account rural and urban, size, mainline/traditional or charismatic and institutional differentials per category, denomination and sub-denomination.

In constructing the random sampling plan, religious/traditional healer group distribution figures have been sourced from the 2001 census figures and the community councils registered by the CRL Rights Commission.

The method for interviewing religious and traditional healers groups (sample elements) was through face-to-face interviews. People interviewed were told when and where they should present themselves for these interviews.

### ii Sample Size

The sample for this study took into account the proportionate distribution of various religious/traditional healer groups in the country. Given the many numbers of religious institutions in the country, the CRL Rights Commission decided to apply a random sampling of institutions from big institutions to very small institutions, from main line or traditional churches to charismatic, Pentecostal, Islamic, Judaism, Hinduism, non Christian religions, African Independents churches, African Traditional Religion to ensure a fair representation. All in all a total of over 85 religious and traditional healers' leaders were interviewed.

### **iii Data Collection Method**

Personal face-to-face interview methods were used to collect primary data from the Religious and Traditional healer groups.

## **8. PROCESS AND PROCEDURES**

To roll out the hearing process, giving effect to the investigative study, the CRL Rights Commission established a section 7 committee, as per section 7 of the CRL Rights Act, consisting of the following Commissioners: Ms Thoko Mkhwanazi-Xaluva (Chairperson), Prof Luka David Mosoma (Deputy Chairperson), Mr Richard Daryl Botha, Ms Helen Julia Mabale, Ms Shelia Fihliwe Khama, Mr Sicelo Emmanuel Dlamini and Dr Anton Wynand Knoetze. The hearings were chaired by the Commissioner Mkhwanazi-Xaluva (Chairperson). The panel followed consistent procedure throughout the hearings, to ascertain procedural evenness and fairness.

Following a High-Court ruling, the proceedings of the hearings were open to the media and everything was audio-visually recorded.

Religious organisations/institutions that were called to appear were served with the official summons delivered by the Sherriff of the Court. The place, date, and time of the hearings were prescribed in the summons (see ANNEXURES). The summons was a legal instrument, which was meant to ensure attendance, prescribed by the governing act of the CRL Rights Commission. It is also important to note that using summons instead of just letters of invitation was to ensure compliance to avoid findings of fruitless and wasteful expenditure by the Auditor General should the majority of invited participants not honour the invitation or refuse to submit any documentation. The CRL Rights Commission could not “gamble” and hope that the Religious leaders invited would comply as the second round of hearings were financially impossible, and the whole

investigative study would have had to be abandoned. It was also very critical to be seen treating all religious leaders the same and thus issue all of them with the same summons asking for similar documents.

All persons who appeared before the panel signed an attendance register, stating their identities, religious affiliations, or institutions, which they were representing, and contact details.

The Chairperson of the hearings opened the meeting and welcomed everyone present. Introductions of people present were made. A swearing-in Commissioner administered an oath/solemn affirmation on religious representatives who appeared before the CRL Rights Commission to testify, in terms of section 7 (2) (c) of the CRL Rights Commission Act.

The representatives had the opportunity to make their presentation, followed by fielding questions from the Commissioners. After the presentation, the Commissioners cross-examined the presenters on substantive matters.

## **9. MANAGING THE PROCESS**

To mitigate the impediments, the CRL Rights Commission, in preparation for and during the hearings, took the following steps:

- i. Facilitated the monitoring and control of potential and incoherent threats of disruptive behavior of supporters or summoned persons;
- ii. Explained the statutory objectives, powers, and functions of the CRL Rights Commission;
- iii. Participated publicly in media debates on the hearings and related religious problems;
- iv. Convened meetings and invited religious leaders to clarify matters on the procedural and substantive matters of the hearings;

- v. Explained and affirmed the CRL Rights Commission's right to administer the prescribed oath/solemn affirmation;
- vi. Explained and affirmed the CRL Rights Commission's right to have access to required documents specified in the summons;
- vii. Explained the procedure of the hearings for proper conduct during the hearings;
- viii. Granted requests for postponement where reasons for application were plausible;
- ix. Followed up in cases of failure of persons summoned to appear on the set date and time;
- x. Took measures to locate physical addresses/places of operation of the religious institutions/persons summoned;
- xi. Held public meetings to clarify the purpose of the hearings;
- xii. Undertook media campaigns to popularize understanding of the hearings;
- xiii. Explained the content of relevant documents in cases where representatives who appeared before the CRL Rights Commission had either not prepared in advance or misunderstood the purpose of the hearings;
- xiv. Explained and affirmed the obligation of the CRL Rights Commission to act without fear, favor, or prejudice.
- xv. Took advice from some persons who attended on how the hearings could be more acceptable to those who appear before it e.g. that a letter is sent through to those who are to be summoned explaining what the hearings are about.

Despite all these measures, varying degrees of resistance emerged during the hearings from a few institutions, even by organisations/institutions, which had committed themselves to cooperating with the requirements of the CRL Rights Commission.

Examples of different forms of resistance will be reflected later, in the presentations, which are quoted in this report.

## **10. INVESTIGATION/RESEARCH QUESTIONS**

Representatives who appeared before the CRL Rights Commission were informed in advance of their appearance in the summons, to prepare presentations, which addressed the following questions:

- i. Your religious institution history;
- ii. Training of your religious leaders;
- iii. Your religious institution governance structures and fundraising strategies;
- iv. Soliciting of payments (Funerals, Weddings, Prayers, etc.);
- v. Utilization of your religious institution money;
- vi. Transfer of money outside South Africa;
- vii. Employment of foreign pastors;
- viii. Your understanding of Commercialisation and abuse of people's belief systems.

The African Religion and Traditional Healers representatives had to cover the following areas, amongst others:

- i. History of African Religion;
- ii. Apparent differences with other Organisations;
- iii. Food and dietary regulations;
- iv. Some suggestions, which can add value to the CRL Rights Commission to the study.

Variation was meant to encompass and accommodate variables in the nature and structure of different religious Organisations in order to avoid preconceived

typologies of institutions, for instance, into “mainstream” and “charismatic” religious institutions, etc.

Religious personnel who appeared before the CRL Rights Commission were entitled to appear with legal representation and with some elders from their church. The CRL Rights Commission made provision for facilitating subpoena of required witnesses.

As soon as the hearings commenced, the CRL Rights Commission was inundated with calls from religious leaders seeking clarity and better understanding of the process. Thus, the CRL Rights Commission sent out letters to all the remaining provinces, inviting religious leaders to meetings wherein it would explain the process, which it had undertaken thus far.

