

# SOUTH AFRICA 2023 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## 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. The law recognizes civil, customary, and same-sex unions but does not recognize religious marriages.

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. At year’s end, the trial of Bishop Stephen Zondo of the Rivers of Living Waters Ministries for rape and other charges was ongoing in the Pretoria High Court. In April, the CRL and traditional leaders discussed mitigation measures to prevent deaths of children during “initiation,” a traditional coming-of-age practice that involves male circumcision and female genital mutilation. CRL chairperson David Mosoma called for eliminating illegal initiation schools.

In December, the National Assembly passed a hate crime and hate speech bill that included religion as a factor; President Cyril Ramaphosa had not signed it into law at the end of the year. Some political opposition parties and civil society organizations said the bill’s definition of hate speech was overly broad. In November, the National Assembly passed a bill that would require religious groups to register formally with the government; at year’s end, the President had not signed the measure into law. Several religious groups said the registration requirement would restrict their religious freedom. A bill that would harmonize civil and customary marriage rules and recognize Muslim, Hindu, and other religious marriages remained

pending before parliament at year's end. Following the October 7 Hamas terrorist attack on Israel, some political leaders participated in pro-Palestine rallies that included antisemitic chants and made statements supporting Hamas. On October 23, in a speech in front of the Israeli embassy, Economic Freedom Front (EFF) leader Julius Malema likened Hamas to African National Congress (ANC) anti-apartheid freedom fighters and said, "Hamas is doing nothing wrong."

The South African Jewish Board of Deputies (SAJBD) recorded 207 antisemitic incidents during the year, including violence, verbal threats in-person and online, destruction of Jewish property, and antisemitic graffiti, compared with 68 incidents in 2022. Seventy percent of antisemitic incidents occurred following the October 7 Hamas terrorist attack on Israel, the majority in Johannesburg and Cape Town. After October 7, pro-Palestinian groups held numerous anti-Israel protests at which protesters shouted antisemitic slogans, such as "one Jew, one bullet." Civil society organizations expressed concern about a boycott campaign against Jewish-owned businesses that various Boycott, Divestment, Sanctions (BDS) organizations intensified after October 7. In November, the group South African Jews for a Free Palestine (SAJFP) joined the Muslim Judicial Council, ANC, and other organizations in a pro-Palestinian march in Cape Town. On December 8, the second night of Hanukkah, SAJFP hosted an interfaith Shabbat service at the Claremont Main Road Mosque in Cape Town dedicated to Palestinian rights.

U.S. embassy officials met with officials from the Department of International Relations and Cooperation, Ministry of Justice and Constitutional Development, and the Office of the Presidency to discuss religious freedom issues. Embassy officials met with religious groups and nongovernmental organizations (NGOs), including Muslim, Christian, and Buddhist representatives, to gauge and discuss issues of religious freedom. Throughout the year, the Ambassador, Consul Generals, and other embassy and consulate staff met with SAJBD members and faith leaders to discuss issues of importance to the Jewish community, especially the rise in domestic antisemitism in the wake of the October 7 Hamas terrorist attack.

## Section I. Religious Demography

The U.S. government estimates the total population at 59.8 million (midyear 2023). According to South Africa's 2022 census, the population is 62 million. According to Boston University's 2020 World Religion Database, approximately 82 percent of the population is Christian, 7 percent follows Indigenous beliefs, 6 percent is atheist or agnostic, and 2.4 percent is Hindu. Muslims constitute 1.7 percent of the population, of whom a great majority are Sunni. Shia religious leaders estimate not more than 3 percent of the Muslim population is Shia. Other religious groups include Jews, Buddhists, Sikhs, and those following Chinese religions. 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.

Gordon Conwell Theological Seminary's 2020 World Christian Database estimates 28 percent of the Christian population is Protestant, 8 percent Roman Catholic, and less than 1 percent Orthodox. Adherents of African Independent Churches constitute 51 percent, including the Zion Christian Church, Apostolic Faith Mission, and charismatic groups. The Nazareth Baptist Church states it has 8 million followers, predominantly among Zulu-speaking communities in KwaZulu-Natal Province. The Zion Christian Church has up to 6 million followers. Other Christian groups include Methodists, Anglicans, Baptists, Lutherans, Presbyterians, Seventh-day Adventists, Jehovah's Witnesses, The Church of Jesus Christ of Latter-day Saints, Assemblies of God, and Congregational Churches.

