DRAFT SELF-REGULATORY FRAMEWORK FOR THE CHRISTIAN SECTOR IN THE REPUBLIC OF SOUTH AFRICA

PREPARED FOR
THE CRL RIGHTS COMMISSION

BY

SECTION 22 AD HOC COMMITTEE

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1 PREAMBLE

WHEREAS the rights of religion are provided for in Sections 15 and 31 of the Constitution of the Republic of South Africa, 1996.

(i) Section 15 (1) provides that: *Everyone has the right to freedom of conscience, religion, thought, belief, and opinion.*

(ii) Section 31 (1): *Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community, (a) to enjoy their culture, **practise their religion** and use their language; and (b) to form, join and maintain cultural, religious and linguistic associations and other organs of civil society.*

AND WHEREAS the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Commission) has established a Committee in terms of Section 22 of Act 19 of 2002. The Section 22 Committee for the Christian Sector is desirable to give effect to its mandate, set standards for the proper governance of churches through the people and for the people, and promote and uphold the prescripts of the Constitution of the Republic of South Africa and the Scripture, with Apostle Peter being the point of reference in 1 Peter 5, verses 2 to 3.

> *"Be shepherds of God's flock that is under your care, watching over them—not because you must, but because you are willing, as God wants you to be; not pursuing dishonest gain, but eager to serve; not lording it over those entrusted to you, but being examples to the flock."*

AND WHEREAS the citizenry of the Republic of South Africa is diverse in their cultural, linguistic and religious beliefs and practices, and are unreservedly protected by the Constitutional right to freedom of religion, belief and opinion.

NOTWITHSTANDING the assertion or misconception that the current legislative framework is not adequate to deal with all forms of criminality and abuses within the church.

NOTWITHSTANDING that any form of regulating the Christian sector, including self-regulation, is used as a scarecrow to instil fear and hype up negativity towards the Section 22 Committee.

THEREFORE this Draft Self-Regulatory Framework for Christian Sector in the Republic of South Africa is published, under the auspices of both the Constitution and Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, 2002 (Act 19 of 2002), giving effect to the spirit and purport thereof, especially in relation to the guidance of the religious observance of the Church and discipline and guidance of the individual Church leadership and members, ensuring adequate protection of the people's Bill of Rights. It consists of the following parts: Background, Problem Statement, Guiding Principles, Core Pillars of the Framework, Guidelines for the Code of Conduct, Statement of Support, and Conclusion.

2 BACKGROUND

2.1 The CRL Commission, in terms of Section 22 of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities Act, 2002 (Act 19 of 2002), established an Ad hoc Committee for the Christian Sector comprising representatives from the major umbrella bodies within the Christian sector.

2.2 The Section 22 Ad hoc Committee is aware and recognises the CRL Commission's report on the abuses within the churches, which was submitted to parliament in 2017. Further, notes the 2018 recommendations of the Parliament's Portfolio Committee, which informed the establishment of this Section 22 Ad hoc Committee and the national consultative meeting held in 2019.

2.3 The Section 22 Ad hoc Committee has the responsibility to conduct consultations with all Christian sectors and organisations throughout the country about the development of the legislative framework to provide for:

(a) The establishment of the Christian Sector Practice Council for Ethics and Accountability, representative of all Christian sector denominations;

(b) Registration of Christian sector institutions according to the diverse religious sectors/denominations;

(c) Registration of Christian sector practitioners according to the diverse religious sectors/denominations; and

(d) Development of a code of conduct/ethics for all Christian sector practitioners.

3 PROBLEM STATEMENT

3.1 While recognising the diversity of churches based on legitimate, divergent views on scriptural interpretation, some use this to demonise and delegitimise others, which leads to the church failing to speak with one voice against immoral and unethical practices.

3.2 Resistance towards self-regulation of church bodies, based on the misunderstanding of South Africa's constitutional rights for individuals and group rights to voluntarily organise themselves in terms of their faith and beliefs, aimed at misleading believers against unfounded and unconstitutional state control of religion.

3.3 The absence of accreditation standards and norms prevents churches from finding common ground on how to address the moral and ethical challenges in the Christian sector.

3.4 The lack of regulation results in indiscriminate establishment of churches, which threatens the spiritual well-being of the citizenry and the financial stability of the country through illicit flows of funds and intoxicating substances.

3.5 There is a trend of commercialising churches rather than satisfying the spiritual needs of the people.

3.6 Innocent people, especially the vulnerable and marginalised communities such as the poor and those living with disability and chronic illness, are exploited under the pretence that they will be given healing and prosperity.

3.7 Blatant abuse of congregants is rife, where some are fed hazardous substances, unclean animals and other inedibles in the name of healing and deliverance.

3.8 Religious intolerance, unfair discrimination and lack of appreciation of diversity have become commonplace. Some Christian institutions have normalised intolerance and disrespect to other churches with the intention of winning over members from those institutions. Other Christian institutions unfairly discriminate against certain groups based on their religious affiliations.

