

Report to SACC Central Committee on CRL Sec 22

Presenter: Rev Oscar Madlala
7th November 2025

Psalm 72

4. May he defend the afflicted among the people and save the children of the needy; may he crush the oppressor.
12. For he will deliver the needy who cry out, the afflicted who have no one to help.
13. He will take pity on the weak and the needy and save the needy from death.
14. He will rescue them from oppression and violence for precious is their blood in his sight.

Scope

- Background – 2018 Report of the Portfolio Committee –COGTA: Commercialisation of Religion and abuse of people's beliefs.
- The Role of the CRL Rights Commission
- Terms of Reference for Sec 22 Committee
- The Launch : 1st – 2nd October 2025 (Day 1 & Day 2)
- Position of SACC on CRL Sec 22
- Reflections & concerns from SACC NCLF (20th October meeting)
- Themes emanating from SACC NCLF
- Recommendations/ Way Forward
- End.

The Sub-Committee

The following sub-committee was established by the NCLF on the **20th October 2025** to take the lead on all matters concerning CRL Sec 22 committee:

- 1. Rev. Oscar Madlala (Convenor)**
2. Rev (Prof.) Leepo Modise
3. Past. Giet Khosa
4. Rev Gift Moerane
5. Rev (Dr) Henri Weideman
6. Bishop Nathi Zondi
7. Rev Heide Petersen

Background – Findings by the CRL Commission as presented by COGTA in 2018

- There is no database for religious leaders and places of worship available.
- High number of unregistered religious institutions.
- High surge in a number of both local and foreign leaders (*some who are undocumented*).
- Death of worshippers who use faith products – defaulting on their chronic medication.
- Financial abuse of worshippers.
- Lack of financial management (mismanagement and maladministration).

Findings – Continued

- Lack of management and good governance practices.
- Lack of participation of women in religious practices.
- Cult-like religious organisations.
- Unconventional preaching styles.
- Lack of training, peer support and understanding of legislation and legal procedures.
- Lack of monitoring and peer review mechanism like in other organisations.
- Gross spiritual transgressions and GBV related incidences (e.g.: grooming of young girls, human trafficking, rape & sexual abuse).
- Abuse of power by religious leaders.

What is the role of CRL Rights Commission?

- Its responsibility is to promote and protect the rights of cultural, religious and linguistic communities.
- The commission was established as a Chapter 9 Institution to strengthen constitutional democracy in South Africa by safeguarding cultural, religious, and linguistic rights.
- Its purpose is to promote tolerance, understanding, and unity among diverse communities, ensuring that their heritage, traditions, and identities are respected and protected.

Establishment of Sec 22 Committee

- Section 22.(1)(a) of the CRL Act says:

“The Commission may establish one or more committees consisting of members only; or members and staff; or other persons; to assist the Commission in the performance of its functions.”

Appointment of the Chairperson

Section 22 (2) says, The Commission :

- a) must determine the functions of a committee;
- b) must appoint a member of a committee as the Chairperson of the committee;
- c) may remove a member of a committee at any time; and
- d) may determine a committee's procedure.

Chairperson: Rev (Prof) Musa Khulekani Xulu

Sec 22 Terms of Reference

Develop a legislative framework through:

- a) Establishment of Religious Practice Council.
- b) Registration of religious institutions according to diverse religious sectors.
- c) Registration of religious practitioners according to the diverse religious sectors.
- d) Development of a code of conduct/ethics for all religious practitioners.
- e) Engage with relevant state Department(s) and facilitate the development of the legislative framework.
- f) Generate self-regulatory framework for Christian organisations in the Republic of South Africa (*draft document has been generated*).

The Launch of Sec 22 Committee

Day 1: Wednesday, 1st October 2025

CRL Rights Commission Offices (33, Hoofd Street, Forum IV, Braampark Braamfontein, Johannesburg)

- Planning for the launch.
- Capturing of the details of representatives.
- Briefing concerning media and security.
- The debate on the issue of Co-Chair (SACC abstained)

The Launch (Cont)

Day 2: Thursday, 2nd October 2025

Rhema Bible Church (Randburg)

- a) Ms Thoko-Mkhwanazi-Xaluva presented about the role of CRL Rights Commission (*presentation sent to member churches*).
- b) The Section 22 Committee was introduced.
- c) Terms of Reference were presented – Prof Musa Xulu.
- d) Commitment to the process by Sec 22 committee members.
- e) Media briefing (News Room, SABC and others).

