

**DRAFT LETTER TO BE PLACED ON INDIVIDUAL'S LETTERHEAD – IF ANY**

<b>To:</b>	<b>The South African Law Reform Commission (SALRC)</b> Mr Pierre van Wyk Researcher Per email: <a href="mailto:pvanwyk@justice.gov.za">pvanwyk@justice.gov.za</a>	
<b>Re:</b>	<b>Invitation for Comments on <u>SALRC Discussion Paper 152: Single Marriage Statute</u></b>	
<b>From:</b>	Name / Surname:	_____
	Identity number:	_____
	Physical Address:	_____ _____
	Tel:	_____
	E-mail:	_____

**Date:** DD / MM / YYYY (Deadline: 17 May 2021)

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Dear Mr van Wyk,

1. I (**INSERT:FULL NAME(S) AND SURNAME**) refer to the invitation for written submissions on the South African Law Reform Commission's (SALRC's) [Discussion Paper on a Single Marriage Statute](#) ("the Paper"). The Paper includes two draft Bills (Options 1 and 2), the content of which are virtually the same.
2. (**INSERT ONLY IF APPLICABLE**) I am a registered religious marriage officer under licence number (**INSERT**).
3. I (**INSERT:FULL NAME(S) AND SURNAME**) am gravely concerned that ***the draft Bills do not expressly protect religious marriage officers' freedom of conscience, religion, thought, belief and opinion*** (section 15 of the Constitution) – particularly not to solemnise any marriages that go against their and/or their organisations' constitutionally protected conscience, religion and belief.

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4. As a result, a Christian marriage officer may, for example, be forced to solemnise a Hindu, or a polygamous, marriage; a Hindu marriage officer may be forced to solemnise a Muslim marriage; and a Muslim marriage officer may be forced to solemnise a same-sex marriage even if it violates his/her religious convictions and beliefs, etc.
5. ***This is clearly not the intention of the Bills, nor would it be constitutional to force religious marriage officers to violate their freedom of conscience, religion and belief (section 15), and/or the autonomy of the religious organisations to whom they belong (sections 15, read with 18 and 31) in this way.***
6. In the circumstances, I (INSERT:FULL NAME(S) AND SURNAME) believe it **imperative** that a Clause, similar to the one below, be included in the Bills:

**Proposed Clause:**

- (1) *Notwithstanding anything to the contrary in this Act or in any other Act of Parliament, a religious marriage officer may refuse to solemnise a protected relationship (alternative for purposes of Draft Bill Option 2: “marriage or life partnership”).*
- (2) *In particular, a religious marriage officer may refuse to solemnise a protected relationship (alternative for purposes of Draft Bill Option 2: “marriage or protected relationship”) by reason of, but not limited to, any of the following:*
  - (a) *the religious marriage officer's religious convictions and beliefs do not allow solemnisation of the protected relationship (alternative for purposes of Draft Bill Option 2: “marriage or protected relationship”); or*
  - (b) *the refusal conforms to the religious convictions, beliefs, doctrines, disciplines, formularies, rites and/or tenets of the religious organisation or body to which the religious marriage officer belongs; or*
  - (c) *the refusal is necessary to avoid injury to the religious susceptibilities of adherents of that religion, or the religious organisation or body to which the religious marriage officer belongs.*

Yours faithfully,

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Name / Surname: