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2022 Report on International Religious Freedom: South Africa

Executive Summary

The constitution provides for freedom of religion and belief and prohibits discrimination on the basis of religion. The government does not require religious groups to register; however, registered groups receive tax-exempt status.

In September, the Mpumalanga High Court sentenced Harry Johannes Knoesen, a pastor and leader of the National Christian Resistance Movement, to two life terms plus 21 years in prison for incitement to carry out violent attacks against Black persons and recruiting individuals to commit attacks. Throughout the year, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL), an independent government institution, examined allegations of sexual abuse, cult-like practices, and financial malfeasance against leaders of various religious organizations in what it stated was a continued effort to protect congregants from abuse and fraud. In June, the Constitutional Court confirmed a Supreme Court of Appeal ruling that legally recognized Muslim marriages and declared sections of the separate Marriage and Divorce Acts unconstitutional. In November, the Al Jama ah Party introduced in Parliament two pieces of legislation – the registration of Muslim Marriages Bill and the Divorce Amendment Bill. According to media outlets, in March, the International Federation of Christian Churches rejected the government's COVID-19 Risk Adjusted Strategy that included a vaccine mandate, saying the mandate violated the constitution's guarantee of religious freedom. Several religious organizations declared their opposition to two draft guidelines on sexual orientation and gender identity in public schools. In February, the Constitutional Court ordered Bongani Masuku, former head of international relations for the Congress of South African Trade Unions, to apologize to the Jewish community for 2009 remarks that the court said were hate speech. Legal experts and the South African Jewish Board of Deputies (SAJBD) characterized the case as groundbreaking and a significant victory for the Jewish community. In August, Khalid Sayed, an African National Congress (ANC) Member of the Western Cape Provincial Parliament (MP) apologized to the Muslim community for his offensive comments about the companions of the Prophet Muhammad. The ANC reprimanded Sayed and condemned his remarks.

In June, the Muslim Judicial Council (MJC), a non-profit umbrella body of Sunni Muslim clerics, issued a fatwa on homosexuality proclaiming that Islam has no place for men and women who “act upon their feelings of homosexuality.” The SAJBD recorded 68 antisemitic incidents during the year, a number similar to the 65 incidents in 2021. In October, the leak of an internal company memo instituting a “moratorium on the appointment of white individuals” written by Dis-Chem Pharmaceutical Company

CEO Ivan Salzman, in an effort to boost compliance with affirmative action quotas, generated a wave of antisemitic criticism online targeting Salzman, who is Jewish. In June, the independent Press Council of South Africa expelled the *South African Jewish Report* for describing a cartoon promoted by the Boycott, Divestment Sanctions (BDS) movement as antisemitic.

In November, the Ambassador and the U.S. Special Envoy to Monitor and Combat Antisemitism met with officials from the Department of International Relations and Cooperation and MPs to discuss antisemitism and religious tolerance in the country. U.S. embassy officials met with religious groups and nongovernmental organizations (NGOs), including Muslim, Hindu, Christian, Jewish, and humanist representatives, to gauge and discuss issues of religious freedom, including cases of antisemitism and anti-Muslim sentiment.

Section I. Religious Demography

The U.S. government estimates the total population at 57.5 million (midyear 2022). According to a 2010 Pew Research Center report, 81 percent of the population is Christian. Approximately 15 percent of the population adheres to no particular religion or declined to indicate an affiliation; some of these individuals likely adhere to Indigenous beliefs. Muslims constitute 1.7 percent of the population, of whom a great majority are Sunni. Shia religious leaders estimate that not more than 3 percent of the Muslim population is Shia. Hindus, Jews, Buddhists, and adherents of traditional Indigenous beliefs together constitute less than 4 percent of the population. Many Indigenous persons adhere to a belief system combining Christian and Indigenous religious practices. The Church of Scientology estimates it has approximately 100,000 members.

