



t +27 21 556 5502

a P.O. Box 50110
West Beach
Cape Town 7441

e info@forsa.org.za
www.forsa.org.za

Monday, 27 April 2020

Dear Sir/Madam,

In response to your request for comments on the Draft Framework, Freedom of Religion South Africa (FOR SA) has canvassed a wide range of leaders and organisations within the South African faith community to identify the areas where clarification is needed and where they need the specific issues and challenges they faced address so that they, in turn, are able to positively and effectively fulfil their role and mandate during this pandemic crisis.

It is well understood that the current level 5 lockdown and supporting regulations have been/are necessary to reduce infections, which typically occur via social contact. However, as these restrictions are incrementally lifted – and as our society begins to return to “normality” – it is critically important that any restriction on the faith community must be appropriate and proportional to achieve its intended, health-related purpose.

These restrictions must therefore also be open to continual review and modification as the situation changes. As such, these comments below do not put forward recommendations or proposals for a return to larger scale meetings – although discussions on this matter are underway, with a view to presenting a proposal with recommendations at a future date.

- 1) Religious organisations that are registered with CIPC as non-profit companies are able to apply for permits via CIPC’s Bizportal website.
 - How do legally permitted, but voluntary associations with a Constitution that are NOT registered with CIPC, apply for permits to perform “essential services”, such as providing social distress relief?
 - What provision of the lockdown regulations can they rely on to apply for such permits?
 - More specifically, can the Police issue such permits?
 - What documents should religious organisations’ employees take with them when applying for such a permit (e.g. the Church’s Constitution; a letter confirming employment, what type of essential service will be performed, where to whom and on which days, what times)?
 - Is there a limit on the number of permits per employer?
- 2) The regulations define “*essential services*” as including “*care*” of vulnerable people (regulation 11(b)(3)). Does this mean that religious organisations / pastors can apply under this regulation, for a permit for:
 - Food distribution to vulnerable communities / persons under their care; and/or
 - The purpose of doing pastoral visits (“*care*”) of persons in need of spiritual / grief counselling; obviously while taking care to observe the sanitisation, health and physical distancing guidelines that are already in place?

- 3) The regulations restrict the number of persons at funerals to fifty (50) people, but do not place any restrictions on the place where the funeral service is to be held.
 - Is there any reason why the service cannot be held at a church building, subject to the sanitisation, health and physical distancing guidelines that are already in place?
 - And if not, why not?
- 4) Financial relief measures in the form of payment holidays, wage support, funding or tax relief, etc. are currently offered to enterprises, businesses and companies.
 - Is (all of) this relief also available to religious organisations, irrespective of their legal registration and/or registration with regulatory bodies?
 - If yes, what are the requirements? And if not, why not?
 - If the relief is available to religious organisations, are there any specific requirements that need to be satisfied? (e.g. be in good standing with SARS TEU, or DSD; providing annual financial statements or bank records for the last 6 months; etc.?)
 - Can religious organisation staff, who are foreign nationals who contribute to UIF, claim under UIF COVID-19 TERS?
- 5) The proposed amended regulations provide for gatherings of no more than 10 people (as per the attached Risk-adjusted economic activity document that contained suggestions for post-lockdown):
 - Is it correct to assume - subject to the elderly and/or those at high risk being advised to stay home, and the adherence to the sanitisation, health and physical distancing guidelines – that this includes religious gatherings [EG] “small group” meetings in homes or elsewhere) of no more than 10 people?
 - And if not, why not?
- 6) It is legally possible for people to get married before a religious marriage officer. However, the marriage officer has a legal obligation to, in person, register the marriage with the Department of Home Affairs (DHA) within three days of the solemnisation of the marriage.
 - How will the registration of marriages be given effect to in the immediate and foreseeable future?
 - If it is impossible for the marriage officer to register the marriage, what is the recourse for SA citizens to get married during the various levels of Lockdown?
 - ALSO – is it possible (as is similar for funerals) for weddings to take place in a private home and with a limited number of close relatives present, with agreed social distancing and other preventative health measures strictly observed?
- 7) The administrative functions of religious organisations largely include financial administration and compliance and need to be able to resume at all levels, being on local assembly, regional/provincial and national level. The administrative function, albeit linked to the religious community, is separate from the “church program” and should be regarded as such.
 - At what level will religious organisations’ employees be able to resume their administrative functions from the office?
- 8) Should religious organisations only be permitted to resume their administrative functions at a certain level, would employees be permitted to enter the office before

such level is reached (provided that no one else is there), to effect a short duty – e.g. restarting the servers or resetting the alarm?

9) Many religious organisations and faiths have switched their regular “meetings” to a digital format. This has significant logistical complications in the process of preparing the components of this message with everyone isolated remotely. Typically, no more than 10 people would be needed at any one time to fulfil this purpose, but the benefit to the faith community to be able to see/hear from their leaders will be great. In this regard:

- Can the media team meet at [EG] the church venue to record and prepare for broadcast these events?

Note: This can be done in full compliance to health protocols, particularly social distancing and sanitation, with different elements of these meetings (musicians, speaker etc.) being able to be recorded at separate times.

Thank you for allowing us to engage with you during this critical time in our nation’s history.

We look forward to receiving clarity regarding the above questions.

Your sincerely,

MICHAEL SWAIN

Executive Director – FOR SA