Persons of Indian or other Asian heritage account for 2.7 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 and individuals of Indian or Pakistani descent. In 2015, the United Nations estimated there are approximately 70,000 Somali nationals and refugees, the majority of them Muslim, although other sources state the number is 24,000-40,000.

According to a 2022 study published by the University of Cape Town's Kaplan Center, the Jewish population is 52,000, with the majority living in Cape Town and Johannesburg. The World Jewish Congress cited the Jewish population in South Africa as the largest in Africa and the eleventh largest in the world.

## **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 states it “does not prevent legislation recognizing systems of personal and family law under any tradition, or adhered to by persons professing a particular religion.” 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 basis of religion may be taken to equality courts (specialized courts designed to hear matters relating to unlawful 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 to the relevant provincial social development office 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. 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.

**“Religious education” – religion as an academic subject – is part of the national curriculum and teaches students about the religions of the world and South Africa. Religious instruction, or the “teaching of a particular faith or belief with a view to the inculcation of adherence to that faith or belief” is prohibited in public schools. Religious observances may be conducted at public schools, provided they are conducted on an equitable basis and attendance is voluntary.**

The law recognizes civil marriage, customary marriage, and civil unions (including same-sex unions). 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.” Customary marriages must be registered within three months of the ceremony at any office of the Department of Home Affairs (DHA) or through a designated traditional leader in areas where there is no DHA office. Muslim and Hindu marriages are registered as customary marriages. “Authorized marriage officers” at some churches are permitted to “solemnize a marriage,” provided they

complete a marriage certificate with signatures from two witnesses and submit the certificate to DHA.

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**

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. At year’s end, the trial of Bishop Zondo of the Rivers of Living Waters Ministries on 10 counts of rape and other charges was ongoing in the Pretoria High Court. In 2022, the CRL held public hearings on allegations of abuses alleged to have taken place at the Rivers of Living Waters Ministries. Although the court did not use as evidence the representations made during the CRL hearings, the hearings brought to public attention abuses that the CRL stated were taking place in church.

The *Sowetan* news outlet reported that in April, the CRL hosted the National Initiation Indaba (conference), which focused on preventing deaths of boys during “initiation,” a traditional coming-of-age ritual that involves male circumcision and female genital mutilation. There are separate rituals for boys and girls. In its 2021-22 annual report, CRL expressed serious concern young boys and girls continued to die during “initiation.” The commission found more than 700 initiates had died since 2006. According to the *Sowetan*, most of the deaths occurred in Eastern Cape Province. CRL chairperson Mosoma told *Sowetan*, “Culture on its own doesn’t kill. Therefore, there are processes that are leading children to die and let’s deal with that by creating strategies and make sure that we agree that we mitigate against the deaths of our children.” He called for eliminating illegal

initiation schools and ensuring that legal initiation schools complied with mitigation measures.

In December, the National Assembly submitted to the President for his assent and signature the Prevention and Combating of Hate Crimes and Hate Speech bill, first introduced in 2018. At year's end, President Ramaphosa had not signed it into law. The bill, aimed at curbing hate crimes in the country, would criminalize spoken or published speech that intentionally advocated or communicated a clear intention to be harmful or to incite harm or hatred based on a number of factors, including religion. Some political opposition parties and civil society organizations expressed concern the bill's definition of hate speech was overly broad, unclear, vague, and ambiguous, and could limit the constitutional right to freedom of expression.

In November, the National Assembly passed a 2016 CRL legislative proposal that would require religious groups to register formally with the government and would create a peer review council, consisting of representatives from various religious groups, that would grant organizations and individual religious leaders permission to operate. At year's end, the President had not signed the measure into law. Several groups, including the Southern Africa Catholic Bishops' Conference, Freedom of Religion South Africa (FORSA), and the International Institute for Religious Freedom, opposed the proposal, saying the registration requirement would restrict their religious freedom.

The Muslim Marriages bill, proposed by the Law Reform Commission, remained under discussion in the National Assembly at year's end. The bill, intended to "rationalize marriage laws pertaining to various types of marriages," including customary marriages and polygamous marriages, would regulate recognition, solemnization, and registration, as well as provide for the designation of marriage officers. It would recognize existing marriages concluded under civil or customary law, "as well as marriages concluded in line with sharia law and other religious belief or practices." In 2022, 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. FORSA stated the Muslim Marriages bill should include a clause that expressly protected religious marriage officers and/or the religious institutions they represented from being compelled to solemnize any marriage that offended or violated their beliefs.

