



CC. TE
ME
C64
[64]

**WORLD CONFERENCE ON RELIGION AND PEACE
SOUTH AFRICAN CHAPTER**

08 Piet Meyer Street
Mindalore
Krugersdorp 1739
South Africa
Telephone (011) 762-2938
Fax (011) 762-5023

15 July 1993

The Chairperson
Technical Committee
on the Bill of Human Rights
Multi-Party Negotiations
World Trade Centre
KEMPTON PARK

Dear Sir/Madam

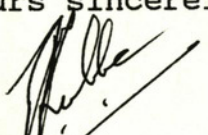
Enclosed herewith kindly find a copy of the Declaration on Religious Rights and Responsibilities as well as a Proposed Clause on Religious Freedom for the Bill of Human Rights.

A National Inter-faith Conference held in Pretoria on 22 - 24 November 1992 under the auspices of the above organisation adopted the enclosed Declaration. It is the result of two years of discussion and consultation amongst religious groups and therefore represents a statement from the side of organised religion vis-a-vis relations with a future democratic state.

On the basis of the Declaration, the National Inter-faith Conference also proposed the attached Clause on Religious Freedom to be included in a future Bill of Human Rights for South Africa. We now have the pleasure of presenting this Clause to you and trust that you will give serious consideration to its contents.

We will gladly respond to any further clarification which you may need.

Yours sincerely


DR G J A LUBBE
NATIONAL PRESIDENT



*WORLD CONFERENCE ON RELIGION AND PEACE
SOUTH AFRICAN CHAPTER*

PROPOSED CLAUSE FOR THE BILL OF HUMAN RIGHTS

1. All persons are entitled:
 - 1.1 to freedom of conscience,
 - 1.2 to profess, practise, and propagate any religion or no religion,
 - 1.3 to change their religious allegiance;

2. Every religious community and/or member thereof shall enjoy the right:
 - 2.1 to establish, maintain and manage religious institutions;
 - 2.2 to have their particular system of family law recognised by the state;
 - 2.3 to criticise and challenge all social and political structures and policies in terms of the teachings of their religion.

DECLARATION

ON

RELIGIOUS

RIGHTS

AND

RESPONSIBILITIES

WE WHO SUBSCRIBE TO THIS DECLARATION

- a. understand, for the purpose of this declaration, a religious community to mean a group of people who follow a particular system of belief, morality and worship, either in recognition of a divine being, or in the pursuit of spiritual development, or in the expression of a sense of belonging through social custom and ritual;
- b. recognise that the people of our continent, Africa, belong to diverse religious communities;
- c. regret that in South Africa religion has sometimes been used to justify injustice, sow conflict and contribute to the oppression, exploitation and suffering of people;
- d. acknowledge the courageous role played by many members of religious communities in upholding human dignity, justice and peace in the face of repression and division;
- e. are convinced that our religious communities can play a role in redressing past injustices and the construction of a just society;

THEREFORE

- f. affirm the rightful and lawful existence of diverse religious communities and call upon the state to recognise them and guarantee their autonomy;
- g. call upon religious communities to promote spiritual and moral values, reconciliation and reconstruction, in accordance with their own teachings;

AND AFFIRM THAT

1 PEOPLE SHALL ENJOY FREEDOM OF CONSCIENCE

- 1.1 All persons shall be free to have and give expression to a system of values or religious beliefs and practices of their choice, and no-one shall be coerced into accepting or changing his/her religious affiliation.
- 1.2 Everyone should respect and practise tolerance towards other people whatever their religious beliefs, provided that the expression of religion shall not violate the legal rights of others.

2 RELIGIOUS COMMUNITIES SHALL BE EQUAL BEFORE THE LAW

- 2.1 The state shall uphold the equality of all religious communities before the law, not identifying with or favouring any, but shall consult and cooperate with religious communities in matters of mutual concern.
- 2.2 Religious communities, singly, jointly or collectively, shall have the right to address the state and enter into dialogue on matters important to them.
- 2.3 The state shall uphold the professional confidentiality of people who exercise a leadership function in religious communities concerning any information acquired in the course of their religious duties.
- 2.4 There shall be no discrimination on the basis of religious affiliation in employment practices, except where religious affiliation is an essential job qualification.

3 RELIGIOUS COMMUNITIES HAVE MORAL RESPONSIBILITIES TO SOCIETY

Religious communities should, in accordance with their particular teachings,

- 3.1 educate their communities in spiritual and moral values and promote these in society;
- 3.2 direct energies, talents and resources towards the service of their fellow human beings;
- 3.3 direct their land resources to the benefit of the landless;
- 3.4 remain self-critical at all times and strive to eliminate discrimination based on gender, race, language or social status in their own structures and among their members;
- 3.5 critically evaluate all social, economic and political structures and their activities;
- 3.6 ensure that people who exercise a leadership function in religious communities follow the dictates of their consciences to avoid conspiring or colluding to violate the public good or the legal rights of others.

