

# DRAFT RESOLUTIONS PRESENTED TO THE 2013 NCC of the CRL RIGHTS COMMISSION

## INTRODUCTION

We have gathered as representatives of South Africa's diverse communities to consider the state of the Cultural, Religious and Linguistic Rights in the country, twenty years into democracy.

Our engagements have taken place against the background of the 2011 Diagnostic Report of the National Development Plan (NDP) that confirmed that [South Africa remains a divided society](#).

The NDP has confirmed the critical role to be played by CRL communities in overcoming these divides and in contributing to the transformation of the society.

The task of achieving a truly united country that protects & promotes the cultural & religious rights of all its diverse communities (Act 19 of 2002, CRL Commission Act) is the work of the CRL Commission and its associated CRL communities.

This requires the promotion of mutual respect, inclusiveness & social cohesion in line with the constitutional imperative that [South Africa belongs to all who live in it with all being equal before the law](#).

What is social cohesion? The July 2012 National Summit on Social Cohesion and Nation Building defined social cohesion as ["that which galvanises a collective or a group of people around a common set of values, based on mutual respect, tolerance, freedom from fear, social solidarity and respect for human dignity"](#).

These are the values that inform the work of the Commission and of its associated CRL communities.

The context of this work remains the African continent that still faces many challenges including:

- The still too ready recourse to the use of violence,
- Ongoing gender discrimination & violence against women,
- The practice of identity-based politics,
- Still limited accountability & transparency in the use and distribution of resources, and
- Growing impacts associated with climate change & economic globalisation.

But communities are becoming empowered to speak for themselves, to form partnerships across different sectors, and to use electronic communications.

Twenty years into democracy, huge shifts that have taken place. South Africa has become a different and more diverse country today than twenty years ago.

But challenges remain. This conference gathered to consider these challenges and to develop strategies to address these challenges through the construction of a set of draft resolutions to inform the ongoing work of the CRL Commission and of Cultural, Religious and Linguistic Communities.

## **SOME OVERARCHING STRATEGIC OBJECTIVES**

The conference acknowledged the historical suppression of African culture, language and religion which had undermined African identity and spirituality. It acknowledged the importance of the principle of *ubuntu / botho* as the basis for the achievement of unity in diversity. The conference recognised that *ubuntu / botho* transcends all differences and binds all South Africans together as they work to eradicate the social and economic inequalities that undermine the human dignity of so many South Africans who remain affected by poverty and unemployment.

The conference acknowledged the calls made for the active and systematic promotion of the participation of young people in debates around culture, religion and language.

Conference was reminded of June 16, 1976 as the '*day that our young people left home and never came back*' and that there is an urgent need for intergenerational dialogue between parents and children.

Conference welcomed the announcement of a National Indaba of KhoiSan people to be hosted by COGTA towards addressing the continuing conditions of marginalisation experienced by many KhoiSan communities.

### **A. DRAFT RESOLUTIONS RELATED TO RELIGION:**

This conference recognises the contributions of all the faith traditions in South Africa to the building of a *good society* in which action is taken proactively to prevent religion being used as an agent of division and polarisation within communities<sup>1</sup>.

#### **This conference hereby resolves that:**

1. The CRL Commission develop a framework for religious dialogue within and amongst faith communities regarding the religious rights of communities and their equitable treatment. The framework for religious dialogue should take account of the need for targeted action in respect of communities that have suffered historical marginalisation and diminution.
2. The CRL Commission take action to support all faith communities in being able to practise their religions without unfair restrictions being placed upon their practices<sup>2</sup>.
3. The CRL Commission actively pursue the opening of opportunities for the extension of adult basic education to leaders and members of rural faith communities, where many religious leaders with powerful callings remain unable to read scriptures because of their exclusion from educational opportunities<sup>3</sup>.  
(Submission from MARA in the Free State)
4. The CRL Commission denounce all activities undertaken in the name of religion that harm individuals or communities and that violate the fundamental tenets of all

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<sup>1</sup> Amahlubi Cultural and Traditional Community of the Western Cape and from A. Nethononda

<sup>2</sup> This would include the freedom of communities to dance their *malambo*.