## **11. CHALLENGES AND OBSTACLES IN THE PROCESS**

During the hearings, the CRL Rights Commission faced several challenges and impediments from certain religious persons who appeared before the CRL Rights Commission. These were manifested in several ways, *among other things*:

- i. Attendance of an entourage of members/supporters and in certain cases armed bodyguards;
- ii. Undermining/defying and misunderstanding of the statutory objects, powers, and functions of the CRL Rights Commission;
- iii. Refusal to take the prescribed oath;
- iv. Refusal to submit required documents, including Financial Statements, AGM Minutes, Constitution/Code of Conduct, Disciplinary Codes, Statement of Faith, Signatories to the Bank Accounts, Deeds or leases of the land they were operating from and Organograms;
- v. Obfuscation and refusal to answer questions posed by the panel;



- vi. Threatening/intimidating behavior of supporters/members in the premises of the hearing;
- vii. Request for postponements that the CRL Rights Commission could not afford due to inadequate funding
- viii. Failure to appear before the CRL Rights Commission on the set dates;
- ix. Appearance of legal representatives without summoned persons being present;
- x. Appearance of certain religious representatives/leaders before the CRL Rights Commission without prior preparation;
- xi. Refusal of certain religious leaders to provide physical addresses residence/place of employment/place of business;
- xii. Designing and implementing the study on an extremely inadequate budget.

A few religious leaders who were summoned to the hearings used the hearing venue as the stage for dramatizing their objections to the hearings, whereby crowds of effusive supporters/followers and flashy cars were part of the theater.

Herewith is an example from an ENCA television broadcast:

*Thousands of Christian women, who were accompanying their religious leader to the hearings, were shown ululating and shouting to their religious leader “my father, my father, my father,” while others call out “my bishop” and men were shown blowing vuvuzelas and whistle excitedly as they occupied Queens Road in Parktown, Johannesburg. This was after a top-of-the-range black Mercedes-Benz S65 has just stopped opposite them, triggering this thrilled reaction from the crowd. They scream “my bishop” to their leader. Two heavily armed guards got out of this particular religious leader’s luxury car for a security check. As the crowd screamed more, another black Mercedes-Benz with tinted windows stopped opposite the S65. Unarmed guards carried out similar procedures. People in black T-shirts bearing the words “I am who God says I am” were shown shouting “my father, my father” to their leader.*

Insults and death threats were the norm, and in a certain instances, the chairperson of the CRL Rights Commission was even called a devil worshipper, a Satanist, and even the Devil's girlfriend.

These types of challenges and impediments mentioned above resulted in protracted hearing sessions and even calls for emergency evacuations in some instances due to the security personnel advising the CRL Rights Commission that the situation was too dangerous for the CRL Rights Commission staff and Commissioners.

However, it has to be noted that while some religious organisations posed challenges and impediments, the majority responded in a positive manner and appeared before the CRL Rights Commission relatively well organized and prepared for the hearing. These manifested in several ways:

- Understanding the statutory objects, powers, and functions of the CRL Rights Commission;
- Taking the prescribed oath without objection;
- Submitting required documents;
- Explaining the places/regions of operation within South Africa and in some cases outside South African borders;
- Explaining their beliefs/dogmas/doctrines.

There were certain variables which brought to attention the lapses or failure to comply with legislation. We shall refer to examples under 'Substantive Issues'.

## **12. SUBSTANTIVE ISSUES**

A wide spectrum of issues surfaced as leaders/representatives of the religious organisations appeared before the CRL Rights Commission. These can be summed under the following overarching themes:

- i. Serious, but not necessarily deliberate Organisational and administrative deficiencies. This includes failure to register as NPO's and maintaining of financial records;
- ii. Deliberate exploitation of poor and vulnerable people because of the commercialisation of religious practices, through assumption of divine/missionary right to directly or indirectly solicit and receive gifts/offerings/tithes in cash or in kind from their members (e.g. earnings, pension payouts, movable property, immovable property, etc.) without commitment to responsible financial management and accounting;
- iii. Loopholes in legislation which is enhanced by lack of enforcement;
- iv. Abuse of media privileges, such as using TV slots as a way to advertise themselves or their faith or holy products and claims of healing powers of a wide range of illnesses and socio-economic challenges. Advertising products without complying with the ASA legislation;
- v. The unavailability of the police to come to the rescue of the CRL Rights Commission when under extreme physical threat from some Religious leaders and their congregants;
- vi. Instigating/inviting/inspiring deification and hero-worship of church leaders by members of their churches ("personality cult");
- vii. Subjecting members to practices and rituals that evoke questions of human rights and ethics;
- viii. Subjecting members to control by extremists/fundamentalists such as forbidding children to attend school, refusal to use banking facilities and keeping money collected in safes in the institutions, etc;
- ix. Recommending/prescribing untested diagnosis/ prognosis in health matters;
- x. The use of personal bank accounts as the institutions' account;
- xi. The assertion and justification of registering as private companies and earning funds as entertainers and not as religious practitioners;

The cases presented ranged from what can be described as “descending from the sublime to the ridiculous.” We would like to give five examples of substantive issues, to give some of the minutiae of some points of contestation involved:

### **12.1 Upset with the investigation**

In Gauteng, one representative of a particular church asked to read a statement before making a presentation. The statement objected to the procedure, which the CRL Rights Commission followed: “We received the summons which were originally sent to our president who can’t be here because of other prior commitments. As a point of departure, we want to put the matter of the subpoena threatening us with arrest and jail sentence on the table. We are of the opinion that there is no clear complaint against our church. The subpoena, therefore, is in our mind irregular, legally irrational. As a religious community, this is a clear violation of the rights afforded to us in section 15 section 30 and section 31 of the South African Constitution. In the light of these facts, we want to put on record that your actions have violated our rights as enshrined in the Constitution of the Republic of South Africa.”

### **12.2 Extremists**

As an example, we refer to a particular Ministry that is based in the Eastern Cape. They explained their roles as being of divine intervention on earthly matters and comprise of seven representatives. They refused to take the prescribed oath, reluctantly opted for a solemn affirmation, but refused to repeat the words of the solemn affirmation after the swearing-in. In fielding the opening questions, they stated that the summons was not relevant to them. Their leader argued his case thus:

“We have not brought along our documents [...] When I looked at the invitation I found that in that invitation there is nowhere where I fit in [...] Our mission is to return the world to Jehovah, God [...] We have not registered anything in this world [...] We do not have any of the documents which were required of us [...] we do not have them [bank statements] [...]”

He continued in [isi]Xhosa through an interpreter:

“The seven of us here are angels from the heavens [...] We came from Jehovah [...] On our way we created for ourselves a father, [...] Here on earth he was the founder of the Angel Ministry [...] In heaven we created a father and a mother [...] ... on his way we gave our father instructions to declare and pronounce the name of God on earth [...] We informed him that we would come through him on earth in the form of flesh [...] some were born, but this seven was given birth through the flesh. [...] Lucifer came to this world and breathed on the South African Constitution and schools ... he took schools for himself [...] took the constitution for himself ... God gave us an instruction that our time has come [...] we healed people [...] here we are saying that education is wrong [...] because Satan has taken over the schools ... he was allowed by Nelson Mandela, Rolihlahla [...] I am not a pastor, [...] I am an angel from heaven [...] I sit at the right hand of the father ... we say children should not go to school as the devil has infiltrated schools [...] and we say people should not listen to the constitution because Satan drives it [...] that is why we say people must stop working [...] Mandela was forced to sacrifice his grandchild so that during the games [2010] there should not be disruptions [...] We are not ministers, [but] we are angels [...] “

### **12.3 Foreign Religious Leaders**

We were presented with an example of a foreign-based church operating in South Africa. This church is registered in South Africa, but the headquarters are based in the Federal Republic of Nigeria. In South Africa, almost all its pastors are Nigerians. Its leader/head, a Nigerian citizen, is reputed to be one of the richest people on the African continent. The head of the church designation is “General Overseer.” There are different branches in seven countries in southern Africa, and together they constitute the Regional Office.