4 PEOPLE HAVE THE RIGHT TO RELIGIOUS EDUCATION

- 4.1 Parents, guardians and religious communities have the primary responsibility for the faith development of their children, and parental consent is required in all matters pertaining to their religious instruction and worship in schools.
- 4.2 The decision about whether or not to offer religious education in state schools shall be made by each local school community.
- 4.3 Schools that offer religious education may choose single-faith instruction in each of the religions represented in the school, or the study of world religions, or both.
- 4.4 In the case of a single-faith curriculum, school communities should ensure that suitably qualified persons from religious communities give religious instruction to their own adherents.

4.5 Religious communities shall be entitled to establish and maintain their own educational institutions at all levels.

4.6 Such institutions shall have the right to financial support by the state, provided that they comply with the academic norms laid down by the educational authorities.

5 PEOPLE IN STATE INSTITUTIONS SHALL ENJOY RELIGIOUS RIGHTS

5.1 Members of the security forces, prisoners, as well as patients and residents in state institutions, shall have the right to observe the requirements of their religions.

5.2 Such persons shall have access to spiritual care from their own religious communities.

6 RELIGIONS HAVE THE RIGHT TO PROPAGATE THEIR TEACHINGS

6.1 The propagation of religious teachings should be done with respect for people of other religious communities, without denigrating them or violating their legal rights.

6.2 Such propagation should not take unfair advantage of anyone on the basis of age, physical and mental weakness, economic need or any other vulnerability.

7 RELIGIOUS COMMUNITIES SHALL HAVE ACCESS TO THE PUBLIC MEDIA

7.1 Every religious community shall have reasonable access to the publicly-owned communications media and the right to establish its own.

7.2 To ensure such reasonable access and to avoid misunderstandings and intolerance, the broad religious spectrum of society should be represented on all boards responsible for religious media.

8 THE STATE SHALL RECOGNISE SYSTEMS OF FAMILY AND CUSTOMARY LAW

8.1 The state shall grant legal status to systems of family and customary law of religious communities with regard to marriage and its dissolution, the support of dependents and succession.

8.2 The state shall recognise persons from all religious communities as marriage officers.

8.3 Marriages and dissolutions contracted under family or customary law should be registered with the appropriate civil authorities.

8.4 People whose family or customary law has been granted legal status may also have legal recourse to the civil authorities on issues of family law.

8.5 In the case of the dissolution of a marriage, recourse may be sought in civil law after the avenues of family or customary law have been reasonably utilised.

9 THE HOLY DAYS OF RELIGIOUS COMMUNITIES SHALL BE RESPECTED

9.1 Authorities and employers shall make reasonable allowances for people from all religious communities to observe their religious holidays and days or times of worship.

10 RELIGIOUS INSTITUTIONS MAY OWN PROPERTY AND BE EXEMPT FROM TAXES

10.1 Local authorities shall set aside adequate land for religious purposes, such as worship, burial and cremation, and shall respect the religious integrity of these sites.

10.2 Such land shall be allocated to religious communities in terms of the needs of the local population.

10.3 Assets, religious objects or symbols imported, and funds received by religious communities for worship, education and works of mercy shall be exempt from taxation, and donations or bequests for the above purposes shall be tax-deductible.

AFFIRMATION

We, the signatories to this declaration,

- * convinced that there is an urgent need for all religious communities and the state to accept and implement the principles in this declaration;
- * trusting that this will contribute to better relations between the state and religious communities and between religious communities themselves;
- * recognising that these principles will function within the framework of a Bill of Rights;

hereby commit ourselves to implement this declaration and appeal to all religious communities to promote these principles everywhere.

A National Inter-Faith Conference, held in Pretoria on 22-24 November 1992 under the auspices of WCRP-SA, adopted this Declaration on Religious Rights and Responsibilities. It is the result of two years of discussion and consultation among religious groups, and is hereby presented to all religious communities and individuals for endorsement.

IF YOU ACCEPT THE DECLARATION, PLEASE RETURN THE ATTACHED POSTCARD. IF YOU ARE UNABLE TO ENDORSE IT, PLEASE RESPOND BY EXPLAINING TO US THE REASONS WHY YOU DISAGREE.

On the basis of the Declaration, the National Inter-Faith Conference also proposed the following clause on religious freedom to be included in a future Bill of Human Rights for South Africa. This clause, together with the Declaration, will be presented to the writers of a new South African constitution for their consideration.

PROPOSED CLAUSE FOR THE BILL OF HUMAN RIGHTS

1. All persons are entitled:

- 1.1 to freedom of conscience,
- 1.2 to profess, practise, and propagate any religion or no religion,
- 1.3 to change their religious allegiance;

2. Every religious community and/or member thereof shall enjoy the right:

- 2.1 to establish, maintain and manage religious institutions;
- 2.2 to have their particular system of family law recognised by the state;
- 2.3 to criticise and challenge all social and political structures and policies in terms of the teachings of their religion.



*WORLD CONFERENCE ON RELIGION AND PEACE
SOUTH AFRICAN CHAPTER*

8 Piet Meyer Street
1739 Mindalore
Krugersdorp

WCRP-SA gratefully acknowledges financial support for this project from:
Anglo American and De Beers Chairman's Fund, Evangelisches Missionswerk (Germany),
Niwano Peace Foundation (Japan), and the South African Catholic Bishops' Conference.