

NO SILENCING OF CHRISTIANITY



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Christianity, Stand United...

Defending Our Constitutional Freedoms Against Overbroad Religious Regulation...

Introduction: Why We Speak Now...

South Africa has long prided itself on having one of the world's most progressive constitutions... Sections 15, 16, 9 and 31 guarantee, among other things, freedom of religion, belief and expression, equal protection under the law and cultural / religious / linguistic community rights... Yet today, faith communities - especially Christian churches - face proposals from the CRL Rights Commission that threaten to curtail those freedoms...

This is not merely about policy; this is about our God-given and constitutionally enshrined rights... If the state can determine who may preach, what may be preached, which places are legitimate or not, then the door is open to state control over faith... It's time Christians stand united - not to oppose accountability or justice, but to protect what is sacred: our right to worship, believe, preach, assemble and hold religious conviction without fear of regulation that goes beyond what the law allows...

What the CRL Proposes: What's New, What's Not...

To push back intelligently, we must know exactly what is being proposed... What follows is a summary of the current proposals (2024-2025), how they compare with earlier versions, what is explicit, what is still ambiguous - and why those ambiguities are dangerous...

The 2017 / 2018 "Commercialisation of Religion" Report...

- In 2017, the CRL Rights Commission issued a report titled *Commercialisation of Religion & Abuse of People's Belief Systems*... It documented 12 key findings of abuses and irregularities in some churches or religious bodies... These included:
 1. Spiritual leaders demanding large sums of money from congregants for healing / blessing...
 2. Selling religious paraphernalia (oil, water etc.) at inflated prices...
 3. Lack of financial governance; church leaders using congregants' offerings in unregulated ways...
 4. Churches evading taxes or misusing their nonprofit status...
 5. Using visas illegally; registering properties in pastors' personal names...
 6. Operating as business enterprises, etc...
 7. Absence of peer review or oversight among Christian leaders; unchecked spiritual abuses...
 8. Harmful or exploitative "spiritual" practices (deep freezers, ingestion of harmful substances, etc.)...
 9. Advertisements making miraculous promises...
 10. Weak or non-existent governance inside many religious bodies...
- Recommendations in that report included: self-regulation, possibly registration of religious leaders, establishing umbrella bodies, peer review mechanisms and amendments to the CRL Act... ● It was met with strong opposition from many Christian bodies, including FOR SA, which argued that many recommendations crossed constitutional lines... ([Verbum et Ecclesia](#))

What's Being Reintroduced (2024-2025)...

- In April 2025, the CRL launched a **Section 22 Committee** (chaired by Prof Musa Xulu) to prepare a peer review mechanism for the Christian sector... Its task is preparatory: consultations, research, drafting

recommendations for legal or legislated frameworks to deal with abuses... (crlcommission.org.za)

- The CRL says it invokes constitutional guarantees: Section 15 (freedom of religion, belief etc.), Section 31 (cultural religious rights), Section 22 of CRL Act etc. (crlcommission.org.za)
- Some proposals being reported (in media) or under discussion include: certification / licensing of religious leaders; requiring religious institutions to register; defining criteria of what counts as harmful religious practice; peer review councils; possible sanctions for spiritual transgressions... (www.christiandaily.com)

What's Different / More Worrying This Time...

- The rhetoric is more formalized: instead of just recommendations, there is movement toward possible legal / law-amendment frameworks...
- The Committee's timeframe is longer, with recommendations expected by end of 2026, which suggests that legislative proposals might follow... (www.christiandaily.com)
- The scope seems to focus narrowly first on Christian sector ("pilot" or "Christian sector peer review"), which raises concerns about selective application... (crlcommission.org.za)
- Some media reports allege that the proposals may include criteria for what makes a "real" religion or leader (text origin, number of followers)... If implemented, such criteria may exclude smaller or newer churches or churches whose traditions differ... (www.christiandaily.com)

Legal & Constitutional Stakes...