4 GUIDING PRINCIPLES

This framework is established by and for the South African Christian community. Its primary purpose is to promote a culture of transparency, accountability, and ethical leadership within Christian organisations, thereby strengthening their moral witness and public trust. It is built on the following guiding principles:

Autonomy with Responsibility: Respect for the doctrinal independence and freedom of religion, balanced with a voluntary commitment to ethical self-governance.
Integrity: Upholding the highest standards of moral and ethical conduct in all activities.
Transparency: Operating openly.
Accountability: Willingness to accept responsibility for one's actions to members, stakeholders, the broader public, and government authorities.
Service: A commitment to the well-being of members and the socio-economic development of communities in South Africa.
Considerate: Accommodative of various Christian institutions, regardless of size, location, socio-economic background, literacy levels of members, and type of Christian institution, e.g., traditional versus contemporary.

5 CORE PILLARS OF THE FRAMEWORK

This framework rests on three interconnected pillars, i.e. Internal Governance and Accountability, Code of Ethical and Professional Conduct, and Legal and Regulatory Compliance.

5.1 Internal Governance and Accountability

To ensure sound internal management, every participating Christian organisation should adopt and implement the following structures and processes:

5.1.1 Constitution

5.1.1.1 Each institution shall maintain a clear, written constitution that outlines the organisation's cornerstones / foundational principles, liturgy, mission, vision, membership requirements, leadership and governance structures, including appointments and roles and responsibilities, financial management, as well as key meetings to be held, such as annual general meetings.

5.1.1.2 The constitution shall explicitly outline the processes for appointing and removing leaders and members of the governing structures.

5.1.1.3 Churches are encouraged to develop policies aligned with their constitutions and practices.

5.1.2 Financial Accountability and Transparency

5.1.2.1 Annual Financial Reports: Institutions shall prepare annual financial statements and reports.

5.1.2.2 Budget Approval: The governing structure shall approve the budget, and significant deviations shall be justified and recorded.

5.1.2.3 Disclosure: Annual reports shall be made available to relevant structures.

5.1.2.4 Segregation of Duties: Ensure that no single individual has unchecked control over financial transactions (e.g. the person authorising payments should not be the same person recording them).

5.1.2.5 Income Disclosure: Full disclosure of all sources of income.

5.1.3 Churches founded by foreign nationals and institutions

5.1.3.1 Founding members must be in good standing in their home countries and South Africa, meaning they hold a valid passport, are legally present in South Africa, have no criminal record, and are tax-compliant, among other requirements.

5.1.3.2 Foreign nationals shall be permitted to set up branches in the Republic only if they have a recognised Christian institution in their country of origin.

5.1.3.3 The governing structure of the local church shall consist of a majority of South African members over foreign nationals.

5.2 Code of Ethical and Professional Conduct

5.2.1 All institutions shall define a Code of Ethical and Professional Conduct, which all personnel and members shall commit to uphold.

5.2.2 At a minimum, such Code of Conduct shall mandate all members, including those in positions of authority and personnel to:

5.2.2.1 act with integrity, honesty, and compassion in both public and private life;

5.2.2.2 avoid any conduct that would bring the organisation or the broader Christian community into disrepute; and

5.2.2.3 refrain from sexual misconduct, exploitation, or abuse of any kind.

5.2.3 Clergy shall maintain appropriate professional boundaries with congregants, especially with minors and vulnerable adults.

5.2.4 Those in positions of power shall not use it for their own personal gain.

5.2.5 Members shall avoid conflict of interest, and where a potential conflict exists, it shall be disclosed to the governing structure.

5.2.6 Transparency shall be maintained in all fundraising activities, clearly stating the purpose of funds raised.

5.2.7 Maintain the confidentiality of information shared in pastoral or counselling contexts, except where there is a legal duty to report (e.g., child abuse, credible threat of harm).

5.2.8 Commit to treating all individuals with dignity and respect, irrespective of race, gender, ethnicity, or socio-economic status.

5.3 Legal and Regulatory Compliance

5.3.1 Participating organisations shall commit to operating in compliance with South African law.

5.3.2 Christian sector organisationsmust register either as a Non-Profit Organisation (NPO) with the Department of Social Development, or as a Non-Profit Company with the Companies and Intellectual Property Commission (CIPC), or as any other legally recognised entity structure. This step is essential for establishing credibility.

5.3.3 Registration with SARS as a Public Benefit Organisation (PBO) is recommended to enable the issuance of Section 18A tax-deductible receipts for donations.

5.3.4 Institutions shall comply with all tax laws, including Pay-As-You-Earn (PAYE) for employees, and Value-Added Tax (VAT) if applicable.

5.3.5 Accurate financial records shall be maintained for at least five years as required by law.

5.3.6 Basic Conditions of Employment Act, the Labour Relations Act, and the Employment Equity Act for all staff shall be adhered to. Employment contracts shall be issued to staff.

5.3.7 Ensure that all premises comply with the general health and safety standard.

5.3.8 Implement a robust Child Protection Policy that includes relevant vetting of all staff and volunteers working with children and vulnerable individuals (in line with the National Child Protection Register).