Position of the SACC

- a) The work of the Section 22 Committee must not be a rubber stamp of preconceived ideas of the CRL Commission or COGTA Portfolio Committee.
- b) The work of the committee must not be a charade used to mislead the people of faith.
- c) The constitutional guarantees of freedom of religion and assembly etc. are not negotiable.
- d) State regulation of the church is not an option, it is recommended that the SACC pursues this option of the Section 22 Committee participation in search of a balanced, transparent and accountable way of protecting the constitutionally guaranteed rights of freedom of religion whilst protecting citizens' rights and their dignity from any form of abuse and exploitation.

Concerns by SACC NCLF

- a) Composition of the structure and focus of Sec 22 Committee.
- b) Transparency of the process, inclusivity and perception of bias.
- c) Overrepresentation of some faith groups.
- d) The manner in which the committee has been constituted (Chairperson)
- e) Historical marginalisation of Pentecostal/Charismatic churches.
- f) Deep-seated unease about potential erosion of church autonomy and protection of freedom of religion.
- g) Strong spiritual and unifying appeal was made.
- h) There are diverse views on the matter.
- i) We acknowledge and appreciate the inputs from member churches such as AFM (position paper).

Position Paper of AFM – 4 Main Emerging Themes

- Concerns **regarding constitutionality, freedom of religion** and the risks posed by the Section 22 Committee - Violation of freedom of religion(*an element of state interference in the internal governance of faith communities*).
- **Flawed methodology and lack of credibility** - The CRL report lacks credible data, clear definitions and consultation, making its conclusions unreliable for national policy. The CRL findings lack empirical evidence.
- **Existing mechanisms of accountability** - Most religious communities and well-established denominations in South Africa have long maintained effective systems of self-regulation, well-developed governance, accountability, and disciplinary frameworks.
- **Alternative pathways:** voluntary self-regulation mechanisms.

Overall view of AFM - Summary

“Their proposal rejects the Section 22 Committee and calls for a national consultative conference to be convened in order to develop a framework for voluntary self-regulation. Calls for reaffirmation of freedom of religion and rights. Strengthening of existing legislation to address financial or administrative misconduct without infringing on religious autonomy. CRL to focus on education and community-led accountability mechanisms.”

Common themes emerging from NCLF and NEC inputs

- a) Racial inequality and bias.
- b) Defining regulation, autonomy and overreach.
- c) Faith and belief differences.
- d) Independence and credibility of CRL Sec 22 (unilateral appointment of Chairperson)
- e) Unclear ideas and potential risks.
- f) Representation, gender balance and transparency (imbalances to be corrected)
- g) Legislative trajectory and hidden risks.
- h) Balancing of principle and process (credible and voluntary self-regulation).
- i) Consultation processes (church led workshops).
- j) Review the Terms of Reference.

Recommendations / Way Forward (Cont.)

- CRL Sec 22 item be included as a standing agenda point in the SACC NCLF, NEC & Central Committee meetings where it is relevant.
- Member churches should be given an opportunity to make their inputs to ensure that the process remains inclusive.
- The General Secretary and Sub-committee to arrange a follow up meeting with CRL Commission (Chairperson) to present all the concerns (petitions) of the SACC.
- All SACC Committees and member churches to familiarise themselves with the relevant documentation concerning CRL Sec 22 Committee as they were unpacked, especially the findings by COGTA - PC (2018), CRL Act No. 19 of 2002 and the Terms of Reference.
- SACC continues to be involved in the Sec 22 committee, exploring with caution as the process unfolds.

Conclusion

- SACC participation in CRL must remain strategic, exploratory, cautious and principled prioritising self-regulation rooted in theology and ethics than state control.
- The SACC's public communication and messaging on CRL - Sec 22 related matters should be carefully managed and well coordinated, given the sensitivity of the issue and its potential to cause divisions within the Church.
- Should the CRL Section 22 Committee fail to address the concerns raised by the SACC by the **30th June 2026**, the SACC will be compelled to **withdraw its representatives** and issue a public statement outlining its position.
- SACC has a critical role of being a unifying figure, a custodian for social cohesion amongst our churches.
- It's our collective duty to safeguard against any internal divisions.



South African
Council of Churches

End.