When regulation proposals encroach on core freedoms, it's essential to check what the law says... Below are key constitutional provisions, some relevant precedents and criteria by which any limitation of rights must be judged...

Key Constitution Provisions...

1. **Section 15** - Freedom of religion, belief, conscience; public religious observance allowed under certain conditions...
2. **Section 16** - Freedom of expression; this includes religious speech and preaching...
3. **Section 9** - Equality; prohibits unfair discrimination on various grounds, including religion...
4. **Section 31** - Rights of religious, cultural and linguistic communities to practise their religion, culture, form associations...
5. **Section 36** - Limitations clause: allows rights to be limited, but only if reasonable and justifiable in a free and democratic society, for a legitimate purpose, via the least restrictive means...

Key Cases & Precedents...

- **FOR SA v Minister of Justice (2019)** - outlawed corporal punishment in the home; even parental authority is constrained by constitutional protection of children... This shows rights are not absolute but are carefully balanced... ([Wikipedia](https://en.wikipedia.org/wiki/For_Sa_v_Minister_of_Justice))
- The 2017 hearings and critiques (including by Christian theologians in *Verbum et Ecclesia*) warn that proposals to regulate doctrine, require accreditation or define what counts as a religion may violate constitutional protections... ([Verbum et Ecclesia](https://www.verbumetecclisia.com))

How to Judge Whether a Proposal Is Constitutional...

Any regulation must satisfy:

- **Legitimate purpose:** e.g. preventing fraud, protecting vulnerable persons...
- **Rational connection:** the regulation must be rationally connected to that purpose...
- **Least restrictive means:** if less intrusive options exist (using existing laws, criminal prosecution), they should be used first...
- **Proportionality:** the benefit of the regulation must outweigh the harm to rights...
- **Due process, non-arbitrariness:** people must have clear, fair opportunity to be heard; no discriminatory criteria; clarity of laws....

Potential Dangers of Overbroad Regulation...

Here are some of the risks Christians must consider if regulatory powers are allowed to grow unchecked:

1. **State definitional power over what is a “legitimate” religion or leader** - history shows that when states decide which groups count, marginal or unconventional groups often get excluded or persecuted...
2. **Suppression of doctrine or preaching** - definitions of harmful spiritual doctrine or belief might be used to limit sermons, prophetic messages, or spiritual practices that are merely controversial or unconventional...
3. **Licensing becomes de facto gatekeeping** - Once licensing or registration becomes required, pastors / churches may be shut down, penalised, or refused recognition not because they break criminal law but because they fail to satisfy bureaucratic or subjective criteria...
4. **Risk of persecution or selective enforcement** - regulation may be used more harshly against smaller, independent churches, or churches with political critique, which could change what is preached or restrict voices...
5. **Dilution of religious identity** - Many churches, especially in indigenous or African Christian traditions, do not have formal theological degrees, hierarchical structures, formal criteria for leadership, or even fixed “texts”... Forcing formal structures or criteria may alter tradition and faith-expression...
6. **Administrative burden** - For many churches, particularly small ones in poorer communities, compliance costs (registration, documentation, reporting, governance structures) may be burdensome or impossible without external funding; could privilege those with resources...

What the Critics Say...

- **Freedom of Religion South Africa (FOR SA)** calls the proposals “a serious and existential threat” to religious freedom... They argue that many of the abuses cited by the CRL are already crimes under existing laws and need enforcement rather than new regulation... (www.christiandaily.com)
- In *Verbum et Ecclesia*, Collum Banda and others have articulated that proposals like defining what is a religion, criteria for legitimacy, accreditation, registration, etc., risk redefining religion from a Christian theological perspective, moving away from a faith-centred understanding... ([Verbum et Ecclesia](#))
- The Parliamentary Portfolio Committee in 2018 recommended self-regulation rather than sweeping external regulation or licensing... Though they acknowledged that abuses exist, they warned that regulation must stay within constitutional boundaries... ([Parliament of South Africa](#))

Alternatives: How to Fix the Problems Without Violating Rights...