On testifying on financial matters, the representative made the following points, *among other things*, that:

The Organisation received tithes and offerings from members, which were channeled to the Regional Office. The Organisation owns a TV Channel, the Television Ministries, and broadcasts across the world from studios in South Africa. The channel paid R400 000.00 (four hundred thousand rands) monthly for broadcasts and received up to R9m per year from Nigeria. The Nigerian pastor in charge of the local church did not have a work permit with the church but had one for a private company. At the time of the hearing, he was no longer working for this company but full time for the religious organisation, despite the fact that he did not have a relevant permit. Salaries of pastors of the local division of the religious organisation were paid from funds received from Nigeria. “If you look at our income and expenditure and financial statements and then you will realise that we are receiving millions of rands from Nigeria; it’s money that comes in to South Africa and [...] That’s why we are growing in South Africa [...] We started with nothing [...] You will see in our financial statements that we have a whole lot of properties. Most of them, they are fully paid [...] so, we try to encourage our people so that they know the Lord but also give because it is when you give when you receive [...]”

#### **12.4 Fear**

An example is drawn from a particular religious community and the fears they expressed. The representatives cooperated with the CRL Rights Commission in all respects, i.e., appeared on the set date, took the oath and did a presentation as required. However, about submission of financial statements and the summons, at the conclusion of their presentation, the Chairman of the Community raised the following concerns:

“I have a concern with the procedure that was used to bring me here [...] it was unnecessary to bring me here by way of summons. I believe that it would suffice just to be invited to attend the hearing.

I have a problem with our community being connected today in the press, with an investigation into effectively religious malpractice. In the public perception, [...] we are now connected with this malpractice. I have brought the documentation that

you have asked me for. However, I also wish to voice some concerns here. The first instance is, the Commission is entitled to request someone to bring documents, but there is also in section seven-a clause, which says that the commission is only entitled to hold those documents as long as is reasonable. There are in particular two documents, which I consider to be privileged. Firstly, one's bank statements; as a legal practitioner I'm fully aware I cannot walk into a bank and ask for somebody's bank statements [...] I believe that we have a constitutional right to privacy and what is discussed at an AGM is something which is private to those who have been invited to attend. I have the documentation you are looking for [...] Otherwise, I have got the other documentation."

### **12.5 Undesirable behavior**

Leaders of some religious organisations displayed undesirable behavior, and serious disrespect to the Commissioners. They also instigated some of their followers/members, who gathered outside the premises of the hearing. An audio-visual recording of one of the sessions, which took place at the premises of the CRL Rights Commission, portrayed the following incidents:

One Religious leader is seen walking and talking to his fellow church members... (The gathering sings "Sibatshelile, wema [...] uyeza uJesu wethu[...] Ha,ba rebolaye man! Ha,ba rekwalle. They will never stop us. 'Never' [*We told them [...] our Jesus is coming [...] Let them kill us, man! Let them lock us up. They will never stop us. 'Never'*].

Religious leaders: Kematlanthoena. Matla 'Matla' [*This thing is power. Power, Power*].

(Stopping to talk with another pastor, who is on his way out.)

Religious leader: Ha kenatabahorenabareng, disatanetsena (he laughs). Re emeleha regetare ya kwana. Kereke e batla ho re fatjhelete. Satanetsenadieme [...] [*Wait for us and when we finish we go there. The church wants to give us money. These devils are standing in our way [...]*].

## **12.6 Cyber Bullying and Disinformation**

The CRL Rights Commission's Facebook page was littered with insults directed at the CRL Rights Commission, and the Chairperson of the CRL Rights Commission in particular. This ranged from threats to her safety and general personal insults. One church even had, and still has, a special video on their facebook page titled "The truth about the CRL." This video shows the leader of this church telling his congregants that the CRL is a creation of the Dutch Reformed Church and was established to close down African Indigenous Churches. It is also interesting to note that the insults on the CRL Rights Commission's facebook page came from congregants of this church. The CRL Rights Commission has also laid charges of intimidation against a member of this church who made death threats against the chairperson of the CRL Rights Commission.

## **13. RELIGIOUS FREEDOM AND THE CRL RIGHTS COMMISSION**

The CRL Rights Commission respects the right to religious freedom in all its dimensions as protected in sections 15 and 31 of the Constitution of the Republic of South Africa and as explained further in the Charter of Religious Rights and Freedoms. Among other matters, outlined in the Charter are; the right of every person to believe and to manifest those beliefs and to determine their doctrines and regulate their internal affairs. The CRL Rights Commission further supports the duties of the state to create a positive and safe environment for the exercise of religious freedom and to act impartially and without unfair discrimination against anyone on the grounds of faith, religion, or religious affiliation. The CRL Rights Commission further respects the rights and status of religious organisations as institutions of civil society and acknowledges that much of what needs to be done, can only be achieved through cooperation between the state, the CRL Rights Commission, and the religious sectors.



However, while the CRL Rights Commission promotes and protects the religious freedoms, it also has the responsibility to guard against the undermining and abuse of this very religious freedom, hence the need for the investigative study.

#### **14. SUMMARY OF FINDINGS**

The investigative study has revealed that the ideas mentioned above seem to have been undermined by some factors. The CRL Rights Commission found that

##### **14.1 There is a prima facie evidence of commercialization of religion.**

We heard of many examples where:

- i. People are expected to pay substantial amounts of money before blessings and prayers could be said over them.
- ii. Blessed water and oils are sold to congregants at a high marked up price.
- iii. Access to the spiritual leader or traditional healer is only guaranteed by payment of a fixed amount of money.
- iv. T-shirts, Towels, and Vaseline are sold to congregants for good luck.
- v. Banks speed points are used for people to swipe their bank cards during ceremonies.

##### **14.2 Compliance with the Existing Laws**

- i. Some churches are not registered either with the Department of Social Development as either NonProfit Organisations or with SARS as Public Benefits Organisations.
- ii. Some religious organisations or institutions operate freely without registration or a licensing certificate.
- iii. Some that are registered with Department of Social Development do not even report yearly to the Department as required by law.
- iv. Some do not even disclose to SARS the amount of money they make per year and thus avoid paying tax.

##### **14.3 Lack of Good Governance Structures**

- i. Some Institutions have no Codes of Conduct.
- ii. Lack of oversight structures such as Church Council, Disciplinary Committee etc.
- iii. In some instances, institutions are controlled and owned by one person.
- iv. In some cases, the finance committee and other church committees are made up of the spiritual leader, his wife, and some of his friends.
- v. Lack of leadership successive plans which eventually lead to conflict, division and litigation.

