



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

(PBO no/WO nr: 930004069)

### NATIONAL OFFICE – NASIONALE KANTOOR

Building no. 14, Central Office Park, 257 Jean Avenue, Centurion, Gauteng, South Africa.  
Gebou nr. 14, Central Office Park, Jeanlaan 257, Centurion, Gauteng, Suid-Afrika.

P.O. Box /Posbus 9450, Centurion 0046  
Tel: 27 12 644-0490 (8 lines/lyne) Fax/Faks: 27 12 644-0732/4

Website/Webwerf: [www.afm-ags.org](http://www.afm-ags.org) e-mail/e-pos: [mmahlobo@afm-ags.org](mailto:mmahlobo@afm-ags.org) (President);  
[jlapoorta@afm-ags.org](mailto:jlapoorta@afm-ags.org) (Deputy/Vise President); [henri@afm-ags.org](mailto:henri@afm-ags.org) (General  
Secretary/Hoofsekretaris); [barend@afm-ags.org](mailto:barend@afm-ags.org); (General Treasurer / Hooftesourier)

### CRITIQUE OF THE PRELIMINARY REPORT OF THE COMMISSION FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CULTURAL, RELIGIOUS AND LINGUISTIC COMMUNITIES. (CRL)

#### 1. The investigation of the CRL revealed the following:

That there are:

- 1.1. Prima facie evidence of the commercialization of religion.
- 1.2. Non-compliance with existing laws.
- 1.3. Lack of good governance structures.
- 1.4. Misuse of the visa applications systems.
- 1.5. Flouting of banking rules.
- 1.6. Avoidance to pay tax to SARS.
- 1.7. Uncontrolled movement of cash in and out of the country.
- 1.8. Mushrooming of religious institutions.
- 1.9. Illegal and unethical advertising of religious and traditional healing services.
- 1.10. Property bought for individuals or families with community's money.
- 1.11. Operation of religious institutions as business.
- 1.12. Lack of religious peer review mechanism.

National Office Bearers / Nasionale Ampsdraers: President: Pastor M.G Mahlobo  
Deputy / Vise President: Dr. J.J. La Poorta  
General Secretary / Hoofsekretaris: Dr. H.J Weideman  
General Treasurer / Hooftesourier: Pastor B. Petersen

With reference to the abovementioned findings of the CRL, the AFM of SA is of the opinion that the organisations that lack governance structures, the mushrooming of religious institutions, the illegal and unethical advertising of religious and traditional healing services and the lack of a peer review mechanism, as mentioned above, does not constitute crimes.

The AFM is further of the opinion that churches which complies in every respect of governance and the existing laws should assist and train those churches that does not have proper governance structures in place to establish self-regulatory rules for their own churches.

Where the existing legislation has been violated, the guilty parties must be prosecuted for breaking the various existing laws. When the State enforces the existing laws by prosecuting and punishing the guilty parties for breaking the laws, the mentioned problems will be stopped. The AFM is definitely not in favour of the establishment of an extra controlling mechanism, which is an Organ of State to control and regulate religious organisations.

## **2. The recommendations of the CRL**

The proposed introduction of a self-regulated mechanism in which the CRL becomes the final appeals commission is unacceptable. The proposal to appoint the CRL as the final arbitrator is a violation of the freedom of religion. In terms of chapter 9 of the South African Constitution the CRL is supposed to promote and protect Cultural, Religious and Linguistic Rights in the country.

The CRL as an organ of state according to section 239 of the South African Constitution should not be allowed to interfere in how religions manage themselves in terms of their own rules and regulations that is in compliance with the existing laws.

The CRL would do well to recommend to other complying religious institutions of which they are aware, to assist the non-complying religions that need guidance in terms of governance issues and the drawing up of self-regulatory rules and regulations.

State interference in religions is not to the protection and advancement of religious freedom, but rather an attempt to erode the authority of religions and a violation of sections 15, 30 and 31 of the Constitution of the Republic of South Africa.

According to the proposed self-regulatory body recommended by the CRL, the state will be the ultimate authority to:

Establish the composition of the Peer Review Council, Peer Review Committee and Umbrella Organisations.

Define a recognised “religion”.

Issues and withdraw licences to “religious leaders.”

Define and authorise “places of worship”.

Enforce registration of all qualifying religious organisations.

The CRL claims that a religious organisation has freedom to associate with whichever “Umbrella Organisation” it chooses. According to this recommendation all religions will have to belong to one of the proposed Umbrella Bodies, which is in fact a limitation of freedom of Assembly.

Freedom of Assembly means that anyone should be free to start a new church, whether in a building in a tent or under a tree, and to invite others to be part of a Voluntary Association for religious purposes. The right to establish religious associations, assemble and secure premises is fundamental to Freedom of Association.

It is interesting how the idea of Hate Speech as indicated in section 16(2) finds its way into a document that focuses on the commercialisation of religion, when it was not an issue mentioned in the investigation or the findings. The introduction of the reference to Hate Speech in a document that investigated the commercialisation of religion and the abuse of people’s belief systems, creates suspicion as to what the real motive of its inclusion in the recommendations is. Is its inclusion in these recommendations supposed to be a prelude to the dissemination of the Hate Crimes and Hate Speech Bill, which is almost simultaneously distributed?

### **3. CONCLUDING REMARKS**

The investigations and discussions on the CRL preliminary Report has taken the teams who worked on it more than a year to come up with a preliminary report, but they wanted the Religious Leaders and public to give responses in about three weeks. They have received many objections and have shifted the date for response to the end of February 2017.

The AFM welcomes the findings in the preliminary report and would want the CRL to apply existing laws to deal with the non-compliance and crimes that they have found. The AFM is and was always in compliance with the existing legislation, that is why the AFM was registered from its inception in terms of Private Act 24 of 1961. When this act was repealed by Parliament the AFM applied to the High Court for a declaratory order to declare it an Association of members. The AFM is further registered with SARS as a Public Benefits Organization.

For the reasons mentioned in this document the AFM is against the establishment of a proposed self-regulatory body **that is actually State Controlled**. The religions should regulate themselves in terms of their own constitutions, rules and by laws that are compliant with the existing laws of the country.

The AFM holds the following view with reference to the Church and State Relationship:

- 3.1. That the church should be independent from the state and only owe its allegiance to God and God alone.
- 3.2. That the church has a prophetic role to speak truth to power like the prophets of old, whatever the consequences may be.
- 3.3. That the submission to the state should be interpreted as recognizing and respecting the state, for the role it has to fulfil in the country regardless of the type of government system.
- 3.4. That the state should not interfere with religious practices by being prescriptive to the church except where the church practices are exploitative.
- 3.5. That the church should pray for the government so that all its citizens could live a peaceful life.

---

END