During pro-Palestinian demonstrations in front of the Israeli embassy on October 20 and 23, participants likened Israelis to Nazis, and displayed images comparing Israeli soldiers to SS troops. At the protests, EFF leader Malema equated Hamas to the ANC in its struggle against apartheid and said, “Hamas is doing nothing wrong.” The SAJBD reported that on November 11, ANC Secretary General Fikile Mbalula joined pro-Palestinian demonstrators in chanting “from the river to the sea,” antisemitic language calling for the destruction of the State of Israel.

### **Section III. Status of Societal Respect for Religious Freedom**

The SAJBD reported there were 207 antisemitic incidents during the year, compared with 68 in 2022 and 65 in 2021. More than 70 percent of the incidents occurred following Hamas’s October 7 terrorist attack against Israel, the majority in Johannesburg and Cape Town. These incidents included physical assaults, damage to Jewish property, abusive behavior, insults, threats, offensive gestures, antisemitic graffiti, hate messages on social media, and boycotting Jewish-owned businesses.

According to SAJBD, there were five cases of physical assault on Jewish community members and three cases of assault on Christian Zionists. On October 11, the driver of a car rammed the car of a Johannesburg rabbi and chased him to a gas station, where the driver vandalized the rabbi’s car and threatened him. On October 17, a man assaulted a Jewish individual on his way to synagogue, kicking and punching him while yelling, “You [expletive] Jew, everything in the Middle East is your fault.” Police subsequently charged the attacker with assault. The SAJBD reported that on November

12, dozens of protesters, some waving Hamas symbols, surrounded a Jewish community member in the Cape Town suburb of Sea Point, hit him with a banner, and shouted, "Hitler did not kill all of you guys, just so that we could all see exactly why he did it."

The SAJBD and local media reported that following the Israeli government's response to the October 7 Hamas terrorist attack, pro-Palestinian groups held numerous anti-Israel protests at which some protesters shouted antisemitic slogans. For example, on October 11, a group outside a Jewish community center in Cape Town accosted community members who were observing the demonstration, shouting "Are you Jews? Are you Jews?" and threatening them. On November 4, demonstrators outside the U.S. Consulate in Johannesburg chanted "Death to Israel," "One Zionist, one bullet," and "One oppressor, one bullet." Muslim Salaam Ebrahim, leader of the radical religious group People against Gangsterism and Drugs told the crowd, "When we are going to unleash the Hezbollah, the party of Allah, they [Jews] must run and they must hide under every stone they can find. The Koran is our constitution, jihad is our means." Ebrahim threatened "to target them [Jews] the way they have killed our people...we must fight them however we find them, we must boycott them, we must go to their homes, to their schools." In Cape Town, protesters focused their criticism against a private Jewish school, which some political party members described as "the source of the murderers," alleging alumni had enlisted in the Israeli Defense Force. In November, a petition circulated on the website Change.org to close the school. Comments on the online petition included "Nice place for a bomb" and "Brand them so they can wear their shame on their foreheads."

On November 11 in Sea Point, demonstrators threatened a Jewish photographer as he tried to leave the scene with shouts of "He is a Jew!" "He is a Zionist," and "One Jew, one bullet."

The SAJBD national, Cape Town, and Durban branches as well as the Small Jewish Communities Association and *Cape Jewish Chronicle* reported receiving hate mail in March that praised Adolf Hitler and said, "We give you

15 days to denounce the state of Israel, failing which we will use all means necessary to chase you and your Zionist greedy nation out of South Africa.” The SAJBD and media outlets reported antisemitic posts on social media increased in October, November, and December. Some posts praised Hitler, called Jews “Zionist Nazis,” and threatened to harm Jews. According to the SAJBD, in one incident, a Jewish community member who shared a link to information about a rally calling for the release of Israeli hostages being held in Gaza received online hate messages, including one post that said, “Just a [expletive] Zionist mom” and another that said, “We’ll come for her babies next.”