#### **14.4 Misuse of the Visa Application Systems**

- i. Some pastors apply for a different type of visa, like a visitor's visa or temporary visa, and yet once inside the country, they demand a permanent visa or residence visa.
- ii. Some foreign Religious leaders misuse the South African Visa Application processes.

#### **14.5 Flouting of Banking Rules**

- i. In some cases, money collected from the members is never banked with any commercial bank.
- ii. In some cases, where banking is happening, the money is banked not into the institution's account but the spiritual leader's account, thereby becoming both the pastor and treasurer.
- iii. Lack of fiduciary committees such as finance, internal audit and financial management.

#### **14.6 Avoidance to Pay Tax to SARS**

- i. Most institutions are registered as NPO, and yet their annual turnover is way beyond the NPO limit, and yet they do not declare this to SARS.

#### **14.7 Uncontrolled Movement of cash in and out of the country**

- i. Some religious institutions tell their congregants that money has to be paid to their headquarters, and most of these head quarters are based out of the country.
- ii. Some religious leaders do not apply from the Reserve Bank before money is repatriated out of the country.

#### **14.8 Mushrooming of Religious Institutions**

- i. It has become very easy to establish churches in the country unlike in other African countries.

#### **14.9 Illegal and Unethical Advertising of Religious and Traditional Healing Services**

- i. News paper adverts, posters, and leaflets are used to advertise and promise people healing, enrichment, jobs, luck, or to solve people problems, for example, a woman who was struggling to have children had to part with plus minus R250 000.00 with a promise to get a child.

#### **14.10. Property bought with the Communities money**

- i. In some cases the title deeds of these religious properties ends up being inappropriately registered, for example, registered in the Spiritual leaders' name.
- ii. This encourages the building of family empire while using public money.

#### **14.11 Operation of Religious Institutions as business**

- i. Lack of clear separation between religious activity and business activity.

#### **14.12 Lack of Religious Peer Review Mechanism**

- i. This has led to some people in the sector doing whatever that they like with no accountability to anyone.

- ii. No one could call to order people undertaking questionable religious practices like feeding people grass, snakes, rats, drinking petrol, locking people in the deep freezer, driving over people, etc.

## **15. RECOMMENDATIONS**

- i. The investigative study highlighted the need to protect religious freedom without attempting to regulate it from the side of the state. However, as specific current practices in the religious sector infringe on constitutional rights of congregants and violate existing legislation, we recommend religious communities to regulate themselves more diligently to be in line with the Constitution and the law. Communities should exercise their religious freedom with due regard to their legal, ethical and community responsibilities.
- ii. The Constitution leaves scope for all kinds of beliefs and opinions. Even views that some may regard as extreme are allowed and should not be regulated. However, when views lead to the abuse of human rights (for example, hate speech as indicated in article 16(2)), or to the violation of the law, there is cause for concern. For example, it is a matter of concern when religious freedom is taken to the level where children are prevented from attending school, as it is a violation of the Constitution and existing law.
- iii. Existing legislation affecting the various aspects of religious organizations (training/education, employment, registration, immigration legislation, etc.) needs to be enforced with due diligence because the hearings showed that many loopholes exist and create opportunities for abuse, for example, where a religious Organisation is registered as a Public Benefit Organisation but in fact operates as a business making profit over and above the threshold allowed for PBOs, SARS has the power and responsibility to deal with the matter. Or if they are registered as a Non-Profit Organisation (NPO) and fail to comply with the requirements of the NPO Act (to have a Constitution; keep proper

accounting records and regularly submit financial statements; regularly submit narrative reports of the Organisation's activities and office-bearers, etc.), The Department of Social Development may cancel the church's registration as an NPO and, in certain circumstances, even refer the matter for criminal investigation. However, the hearings showed that this does not happen. Under the Immigration Act, foreign pastors who do not have the necessary visas to reside or work in the country, may be arrested, deported, fined, and imprisoned, etc. Numerous examples were also given where this does not happen.

- iv. Although religious organizations exist as voluntary Organisations; the CRL Rights Commission should provide essential assistance in helping Organisations to get their house in order and to ensure compliance with existing legislation and propose new legislation. The current disregard of fiduciary responsibilities is a serious concern.
- v. Religious Organisations need to understand their responsibility in connecting Religious Freedom and recourse to ethical and community responsibility.
- vi. Religious organisations guilty of fraud, or misappropriation of funds, should be prosecuted and be held liable regarding the law. It is a serious concern that this does not happen.
- vii. There is a definite need to refer specific cases where organisations do not comply with the law, to the relevant authorities (e.g. the National Prosecution Authority).
- viii. Schisms and Disputes within religious organizations often accompanied by or for financial reasons could be avoided for the mutual benefit of the organisations and community. Religious organisations must get their house in

order, among other things by proper training and putting proper internal rules in place.

- ix. There is an established and exponential increase in religious organisations and leaders of foreign origin. There is an appreciation for bona fide foreigners serving the South African nation, but the evidence has shown that in some cases they display a propensity for amassing money. The Department of Home Affairs should play a crucial role in curbing this abuse when considering visa applications.
- x. Each institution must have a finance committee, chaired by a duly elected member of the institution. The Treasurer must also be duly elected, while the religious leader should become an ex-officio member, if necessary.
- xi. To solve the leadership succession challenges, each Religious institution should elect its leadership as per the provisions of its own constitution.
- xii. Religious Institutions should elect their own oversight structures to manage the financial and internal affairs of the institution.
- xiii. Where an anomaly exists where religious leaders buy property with the communities' money and later own that property, proper investigations must be conducted first to establish this allegation. Where the fact is established, a report must be tabled to the congregation and the religious leader must take corrective measures.
- xiv. Clear separation between business activity and religious activity should always be maintained. While the Religious institutions are free to start businesses in their own business space, businesses should be registered in the normal course.

## **16. PROPOSED IMPLEMENTATION OF RECOMMENDATIONS**

- i. Religious Organisations as they enjoy various benefits when it comes to taxation should be organized and registered in some ways, either as non-profit companies, Non-Profit Organisations or as Public Benefit Organisations. Failure of some institutions to comply with the requirements of their registration should see institutions deregistered and licenses revoked.

## **17. MOTIVATION FOR A NEW REGULATION**

The CRL Rights Commission is of the view that there are several reasons for the Religious Sector to be regulated:

- i. The Religious Sector needs the powers to regulate itself with the aim of bringing their various religions the respect they deserve.
- ii. The traditional structured religions along with religious institutions that have structured systems in place should be able to articulate them and thus be accredited to act as “umbrella Organisations” or associations.
- iii. While religious institutions will all be expected to fall under an umbrella Organisation, freedom of association should be paramount in affiliation to umbrella Organisations.

