



MEDIA RELEASE

DATE: 30 January 2014

RE: PARLIAMENT REMINDED THAT SA CONSTITUTION PROTECTS FREEDOM OF RELIGION, RATHER THAN FREEDOM FROM RELIGION

Controversial new draft legislation, named the Women Empowerment and Gender Equality Bill, was considered at public hearings at Parliament on Wednesday 29 January and Thursday 30 January 2014. The Bill, amongst other things, prescribes a minimum quota of 50% female representation in decision-making structures, and gives the Minister wide powers to enforce compliance.

In a media statement earlier this week, ACDP MP Cheryllynn Dudley expressed concern that the Bill will do more harm than good. "This does not strengthen democracy when it effectively interferes with freedom of choice and dictates on grounds of gender", she said.

FOR SA, an organisation standing for "Freedom of Religion in South Africa" and pioneered by Cape Town church leader Andrew Selley, addressed Parliament on the threat that the Bill poses to individuals' freedom of belief, as well as to the Church's autonomy to govern its own affairs in accordance with its interpretation of the Bible.

FOR SA contended that the Minister's power to decide to whom the Act will apply from time to time, is too wide and therefore unconstitutional. It contended further that Churches and religious / charitable organisations should be specifically excluded from the Act.

A FOR SA spokesperson and an Advocate of the High Court of South Africa, Nadene Badenhorst said, "as an organisation and as Christians, FOR SA is for women and unequivocally believes that the dignity, value and capabilities of women equal that of their male counterparts and are therefore equally worthy of respect, protection and promotion. As such, FOR SA commends the intent of the Bill and welcomes the efforts to liberate and strengthen the hands of women in society in broad."

FOR SA's concern however is that, while the Bill may eliminate discrimination against a certain category of women (those who see leadership as a worthy pursuit), it discriminates against other women (whose biblical conviction may be that headship - at home as in the Church - is reserved for men, may, as a result of the Bill, but against their conviction and free will, be forced to take up leadership or become part of governing structures). "While one freedom, gender equality, is won, another important freedom, freedom of choice, which includes freedom of religion, thought and belief, is lost," said Badenhorst.

"By seeking to legislate values based on its value system and interpretation of the Bible, the State is dictating what people should believe or not believe. This is a degree of thought control, which can never be justified", she told Parliament.

The Bill also allows the State to interfere with the autonomy of the Church to govern its own affairs according to its interpretation of the Bible, with the result that Churches and/or religious organisations who teach and practice beliefs that are seen to be discriminatory against women, may be forced to choose between adhering to their faith or obeying the law.

For these reasons, FOR SA believes that the Bill is open to constitutional challenge. In her conclusion, Badenhorst reminded Parliament that our Constitution entrenches freedom of religion as a fundamental right, and implored Parliament not to pass laws that will bring about freedom from religion, thereby undermining and destroying one of the hallmarks of a free and open society.

Other interest groups present at the hearing, condemned the perceived patriarchal attitudes and practices that still permeate our society, including our homes and our Churches, with some groups calling that Churches and religious organisations be specifically included in the Act.

Many interest groups pointed out other problems with the Bill, including that there is existing legislation with the same objectives; the additional administrative and financial burden that it will place on companies and organisations; and the major cost involved in implementing and monitoring the Act – all for the taxpayer's account. Following the hearings, the Portfolio Committee will deliberate on the Bill and on the way forward.

ENDS

Written on behalf of FOR SA by Nadene Badenhorst, a FOR SA spokesperson and Advocate of the High Court of South Africa.

Released by Pauline Sayers for FOR SA.

For Further Information Contact:

Pauline Sayers | 082 568 5117

Media Liaison | 021-5574667

pressoffice@forsa.org.za | **www.forsa.org.za**

Notes to Editors:

- FOR SA (Freedom of Religion in South Africa) is a forum of different Churches in South Africa and is currently in the process of being registered and established as a non-profit company. Recently, the forum was able to rally the signed support of Church leaders representing 12 million citizens on another issue relating to religious freedom. The mandate of FOR SA, is to be a voice for freedom of religion and (religious) expression in South Africa, at national level. The organisation can be contacted at speakup.za@gmail.com