The media outlet *South African Jewish Report* reported that on October 19, antisemitic graffiti appeared in a Jewish neighborhood in Cape Town, including defaced Israeli flags and slogans such as “Holocaust Oct 23,” “I stand with genocide,” and “Israel est[ablished] Never.” City officials painted over the graffiti when the Cape Town branch of SAJDB complained, and police opened an investigation. On October 28, a pro-Palestinian group marched through the Jewish suburbs of Johannesburg on Shabbat tearing down posters of Israeli hostages and chanting anti-Israel slogans.

The SAJBD reported that on October 29, unknown individuals vandalized the war memorial in the Jewish section of the Rebecca Street Cemetery in Pretoria. On November 13, unknown persons sprayed graffiti on the outer wall of the Jewish cemetery in Durban reading “Stop the Gaza genocide” and “Free Palestine.”

Civil society organizations expressed concern about a boycott campaign against Jewish businesses that BDS organizations intensified after October 7. In one instance, BDS protesters entered a Jewish-owned business with purported links to Israel and prevented customers from shopping. The SAJBD reported that in November, individuals put stickers on merchandise in one Jewish-owned business that read “I have blood on my hands. Boycott apartheid Israel.”

The news outlet *Citizen* reported that on November 11, SAJFP joined the Muslim Judicial Council, ANC, South African Communist Party, and Congress of South African Trade Unions in a pro-Palestinian march in Cape Town. The organizers said the march was not anti-Jewish. Jamie Rosengarten of SAJFP said the group believed the Israel-Hamas conflict was not a religious issue, saying, “You don’t need to be religious to be here... what we can see is happening is a genocide and we know it quite explicitly. This is not a factional dispute, this is a moral dispute, we are against apartheid and we are against genocide.”

The media outlet *Ground Up* reported that on December 8, the second night of Hanukkah, SAJFP hosted an interfaith Shabbat service dedicated to Palestinian rights at the Claremont Main Road Mosque in Cape Town. This was SAJFP’s eighth “Shabbat against genocide in Palestine” service. More than 50 Jews, Muslims, and Christians attended the service and the sunset *maghib* prayer that followed. Claremont Main Road Mosque Imam Rashied Omar said, “Many things are going wrong in our country, but there are precious things like our interfaith movement that we can offer the world.” Anglican theologian Michael Worsnip said, “If Jews, Christians, and Muslims are not standing first for humanity before anything else ... then their faith is useless. If we are not standing for humanity, what is the point?”

## **Section IV. U.S. Government Policy and Engagement**

U.S. embassy officials met with officials from the Department of International Relations and Cooperation, Ministry of Justice and Constitutional Development, and the Office of the Presidency to discuss religious freedom issues.

Embassy representatives engaged with religious leaders and NGOs, including individuals from the Roman Catholic Church, Anglican Church, Methodist Church of Southern Africa, Hindu community, Tibetan Buddhist community, Nizamiye Mosque, Muslim Judicial Council, and FORSA, to discuss the environment for religious freedom and pending legislation, including the Prevention and Combating of Hate Crimes and Hate Speech bill, the Muslim

Marriages bill, and the bill that would require religious institutions to register with the government in order to operate. Throughout the year, the Ambassador, Consul Generals, and other embassy and consulate staff met with the SABJD and attended Shabbat dinners where they discussed issues of importance to the Jewish community, especially the rise in domestic antisemitism in the wake of the October 7 Hamas terrorist attack.

In April, the Ambassador attended a Yom HaShoah commemoration at the Pretoria Hebrew Congregation as a demonstration of support for religious diversity and a reflection on the horrors of the Holocaust. Through the Ambassador's Fund for Cultural Preservation, the embassy supported restoration efforts at the Gardens Synagogue ("Old Shul") in Cape Town, the oldest synagogue in the country.

In January, the Ambassador and Cape Town Consul General met with pastors in Khayelitsha township and Mitchell's Plain township from Anglican and Methodist denominations who received U.S. government funding for health work to understand how they served their communities. In May, the Ambassador met with Archbishop Thabo Makgoba and discussed priorities of the Anglican Diocese and St. George's Cathedral in Cape Town. Consulate staff engaged with the Muslim community in the Bo-Kaap neighborhood of Cape Town, including at local mosques, to learn more about the community and their specific challenges.

During the year, the Ambassador and other embassy officers used social media to extend greetings on various religious holidays and reshared the U.S. Secretary of State's statements concerning religious freedom and pluralism.