<sup>3</sup> MARA Community in the Free State

religions to contribute to enhancing the lives of all people. This would include the use of denigrating language by some religious leaders about other faith communities and their practices as well as the use of violence that has been associated with Satanist rituals involving murder and with accusations of demon possession by some religious leaders.

4. The CRL Commission engage systematically with the Department of Education and other role players in the education system, including with School Governing Bodies, to promote better understanding and greater accommodation within educational facilities of the practices of different religions. This would include the rolling out of an education programme about the prayer practices and dress codes of different religions.

5. The CRL Commission establish the extent to which teaching and learning about all faith traditions is taking place within the education system through undertaking a collaborative research process involving the Department of Basic Education to establish what the obstacles are to the promotion of education about religions in schools.

6. The CRL Commission engage the SABC as the public broadcaster on the provision of equitable airtime to all religions and on the screening of regular interfaith discussion panels to debate the critical issues affecting communities. These should include discussions on the role and contributions of faith communities in dealing with the impact of the prevalence of youth involvement in gangs and drugs and in the 'Skhothane' youth culture in growing numbers of communities.

7. The CRL Commission finalise its submissions to the Department of Home Affairs regarding the official recognition of marriage officers from all faiths.

8. The CRL Commission finalise its report on dialogues held regarding the religious holydays of different religions and ways of affording appropriate recognition of these holydays to inform a submission on policy proposals to the Department of Home Affairs.

9. The CRL Commission develop a policy framework for local government regarding regulations to set aside land on a transparent, equitable and affordable basis for the construction of places of worship for different faith communities and for financial support for faith-based self-help projects that benefit vulnerable communities.

10. The CRL Commission promote awareness of possibilities for faith communities to access funding from the National Lottery.

11. The CRL Commission take forward its work on finalising a policy framework to guide local government decision-making in respect of providing for the protection of natural spaces that are used for worship purposes by faith communities to prevent the privileging of the demands of commercial developers over the needs of members of faith communities.

12. The CRL Commission develop collaborations with faith-based institutions to address the disintegration of families and the prevalence of absent fathers within households, recognising the value of the family in the socialisation of children and their capacities to become effective citizens.

13. The CRL Commission acknowledge the critical contribution of KhoiSan ancestors whose faith ensured the survival of the KhoiSan peoples of the country despite a history of centuries of dispossession, oppression and potential cultural genocide.

14. The CRL Commission acknowledge the growing movement of KhoiSan peoples demanding the right to make their contributions to the building of an inclusive and just society in which steps are taken to redress the injustices of the past so that all KhoiSan peoples are enabled to participate as equal citizens, free from discrimination and all forms of oppression<sup>4</sup>.

## **B. DRAFT RESOLUTIONS RELATED TO CULTURE**

The conference called for the recognition of the importance of individual consciousness of all the components of each person's identity including knowledge of their roots, their culture and their histories. Only such knowledge can provide direction to the lives of people<sup>5</sup>. Participants were reminded that all people are created in the image of God and that we should "live according to this image"<sup>6</sup>.

Conference heard the call to avoid the assimilation of cultures within South Africa given the potential of the 'melting pot' approach of homogenising the wealth of the country's cultural diversity. Conference received a call for communities also to begin to describe what might be called *South African culture*.

Conference received the call for all cultural communities to adopt a progressive and developmental approach to the realisation of their cultural rights so that cultural practices would be aligned with the rights contained in the Bill of Rights in the Constitution<sup>7</sup>.

Conference called for all communities to *look out for each other*, beyond a focus only on achieving respect for and promotion of their own cultures and cultural practices and to recognise older persons as the carriers of culture.

### **This conference hereby resolves that:**

1. The CRL Commission in partnership with Community Councils intensify their engagement in the systematic documentation and collection of information about all the country's diverse cultures.
2. The CRL Commission encourage practices of story telling and story listening across the generations towards deepening practices of communities writing their own histories wherever possible. No community should be deprived of knowledge about its cultural heritages through practices such as the apparent *discarding* of older persons by placing them in old age homes where they still have living relatives.
3. The CRL Commission deepen its commitment to the facilitation of community dialogue forums where communities from different cultural backgrounds can

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<sup>4</sup> Kenaan Indigenous Peoples' Movement submission

<sup>5</sup> Presentation of Rev Dr Joseph Tshawane

<sup>6</sup> Mr Tshepo P Mofokeng on behalf of Dikgeleke Cultural Activities

<sup>7</sup> Presentation of Ingonyama Madzikane

exchange information about their cultural practices towards the enhancement of mutual understanding and respect.

