

SOUTH AFRICA 2015 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. Home Affairs Minister Malusi Gigaba reiterated the government's zero tolerance for anti-Semitism in response to concerns raised by the South African Jewish Board of Deputies (SAJBD) regarding a proposal to end the country's dual citizenship policy, which some media sources said specifically targeted Jewish citizens. In a November meeting between President Jacob Zuma and representatives from the World Jewish Congress and the South African Jewish Board of Deputies (SAJBD), the president encouraged the Jewish community to take an active role in helping build a "truly united and non-racial state."

There were reported incidents of physical attacks, harassment, and hate speech against members of minority religious groups. In one incident, three Jewish teenagers were attacked while walking out of a movie theater in Johannesburg. The majority of anti-Semitic incidents were posts on social media sites in protest of Israel's policy toward Palestinians, which some compared to apartheid.

The Ambassador, Consul General, and other U.S. government officials met with religious groups and nongovernmental organizations (NGOs), including Muslim and Jewish representatives, to gauge and discuss issues of religious freedom, including cases of anti-Semitism. In November an embassy representative attended the SAJBD Biennial National Conference in support of combatting anti-Semitism.

Section I. Religious Demography

The U.S. government estimates the total population at 53.7 million (July 2015 estimate). According to 2001 census figures, the last which tracked religious affiliation, 80 percent of the population is Christian. Hindus, Muslims, Jews, Buddhists, and adherents of traditional indigenous beliefs together constitute slightly less than 5 percent of the population. Approximately 15 percent of the population adheres to no particular religion or declines to indicate an affiliation; some of these individuals likely adhere to indigenous beliefs. Many indigenous

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persons adhere to a belief system combining Christian and indigenous religious practices. There are small numbers of Scientologists.

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 a number of Pentecostal and charismatic groups. Other Christian groups include Methodists, Anglicans, Baptists, Lutherans, Presbyterians, Roman Catholics, Seventh-day Adventists, and members of the Greek Orthodox, Dutch Reformed, and Congregational Churches.

Persons of Indian or other Asian heritage account for 2.5 percent of the total population. Roughly half of the ethnic Indian population is Hindu, and the majority resides in KwaZulu-Natal. The Muslim community (approximately 1.5 percent of the population) includes Cape Malays of Malayan-Indonesian descent, individuals of Indian or Pakistani descent, and approximately 70,000 Somali nationals and refugees. The SAJBD estimates the Jewish community at 75,000 to 80,000 persons, the majority of whom live in Johannesburg and Cape Town.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for freedom of religion, belief, and opinion, including the right to practice one's religion, and to form, join, and maintain religious associations. It prohibits religious discrimination and specifies freedom of expression does not extend to 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 conducted on an equitable basis. These rights may be limited if the limitation is "reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom" and takes account of "all relevant factors." Cases of discrimination against persons on the grounds of religion may be taken to Equality Courts, the South African Human Rights Commission (SAHRC), and 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.

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The government 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 exempt them from paying income tax. To register, groups must submit a nonprofit organization application, including their constitution, contact information, and list of officers, to the provincial social development office. 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 constitution grants detained persons visitation rights with their chosen religious counselor.

Government Practices

Home Affairs Minister Malusi Gigaba reiterated the government's zero tolerance for anti-Semitism in response to concerns raised by the SAJBD regarding a proposal to end the country's dual citizenship policy, which some media sources said specifically targeted Jewish citizens. In a September interview discussing the proposal to ban dual citizenship, Obed Bapela, the Deputy Minister for Cooperative Governance and Traditional Affairs, said the government does not support Israel's "apartheid policy," but denied the dual citizenship proposal specifically targeted Israel.

In December media reported that Cassim Mahomed Jasat, a local government education employee, posted anti-Semitic statements on other people's social media posts, stating "U Jews are full of it. They one lot of herpes filled [expletive]." In another instance, he threatened a user by stating "one night in a gas chamber for u." On December 23, a German national filed a complaint against Jasat with the South African Council of Educators in Pretoria. No government official commented on Jasat's statements, and there was no information regarding Jasat's employment status.

In November the World Jewish Congress and SAJBD leadership met with President Zuma, African National Congress Secretary General Gwede Mantashe, International Relations Committee Chairperson Edna Molewa, African Union Commission Chairperson Dr. Nkosanan Dlamini-Zuma, and Minister of the

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Presidency Jeff Radebe to discuss issues of importance to national and global Jewry. The SAJBD raised concerns about an October visit by Hamas members. At the SAJBD Biennial National Conference on “Gathering Voices – Combatting International Racism and Anti-Semitism,” President Zuma called on the Jewish community to actively take part in the implementation of the National Development Plan to build a “truly united and non-racial state.”

The government and schools accommodated religious groups’ holy days when scheduling national examinations. Prisoners and detainees were permitted religious observances.

Section III. Status of Societal Respect for Religious Freedom

In an annual report released by SAJBD in November, there were 53 anti-Semitic incidents recorded compared to 160 incidents in the corresponding period in 2014. Reports included assault (one incident), verbal abuse (23 incidents), hate mail (eight incidents), and graffiti or vandalism (seven incidents). Many of the incidents were posts on social media sites.

