



**SUBMISSION BY THE UNITED ULAMA COUNCIL OF SOUTH AFRICA**

**COMMERCIALISATION OF RELIGION AND ABUSE OF PEOPLE'S BELIEF**

**SYSTEMS**

**INTRODUCTION**

We concede that some unscrupulous individuals are abusing the vulnerability and desperation of people in the name of religion. Reports of pastors instructing their congregants to eat snakes, drink petrol and purge themselves with Doom are unnerving and alarming. It is our collective responsibility as South Africans to ensure that religion is not used as a means for spiritual opportunism.

We however contend that the findings of the CRL are not reflective of the broader spectrum of religions, cultures and traditions in South Africa. The incidents of excess and abuse are relatively few and isolated and do not outweigh the need for the legislature to regulate religion. Despite the noble intentions of the CRL to weed out fraudsters and opportunists who parade as 'men of cloth', the proposed regulation in our view is far extended, an over-reaction and disproportionate to the magnitude of the problem.

**Peer Review Council:** We are concerned that the proposed regulation of religious entities via a Peer Review Council may be untenable given the myriad of faith strands within South Africa. It would be unwise for a multi faith Peer Review Committee to preside over a matter regarding one particular faith group. Religious bias, competing interests, and partiality would almost certainly compromise pronouncements made by the Peer Review Council.

**Peer Review Committees:** How would a single faith Peer Review Committee “judge” or alternatively determine a dispute between denominations holding to a significantly different interpretation of the same Scripture? The inherent divisions within a particular faith group and different schools of thought would almost certainly make the work of such a committee impractical.

**Religion Accreditation:** The proposed submission states that: “No practice should be allowed if deemed to have a harmful effect on the physical or mental well-being of its followers or if deemed exploitive of those that practice it” What benchmark will be used ‘to determine harmful effects on the mental well-being of followers’? Will this not border on evaluating and interpreting the significance of religious texts?

**Worship Centres:** One of the requirements for the registration of a Worship Centre is: “The assurance that the Worship Centre has enough congregants to maintain the Worship Centre on a donation basis or proof that there is a source of income that can maintain the Worship Centre” Both the requirements, *the size of the congregation and the financial sustainability of the Centre* on a ‘donation’ basis are somewhat puzzling given that neither is germane to the legitimacy of the worship centre. Will a Worship Centre be denied registration because it is unable to produce a business plan ensuring long term financial viability? Donations by their very nature are gratuitous contributions and cannot be used as a yardstick to determine long term financial sustainability.

**Constitutional Rights:** The proposed regulations may conflict with the constitutional rights of freedom of religion, belief and opinion (s 15) as well as freedom of association (s 18). It is important to note that our Constitutional Court has already held that people must be free to believe, even if their beliefs (or the expression thereof by way of practice) seem “bizarre, illogical or irrational.” Whist (s 36) of the Constitution allows for the limitation of

fundamental rights in certain exceptional circumstances, we do not believe the current circumstances warrant such limitations.

**Existing Legislation:** Problems of abuse and manipulation can be adequately dealt with in terms of existing civil and criminal law. The proliferation of malpractices among some members of the clergy is not due to lack of legislation but rather due to the lack of implementation and enforcement of existing laws. Like all other entities, religious organizations are also subject to:

- The Non-Profit Organisations Act
- The Income Tax Act
- The Financial Intelligence Centre Act
- The Immigration Act
- Basic Conditions of Employment Act
- Occupational Health & Safety Act
- Prevention of Cruelty to animals Act

All of which offer extensive and sufficient legislative intervention in order to deter and prevent instances of exploitation, abuse and racketeering. The lack of good governance of religious institutions requires adequate educational and oversight mechanisms instead of greater bureaucracy

**Self-Regulation:**

“Self-regulation” would require adequate compliance, monitoring, and enforcement mechanisms. The degree of responsibility attached to various stakeholders has not been sufficiently detailed in the CRL submission. How and who will be responsible for monitoring infractions? To ensure sufficient accountability, it is necessary that effective compliance, monitoring and enforcement mechanisms of rules, standards and policies are in

place. Quasi regulators may seriously undermine the process and may contribute to a culture of distrust, suspicion and cynicism. We do not believe that self- regulation is possible without State intrusion into doctrinal matters which will ultimately do great damage to religious freedom in South Africa and against our constitutional rights which are enshrined in the Bill of rights and constitution.

Thank You

Yusuf Patel  
Sec General  
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### **PROFILE OF UUCSA**

The United Ulama Council of South Africa (UUCSA) is an umbrella body comprising of the following major Muslim theological formations in South Africa:

1. Jamiatul Ulama South Africa – Established in 1923
2. Muslim Judicial Council of South Africa – Established in 1945
3. Jamiatul Ulama KZN – Established in 1955
4. Sunni Jamiatul Ulama of South Africa – Established in 1978
5. Sunni Ulama Council of South Africa – Established in 1992
6. Eastern Cape Islamic Congress – Established 1986
7. Council of Ulama Eastern Cape - Established 1999
8. Northern Cape Ulama Council - Established 2003

### **FUNCTIONS**

UUCSA was founded in 1994 with the object of providing credible and unified leadership on behalf of the major theological formations in South Africa. The overarching functions of affiliate members include:

- ✓ Establishment and management of Islamic seminaries
- ✓ Issuance of religious edicts
- ✓ Welfare Services
- ✓ Social Services
- ✓ Marriage Counselling
- ✓ Mediation and Arbitration Services
- ✓ Liaison with national and provincial governmental structures

- ✓ Regulation of Muslim dietary needs