It is possible to address the abuses (fraud, exploitation, harmful practices) without undermining religious freedom... Here are some proposals Christians and stakeholders can unite behind...

1. Strengthen enforcement of current laws...

- Criminal law already covers fraud, sexual abuse, assault, rape, trafficking. Investigate and prosecute those abusing power...
- SARS / tax law enforcement for misuse of nonprofit status / money laundering....
- Health and safety laws for dangerous physical practices (e.g. dangerous rituals, harmful ingestion)...

2. Voluntary codes of conduct & umbrella bodies...

- Churches and denominations can come together to adopt ethical codes...
- Umbrella organisations to dispute resolution and peer accountability...
- Use existing Christian networks and inter-church councils to discipline internally where abuse is found...

3. Transparency & financial governance...

- Churches publish budgets, statements, financial audits...
- Clear leadership structures and succession plans...
- Training for pastors/religious leaders in finance, accountability, pastoral ethics...

4. Educating congregants and media awareness...

- Teach congregants about their rights under the Constitution; help them know when an action is abusive or criminal...
- Media to highlight cases, but responsibly distinguish between genuine faith practice and abuse...

5. Selective regulation / criminal-only intervention...

- If regulation is considered, limit it to harmful practices already prohibited in law (abuse, fraud, etc.), not everything...
- Make sure any regulation or oversight mechanism is **clear, narrow, voluntary where possible, with rights to appeal and transparency**...

6. Public participation & legal oversight...

- Demand the CRL, Parliament, or any legislative body publish full draft texts of any regulatory or licensing legislation...
- Use PAIA (Promotion of Access to Information Act) to get access to draft proposals and terms of reference...
- Engage culturally diverse Christian representation in the consultation; ensure no faith is singled out or defined by outsiders...

a Christian Call to Unity...

Christians from all denominations and traditions - mainline, evangelical, Pentecostal, African Independent Churches, house churches - must stand together... Here are steps we can take as a unified front:

- **Shared Statements & Declarations:** Release a joint statement (like “Christianity, Stand United”) affirming constitutional freedoms while acknowledging abuses and committing to internal accountability...
- **Inter-Church Coalitions:** Form alliances across denominations (even across racial/cultural lines) to speak with one voice in Parliament, in media, in public hearings...
- **Legal Fund / Support Network:** Enable a fund or legal team to support churches or individuals who are wrongly targeted; help them make submissions or defend rights...
- **Monitoring:** Use the checklists earlier drafted: track draft bills, media reports, CRL committee announcements; respond early with submissions and public pressure...
- **Prayer and Spiritual Watchfulness:** Recognise this is not just a political or legal struggle; many Christians see it as spiritual... Pray, study, and be grounded in Scripture (Acts, Galatians etc.) about faith, law, obedience to God vs obedience to human authorities...

Sample Arguments for Media, Scripture & Faith Context...

To make persuasion effective, it helps to draw on Scripture, legal precedent and moral authority... Here are some arguments and scriptural references you can use when speaking or writing...

- **Acts 5:29...**

“We must obey God rather than any human authority.”

Use this to explain that when state demands conflict with biblical convictions, Christians must stand...

- **Galatians 5:1...**

“It is for freedom that Christ has set us free.”

Emphasise that Christian faith includes spiritual freedom, which mustn't be legislated away...

- **Biblical examples of prophets, early church** who preached despite opposition (Daniel, Peter, Paul)... These are not just symbolic; they show precedent for speaking truth even when state pressure is high...
- **Legal precedent:** use Constitutional Court judgments (FOR SA case, etc.) which have upheld religious belief and expression and limited state intrusion...
- **Moral argument:** Christianity teaches accountability, integrity, transparency... Many pastors are trustworthy; the abuses are exceptions, not the norm... But exceptions should be addressed via law, not sweeping regulation over entire Christian communities...

Conclusion: Our Response...

