



MEMORANDUM

From: South African Church Defenders (SACD)
To: The Honourable Premier of the Province of KwaZulu-Natal – Mr Thami Ntuli
And to: The Member of the Executive Council for Cooperative Governance and Traditional Affairs – KwaZulu-Natal – Rev. Thulasizwe Buthelezi
And to: Mayor of the eThekweni Metropolitan Municipality – Cyril Xaba
Date: 12 March 2026
SUBJECT: URGENT DEFENCE OF RELIGIOUS FREEDOM AND REQUEST FOR PROVINCIAL INTERVENTION REGARDING THE ACTIONS OF THE CRL RIGHTS COMMISSION

Submitted by: South African Church Defenders

1. Background On this day, 12 March 2026, thousands of Christians from across KwaZulu-Natal Province are marching to raise urgent concerns regarding the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission).

We are specifically alarmed by renewed efforts by the CRL, and in particular its Chairperson, Ms Thoko Mkhwanazi Xaluva, to introduce state regulation of religion through a so-called “Draft Self-Regulation” proposed legal framework. Parliament has already considered and rejected these proposals after extensive hearings before the COGTA Portfolio Committee between 2017 and 2020. The CRL’s attempt to revive them undermines constitutional democracy and disregards parliamentary authority.

Note Well: Numerous attempts were made by many Christian advocacy groups to engage the CRL on these matters without success. The CRL has simply chosen a path of only engaging with groups that agree with them.

The South African Church Defenders (SACD) has also taken direct public action in response to the conduct of the Chairperson of the CRL Commission, Ms Thoko Mkhwanazi-Xaluva. On 8 October 2025, SACD led a march to the Union Buildings, where a memorandum was delivered to the Presidency demanding her removal or suspension. This was followed by a further march to Parliament of South Africa on 13 November 2025, where SACD again petitioned Parliament to intervene and take appropriate action to safeguard constitutional stipulations.



Despite these formal petitions and public demonstrations, no corrective action has been taken to date. Ms Mkhwanazi-Xaluva remains in office and continues to make statements that SACD views as disrespectful, insulting and demeaning toward pastors, the Church, and the Christian faith.

This situation is particularly concerning given that, in terms of the Constitution and the governing legislation establishing the CRL Commission, the Chairperson is mandated to protect, promote, and safeguard the rights of all cultural, religious, and linguistic communities, including the constitutional right to freedom of religion.

The remarks made by Ms. Thoko Mkhwanazi-Xaluva, in her capacity as Chairperson of the CRL Rights of Cultural, include statements which SACD considers offensive, demeaning, and inconsistent with the constitutional obligation to respect and protect freedom of religion. These include, amongst others, the following:

- Statements suggesting that pastors who claim to hear from God should be referred to a mental institution, thereby implying that such expressions of faith constitute a form of mental illness rather than a legitimate religious belief.
- Remarks ridiculing Christian beliefs about angels, including statements suggesting that angels are “waving underwear back at Christians,” which mock and trivialize core elements of Christian belief and are viewed as offensive and blasphemous to members of the Christian faith.
- Public comments referring to Christianity as “that thing”, which SACD regards as dismissive, demeaning and disrespectful toward the Christian religion and its adherents.
- Repeated calls for the licensing and regulation of pastors and religious leaders by the state, including comparisons to licensing regimes applicable to commercial activities such as taverns, which SACD believes undermines the constitutional protection afforded to religious practice.
- Statements indicating that individuals who claim to receive divine calling, prophecy, or revelation should be subjected to scrutiny or psychiatric evaluation, thereby portraying fundamental aspects of Christian belief as inherently suspicious or illegitimate and a mental illness.

SACD submits that remarks of this nature, when made by the head of a constitutional body tasked with safeguarding the rights of religious communities, create a reasonable apprehension of bias against Christian communities and undermine public confidence in the impartiality of the CRL Commission.

2. Constitutional Context



- ✓ Section 15 guarantees freedom of religion, belief and opinion.
 - ✓ Section 18 protects freedom of association, including the right not to join state-controlled religious structures.
 - ✓ Section 31 affirms the right of religious communities to self-govern.
 - ✓ Section 9 prohibits unfair discrimination.
- ✓ Chapter 9 institutions, such as the CRL, must operate independently, impartially, and within their constitutional mandate.

South Africa is governed by a Government of National Unity. The protection of religious freedom is therefore a shared responsibility across all political parties.