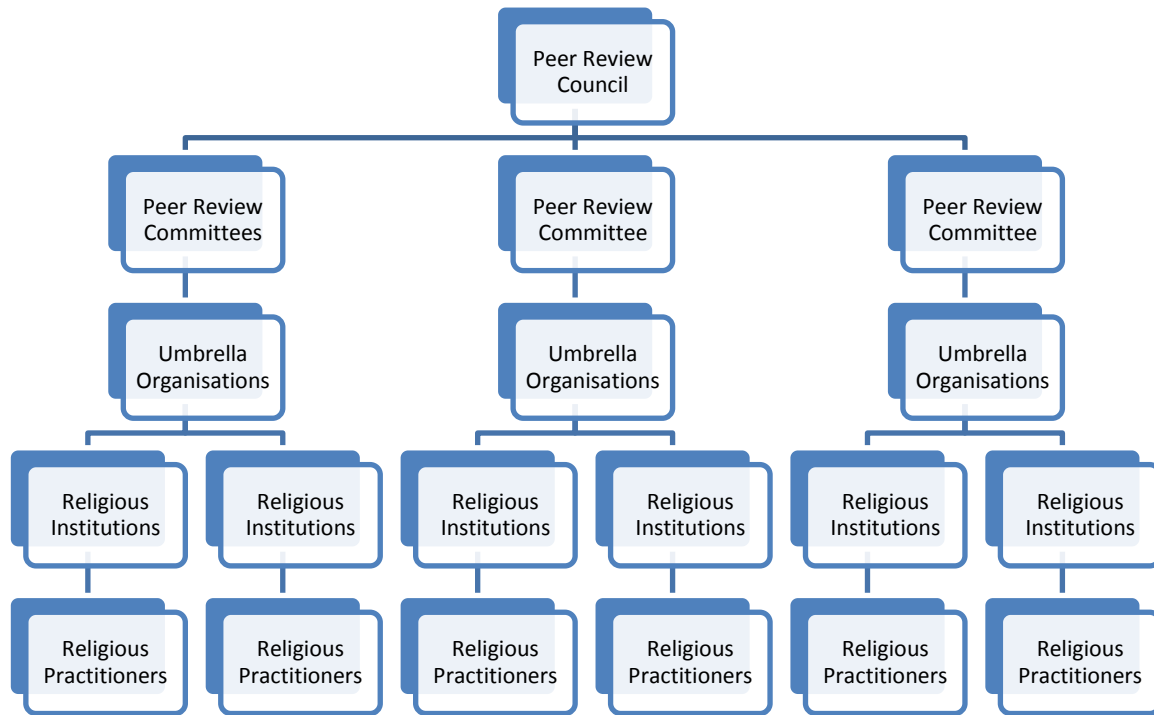
The Fundamentals of the proposed legal framework should be the following:

- There must be a Peer Review Council, which will consist of peers from each Religion that will give permission to operate to individual religious leaders.
- There must also be Committees of each religion, e.g. Christian Peer Review Committee who’s Chairperson will be a member of the Council.

- Each Religious Committee will have a dispute resolution mechanism which they will establish themselves
- Each religion would then have accredited umbrella organisations that are associations, which will be given powers to recommend the licensing of institutions and individual practitioners. They will also apply to the Peer Review Council for the withdrawal of licenses of institutions and religious practitioners.
- Communities and individuals will be able to lodge complaints about religious institutions and individual practitioners to the umbrella organisations (Association) the institutions or practitioners belong to. The disciplinary procedures would be conducted by the umbrella organisations. The communities or individuals that have complained and institutions or practitioners accused can appeal to their Religious Committee and then to the Peer Review Council if they are not satisfied with the decisions taken by it. The Peer Review Council will be the final arbiters before the matter goes to Court.

## **18. THE PROPOSED ACT AND ITS PROCESSES**





### 18.1. Religion Accreditation

The proposed Act must establish the criteria and procedures required for a religion to qualify to be recognized as a religion. The proposed Act should identify the requirements for a religion to qualify as a religion such as that:

- i. The Religion must have a Religious Text that has a defined origin or an origin proved so ancient that no one alive can remember the true origin.
- ii. The founding documents of each religion should be significantly different.
- iii. The Religion should have a significant number of followers that believe in and that adhere to the tenants of the faith.
- iv. The Religion should have a set of rules and practices that order the lives of followers in a specific and particular way that benefit the followers. No

- practice should be allowed if deemed to have a harmful effect on the physical or mental well-being of its followers or if deemed exploitive of those that practice it.
- v. The rules and practices of religion should not exploit society in general for the benefit of the religion and at the expense of the religious freedoms of others.

**18.2 Licensing of a Religion**

For a religion to be recognized, they would need to adhere to the prescripts of the proposed Act.

That the Peer Review Council shall only issue such an operating license once the religious institutions comply with the requirements as stipulated in the proposed Act.

That no license may be withheld on the grounds of doctrine unless such doctrine is deemed potentially harmful, physically and mentally to those who practice it or if such doctrine is not found in the tenants of the religion and which bring the religion into disrepute.

**18.3. Peer Review Council**

- i. This Council will be made up of representatives of all religions.
- ii. It shall act as an appeal board to mediate in any matter concerning the registration of religion or any disputes that may arise through the different religious committees that cannot be resolved by the specific religious peer review committee.

- iii. The procedure will be outlined in the proposed act on how a complainant will lodge their appeal with the board.

#### **18. 4. Religious Peer Review Committee**

The proposed Act should establish and recognize a peer review committee for each religion; it should define what a peer review committee is, how it is registered, and what its powers and mandate are.

- i. Each religion will register a peer review committee with the Peer Review Council ensuring that it is fully representative of the religion as a whole to promote unity and harmony.
- ii. Should it be found that a significant portion of the religion is not represented, that the Peer Review Council, on request of those not represented, can ensure their inclusion in the religious committee.
- iii. The Peer Review Council will act as a mediator between the different religions with the CRL Rights Commission being the final appeal before the court on any inter-and intra religious matters.
- iv. The Peer Review Council will act as a mediator in matters between the state and the religious Sector.

#### **18. 5. Structure of a Peer Review Committee**

The proposed Act should indicate the Structure of a peer review committee and it should have the following characteristics:

- i. That religious peers review committee must represent the whole religious community and not just a portion of the religion.

- ii. That a peer review committee shall have a constitution that encourages participation, transparency, and accountability to the religion's members.
- iii. That a peer review committee needs to establish a "code of good conduct" that does not impede doctrinal differences, but that ensures that the religion complies with section 15, 18, 31 and 33 of the Constitution that ensures sound financial governance that is accountable to the followers of the religion and that ensures that abuses do not occur within the religion.
- iv. That a peer review committee needs to establish a dispute resolution procedure that will hear disputes within the religion.
- v. That a peer review committee outlines what procedure should be followed when it comes to meetings etc
- vi. That a peer review committee should outline what procedures should be followed when dealing with disputes within their specific religion.

#### **18.6. Worship Centres**

The Act will also look at the establishment of "worship centres" (churches, Masjids, Synagogues, etc.). It should give an indication as to what is required to register a Worship Centre, such as that to operate a worship center it needs to obtain a license as outlined in the proposed Act and that part of the requirements for a Licence shall be:

- i. That the minimum requirement for a Worship Centre shall be to be registered as outlined in the proposed Act;
- ii. That the Worship Centre has complied with the regulations of the Local Government that they operate in;

- iii. That it must be a member of a duly registered Association registered with the Peer Review Committee;
- iv. That it must have a constitution that promotes good governance, ethics, transparency, and accountability;
- v. That all religious leaders in charge of or working in such centre permanently or temporarily are duly registered and licensed as per the proposed Act.