The Pew Research Center estimates 84 percent of the Christian population is Protestant, 11 percent Roman Catholic, and 5 percent other denominations (as of 2010, the latest figures available). African Independent Churches constitute the largest group of Christian churches, including the Zion Christian Church (approximately 11 percent of the population), the Apostolic Church (approximately 10 percent), and charismatic groups. Other Christian groups include Methodists, Anglicans, Baptists, Lutherans, Presbyterians, Seventh-day Adventists, and members of the Greek Orthodox, Dutch Reformed, The Church of Jesus Christ of Latter-day Saints, Assemblies of God, and Congregational Churches.

Persons of Indian or other Asian heritage account for 2.5 percent of the total population. Approximately half of the ethnic Indian population is Hindu, and a majority reside in KwaZulu-Natal Province. The Muslim community includes Cape Malays of Malayan-Indonesian descent, individuals of Indian or Pakistani descent, and approximately 70,000 Somali nationals and refugees.

According to a 2022 study published by the University of Cape Town Kaplan Center, the country's Jewish population stands at 52,000, with the majority living in Cape Town and Johannesburg. The study found that the Jewish population declined over the previous 20 years primarily because of emigration.

Section II. Status of Government Respect for Religious Freedom

LEGAL FRAMEWORK

The constitution provides for freedom of religion and belief, including the right to form, join, and maintain religious associations. It prohibits religious discrimination and specifies freedom of

expression does not extend to the advocacy of hatred based on religion. The constitution permits legislation recognizing systems of personal and family law to which persons professing a particular religion adhere. It also allows religious observances in state or state-supported institutions, provided they are voluntary and are conducted on an equitable basis. These rights may be limited for reasons that are “reasonable and justifiable in an open and democratic society based on human dignity, equality, and freedom” and take account of “all relevant factors.” Cases of discrimination against persons on the grounds of religion may be taken to equality courts (specialized courts designed to hear matters relating to unfair discrimination, hate speech, and harassment) that are available in the country’s nine provinces, the South African Human Rights Commission, or the Constitutional Court. The constitution also provides for the promotion and respect of languages used for religious purposes, including, but not limited to, Arabic, Hebrew, and Sanskrit.

The constitution establishes and governs the operation of the CRL, which fosters the rights of communities to freely observe and practice their cultures, religions, and language. The CRL is an independent national government institution whose chair is appointed by the President and whose commissioners include members of the clergy, scholars, and politicians, among others.

The law does not require religious groups to register; however, registered religious and other nonprofit groups may qualify as public benefit organizations, allowing them to open bank accounts and exempting them from paying income tax. To register as a public benefit organization, groups must submit a nonprofit organization application, including their constitution, contact information, list of officers, and documentation stating they meet a number of prescribed requirements that largely ensure accounting and tax compliance, to the provincial social development office. A group registers once with the local office and its status then applies nationwide. Once registered, the group must submit annual reports on any changes to this information, important achievements and meetings, and financial information, as well as an accountant’s report.

The government allows but does not require religious education in public schools but prohibits advocating the tenets of a particular religion.

The law recognizes civil, customary, and same-sex unions but does not recognize religious marriages, although the Law Reform Commission has proposed the “Single Marriage Act.” Civil law does not allow polygamy. The law allows for polygamous marriages to be conducted under customary law; however, it applies only to “those customs and usages traditionally observed among the Indigenous African people.”

The constitution grants detained persons visitation rights with their chosen religious counselor.

The country is a party to the International Covenant on Civil and Political Rights.

GOVERNMENT PRACTICES

In September, the Mpumalanga High Court sentenced Harry Johannes Knoesen, a pastor and leader of the National Christian Resistance Movement, to two life terms and 21 years in prison for high treason, incitement to carry out violent attacks against Black persons, and recruiting individuals to commit attacks. The prosecution said that Knoesen sought to justify his beliefs on religious grounds, claiming he was ordained to reclaim South Africa for White persons.

