

Proposed Code of Conduct (2) for Religions in South Africa

DRAFT (2)

CODE OF CONDUCT FOR RELIGIONS IN SOUTH AFRICA

PREAMBLE

1. WHEREAS we affirm the fundamental right to freedom of conscience, religion, thought, belief and opinion protected by section 15 and related provisions of the Constitution **of the Republic of South-Africa**; and
2. WHEREAS we affirm the expression in the South African Charter of Religious Rights and Freedoms of what freedom of religion and belief means within the South African context; and
3. WHEREAS we accept and appreciate the truth that the right to freedom of religion and belief, carries corresponding duties and responsibilities that we pledge to fulfil to the best of our abilities; and
4. WHEREAS the right to freedom of religion and belief is an important mechanism for the equitable regulation of the relationship between religions and the state, providing that religious institutions enjoy recognition, protection and cooperation in a constitutional state as institutions with their own sphere of responsibility; and
5. WHEREAS the state has the duty to govern justly and impartially in the interest of everybody, to respect, protect and accommodate diverse belief systems and regulate relationships equitably, and not to deny diversity by imposing a single, uniform standard to the exclusion of differing beliefs or convictions, but instead pursue the full enjoyment of freedom of religion and belief by all; and
6. WHEREAS we, while true to our beliefs and convictions, undertake to act in the best interest of the society of which we are privileged to be a part, as well as the best interest of our members and participants; and
7. WHEREAS we, as religious community, although unique in nature, accept that we function as a part of and within society, and are subject to the law of the land; and

8. WHEREAS we acknowledge with sadness and regret the unacceptable conduct occurring in the religious community, and condemn any abusive, harmful or illegal activities taking place in the name of religion; and
9. WHEREAS we believe that the religious community should act decisively among ourselves to address such conduct, and develop clear standards to guide our actions and prevent abuse and exploitation in religion and contribute to human dignity and a spirit of mutual respect and tolerance among the people of South Africa; and

NOW, THEREFORE, while acknowledging similar codes and documents that may already apply in particular organizations, we subscribe to the following code of conduct to give further expression to our rights, responsibilities and role within society – within the framework of, and subject to, section 15 of the Constitution and related rights, and the South African Charter of Religious Rights and Freedoms:

CODE OF CONDUCT

1. We pledge to promote and enhance the well-being of people and of society as a whole in accordance with our beliefs and convictions, and to refrain from conduct that undermines the constructive role that religions should play in society.
2. As religion is meant to assist and enhance, and not obstruct human life, we respect, protect and preserve life, and shall do nothing to devalue, dehumanize or destroy life.
3. As human beings have inherent dignity, we respect and uphold the dignity of every person and shall not abuse or exploit people or do anything to violate or degrade human dignity.
4. We value children, and pledge to act in their best interest when under our care. We will do everything possible to protect them from maltreatment, neglect, abuse, degradation or exploitation, and promote their physical, spiritual, moral and social well-being and development.
5. We respect the rights of others as set out in the Constitution, including the right of every person to believe in accordance with their convictions, and to choose their own faith, worldview or religion.
6. We respect the right of every person not to be coerced, indoctrinated, bullied, harassed, intimidated, manipulated or victimized in any way to act against their beliefs, or to participate in behaviour or perform acts that are inconsistent with their beliefs.