That should the centre occupy a permanent or temporary structure for the primary purpose of religious practises that the Centre as part of registration with the relevant Association and the Peer Review Committee supply the following:

- a) A Compliance certificate from the local council confirming that all by-laws and ordinances were followed in the establishment of the structure.
- b) The assurance that the Worship Centre has enough congregants to maintain the Worship Centre on a donation basis or proof that there is a source of income that can maintain the Worship Centre.

### **18.7 General Religious Practitioners**

A General Religious Practitioner, being a person that imparts knowledge of the tenants of the faith to a gathering of worshipers, shall be required to obtain a license to operate.

### **18.8. Institutional Arrangement**

The CRL Rights Commission shall be responsible for the institutional arrangements to ensure that there is support for the structures proposed in the legal framework to

function effectively and independently and to allow for an effective and efficient peer review mechanism.

## **19. CONCLUSION**

The CRL Rights Commission set out to investigate and establish an understanding of the South African context about commercialisation and abuse of people's beliefs, as explained in the Problem Statement of this report. This was to be able to protect and promote religious freedom and curb apparent and prevalent abuses and malpractices, by the governing Act. The CRL Rights Commission would like to make the following observations and conclusion:

- i. Throughout the hearings, the CRL Rights Commission adhered to the objectives of the project at hand, notwithstanding attempts of certain leaders/Organisations to derail the hearings from core issues to irrelevant matters, and sought to challenge the jurisdiction of the CRL Rights Commission.
- ii. During the hearings, the panel acted without fear, favour, or prejudice towards any Organisation/institution, which was summoned to appear at the hearings.
- iii. In conclusion, the CRL Rights Commission observes and acknowledges Freedom of Worship and Freedom of Association as inalienable rights enshrined in the Constitution of the RSA, section 15 (1) and 18 respectively and as explained in the Charter of Religious Rights and Freedoms that formed a foundation document for the investigative study.
- iv. However, facts presented, explicitly and by implication, during the hearings, led to the conclusion that Religious Freedom has been interpreted, enacted, and exercised in ways, which cannot pass the "reasonable man/person" or "objective observer" test.
- v. The imperative about exploitation and therefore financial matters led the CRL Rights Commission to infer that there were financial issues (income, expenditure, accounting practices, declaration of assets, banking, foreign

exchange, etc.) which were unlikely to pass stringent tests and were not legally above board. This *prima facie* inference is plausible and remains to be tested by means and instruments other than the mandate and methodology of these investigative hearings.

- vi. The conclusion of the CRL Rights Commission is that some of these institutions need to be handed over to organs of state, which deal with such matters, for example, the National Prosecution Authority (NPA), Department of Home Affairs, and the Department of Social Development.
- vii. It remains a serious concern that because of fear or whatever other reason, some religious leaders gave the impression that they are above the law and that no process would affect them and they would simply contravene any legal framework put in place.

## 20. REFERENCES

### 20.1 Legislation

- Constitution of the Republic of South Africa, 1996.
- Promotion and Protection of the Rights of Cultural, Religious, and Linguistic Communities Act 19 of 2002.
- The South African Charter of Religious Rights and Freedoms

### 20.2 Newspaper/online articles:

- *News24* “Churches cannot be spaza shops – rights commission” <http://www.news24.com/SouthAfrica/News/Churches-cannot-be-spaza-shops-rights-commission-20151025> 2015.10.25 16:38 (News24 correspondent) (accessed on 17.4.2016).
- 702 Afternoon Drive with Xolani Gwala, “Court rules that CRL hearings be made public,” 6 November 2015 12:24 PM, [www.702.co.za/articles/6226/crl-hearings-bishop-mosa-sono](http://www.702.co.za/articles/6226/crl-hearings-bishop-mosa-sono) (accessed on 1.4.2016).
- *Business Day*, “Pastors call me a devil worshiper, says CRL Rights Commission head”, 20 November 2015, 8:49 (Lizeka Tandwa) <http://www.timeslive.co.za/local/2015/11/20/Pastors-call-me-an-Antichrist-and-a-devil-worshiper-says-CRL-Rights-Commission-head> (accessed on 1.4.2016).
- *JSD*, “S. African government investigates Commercialisation of religion and Abuse of People’s beliefs. Threatens church leaders with jail sentence ...” November 26, 2016, <https://jide-salu.com/2015/11/26/s-african-govt-investigates-commercialisation-of-religion-and-abuse-of-peoples-beliefs-threatens-church-leaders-with-jail-sentence/> (accessed on 17.4.2016).



- *Sowetan*, “CRL rights commission puts ZCC on the radar for grilling” Dec 20, 2015 (Sibongile Mashaba) <http://www.sowetanlive.co.za/news/2015/12/20/crl-rights-commission-puts-zcc-on-the-radar-for-grilling> (accessed on 17.4.2016).
- *The Citizen*, “CRL must fall – Bishop Zondo,” 5.11.2015 11:00 am. (Vicky Abraham) <http://www.citizen.co.za/853475/crl-commission-must-fall-bishop-zondo/> (accessed on 17.4.2016).
- *IOL*, “Zion Church’s finances to remain private,” 16 February 2016 at 20:18pm (ANA Reporter) <http://www.iol.co.za/news/south-africa/limpopo/zion-churchs-finances-to-remain-private-1985397> (accessed on 17.4.2016).
- *Rise in Shine A fresh approach to local news in Limpopo*: “ZCC leader praised by CRL Commission” (admin) <http://www.rise-n-shine.co.za/zcc-leader-praised-by-crl-commission-zcc-leader-praised-by-crl-commission/> February 18, 2016
- *ENCA*, “NOTHING UNHOLY ABOUT THE ZCC’s financial statements, Wednesday 17 February 2016 – 8:20am (<https://www.enca.com/south-africa/zccs-financial-affairs-order-church-council>) (accessed on 17.4.2016).  
*Ranalainetalkpoliticalanalysis*, “The CRL errs in narrow target and approach” (5 November 2015).

