



E-mail: [paganrightsalliance@ananzi.co.za](mailto:paganrightsalliance@ananzi.co.za) · Tel/Fax: (044) 850 1297 · P.O. Box 184 Hoekwil 6538

Website: <http://www.paganrights.net> Forum: <http://groups.yahoo.com/group/sapra/>

10 July 2007

Minister of Justice and Constitutional Development  
Ms. BS Mabandla  
Pretoria Fax: 012 - 315 1749  
Cape Town Fax: 021 - 467 1730

Deputy Minister Mr. JH de Lange  
Pretoria Fax: 012 - 322 2908  
Cape Town Fax: 021 - 467 1732

and

South African Human Rights Commission  
Western Cape Office - Legal Services  
Ms Julie Steffers: [jsteffers@sahrc.org.za](mailto:jsteffers@sahrc.org.za)  
Fax: (011) 484 1360

**1. Objections to the proposed draft Mpumalanga Witchcraft Suppression Bill (2007)  
- Office of the Premier: Mpumalanga Provincial Government**

**2. Urgent appeal for legislative reform to the Witchcraft Suppression Act (Act 3 of 1957 as amended by Act 50 of 1970)**

Honourable Minister

Find accompanying documentation in reference and motivation:

1. draft Mpumalanga Witchcraft Suppression Bill (2007)
2. objections against the Mpumalanga Witchcraft Suppression Bill by the South African Pagan Rights Alliance (SAPRA) dated 5, 7 and 9 July 2007
3. proposed draft Mpumalanga Witchcraft Protection Bill prepared by SAPRA in collaboration with the South African Pagan Council (SAPC), for consideration by the Office of the Premier and Mpumalanga Legislature
4. unanswered correspondence dated 19 February 2007 from SAPRA to the Minister and deputy Minister of Justice and Constitutional Development, and Ms J Steffers of the South African Human Rights Commission.

## **1. Objections to the proposed draft Mpumalanga Witchcraft Suppression Bill (2007)** **- Office of the Premier: Mpumalanga Provincial Government**

On behalf of the South African Pagan Rights Alliance I wish to lodge a formal appeal to the Honourable Minister against the recently proposed Mpumalanga Witchcraft Suppression Bill currently being prepared for consideration by the Mpumalanga legislature by Advocate B. Thomas of the Office of the Premier: Mpumalanga.

Adv. B Thomas. Contact: 013 766 6584 - E-mail: bbongo@mpg.gov.za

This proposed draft Bill threatens to undermine the freedoms and rights already guaranteed to an existing religious minority in the Republic of South Africa, by deliberately criminalizing and prohibiting said religious minority's constitutionally guaranteed right to exist and to practice their religion.

The Bill in question determines that Witchcraft be suppressed and that Witches be criminalized on the assumption of automatic inference of criminality.

The religious community to which I refer defines its spiritual occupation and religion as Witchcraft and its adherents define themselves as Witches. This self-defined religious minority currently numbers between 3000 and 5000 members. There is no authoritative census on the exact number of Witches in South Africa to date.

Witchcraft is described by these South African citizens as a spiritual occupation and religion closely associated with the practice of natural (sympathetic) magic, herbalism, divinations and Pagan religious ritual. Witchcraft is just one globally acknowledged spiritual path belonging to modern Paganism. Paganism is defined by its adherents as a Nature-venerating spirituality and religion.

The practices of Witchcraft are understood by its adherents as something sacred and spiritual. It is in this context that modern Pagan Witches use the terms Witch and Witchcraft.

The proposed Mpumalanga Witchcraft Suppression Bill defines Witchcraft incorrectly, and in so doing, prejudices all who profess to be Witches or to claim to be a practitioner of Witchcraft as automatically criminal by virtue of their belief and religion.

This Bill determines that any person who professes to use any supernatural power, or witchcraft, or professes knowledge of witchcraft or the use of charms, or for gain exercises any supernatural power or witchcraft shall be guilty of a criminal offence.

See section 6 sub-section b, d and f - Mpumalanga Witchcraft Suppression Bill accompanying.