4. The CRL Commission plan more regular festivals of cultural diversity to promote cultural understandings and exchanges.

5. The CRL Commission find accessible strategies to engage communities in documenting and registering their sacred sites on a national database, using interactive social media as far as possible. The purpose of such a database would be to assist in the protection of sacred sites and places of worship.

6. The CRL Commission endeavour to ensure an inclusive approach to the resolution of community challenges so that communities take responsibility to ensure the inclusion in dialogues of all cultural communities affected by a particular issue. This is of particular important to communities that have experienced the longest histories of social exclusion such as the KhoiSan. The principle to be adopted is '*nothing for us without us*'

7. The CRL Commission review the legislation to provide enforcement mechanisms where these may be necessary such as developing legal rights to criminalise the destruction of graves.

8. The CRL Commission become more rigorous in monitoring and reviewing legislation for its impact on cultural communities.

9. The CRL Commission contribute to facilitating processes of land restitution in South Africa in view of the linkages between culture and land where cultures develop in particular landscapes and in light of the centenary of the 1913 Land Act.

10. The CRL Commission support and facilitate the recognition of traditional healers and their important roles in sustaining the health of communities.

11. The CRL Commission advocate for the participatory development with communities of criteria for the recognition and remuneration of traditional leaders towards facilitating a progressive and developmental process that enhances the quality of life of all members of a cultural community.

### **C. DRAFT RESOLUTIONS RELATED TO LANGUAGE**

The Conference acknowledged the existing ongoing challenges to the realisation of the right to languages in the context of the ongoing and apparent deepening dominance of English as a medium of communication.

Conference identified that there has been a serious lack of movement towards achieving a full expression of the country's diverse languages and that this would require continuing advocacy so that all the country's indigenous languages could enjoy parity of esteem and equitable treatment.

Conference heard that more than 50% of the country's population do not understand either English or Afrikaans and that there has been a *death of indigenous language teaching* in institutions of higher education.

The impacts of cultural misunderstandings where the language spoken is inadequately interpreted was highlighted in relation to the judiciary and the health

system. As long as this situation continues unchallenged, there will be no change in the judiciary in particular resulting in possible miscarriages of justice

**This conference hereby resolves that:**

1. The CRL Commission work for the recognition, promotion and celebration of linguistic diversity in its entirety and promote an integrated approach to linguistic development.
2. The CRL Commission actively promote awareness of the value of the use of indigenous languages in the home.
3. The CRL Commission and government explore ways and means of encouraging private schools to offer indigenous languages.
4. The CRL Commission collaborate with the Department of Basic Education to develop interventions to engender a culture of indigenous language learning.
5. The CRL Commission prioritise interventions to strategically develop and promote isiSwati and isiNdebele as languages that have been particularly disadvantaged and to clarify distinctions between languages and cultural identities such as that that affects speakers of XiTsonga.
6. The CRL Commission generate criteria for the recognition of languages that do not yet have official status to ensure their equitable treatment.
7. The CRL Commission allocate focused time to resolving continuing language disputes in the country.
8. The CRL Commission engage the Public Service Commission in making proficiency in at least two indigenous languages a requirement for employment in the public service, given that the public service provides 60% of formal jobs in South Africa.
9. The CRL Commission take steps to promote that all people receive services in their own languages.
10. The CRL Commission collaborate and cooperate with PANSALB to promote the development of the Nama and KhoiSan languages
11. The CRL Commission engage the SABC in promoting that all the country's indigenous languages are featured on all its TV stations and that subtitles are not automatically produced in English where a different indigenous language could be used to create better exposure to the country's indigenous languages.
12. The CRL Commission work for the promotion of strategies to facilitate that indigenous languages are used in commerce and trade.

The CRL Commission reconvenes on March 19 and 20, 2013 to consider these resolutions and to formulate its strategic plan to take these issues forward.