On March 21, three Jewish teenagers wearing kippahs, aged 17 to 18, were walking out of a movie theater in Johannesburg and confronted by three individuals. According to reports, the perpetrators physically assaulted two of the three boys and made anti-Semitic comments, including associating their religion with political tension in the Middle East. Police opened a criminal case of common assault and identified the perpetrators; however, no formal charges had been filed as of the end of the year.

In April a Durban resident was reportedly run off the road in her car, assaulted, and called “Rushdie’s bitch” for expressing her admiration for Salman Rushdie, an author condemned by some Muslim leaders. A case of gross bodily harm was opened at Mayville police station in KwaZulu-Natal province. No arrests had been made as of year’s end.

Anti-Semitic speech continued to be associated with Israeli-Palestinian tensions in the Middle East, as some compared the country’s anti-Apartheid movement to the Palestinian cause. Anonymous postings on social media contained threats against the Jewish community and specifically toward members of the SAJBD. There were also incidents of anti-Semitic rhetoric following the visit of a Popular Front for the Liberation of Palestine member in February.

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According to media sources, on December 8, Port Elizabeth lawyer Maureen Jansen posted anti-Semitic and anti-Israeli statements on social media. One of the posts reportedly stated “Bloody Israelis should be exterminated along with all the ‘Jews’ everywhere who support Israel by action or silence.” The SAJBD lodged a complaint of hate speech with the SAHRC, but there were no updates as of the end of the year.

On February 10, the Secretary of the Student Representative Council and Progressive Youth Alliance at the Durban University of Technology called for the expulsion of Jewish students from the university, especially those who did not support the Palestinian cause. She also stated, “Israel is an apartheid, genocidal and terrorist state” and any student funded by Israel must immediately deregister. University officials condemned the demand.

On December 15, the Equality Court in Durban handed down a final judgement against Snowy Smith. According to the judgement, Smith was required to apologize to the Jewish community for widely disseminating anti-Semitic emails. The court ruled the e-mails “impinge adversely on the dignity of the Jewish people and constitute hate speech” and are not only offensive but “likely to cause harm.” Smith was also prohibited from disseminating any further hate speech. The SAJBD filed a case against Smith in 2013 for disseminating dozens of anti-Semitic materials, including emails, CDs, and DVDs, to SAJBD members and other Jewish individuals and institutions between October 2010 and May 2012. The evidence presented against Smith included emails from him stating Zionist Jews planned the Second World War and “Illuminati Jews” are terrorists.

In March protestors outside the South African Zionist Federation conference shouted anti-Jewish and anti-Israeli remarks, including “you think this is Israel, we are going to kill you” and “you Jews do not belong in South Africa.” The protest was reportedly organized by the South African branch of Boycott, Divestment and Sanctions. Police were present to provide security and order, but made no arrests. There was no physical violence reported.

Civil proceedings continued at the SAHRC against the Western Cape provincial secretary of the Congress of South African Trade Unions after he called for the killing of SAJBD members in retaliation for deaths of Palestinians in Gaza. The SAJBD also pursued a case with the SAHRC against a Congress of South African Students member for placing a pig’s head in the kosher section of a Woolworth’s

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grocery store in Cape Town in protest against the store's marketing of Israeli produce.

In August the independent Commission for the Promotion and Protection of Cultural, Religious and Linguistic Communities announced it would launch an “investigative study on the commercialization of religion and the abuse of people's belief systems” while the South African Council of Churches, which represents 37 national Christian bodies and is affiliated to the World Council of Churches, called for basic certification of pastors and protection of human rights for churchgoers. These announcements were in response to what the council described as objectionable practices at End Times Disciples Ministries after worshippers were reportedly instructed to eat and drink dangerous substances, including snakes and rodents, and the Church's principal pastor reportedly jumped on top of members of the congregation. In July the pastor was arrested for animal cruelty and possession of protected snakes, and released on bail, but was in hiding as of December. Police continued to investigate the reported dismantling and burning of the pastor's tents in August by youth from the Economic Freedom Fighter political party and a group of residents near the church. There were no reported arrests. In November members of the Church led a small, peaceful march against what they said was government interference in their practice.

The National Prosecuting Authority continued to investigate the October 2014 suspected arson at Cape Town's Open Mosque and the subsequent incident where a vehicle rammed into its gated entrance. Preliminary findings indicated members of Cape Town's Muslim community unhappy with the teaching at the Open Mosque may have been responsible.

Section IV. U.S. Government Policy

U.S. embassy and consulates general representatives met with religious leaders and NGOs, including the Muslim Judicial Council (MJC), the SAJBD, Amnesty International, Human Rights Watch, Inclusive Affirming Ministries, and Lawyers for Human Rights to discuss the environment for religious freedom, including cases of anti-Semitism.

In a meeting with the Ambassador, the SAJBD voiced concerns over a proposal by Deputy Minister Obed Bapela to eliminate dual citizenship that would affect South African-Israeli dual citizens, among others. The Consul General in Cape Town met with the SAJBD in April and in August to discuss concerns about anti-Semitic

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rhetoric in public debate, the work of the organization, and their efforts to educate the public about Judaism.

In October an embassy representative met with members of the MJC to assess religious freedom from the Muslim community's perspective.

In November an embassy representative attended the SAJBD Biennial National Conference in support of the group's mission to combat anti-Semitism.