### **20.3 Other Documents:**

- **The South African Charter of Religious Rights and Freedoms**  
<http://www.crlcommission.org.za/docs/sacrrf.pdf>

## **21. ANNEXURES**

### **RELIGIOUS/TRADITIONAL INSTITUTIONS SUMMONED BY THE CRL RIGHTS COMMISSION**

#### **RELIGIOUS INSTITUTIONS**

- A. CHARISMATIC (Special Gifts e.g Healing) = 20

- B. PENTECOSTAL (Holy Spirit) = 27
- C. AFRICAN INDEPENDENT = 10
- D. MAIN LINE = 11
- E. JUDAISM = 2
- F. RASTAFARAI (NAYABHINGI HOUSE & National Rastafari United Front) = 2
- G. AFRICAN RELIGION = 1
- H. AFRICAN TRADITIONAL HEALING AND SPIRITUALITY = 7
- I. HINDU MAHASABA = 1
- J. ISLAM= 1
- K. BAHAI =1
- L. NICSA=1
- M. FORSA =1

**GRAND TOTAL = 85**

### **RELIGIOUS INSTITUTIONS NAMES**

<b>RELIGIOUS INSTITUTION</b>	<b>LEADER</b>	<b>PROVINCE</b>
	<b>GAUTENG</b>	
<b>1.Rabboni Centre Ministry</b>	Pastor Lesego Daniels	<b>Gauteng</b>
<b>2.Incredible Happenings Ministries</b>	Prophet Paseka Motsoeneng	<b>Gauteng</b>
<b>3.Rivers of Living Waters Ministries</b>	Archbishop Stephen Zondo	<b>Gauteng</b>
<b>4.Rhema Bible Church</b>	Rev. Ray McCauley	<b>Gauteng</b>
<b>5.Rock of Victory Ministries</b>	Rev. Francis Anosike	<b>Gauteng</b>
<b>8.Nederduiste Gereformeerde Kerk</b>	Dr. Gustav Klaassen	<b>Gauteng</b>
<b>9. Judaism</b>	Chief Rabbi Dr. Warren Goldstein	<b>Gauteng</b>
<b>10. Lutheran Church of South Africa</b>	Bishop Horst Muller	<b>Gauteng</b>
<b>11.Seventh Day Adventist</b>	Dr. Paul Ratsara	<b>Gauteng</b>
<b>12.Gereformede Kerk in</b>	Dr. Fanie van der Skyff	<b>Gauteng</b>

<b>Suid Afrika</b>		
<b>13. Universal Church</b>	Bishop Marcelo Pires	<b>Gauteng</b>
<b>14. Apostolic Faith Mission of South Africa</b>	Dr. J la Poort	<b>Gauteng</b>
<b>15. Agape International Ministries</b>	Pastor Busisiwe Thebehali	<b>Gauteng</b>
<b>16. The Congregational Church of South Africa</b>	Rev. Thulani Ndlanzi	<b>Gauteng</b>
<b>17. Afrikaanse Protestante Kerk</b>	Dr. Dominee Lubee	<b>Gauteng</b>
<b>18. Word in Action Ministries</b>	Prophet Maurice	<b>Gauteng</b>
<b>19. Grace Bible Church</b>	Pastor Mosa Sono	<b>Gauteng</b>
<b>20. Apostolic Faith Church</b>	Rev. Jacob Mogola	<b>Gauteng</b>
<b>21. Enlightened Christian Gathering</b>	Prophet Sheperd Bushiri	<b>Gauteng</b>
<b>22. Methodist Church of South Africa</b>	Rev. Ziphozihle Siwa	<b>Gauteng</b>
<b>23. The Southern African Catholic Bishops Conference</b>	Archbishop Stephen Brislin	<b>Gauteng</b>
<b>24. Kingdom of Life Embassy</b>	Rev. Maxwell Holland	<b>Gauteng</b>
<b>25. Rastafari (Nayabhangi House)</b>	Ras. Peace and Ras Thabo	<b>Gauteng</b>
<b>26. International Pentecostal Church</b>	Comforter Glayton Modise	<b>Gauteng</b>
<b>27. End of Time Ministries</b>	Pastor Panuell Mnguni	<b>Gauteng</b>
<b>28. Anglican Church of Southern Africa</b>	Bishop Peter Lee	<b>Gauteng</b>

	<b>KWA-ZULU NATAL</b>	
29. His Glory Worship Tabernacle	Pastor Vusi Dube	<b>KZN</b>
30. Healing Centre Ministry	Pastor Val Wolff	<b>KZN</b>
31. Apostolic Faith Church	Pastor T. Luhlongwane	<b>KZN</b>
32. Umlazi Oasis Fellowship Centre	Pastor Themba Mthethwa	<b>KZN</b>
33. Apostolic Faith Mission	Rev. J.T. Mbotho	<b>KZN</b>
34. Durban Christian Centre	Pastor John Torrens	<b>KZN</b>
35. Covenant Fellowship Church International	Apostle Mandlenkosi Dhlomo	<b>KZN</b>
36. Traditional Healer	Dr. Bhedlindaba Mkhize (TRD)	<b>KZN</b>
37. New Hope Ministries	Pastor Daniel Vengtas	<b>KZN</b>
38. Glen Ridge Church	Pastor Ryan Matthews	<b>KZN</b>
39. Traditional Healer	Dr. Sechaba Motloung	<b>KZN</b>
40. AFM	Pastor Sabelo Mdletshe	<b>KZN</b>
41. Jesus Dominion International Church	Pastor Tim Omotoso	<b>KZN</b>
42. Nala Mandate International	Dr. Hamilton Nala	<b>KZN</b>
	<b>WESTERN CAPE</b>	
43. Muslim Judicial Council	Maulana Abdul-Khaliq Ebrahim Allie ( Secretary General)	<b>WESTERN CAPE</b>
44. FORSA	Mr. Andrew Selly	<b>WESTERN CAPE</b>
45. General Faith Church in Zion	Archbishop Phakamisa Flekisi	<b>WESTERN CAPE</b>
46. Full Gospel Church of God	Pastor Gerhard du Preez	<b>WESTERN CAPE</b>
47. Shekinah Healing Ministry	Apostle Musa Mohlala	<b>WESTERN CAPE</b>
48. Iqamacu Spirituality	Mr. OnkeCetwayo (National	<b>WESTERN CAPE</b>

	Chairperson)	
	<b>LIMPOPO</b>	
49.African Religion, Culture and Health Forum	Mr. Jan Ramothwala (TRD)	<b>LIMPOPO</b>
50.Kingsway Family Church	Pastor Joseph Nwokocho	<b>LIMPOPO</b>
51. Zion Christian Church	Bishop Dr. Barnabas Lekganyane	<b>LIMPOPO</b>
52.Dinamus Gemeenskap Kerk	Dr. Johan Fourie	<b>LIMPOPO</b>
53. God's Terbanacle Christian Church	Pastor David Mulutsi	<b>LIMPOPO</b>
54.Manna Tabernacle	Pastor Strike Manganyi	<b>LIMPOPO</b>
	<b>FREE STATE</b>	
55.Traditional Healing and Spirituality	Dr. Florence Hlahane (TRD)	<b>FREE STATE</b>
56. Christian Revival Church	Pastor AT Boshoff	<b>FREE STATE</b>
57.African Presbyterian Bafolisi Church	Bishop N Swaartboo	<b>FREE STATE</b>
58. Bahai Community	Ms. Flora Teckia	<b>FREE STATE</b>
59.Holy Reformed Congregation Apostolic Church	Bishop FJ Piet	<b>FREE STATE</b>
	<b>EASTERN CAPE</b>	
60.Angels Ministry	Pastor BaneleMancobo	<b>EASTERN CAPE</b>
61. Lighthouse Family Church	Pastor Trevor Anderson	<b>EASTERN CAPE</b>
62.Presbyterian Church of Africa	Rev. George Mokabo	<b>EASTERN CAPE</b>
63. Oasis Family Church	Pastor Clinton Swartz	<b>EASTERN CAPE</b>
64. Deeper Research Bible Ministries	Rev. Robert Bagna	<b>EASTERN CAPE</b>
65. East Coast Christian Centre	Pastor Hannes Wessels	<b>EASTERN CAPE</b>
66.NUPAATSA	Dr. Solly Nduku (TRD)	<b>EASTERN CAPE</b>
	<b>NORTH WEST</b>	
67. National Rastafari United Front	Ras Motheo Koitsiwe	<b>NORTH WEST</b>
68.Camp of Fire Ministries	Prophet Ebube Osuchukwu	<b>NORTH WEST</b>
69. International Evangelical Christian Church	Pastor David Rampolokeng	<b>NORTH WEST</b>
70.National Interfaith Council of South Africa	Bishop Matebese	<b>NORTH WEST</b>

