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9 July 2007

Office of the Premier  
Mpumalanga Provincial Government

For attention: Advocates B. Thomas and H.M. Mbatha  
and L. Pretorius

**Submission for consideration: Mpumalanga Witchcraft Protection Bill (2007)**

**With reference to: P.15/5/15 Comment as an Interested and Affected Party: Mpumalanga Witchcraft Suppression Bill 2007.**

**Registered I&AP's: The South African Pagan Rights Alliance & The South African Pagan Council (Convenor: Mr. L Martin)**

**Previous correspondence and submissions on behalf of the South African Pagan Rights Alliance dated 5 and 7 July refers.**

Dear Advocates B. Thomas and H.M. Mbatha

Find accompanying a draft **Mpumalanga Witchcraft Protection Bill** which has been prepared by the South African Pagan Rights Alliance in collaboration with the South African Pagan Council for consideration by the Office of the Premier: Mpumalanga, as a preferred alternative and replacement to the proposed Mpumalanga Witchcraft Suppression Bill (2007).

This draft Mpumalanga Witchcraft Protection Bill has been modelled on the Promotion of Equality and Prevention of Unfair Discrimination Act (Act No. 4 of 2000) and has included appropriate provisions from Act 4 of 2000 in order to give effect to the aims and objectives envisaged in Chapter 2 of the Constitution of the Republic of South Africa (Act 108 of 1996) with respect to the enactment of legislation to prevent and prohibit unfair discrimination and to advance persons and categories of persons disadvantaged by unfair discrimination, as reflected in the preamble of this proposed 'Mpumalanga Witchcraft Protection Act'.

This Alliance appeals to the Premier 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, but rather to 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 and acts of revenge and violence against persons suspected of being witches or of using witchcraft.

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.

We have chosen not to include any reference to 'Wizard' or 'sorcerer' as these are not clearly distinguished from the general practice of either witchcraft or magic. I do not think it necessary to further define magic as this will not add any further value to the definition of Witchcraft within the context of this proposed Bill – Witchcraft Protection Bill. The Bill must enforce equality and protection for Witches, and for persons falsely accused of being a Witch or of practicing Witchcraft, not define nor extoll the virtues or philosophy of magic or religion.

You will also notice that we have refrained from dictating policy on traditional leaders and traditional healers - not our place to do so - with the exception of 3.3. *Duty of all persons to promote equality - All persons, including non- governmental organisations, community-based organisations and traditional institutions must promote religious equality and respect for human dignity.* I think traditional healers will appreciate this consideration.

Should the Mpumalanga legislature wish to further regulate Traditional leadership and healers they should first refer to existing legislation covering traditional institutions, traditional leadership and traditional healers. We believe this proposed **Mpumalanga Witchcraft Protection Bill** adequately covers this matter without imposing upon traditional leaders and healers any further unecessary obligations.

The Alliance looks forward to further consultation and submission, and trusts that the Mpumalanga legislature will rule in favour of the proposed **Mpumalanga Witchcraft Protection Bill** and against the proposed Mpumalanga Witchcraft Suppression Bill.

Yours Sincerely

Mr. D. Leff  
Convenor: South African Pagan Rights Alliance

Please acknowledge receipt of correspondence dated 5, 7 and 9 July 2007, and proposed Mpumalanga Witchcraft Protection Bill.