

Lei, leer en inspireer  
Lead, learn and inspire

'n Praktiese benadering tot  
godsdiensbeoefening /  
*A practical approach to religious  
observances*

24 Augustus 2017  
Kenny Labuschagne

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HANDLEIDING VIR SKOOLBESTUUR  
MANUAL FOR SCHOOL MANAGEMENT

MSM CHAPTER 4 UNIT 4.10  
FREEDOM OF CONSCIENCE AND RELIGION  
[www.msmonline.co.za](http://www.msmonline.co.za)

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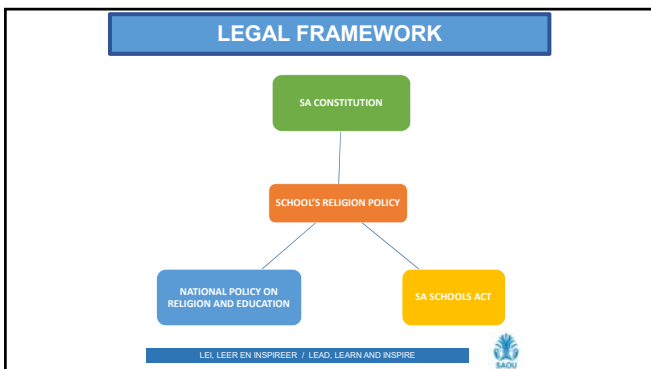
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### SA CONSTITUTION

#### SECTION 15 FREEDOM OF RELIGION, BELIEF AND OPINION

- (1) Everyone has the right to freedom of conscience, religion, thought, belief and opinion.
- (2) Religious observances may be conducted at state-aided institutions, provided that –
  - (a) those observances follow rules made by the appropriate public authorities;
  - (b) they are conducted on an equitable basis; and
  - (c) attendance at them is free and voluntary.



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### SOUTH AFRICAN SCHOOLS ACT

#### SECTION 7 FREEDOM OF CONSCIENCE AND RELIGION AT PUBLIC SCHOOLS

Subject to the Constitution and any applicable provincial law, religious observances may be conducted at a public school under rules issued by the governing body if such observances are conducted on an equitable basis and attendance at them by learners and members of staff is free and voluntary.



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### NATIONAL POLICY ON RELIGION AND EDUCATION

Religious observances are those activities and behaviours which recognised and express the views, beliefs and commitments of a particular religion, and may include gatherings of adherents, prayer times, dress and diets.

- ❖ Voluntary public occasions making use of school facilities;
- ❖ Voluntary occasions where school community (teachers and pupils) gather for religious observances;
- ❖ Observances held in a voluntary gathering of pupils and/or teachers during a school break; and
- ❖ Observances which may be ongoing (prayer times, dress and diets) which must be accommodated in a manner agreed upon by the school and the relevant faith authorities.



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**SCHOOL'S RELIGIOUS OBSERVANCES POLICY**



School Governing Bodies are required to determine the nature and content of religious observances for teachers and pupils, such that coherence and alignment with the National Policy on Religion and Education and applicable legislation (SASA) is ensured.

It may also determine that a policy of no religious observances be followed. Where religious observances are held, these may be at any time determined by the school, and may be part of a school assembly.

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**SCHOOL'S RELIGIOUS OBSERVANCES POLICY**



Where a religious observance is organised, as an official part of a school day, it must accommodate and reflect the multi-religious nature of the country in an appropriate manner

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**JUDGEMENT IN RELIGION IN SCHOOLS CASE**


The Court stated as follows on 28 June 2017:

"It is declared that it offends Section 7 of the Schools Act, 84 of 1996 for a public school –

to promote or allow its staff to promote that it, as a public school, adheres to only one or predominantly only one religion to the exclusion of others;

and to hold out that it promotes the interests of any one religion in favour of others.



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PRACTICAL IMPLICATIONS

The judgement did not affect the lawfulness of the National Policy on Religion and Education. Schools (2003) and staff members may thus continue with religious observances in the same manner as has been the case during the past 14 years.

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