



# THE APOSTOLIC FAITH MISSION OF SOUTH AFRICA DIE APOSTOLIESE GELOOF SENDING VAN SUID-AFRIKA

(PBO no/WO nr: 930004069)

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## THE AFM OF SA'S RESPONSE TO THE CRL RIGHTS COMMISSION'S CALL FOR THE REGULATION OF RELIGION.

### 1. Introduction

The Apostolic Faith Mission (AFM) has carefully reviewed the Cultural, Religious and Linguistic Rights Commission's (CRL's) renewed call for the regulation of religion. While we recognise the CRL's important constitutional role in protecting and promoting cultural, religious, and linguistic rights, we are deeply concerned about several of its proposals.

Our response is rooted in a strong belief in the **constitutional right to freedom of religion**, freedom of association, and the independence of the Church from State control.

### 2. Concerns About the CRL's Recommendations

The CRL's proposal to create a so-called "self-regulatory system" in which it would act as the final authority or appeals body is not acceptable. This system would, in practice, give the State the power to decide what qualifies as a religion, who is recognised as a religious leader, and even what places may be used for worship. It would also force churches and religious organisations to belong to State-approved umbrella bodies.

These proposals directly **violate the rights guaranteed by the South African Constitution**, specifically Sections 15, 18, 30, and 31, which protect freedom of religion, belief, association, and assembly.

Freedom of religion means that any person should be free to gather, worship, and establish a place of worship without State approval or interference. The right to start a church, whether in a building, a hall, a tent, or under a tree - is fundamental to this freedom. For the State or the CRL to define who may preach, what is acceptable doctrine, or where people may meet would be an infringement of religious liberty.

### 3. Background and Recent Developments

At a workshop on 10 February 2017, the CRL Commission assured church leaders that its recommendations would not interfere with existing, well-structured religious bodies. It promised that:

- 3.1 There would be no interference in the affairs of properly governed churches. The CRL assured those organisations like ours would not be adversely affected by the proposed regulation.
- 3.2 Churches could choose their own umbrella bodies, which would itself be regulated internally.
- 3.3 Existing churches with sound constitutions, would not be affected and the CRL would not intervene in internal matters so long as the umbrella body had proper constitutional and regulatory frameworks.
- 3.4 Peer review and regulation would happen within religious groups, not through CRL control. Where disputes could not be resolved internally, the proposal was for peer review boards for each religion. These boards would make recommendations to the CRL but not act as an overarching regulator.
- 3.5 The CRL specifically guaranteed that umbrella organisations already in existence (such as the AFM) would be exempt since they already had constitutions and internal regulatory processes. Such bodies would self-regulate without state interference.

However, **these assurances have not been upheld**. The CRL has since pushed for new laws to regulate religion, formed a **Section 22 Committee** without proper consultation, and publicly stated that this committee “will go to Parliament” suggesting that this body might serve as a basis for future legislation. **These actions indicate a growing trend toward State involvement and control, contrary to previous commitments.**

#### 4. Broader Constitutional and Social Concerns

We acknowledge the CRL’s intention to protect citizens from harmful religious practices. However, we believe that **the proposed measures are unnecessary, unconstitutional, and potentially harmful** to South Africa’s democracy, religious diversity and religious autonomy.

##### 4.1 The Unnecessary Nature of State Control

**South Africa already has a comprehensive legal framework** to deal with misconduct. Instead of adding new laws, the government should focus on ensuring that existing laws are effectively applied and enforced.

##### 4.2 Constitutional Concerns

Any attempt by the State to regulate religious beliefs or practices, threatens to **violate the constitutional right to freedom of religion**. Such interference could lead to discrimination and set a precedent for government intrusion into private faith matters. The independence of religious institutions is essential not only for their spiritual integrity but also for the health of democracy itself.

#### 5. The AFM’s Recommendations

The AFM acknowledges that some churches or ministries may lack proper governance structures, and that there have been cases of misconduct in certain quarters. However, poor administration or the emergence of many new churches is not a crime. Misuse of religion for illegal or unethical purposes, on the other hand, is -and such conduct is already covered by existing South African laws.

##### 5.1 A Voluntary Peer Review System

The AFM supports the idea of a voluntary peer review system within the religious community. Established and respected bodies such as the South African Council of Churches (SACC) are well-positioned to assist smaller or newer churches. Through mentorship and training, they can help these churches establish sound governance, ethical practices, and self-regulation without government interference.

## 5.2 When Crimes Are Committed

When crimes are committed, such as fraud, abuse, or false advertising - existing government institutions already have the mandate to act. The South African Police Service (SAPS), the National Prosecuting Authority (NPA), the South African Revenue Service (SARS), and the Department of Home Affairs should simply enforce the existing laws. There is no need for new legislation that targets the religious sector.

## 5.3 Strengthening the CRL's True Role

We believe the CRL should strengthen its capacity to **investigate genuine abuses** and refer those cases to the appropriate authorities. The CRL's purpose should be to protect religious freedom, not to control or regulate how churches operate internally.

## 5.4 No State-Controlled Regulation

The AFM is strongly opposed to any new government-controlled body or mechanism that would monitor or direct how religious organisations function. Religious communities must remain self-governing within the framework of the South African law. The State's role is to uphold justice, not to determine matters of faith, doctrine, or church leadership.

## 6. The AFM's Position and Way Forward

The AFM strongly condemn any form of exploitation, manipulation, or abuse within the religious sector. We believe that unethical behaviour should be dealt with swiftly and fairly. However, we remain firm on the following points:

- 6.1 Existing laws are sufficient.** South Africa's legal system already provides the means to deal with criminal and fraudulent activity.
- 6.2 Religious self-regulation works best.** Churches with established constitutions, codes of conduct, and disciplinary processes can manage their affairs responsibly without State interference.
- 6.3 Freedom of religion must be protected.** Allowing the government to define "legitimate" doctrine or leadership sets a dangerous precedent. History shows that when governments start to regulate faith, persecution often follows.
- 6.4 Transparency and inclusivity are essential.** Any oversight structure that claims to serve the public good must be transparent, representative, and accountable. The CRL's current approach lacks these qualities.

For these reasons, we will continue to participate constructively but firmly, in all relevant discussions, legal processes, and consultations to defend the Church's constitutional right to self-govern under God.

The Bible teaches us to respect and pray for those in authority so that we may live in peace. However, our ultimate loyalty is to God. With His guidance, we will continue to stand for the independence of the Church and the right to religious freedom for everyone in South Africa.

**The AFM of SA, National Office Bearers, The Apostolic Faith Mission of South Africa (AFM of SA)**