This march is a constitutional protest, under the banner: “Defend Religious Freedom – Parliament Must Act.”

3. Core Issues of Concern

3.1. Unconstitutional

The proposed “Draft Self-Regulation ” system violates the right to religious freedom, freedom of association, and the right of churches to self-govern.

3.2. Unnecessary South Africa already has strong laws to address abuse and criminal conduct. The problem lies in enforcement, not in the absence of laws. Religion has never been a defence for crime.

3.3. Unjustified The COGTA Committee report in 2018 rejected the CRL’s proposals. These recommendations lapsed with the 5th Parliament and have no legal standing. There is no justification to resuscitate them.

3.4. Unworkable

It is impossible for the State or a committee to decide who is a legitimate pastor or which doctrine is “official.” Any licensing scheme will be impractical and open to abuse.



3.5. Unfair The CRL has launched a Section 22 Committee with handpicked members, in a predetermined process designed to force Christianity under state control. This process is discriminatory, unconstitutional, and contrary to the principles of fairness and impartiality.

4. Our Demands The South African Church Defenders call upon the Premier of KwaZulu Natal and the Mayor of eThekweni, as it did with the Speaker of the Parliament of the Republic of South Africa, the National Assembly - Parliament of the Republic of South Africa, the Department of Cooperative Governance and Traditional Affairs (CoGTA) of the Republic of South Africa to act and stop the CRL and its Chairperson, Thoko Mkhwanazi-Xaluva from violating our constitution.

1. Parliamentary Oversight

Premier of KwaZulu-Natal

- ✓ Transmit this memorandum to the President, Parliament, and National CoGTA.
- ✓ Use the Premier's position in the NCOP to raise urgent oversight concerns regarding CRL initiatives.
- ✓ Advocate for immediate action by the President to address the misconduct and policy overreach of Ms Mkhwanazi-Xaluva.
- ✓ Provide a written response within fourteen (14) days outlining steps taken.

MEC for Cooperative Governance and Traditional Affairs

- ✓ Engage National CoGTA regarding the CRL's proposed framework.
- ✓ Ensure provincial interventions protect the autonomy of religious communities and uphold constitutional rights .

Mayor of eThekweni Metropolitan Municipality

- ✓ Acknowledge receipt of this memorandum.
- ✓ Act to protect the constitutional rights of residents and faith communities.



2. Protection of Religious Freedom

Ensure that the GNU issues a united statement rejecting any form of state control over Christianity or any other faith.

3. Affirm the Constitution

Reiterate that the Constitution is the supreme law of the Republic

and that the Speaker of the Parliament of the Republic of South Africa, the National Assembly - Parliament of the Republic of South Africa, and the Department of Cooperative Governance and Traditional Affairs (CoGTA) of the Republic of South Africa as well as the Office of the Premier are bound to defend its provisions.

4. Transparent Process

Guarantee that any initiative affecting faith communities is subject to open, inclusive consultation and not closed or predetermined processes.

5. Accountability of the CRL

Require the CRL to act strictly within its mandate and desist

from pursuing state-controlled “peer review” systems. The CRL cannot be allowed to take over functions of other state organs such as the police and the judicial system.

6. Removal of the CRL Chairperson and Disbandment of the Section 22 Committee

In

light of derogatory, divisive, disrespectful, blasphemous, inflammatory, and insulting statements by the CRL Chairperson, Ms Thoko Mkhwanazi Xaluva, we call upon the KwaZulu Natal Provincial Government to institute and/or support all the measures for the removal of CRL Chairperson and the disbandment of the Section 22 Committee as currently constituted. Some of her statements constitute hate speech and some expressly indicate intent to undermine constitutional stipulations.

7. Assurance by the Office of the Premier

Provide categorical assurance to Christians that their constitutional rights are fully protected, and that any violation of these rights will not be tolerated.



5. Closing

This memorandum is submitted on behalf of thousands of Christians who have gathered in peace and unity, and to defend one of the most fundamental freedoms in our democracy. The thousands of Christians gathered today are representing millions of Christians throughout the Republic of South Africa. We respectfully appeal to the Office of the Premier, as custodian of the Provincial Constitution, to take immediate action to safeguard religious freedoms and ensure that no institution or individual undermines the rights guaranteed to South Africans by the Constitution.

Received by:

The Honourable Premier of KwaZulu-Natal:

**The Member of the Executive Council for Cooperative
Governance and Traditional Affairs – KwaZulu-Natal**

The Mayor – eThekweni Metropolitan Municipality