In August, twin brothers Brandon Lee Thulsie and Tony Lee Thulsie were released on parole after serving four years of an eight-year sentence and six years of an 11-year sentence, respectively,

following their conviction on terrorism charges. The brothers, along with two others who were alleged to have links to ISIS, were arrested in 2016 for planning to set off explosives at Jewish and Shia institutions in the country and at the U.S. embassy.

Throughout the year, the CRL examined allegations of sexual abuse, cult-like practices, and financial malfeasance against leaders of various religious organizations in what it stated was a continued effort to protect congregants from abuse and fraud. In January, the CRL held public hearings on allegations of abuses alleged to have taken place at the Inter-Heaven Fellowship Church led by Bishop Stephen Zondo. In 2021, authorities charged Zondo with a variety of offenses, including eight counts of rape. Although the court did not use as evidence the representations made during CRL hearings, the hearings brought to public attention abuses it stated were taking place in churches. The advocacy organization Freedom of Religion South Africa (FORSA) argued that all of the abuses that the CRL reported were already crimes under the country's statutes and could be addressed under existing laws without regulating religious practice. Zondo's trial at the Gauteng High Court remained pending at year's end.

In August, self-proclaimed apostle Hlumelo Dywili of Apostle Hlumelo Dywili Ministries in the Eastern Cape was sentenced to six life imprisonment terms on four counts of rape and two trafficking-in-person charges. Dywili, a singer and lay pastor, purported he was on a "mission" to heal sick persons and help them secure jobs. According to a prosecutor, he used false testimonies from persons claiming that he helped them. The presiding judge agreed with the prosecutor's argument that Dywili had used his position of trust as a pastor to prey on desperate young women and was not remorseful.

In March, the National Assembly held public hearings on the draft Prevention and Combating of Hate Crimes and Hate Speech bill, first introduced in 2018, with the aim of reducing offensive speech and curbing hate crimes in the country. At the end of the year, the National Assembly continued developing draft language for the bill.

Several groups, including the Southern Africa Catholic Bishops' Conference, FORSA, and the International Institute for Religious Freedom, continued to oppose, on the grounds that it would restrict their religious freedom, a 2016 CRL legislative proposal requiring religious groups to register. The proposal would require religious groups to register formally with the government and would create a peer review council, consisting of representatives from various religious groups, which would grant organizations and individual religious leaders permission to operate. The proposal remained under discussion in Parliament at year's end.

During the year, the government adjusted the levels of lockdown in response to the COVID-19 pandemic, which included bans and size restrictions on religious gatherings. In March, the International Federation of Christian Churches rejected the government's COVID-19 Risk Adjusted Strategy that included a vaccine mandate and limitations on gatherings; religious leaders said the vaccine mandate violated religious freedom guaranteed in the country's constitution. Other organizations, including the South African Council of Churches, appealed to the government to reconsider restrictions on gatherings in houses of worship, while FORSA maintained its position that selective restrictions on gatherings were limiting the fundamental rights of citizens. The government lifted all COVID-19 restrictions on June 22.

Several groups, including FORSA, the Family Policy Institute, and the African Christian Democratic Party, declared their opposition to the Department of Education's two draft guidelines on sexual orientation and gender identity in public schools. Among other things, the draft guidelines called for

the provision of unisex toilets, which would not replace existing single-sex toilets, and proposed the elimination of gender pronouns. Labelling the draft guidelines “godless” and “anti-family,” the groups said they believed that rights of Christian learners would be violated. According to the groups, their opposition was on religious grounds and not based on hatred for the lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI+) community. In response, the department issued a statement clarifying that the guidelines were “an initial draft discussion document” that was still undergoing consultations at the end of the year.