<b>71. Traditional Healing</b>	Dr. Kgang Bojang (TRD)	<b>NORTH WEST</b>
<b>72. Living Water Ministry</b>	Pastor Martyrboy Moswathe	<b>NORTH WEST</b>
	<b>NORTHERN CAPE</b>	
<b>73. Evangelical Lutheran Church</b>	Bishop William Bowles	<b>Northern Cape</b>
<b>74. City of Hope Christian Church</b>	Pastor Andre Venter	<b>Northern Cape</b>
<b>75. Dynamic Living Christian Centre</b>	Pastor Nkosinathi Bosman	<b>Northern Cape</b>
<b>76. The Redeemed Christian Church of God</b>	Pastor Christopher Ogunade	<b>Northern Cape</b>
<b>77. Grigualand West Hebrew Community</b>	Mr. Adrian Horwitz (Chairperson)	<b>Northern Cape</b>
<b>78. Traditional Healing and Spirituality</b>	Mr. Benny Collins (TRD)	<b>Northern Cape</b>
	<b>MPUMALANGA</b>	
<b>79. Traditional Healing and Spirituality</b>	Dr. Sonnyboy Msiza TRD	<b>MPUMALANGA</b>
<b>80. Church Unlimited</b>	Pastor Alan Parfitt	<b>MPUMALANGA</b>
<b>81. Church on the Hill</b>	Apostle Mxolisi Lephoko	<b>MPUMALANGA</b>
<b>82. Pastor Lovemore Manaka</b>	Victory Tarbanacle	<b>MPUMALANGA</b>
<b>83. Nelspruit Baptist Church</b>	Pastor Deon Versveld	<b>MPUMALANGA</b>

# A COPY OF SUMMONS



The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities.

33 Hoofd Street Forum IV, Braampak  
Braamfontein, Johannesburg  
Private Bag X 90 000, Houghton, 2140

Tel. 011 358 9100  
Fax. 011 403 2098  
[www.crlcommission.org.za](http://www.crlcommission.org.za)

## VERY URGENT

**NOTICE TO APPEAR BEFORE COMMISSION FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CULTURAL, RELIGIOUS AND LINGUISTIC COMMUNITIES (CRL RIGHTS COMMISSION)**

**IN TERMS OF**

**SEC. 7(2) OF THE COMMISSION FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CULTURAL, RELIGIOUS AND LINGUISTIC COMMUNITIES ACT, 19 OF 2002**

Place	Room No	Date and Time of the Hearing

**PART A: NOTICE TO APPEAR AT A HEARING**

**1. TO ANY PERSON AUTHORISED TO SERVE**

You are hereby directed to—

(a) Serve/give notice to the following person:

Full names and surname of Respondent (including person acting on behalf of another person, association, organisation or organ of state)	
ID No/Date of birth/Registration No	
Physical address	
	Code:
(i) to appear in person at the above stated place, date and time; and (ii) to remain present until excused by the Chairperson of the CRL Rights Commission/ Committee conducting the hearing, or a member of staff of the Commission, as duly designated.	
(b) serve on each of the above-mentioned persons a copy of this notice and report to the CRL Rights Commission about the service of the notice.	

**2. TO THE PERSONS WHO ARE HEREBY GIVEN NOTICE OF THE ABOVE PROCEEDINGS**





(i) The CRL Rights Commission is currently conducting investigative study hearings regarding the Commercialization of Religion and the Abuse of People's Believe Systems among Religious Institutions. On the day stated above,

(ii) You are required to deliver a 25/30 minutes presentation covering the following areas:

- **YOUR RELIGIOUS INSTITUTION HISTORY**
- **TRAINING OF YOUR RELIGIOUS LEADERS**
- **YOUR RELIGIOUS INSTITUTION GOVERNANCE STRUCTURE**
- **YOUR FUNDRAISING STRATEGIES**
- **SOLICITING OF PAYMENTS (Funerals, Weddings, Prayers etc)**
- **UTILIZATION OF YOUR RELIGIOUS INSTITUTIONMONEY**
- **TRANSFER OF MONEY OUTSIDE SOUTH AFRICA**
- **EMPLOYMENT OF FOREIGN PASTORS**

(iii) You are also required to bring with and produce articles or documents in your possession, or in your custody or under your control and which are necessary to the investigative study, including the following :

- **A Qualification Certificate from an Accredited Institution**
- **Proof/Certificate of Ordination/Anointment**
- **Religious Institution Registration Certificate**
- **Annual Financial Statements (2012 -2014)**
- **The last six-month bank statements of your Religious Institution**
- **AGM Minutes (2012 – 2014)**
- **Constitution/Code of Conduct, Disciplinary Codes, Statement of Faith**
- **Signatories to the Bank Accounts**
- **Title Deeds or lease agreement of the land you are operating from**
- **Organogram**

**Any other documentation that in your opinion will assist the Commission in reaching the truth during the hearing.**

The following persons will be in attendance during the investigation hearings:

- The CRL Rights Commission Investigative Committee Members

(iv) Please, not that you are entitled to appear with legal representation and/or a maximum of 5 members of your Religious Institution Leadership.

(v) It should be noted that section 41 of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act 2002, provides that any person after having been summoned in terms of section 7(2)(a) fails to be present at a meeting of the Commission or of an investigating committee at the time and place specified in the summons; or to remain present until excused by the Commission or Committee; or after having been called in terms of section 7(2)(b) refuses to appear before the Commission or the Committee to answer any question; or to produce documents specified in the summons, or are not in that person's custody at the meeting, that person shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year.

Should you have any enquiries, you can contact:

Name: Mr. Edward Mafadza

CRL Rights Commission (ACEO)

Email : [Eddie@crlcommission.org.za](mailto:Eddie@crlcommission.org.za)

Mobile : 0836131790

Tel No : 011 358 9100

Fax No : 011 4032098

SIGNED at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
**MRS. THOKO MKHWANAZI-XALUVA**  
CHAIRPERSON OF THE CRL RIGHTS COMMISSION  
33 HOODFT STREET  
FORUM IV  
BRAAMPARK  
BRAANFONTEIN  
JOHANNESBURG