Christians must respond in a way that is wise, strong and rooted in unity... Here's what you can do personally or with your church:

1. Read the CRL's media statements and reports carefully; share with your congregation...
2. Mobilise your church leadership to make written submissions during consultations; attend public hearings...
3. Demand that any draft law or regulation be published, debated and tested against constitutional rights...

4. Support or join organizations like FOR SA or similar umbrella bodies that lobby for religious freedom...
5. Continue holding pastors, churches and leaders to high moral standard - to prevent abuses, but always with discernment and grace....

In a time when many seek to control, monitor, license and regulate religion... Christians must remember that our first loyalty is to God... But the law of the land, our constitution, is a gift and a shield for our freedom... Let us not allow fear or bureaucratic overreach to push us into silence or compliance with schemes that erode what God and law have given us...

PROPOSED MEDIA STATEMENT FOR IMMEDIATE RELEASE...

25 September 2025...

South Africa's Freedom of Religion Must Not Be Sacrificed Under the CRL's New Proposals...

As a concerned South African citizen: I am deeply alarmed by the renewed proposals emanating from the CRL Rights Commission to impose state oversight, licensing or regulatory structures over churches, pastors and faith communities...

South Africa's Constitution – one of the most progressive in the world – guarantees every person the right to freedom of religion, belief and association... These rights are not privileges granted by the state; they are fundamental freedoms that form the bedrock of our democracy...

What the CRL is now proposing is, in my view, a direct encroachment on these constitutional rights... A blanket regulatory or licensing regime over all religious bodies is not only unnecessary; it is dangerous... It risks giving the state a gatekeeping role over who may preach, what may be preached and which faiths are "acceptable." History teaches us that such powers are almost always abused...

South Africa does not lack laws to deal with abuse, exploitation or fraud within religious organisations... Our criminal law already prohibits fraud, assault, sexual offences, trafficking and financial crimes... Where "bad apples" exploit the vulnerable under the guise of religion, the answer is clear: identify them, investigate them and prosecute them to the full extent of the law... That is how a constitutional democracy deals with wrongdoing – not by placing every religious community under state control...

I call on Parliament, civil-society organisations and every South African who values freedom to scrutinise these proposals carefully and to reject any measure that undermines our constitutional rights... We must protect vulnerable people without destroying the liberty that allows our diverse faith communities to flourish...

END...

a Call to United Action and Urgent Sharing...

The issues before us are grave... We face proposals that, though couched in the language of accountability, have the potential to become a bureaucratic tool... To define, control and ultimately curtail our God-given and Constitutionally protected freedoms... We have demonstrated that the abuses cited by the CRL Rights Commission can and must be addressed using existing, effective laws... Without sacrificing the fundamental right to religious autonomy...

The time for quiet compliance or isolated concern is over... Our response must be wise, measured and above all, unified... We must demand transparency, engage in every public participation process, and support legal advocacy that stands firm on our constitutional rights... Do not let bureaucratic process be the means by which freedom is slowly legislated away...

a Personal Appeal: Do Not Keep Silent...

If you have read this document, then you have been entrusted with information vital to the future of Christian liberty in South Africa... This is not a private letter; it is a battle cry for constitutional rights...

We appeal to you, Christian brother and sister, to be a conduit for this truth...

1. **Share This Document:** Immediately forward this text, print it, or share its core message via every available platform: WhatsApp groups, email lists, church bulletins and social media...
2. **Speak the Message:** Discuss this in your Bible study groups, prayer meetings and with your church leadership... Urge your pastors and denominational heads to issue strong, unified statements...
3. **Stand Together:** Support the organisations and legal funds that are actively defending our freedom of religion in this crucial moment... Unity is our greatest shield...

The enemy of freedom thrives on apathy and silence... Our collective voice, rooted in our constitutional rights and guided by our faith in the Lord, is powerful...

For our faith!... For our freedom!... For our future!...

Do not keep this to yourself... Silence is complicity... Spread the truth... Defend our faith...

Johann Heynecke...

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Date: 25 September 2025...

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