I appeal to the Minister of Justice and Constitutional Development and to the South African Human Rights Commission to consider the ramifications of permitting acceptance of the Mpumalanga Witchcraft Suppression Bill on residents of Mpumalanga Province who do define themselves as Witches and who do define their religion as Witchcraft.

These citizens of the Republic of South Africa will be denied their constitutional rights to religious freedom, expression, equality, liberty, dignity, security and their right to choose and practice their occupation within the Province of Mpumalanga.

Please do not permit this travesty of justice to occur.

To this end, the South African Pagan Rights, in collaboration with the South African Pagan Council, has prepared an alternative Bill entitled the **Mpumalanga Witchcraft Protection Bill** for consideration by the Mpumalanga legislature. Find said Bill accompanying.

This Alliance has appealed to the Premier of Mpumalanga not to proceed with the enactment of any legislation which would in any way prohibit or criminalise South African citizens on the grounds of religion or as the result of automatic inference of criminality.

We have called on the Premier to rather enact legislation to prevent or prohibit unfair discrimination, to protect and advance persons or categories of persons disadvantaged by unfair discrimination, and to promote the achievement of equality for a specific historically disadvantaged religious minority.

The object of the draft Mpumalanga Witchcraft Suppression Bill was primarily to prohibit and prevent accusation of witchcraft and acts of revenge and violence against persons suspected of being witches or of using witchcraft in the Province.

The draft **Mpumalanga Witchcraft Protection Bill** does exactly that, but without in any way discriminating against, criminalising or marginalising those persons who do define themselves as Witches, or who do claim to use or practice witchcraft.

You will notice that we have defined a Witch in such a way as to include any possible definition of traditional African witchcraft, and to exclude any possible insinuation of criminality or wrong-doing to Witches or Witchcraft. This Alliance is aware of the urgent need by the Office of the Premier of Mpumalanga to prevent further incidences of ongoing violence against innocent citizens falsely accused of, or alleged to be witches or of practicing witchcraft.

Despite numerous inter-governmental investigations into the phenomena of 'witch-purging' by individuals and communities within South Africa and in spite of numerous very detailed published reports, including the Thohoyandou Declaration, violence against suspected witches in the Province continues unabated.

The Alliance calls on the Honourable Minister to support the enactment of legislation to prevent or prohibit unfair discrimination, to protect and advance persons or categories of persons disadvantaged by unfair discrimination, and to promote the achievement of equality for a specific historically disadvantaged religious minority.

## **2. Urgent appeal for legislative reform to the Witchcraft Suppression Act (Act 3 of 1957 as amended by Act 50 of 1970)**

The South African Pagan Rights Alliance argues that our stated reasons for objection against the Mpumalanga Witchcraft Suppression Bill (find accompanying motivated reasons for objection) apply equally to the Witchcraft Suppression Act (Act 3 of 1957 as amended by Act 50 of 1970).

Act 3 as amended by Act 50 (Act 3) determines that any person who professes to use any supernatural power, or witchcraft, or professes knowledge of witchcraft or the use of charms, or for gain exercises any supernatural power or witchcraft shall be guilty of a criminal offence.

Act 3 prohibits South African citizens who define themselves as Witches, irrespective of where they live in the Republic, from practicing their religion.

These citizens of the Republic of South Africa have been and are being denied their constitutional rights to religious freedom, expression, equality, liberty, dignity, security and their right to choose and practice their occupation within South Africa.

The Alliance appeals to the Honourable Minister to initiate urgent legislative reform to the Witchcraft Suppression Act (Act 3 of 1957 as amended by Act 50 of 1970) in order to prevent any further or future unfair discrimination and prejudice against citizens of a free and democratic country founded on the recognition of human dignity, equality for all - irrespective of religion or belief, and the advancement of human rights and freedoms for all South African citizens equally.

Yours Sincerely

Mr. D. Leff  
Convenor: South African Pagan Rights Alliance  
Tel. /Fax. 044 850 1297  
[www.paganrights.net](http://www.paganrights.net)

Kindly acknowledge receipt of all documentation at your earliest convenience.