On June 28, the Constitutional Court declared the Marriage and the Divorce Acts to be inconsistent with the constitution in that they failed to recognize as valid marriages concluded in accordance with sharia that had not been registered as civil marriages in the country. The court declared the exclusion of Muslim marriages from both acts unconstitutional. According to the Constitutional Court, the Marriage Act’s previous non-recognition of Muslim marriages forced some Muslims to “dilute their religious beliefs” by electing to marry monogamously for their marriages to be valid according to civil law. The Constitutional Court also ruled that non-recognition of Muslim marriages infringed upon the rights of Muslim women and their children to dignity, equality, access to courts, and the best interests of children.

Additionally, the court declared a section of the Divorce Act unconstitutional for failing to safeguard the welfare of dependent children from dissolved Muslim marriages in the same or similar manner as it safeguarded the welfare of dependent children from dissolved non-Muslim marriages. The court declared another section of the Divorce Act unconstitutional because it failed to provide for the redistribution of assets in a dissolved Muslim marriage, when such redistribution would be fair. The court also declared a further section of the Divorce Act unconstitutional because it failed to provide for the forfeiture of the patrimonial benefits of a dissolved Muslim marriage in the same or similar terms as for other dissolved marriages.

On November 23, MP Mogamed Ganief Ebrahim Hendricks (Al Jamah-ah Party) introduced the Divorce Amendment Bill in Parliament to correct what he said was the lack of access under existing law to the remedies and protections of the Divorce Act for parties in Muslim marriages and their children who might be left destitute upon dissolution of their marriages. While the proposed amendment would provide immediate protection of the parties in Muslim marriages and the children born from such marriages, the Constitutional Court set a deadline of November 2024 for the final amendments to Divorce Act.

At year’s end, the government continued to draft a new Marriage Act to recognize all marriages regardless of religion or sex. In 2021, the government published an exploratory “green” paper (a government policy discussion paper) with proposals for unions of persons from all sexual, religious, and cultural backgrounds.

In January, the Constitutional Court ordered former head of international relations for the Congress of South African Trade Unions leader Bongani Masuku to apologize to the Jewish community for hate speech in 2009 during a lecture at the University of Witwatersrand in which he targeted Jews. Anger over the recently concluded Israel-Gaza conflict was then at its height, and in this context Masuku made numerous abusive and threatening statements, both written and verbal, against Jews who expressed support for Israel. He was charged under the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (the Equality Act). On February 23, Masuku issued an apology, which the SAJBD welcomed. Wendy Kahn, the national director of the SAJBD said, “We are pleased that the courts have affirmed that there is no place for statements that are harmful, that incite harm and

propagate hatred in our constitutional democracy. This brings to a close a long-running dispute involving many years of litigation between the parties.” Legal experts and the SAJBD characterized the case as groundbreaking and a significant victory for the Jewish community because the court found that Masuku had crossed the line between legitimate criticism of a political ideology and racist hate speech against Jews.

In August, Khalid Sayed, an ANC Provincial MP for the Western Cape, apologized to the Muslim community for his offensive comments about the companions of the Prophet Muhammad. Sayed made the comments in a 30-minute lecture conducted at the Ahlul Bayt Mosque in Cape Town under the auspices of Ahlul Bait Foundation of South Africa, which organizes pilgrimages to Mecca for the Hajj and other Holy sites. Sayed accused the companions of the Prophet Muhammad of being hypocrites and hiding their disbelief among other commentary during the talk. The ANC reprimanded Sayed and condemned his remarks.

According to media outlets, in August the Cape SAJBD accepted a formal apology from Chief Aùtshumao Mackie, a member of the Western Cape Khoisan Legislative Council, who reportedly wrote an antisemitic WhatsApp message and verbally abused a Cape Jewish entrepreneur. In June, Mackie shouted at the entrepreneur, “You Jew! You Jews! Go home Jews! You Jews are stealing again.”

Section III. Status of Societal Respect for Religious Freedom

In June, the MJC issued a fatwa against homosexuality proclaiming that Islam had no place for men and women living a gay lifestyle. In response, pro-tolerance and inclusion Muslim groups organized and submitted a petition to the MJC. In a statement, the Al-Ghurbaah Foundation strongly condemned the “short fatwa” for targeting the LGBTQI+ community, especially during Pride Month, and inciting hate and violence contrary to law.

