SOUTHERN AFRICAN LEADERS COALITION FOR FAITH FREEDOM AND JUSTICE SALC-FFJ

Written submission

To: Section 22 Ad Hoc Committee for the Christian Sector and the CRL Rights Commission

Re: Draft Self-Regulatory Framework for the Christian Sector in the Republic of South Africa (Draft V2, December 2025)

Date: 11 September 2026

By email: christiansector@section22committee.co.za

1. Identity of the submitter

1.1 The Southern African Leaders Coalition for Faith, Freedom and Justice ("the Coalition") is a regional initiative of faith, legal, academic and civil-society leaders. Its public mandate is to defend human dignity, religious freedom, the rule of law and access to justice through dialogue, advocacy and principled engagement.

1.2 This submission is made in that capacity. It concerns the Draft Self-Regulatory Framework for the Christian Sector ("the Draft") and the broader Section 22 process of which the Draft forms part.

1.3 The Coalition supports accountability for criminal and civil wrongdoing in every sector, including religious communities. It opposes converting constitutionally protected religious freedom into a licensed, certified or state-enabled activity.

2. Summary of position

The Coalition:

(a) welcomes the stated concern for congregants harmed by fraud, sexual abuse, coercion and commercial exploitation;
(b) rejects the Draft as a blueprint for state-facilitated regulation of the Christian sector, notwithstanding the language of "self-regulation" and "voluntariness";
(c) submits that the Draft is unconstitutional, unnecessary, unworkable and institutionally unsafe;
(d) urges the Committee and the Commission to withdraw the legislative trajectory in the Draft and in the Committee's terms of reference;
(e) proposes instead: enforcement of existing law; genuine, sector-owned voluntary codes already developed by faith communities; and protection of survivors through the criminal justice system, not through a licensing council.

3. What the Draft actually does

3.1 The Draft is not a mere conversation starter. On its face it contemplates:

a national Christian Practice Council for Ethics and Accountability (CPCEA);
certification and a “Seal of Good Standing”;
investigation of complaints against organisations and leaders;
sanctions running to corrective action, public notification and deregistration;
legal and regulatory compliance as a pillar of “good standing”;
a path toward a legislative framework, including registration of institutions and leaders.

3.2 Public statements by the Chairperson of the CRL Rights Commission have confirmed the intended end-state: an Act of Parliament and a council formed out of that Act. A council created by statute is a state body. Registration, seals and deregistration are regulatory instruments. Calling them “self-regulation” does not change their legal character.

3.3 A process initiated, mandated, funded and reported through a Chapter 9 institution, with an express legislative destination, is not church-owned self-governance. It is state-steered regulation of religion.

4. Constitutional position

4.1 Section 15(1) protects freedom of conscience, religion, thought, belief and opinion. That right includes the freedom to hold and to manifest belief. The Constitutional Court has confirmed that even beliefs others regard as bizarre or irrational remain protected.

4.2 Section 31 protects the right of religious communities, with other members of that community, to practise their religion and to form, join and maintain religious associations. Subsection (2) only prohibits the exercise of that right in a manner inconsistent with the Bill of Rights. It does not authorise the State to license doctrine, ordination, church government or “ethics”.

4.3 Section 18 protects freedom of association, including the freedom not to be compelled into a state-approved body.

4.4 Section 22 protects the right to choose a trade, occupation or profession freely, and allows practice of a profession to be regulated by law. Ministry is not a state profession. Vocation, calling, ordination and congregational recognition are theological acts. Analogising pastors to doctors or attorneys in order to justify a statutory council is a category error and an unsafe use of section 22.

4.5 Section 36 permits limitation of rights only by a law of general application that is reasonable and justifiable, using the least restrictive means. Existing criminal, child-protection, sexual-offences, domestic-violence, consumer, labour, tax and NPO law already reaches the harms cited by the Commission. A new religion-specific licensing regime is not the least restrictive means.

4.6 The Coalition therefore submits that a legislated council, register, seal and sanction system would fail the section 36 test and would infringe sections 15, 18 and 31.

5. Accountability without state control of religion

5.1 Crime has no religious cover. Assault, rape, trafficking, fraud, theft, intimidation, child abuse and financial exploitation are already crimes. Religious office is not a defence. Where a position of trust is abused, that may aggravate sentence. The proper response is investigation, prosecution and civil remedy — not a parallel ecclesiastical inspectorate created by the State.