7. We respect the right of every person to change their convictions, beliefs, faith, religion or religious affiliation, or to form a new religious community or religious institution.
8. We respect the right of every person to the private or public, and individual or collective, observance or exercise of their convictions in the lawful and constructive ways allowed by the Constitution and referred to in the South African Charter of Religious Rights and Freedoms.
9. Whenever we maintain traditions and systems of, and follow practices in terms of, religious personal, matrimonial and family law, we shall ensure, as required by the Constitution, that those traditions, systems and practices are consistent with the Constitution. **Our proposal is that this paragraph be rephrased as follows:** *“We shall ensure that all religious traditions, systems and practices as upheld and followed in the spheres of personal, matrimonial and family life, are consistent with the Constitution.”*
10. Mindful of the respective spheres of responsibility of religions and the state, we acknowledge the duty of the state to respect, protect, promote and fulfil the constitutional right to freedom of religion and belief, and shall encourage cooperation between religions and the state for that purpose whenever appropriate.
11. Functioning within and as a part of a democratic society in which the rule of law applies, we shall respect the Constitution and the law **of our country**, we shall observe the law in all our endeavours, and we shall inform and educate ourselves and our members and participants in respect of good citizenship and observance of the law.
 - 11.1 We shall not perform acts or allow or encourage behaviour, or expect from our members and participants the performance of acts, that are unlawful or may cause physical harm or damage to property.
 - 11.2 Whenever, in the exercise of our rights, we cannot in good conscience observe a particular law, we shall engage peacefully with the state explaining the grounds for our actions in terms of our beliefs and convictions, while emphasizing the respect for differences of opinion required in a diverse society, and that law should not be an instrument for imposing a single worldview on society.
 - 11.3 Where we have a legal duty to report any criminal activity that we are aware of, we shall do so, and shall cooperate with the authorities in the investigation of such matters and the enforcement of the law against offenders.
12. When exercising our freedom of expression and when sharing our convictions with other consenting persons, we shall respect the dignity of others, we shall not victimize, ridicule or slander others on the ground of their convictions, beliefs, faith, religion or religious affiliation, and we shall not advocate hatred based on

religion that constitutes incitement to imminent violence or to cause physical harm. Difference of convictions should not too easily be labelled as “hatred”, thereby unduly restricting the necessary freedoms of expression and association essential in a diverse, free and open society.

13. We respect the education rights of every person and encourage every person and institution in the education environment to exercise their religious freedom and develop their ethos in accordance with the rules made by the appropriate authorities and in a way that is equitable, free, voluntary and nondiscriminatory, and with due regard to the rights of minorities.
14. In the exercise of our rights to regulate our own affairs, we shall act lawfully and ethically in accordance with the principles of tolerance, fairness, openness and accountability. In our internal affairs, we undertake, specifically, to follow the rules of natural justice insofar as they are applicable.
15. We shall not abuse the confidentiality and privileged nature of our internal affairs and communications and shall act in the interest of justice in this regard.
16. We shall put in place appropriate leadership, management and control mechanisms and processes to ensure our internal operations are carried out and resources used in a lawful and responsible manner.
17. We shall act with honesty, integrity, due diligence and transparency in respect of our finances and financial management.
 - 17.1 We shall refrain from unlawful, corrupt, manipulative or misleading conduct when soliciting contributions or securing funds from members, external donors or other sources.
 - 17.2 We shall respect the interests and well-being of givers and not pressurize them in any way into giving beyond their means. We shall not minister to anyone in a financially manipulative or exploitative manner.
 - 17.3 We shall not misappropriate funds and shall honour and use gifts and contributions only for the purpose for which they were received, and shall communicate regularly with givers to acknowledge and confirm such contributions and expenditures.
 - 17.4 We shall avoid conflicts of interest and shall declare personal interests where appropriate.
 - 17.5 We shall keep accurate financial statements in accordance with accepted financial practices. We shall subject our financial statements to independent audit at least annually.
 - 17.6 We shall act transparently and, while maintaining confidentiality in respect of support and contributions, shall make our financial affairs openly available to our members or supporters in whatever way appropriate.

- 17.7 We shall make ourselves accountable to our members or supporters in respect of management and finances in whatever way appropriate.
- 17.8 Except insofar as we are entitled to reasonable remuneration, compensation or other income, we shall refrain from enriching ourselves in any way out of the funds of our institution, and from acting corruptly and fraudulently.
- 17.9 Where applicable, we shall make full disclosure of taxable income, and make diligent payment of taxes due.

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