5.3.9 Adhere to the Protection of Personal Information Act (POPIA) by responsibly collecting, storing, and using personal data of members and donors.

5.3.10 Obtain necessary permits or occupancy certificates from the local authorities. Authorities should provide appropriate support where necessary.

6 IMPLEMENTATION OF THE FRAMEWORK

To ensure the effectiveness of this framework, a national independent body will be established.

6.1 Christian Practice Council for Ethics and Accountability (CPCEA)

6.1.1 The Christian Practice Council for Ethics and Accountability (CPCEA) shall operate as an independent body consisting of respected Christian leaders from diverse backgrounds, alongside Christian experts in law, finance, and ethics. The CPCEA shall as appropriate participate in the Religious Practitioners Council to be established by the CRL, in accordance with the Section 22 Committee Terms of Reference.

6.1.2 The functions of the Council shall include, but not be limited to:

6.1.2.1 Maintain a public register of Christian organisations that have voluntarily adopted and been certified under this framework.

6.1.2.2 Develop comprehensive guidelines and toolkits to assist organisations in implementing the framework.

6.1.2.3 Provide training on governance, financial management, and ethical conduct.

6.1.2.4 Receive and confidentially investigate complaints against member organisations concerning breaches of the framework.

6.2 Certification and "Seal of Good Standing"

6.2.1 Organisations that can demonstrate compliance with the framework's standards (e.g., through submitted constitutions, adopted policies and compliance with

annual government requirements e.g. NPO, Tax) will be awarded a "Seal of Good Standing" by the CPCEA.

6.2.2 This seal shall serve as a public signal of the organisation's commitment to accountability and ethical practice, helping congregants and donors make informed decisions.

6.3 Dispute Resolution and Sanctions

6.3.1 The CPCEA shall put in place a fair and transparent process for addressing grievances.

6.3.2 Sanctions for non-compliance could range from requiring a corrective action plan, suspension of the "Seal of Good Standing," to, in cases of serious or repeated breaches, deregistration and public notification.

7 CONCLUSION

7.1 This draft self-regulatory framework is not about state control of religion. It is a proactive, voluntary initiative by the Christian community to safeguard its integrity, restore and enhance public trust, and ensure that it remains a powerful force for good in South African society. By adopting this framework, Christian organisations affirm that true faith is demonstrated not only in preaching but also in principled and accountable practice.

7.2 The proposed South African self-regulatory framework is indispensable and aligns with international best practices, while being carefully tailored to the domestic context.

7.2.1 Avoids Extremes: It steers a middle path between the low-regulation, high-risk models and the high-state-control models.

7.2.2 The draft self-regulatory framework emulates leading countries with emphasis on transparency, governance and accountability through the "Seal of Good Standing".

7.2.3 Proactive and Necessary: There is a clear global trend towards increased accountability. By self-regulating robustly, South African Christian organisations can get ahead of this curve, protect their autonomy, and rebuild public trust.

7.2.4 Addresses Critical Gaps: The framework's strong focus on a Code of Conduct and Child Protection directly addresses the most common causes of institutional failure globally, making it not just a compliance tool but a vital risk-management and ethical integrity system.

GLOSSARY

Christian Organisations	A group of organisations formed around shared Christian beliefs, aiming to advance the faith or serve others through its principles, encompassing diverse entities like churches, ministries, and other bodies, united by faith but varying in structure, governance, practice, worship, service and activities, always seeking to live out Jesus' love and teachings in the world.
Christian Sector	Refers to the various denominations, and organisations within Christianity
Christian Sector Practice Council for Ethics and Accountability	A Council established for the Christian Sector to develop the self-regulation framework for ethics and accountability of practitioners across all Christian sector denominations;
Section 22 Ad hoc Committee	An Ad hoc committee established by South Africa's Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities to address abuses, promote accountability, and create self-regulation within the Christian religious sector, developing codes of ethics.
Self-Regulation	The guidelines, standards, and ethical codes to promote good practice, ensure accountability and foster public trust, developed, supported and implemented by the Christian sector.

ANNEXURE A: ROADMAP AND CONSULTATION PROCESS ON THE DRAFT CHRISTIAN SECTOR SELF-REGULATION FRAMEWORK

The Section 22 Committee will undertake national consultations with diverse stakeholders, using multiple platforms, to gather their inputs and comments before finalising the Christian Sector Self-Regulation Framework.

Below are some of the stakeholders that will be consulted:

1. Umbrella Christian bodies and organisations
2. Traditional Leaders
3. Christian Denominational leaders
4. Fraternal and Individual Pastors
5. Christian Members and Abuse Survivors
6. Relevant Chapter 9 Institutions (e.g. Gender Commission, Human Rights Commission
7. Relevant Government Departments (e.g. COGTA, Home Affairs
8. General Public
9. Benchmark with relevant bodies (Health Professional Council and Law Society
10. Benchmark with other countries
11. Theological Consultations (Academics and Legal Consultations)
12. Finalise the report and presentation to the Parliamentary Portfolio Committee
13. Establishment of the Christian Sector Council for Ethics and Accountability