5.2 The problem identified in the 2016/17 commercialisation hearings was, in large part, weak enforcement, weak reporting and weak protection of complainants. Duplicating that work in a religious "practice council" will not fix SAPS, the NPA, social services or SARS. It will create a second bureaucracy that decides who is a legitimate church.

5.3 South African faith communities have already produced voluntary instruments:

the South African Charter of Religious Rights and Freedoms;
an accompanying Code of Conduct developed by and for faith communities after the 2017–2019 parliamentary process.
Those instruments should be strengthened by the communities that own them. They should not be displaced by a CRL-initiated statutory scheme.

5.4 Parliament's COGTA process after the 2017 report did not adopt compulsory peer-review or state licensing of religion. That history matters. Recasting the same architecture as "self-regulation" does not revive a mandate Parliament declined to give.

6. Specific objections to the Draft

6.1 The CPCEA

A national council that investigates leaders, awards or withholds a seal, and sanctions non-compliance will, in practice, define acceptable Christian practice. No state-adjacent body can do that neutrally across Pentecostal, mainline, African Independent, Baptist, Catholic, Orthodox and independent churches.

6.2 The Seal of Good Standing

A public seal functions as a market and reputational licence. Churches without it will be treated as suspect by banks, landlords, donors, municipalities and the media. That is compulsory regulation by another name, even if participation is described as voluntary.

6.3 Registration of institutions and leaders

Who counts as a "religious practitioner"? Lead pastors only, or also elders, prophets, evangelists, youth leaders, worship leaders, counsellors and missionaries? Any register that answers that question is already governing church order.

6.4 Sanctions including deregistration

The power to deregister or to publish adverse findings is the power to close or cripple a community. That power belongs, if at all, to courts applying general law — not to a peer council midwifed by a Chapter 9 institution.

6.5 "Ethics" beyond legality

The State may punish illegal conduct. It may not become the arbiter of Christian ethics. Ethics in a church are inseparable from doctrine. A council mandated to police ethics will police belief.

6.6 Foreign-founded churches

Concerns about immigration status, work permits and criminal records belong with Home Affairs and the police. They do not justify special rules for who may plant or lead a church.

6.7 Process

The Committee is appointed under section 22 of the CRL Act, operates within a Commission-defined mandate, and reports through the Commission. Court challenges to the lawfulness of the Committee remain pending. Meaningful consultation requires that the outcome is open. A mandate that already requires a legislative framework is not an open consultation.

7. What the Coalition supports

The Coalition supports:

7.1 Full enforcement of existing law against anyone who harms congregants, including religious leaders.

7.2 Better reporting pathways and survivor-centred support that do not require a complainant to submit doctrine to a state-enabled council.

7.3 Voluntary association: churches freely joining denominations, fraternals, accreditation bodies or codes of their choosing.

7.4 Use and refinement of the existing Charter of Religious Rights and Freedoms and the sector-developed Code of Conduct.

7.5 Clear public education that religious freedom does not excuse crime.

7.6 Parliamentary and Commission oversight that protects religious communities, rather than governing them.

8. Relief sought

The Coalition requests that the Section 22 Committee and the CRL Rights Commission:

8.1 Record this submission and treat it as opposition to any legislated council, register, seal or sanction system for the Christian sector.

8.2 Delete from the Draft, and from the Committee's terms of reference, all provisions aimed at an Act of Parliament, statutory council, compulsory or quasi-compulsory registration, certification, seal of good standing, and deregistration.

8.3 Confine any further work to voluntary tools owned by churches themselves, and to recommendations that existing general law be enforced.

8.4 Pause the legislative trajectory while litigation concerning the Committee remains before the courts.

8.5 Confirm in writing that non-participation in the Draft's proposed council will not be treated as evidence of bad faith or as a basis for adverse state action.

9. Engagement

The Coalition is willing to make oral representations at the Gauteng provincial consultations (14–18 September 2026) or at a later provincial sitting, and to meet the Committee on the constitutional alternatives set out above.

Signed for the Southern African Leaders Coalition for Faith, Freedom and Justice



Signatory
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