In August, unknown assailants vandalized and desecrated more than 30 gravestones at the Oudtshoorn Jewish cemetery in Western Cape.

In October, the retail pharmacy chain Dis-Chem Pharmaceuticals made headlines after a leaked letter reportedly sent by the company’s CEO Ivan Saltzman announced a moratorium on the appointment of white staff in an effort to comply with affirmative action quotas. The disclosure generated a wave of antisemitic criticism online targeting Saltzman, who is Jewish.

The SAJBD recorded 68 antisemitic incidents during the year. Numerous individuals made antisemitic comments verbally, by mail, and across social media throughout the year.

In June, the independent Press Council of South Africa expelled the *South African Jewish Report* for describing a cartoon promoted by the BDS movement against Israel as antisemitic.

In September, the Anglican Church of South Africa passed a resolution including the statements, “All human beings are created in the image of God, and that Christianity does not elevate one group of people over another; Christian and Jewish Zionism are both undergirded by notions of supremacy and are forms of racism which have no place in the Christian faith; support for Palestinian people and advocacy for their human dignity is in no way synonymous with antisemitism; the integrity and authenticity of the Christian faith is in grave danger if we do not stand with those who suffer.”

On December 29, 2021, an interfaith memorial service was held for the late Archbishop Desmond Tutu. Prayers were offered from Christian, Buddhist, Jewish, traditional African religious, and Muslim leaders.

Section IV. U.S. Government Policy and Engagement

In November, the Ambassador and the U.S. Special Envoy to Monitor and Combat Antisemitism met with the Deputy Director General for the Global Governance and Continental Agenda Branch at the Department of International Relations and Cooperation as well as MPs from the Justice Committee engaged on drafting hate crimes and hate speech legislation to discuss the topic of antisemitism in the country.

Embassy representatives engaged with religious leaders and NGOs, including individuals from the Roman Catholic Church, Anglican Church, Muslim Judicial Council, Islamic Council of South Africa, Inner Circle (a Muslim LGBTQI+ organization), Hindu Maha Sabha, Christian Coalition, Christian Social Services, American Jewish Committee, SAJBD, South African Secular Society, Freedom of Religion South Africa, and Atheist Movement of South Africa to discuss the environment for religious freedom and concern about cases of antisemitism and anti-Muslim sentiment. Other topics of discussion included pending draft bills that remained stalled in committees at year's end, including the Prevention and Combating of Hate Crimes and Hate Speech Bill, the Muslim Marriages Bill, and the proposed CRL draft bill that would require religious institutions to register with the government in order to operate.

In January, the Chargé d'Affaires and Johannesburg Consul General visited the Johannesburg Holocaust and Genocide Center to commemorate International Holocaust Remembrance Day.

In April, the Cape Town Consul General attended SAJBD's Yom Hashoah commemoration for victims of the Holocaust.

In September, the Ambassador met with Reverend Paul Verryn of the Methodist Church of Southern Africa and discussed threats of violence against the migrant and refugee community in South Africa. Also in September, the Ambassador met with SAJBD and attended a Shabbat dinner.

During her visit, the Special Envoy to Monitor and Combat Antisemitism and embassy officials conducted a series of engagements with civil society, faith groups, academia, and media to discuss the increased threat of antisemitism and hatred to free expression. This included a panel discussion on antisemitism in South Africa and the United States at the University of Cape Town Kaplan Center for Jewish Studies. The Special Envoy also held a talk with members of the Jewish community at the South Africa Jewish Museum and the "Old Shul," sub-Saharan Africa's oldest synagogue. In November, the Ambassador hosted an interfaith reception during which the Special Envoy interacted with members of the country's diverse faith communities, including those from the Jewish, Muslim, Catholic, Hindu, Buddhist, and Methodist faiths.

During the year, the embassy used social media to extend greetings on various religious holidays.

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