



COUNCIL
FOR THE ADVANCEMENT OF THE
SOUTH AFRICAN
CONSTITUTION

Media Statement

CASAC's *amicus curiae* application in the Gauteng High Court

15 June 2015

The Council for the Advancement of the South African Constitution (CASAC) has filed an application to intervene as *amicus curiae* in a matter in the Gauteng High Court that challenges specific religious practices in South African public schools.

CASAC will be intervening as an *amicus curiae* ("friend of the court") in a matter that has been initiated by the Organisasie vir Godsdiens- en Demokrasie ("OGOD"). The Respondents in the matter are six public schools together with the Minister for Basic Education and the Minister of Justice and Correctional Services.

OGOD has challenged specific Christian religious practices at the Respondent Schools on the basis that these practices are a violation of the Constitution and the National Policy on Religion and Education (the "National Religion Policy").

OGOD's founding affidavit describes various practices at the Respondent schools as being of an overtly and exclusive Christian character. It notes examples of schools having Christian emblems or prefects wearing crucifixes. OGOD's founding affidavit also notes instances of discrimination and alienation of learners that attempt to avoid Christian religious observance. The example of a teacher at one of the Respondent schools telling learners not to associate with learners that do not believe in Jesus is but one example.

OGOD alleges that the practices described at the Respondent schools directly or indirectly coerce learners to participate in them and as such violate the rights of

Council for the Advancement of South African Constitution

Telephone: [+27 21] 685 8809 • Facsimile: [+27 21] 685 8819

info@casac.org.za

www.casac.org.za

learners including their rights to equality, human dignity, freedom and security of person and freedom of religion

In response to OGOD, the Respondent schools - in an affidavit deposed to by the CEO of the Federation of Governing Bodies (FEDSAS) - challenge the constitutionality of the National Religion Policy. They argue that the Policy prohibits specific single religion practices “within largely homogenously religious schools”.

CASAC is of the view that the National Religion Policy affirms and aims to promote the values of diversity, dignity, equality and freedom enshrined within the Constitution.

The Policy, published in 2003, recognises the “rich and diverse religious heritage of our country and adopts a co-operative model that seeks to promote the creative interaction between schools and faith, whilst protecting our young people from religious discrimination or coercion”. It therefore requires “that opportunities be afforded in an equitable manner to all religious bodies represented in a school, that no denigration or caricaturing of any other religion take place, and that attendance at such instruction be voluntary.”

The CASAC intervention therefore aims to to advance the position that National Religion Policy is consistent with the values in the Constitution. It also aims to support the view that certain practices at the Respondent schools are inconsistent with both the National Religion Policy and the Constitution.

CASAC is represented in this matter by SECTION27, a public interest law centre that seeks to influence, develop and use the law to protect, promote and advance human rights. This includes the protection of the rights of learners within the South African education system.

FOR FURTHER INFORMATION CONTACT:

LAWSON NAIDOO, EXECUTIVE SECRETARY, CASAC AT 073 158 5736

KATE PATERSON ATTORNEY AT SECTION27 AT 073 009 877

Council for the Advancement of South African Constitution

Telephone: [+27 21] 685 8809 • Facsimile: [+27 21] 685 8819

info@casac.org.za

www.casac.org.za