

**South African Pagan Rights Alliance (NPC)**

**Annual General Meeting**

1 May 2019



## AGENDA

**Annual General Meeting Chairman:** Mr Francisco Fumarola

0. Introduction

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\* Members were encouraged to place additional matters on the table for discussion before April 21. No additional matters were submitted by members.

## 1. Director's Report

Welcome formal members and interested guests to SAPRA's 2019 Annual General Meeting. Thank you for your participation.

### **In-brief review**

This Alliance was founded in 2004 as a community based (voluntary association) advocacy organisation. Over the last 16 years, successive executive members have voluntarily and without compensation, offered their service to this organisation, its members and the general public.

That service has included a) challenging media bias against Pagan and other minority religions, b) lobbying Chapter 9 institutions and other governmental agencies and departments to address instances of bias and prejudice directed at minority faiths and other vulnerable groups, and c) providing basic legal advice and referral, both publicly and privately, on matters concerning discrimination.

As a designated religious organisation in terms of the Civil Union Act, this Alliance has also nominated several of its members as religious marriage officers. SAPRA's marriage officers have solemnised marriages and civil unions between both heterosexual and same-sex couples.

This Alliance remains committed to building increased capacity and influence in order to better serve our national religious communities and individuals seeking assistance, advice or support. SAPRA's Executive Members remain committed to improving meaningful service delivery to Pagans and Pagan groups or organisations in South Africa. To this end, members of the Executive have consented to receiving additional paralegal training. This capacity building will remain voluntary and free.

SAPRA does not charge any fee for its service to individuals or communities. This Alliance is entirely funded by its formal membership. No member of the Executive derives any financial compensation for their service to this Alliance. Membership fees (R150.00 per annum) are spent exclusively on maintaining SAPRA's capacity to deliver service.

SAPRA welcomes participatory and collaborative cooperation with individuals, groups and organisations who share SAPRA's ethical mandate to promote, support and advocate for human rights and equality for religious minorities in South Africa.

## Current

### Registration as NPC and pending registrations as Public Benefit Org and NPO

I am pleased to report that the Alliance has taken its second step toward the transformation of our voluntary association, to a paralegal advocacy organisation, with the registration of the Alliance with the Companies and Intellectual Property Commission, as a Non-Profit Company (NPC) in terms of the Companies Act (71 of 2008).

This registration required the appointment of a minimum of 3 directors; myself (SAPRA Director), Ms Fonteleve (SAPRA Chief Executive Officer), and Mr Waugh (SAPRA Treasurer). The Companies Act imposes the fiduciary obligation on us to exercise our powers and functions (a) in good faith, (b) for a proper purpose, (c) in the company's best interest, and (d) with the reasonable degree of care, skill and diligence expected of a person in the position of director.

The following requirements to that registration in our Memorandum of Incorporation were prescribed:

- (a) All property and income, whether obtained by donations or profits from income generating activities, must be used to further the objectives of the NPC, and
- (b) no part of the NPC's income may be paid to a director or member of an NPC.

The Alliance will, in due course, submit an application for Public Benefit Status in terms of the Income Tax Act (58 of 1962). This will enable the Alliance to diversify our fundraising capacity without increasing our liability to SARS. I am also pleased to report that SAPRA is fully tax compliant. The Alliance will also be registering its Non Profit Organisation status with the Department of Social Development in terms of Non Profit Organisations Act (71 of 1997). *See our treasurer's report for more information on this.*

I would like to thank the Alliance's treasurer, Mr Lawrence Waugh, for his facilitation of these registrations.

As reviewed, SAPRA does not charge any fee for its service to individuals or communities. This Alliance is entirely funded by its formal membership. No member of the Executive derives any financial compensation for their service to this Alliance. Membership fees are spent exclusively on maintaining SAPRA's capacity to deliver service.

For an accurate and true reflection of the Alliance's financial record for the period March 2018 to April 2019, and for information on SAPRA's pending registration as a Public Benefit

Organisation with SARS, and as a Non Profit Organisation with the Department of Social Development, please refer to our Treasurer's Report on page 11.

As a Paralegal Advocacy, Public Benefit, Non-Profit Company, this Alliance adopts the following aims and objectives:

The South African Pagan Rights Alliance will offer free, practical assistance on basic legal issues, including social welfare, employment disputes, infringement of and discrimination against personal legal and constitutional rights, and provides referrals to formal legal representation where necessary.

***Note:** We may not draft wills, draft agreements for the sale of both movable or immovable property, and with the sole exception of assisting clients to complete application forms for matters in the Equality Court or Commission for Conciliation, Mediation and Arbitration (CCMA), we may not draft or sign summons or other court documents.*

We will negotiate and mediate inter-communal conflict, organize community development initiatives aimed at restoring justice, advocate for religious equality and equity, and promote human rights education.

## **Resignation**

SAPRA's religious marriage officer Registrar, Mrs Retha van Niekerk, has resigned from the Alliance's executive committee. We would like to extend our thanks and appreciation to Mrs van Niekerk for her service to the Alliance, and wish her well on your journey. Mrs van Niekerk remains an ordinary member of the Alliance.

The functions of registrar will be carried out by me, as Director, until a suitable replacement can be nominated for the position.

## **SAPRA Public Community Engagement**

I would like to thank Lawrence Waugh for his valuable initiative in public community engagement by volunteering to man a stall at future Johannesburg Pagan Freedom Day events, held under the auspices of the South African Pagan Council - <http://www.sapagancouncil.org.za/pfdm.php>, and at other public events also hosted by PAN Events - <https://www.facebook.com/PANEventsSA/>.

We also wish to thank those who offered generous donations in kind in order to facilitate this.

## **Donations in Kind**

On behalf of the Alliance, I would like to thank the following persons for their generous donations in kind to this Alliance:

1. Ryan and Nicki Young, for waving stall fees for SAPRA's stall at public events hosted by PAN Events.

2. Luisa Deyzel from D3 Deyzel Dynamic Designs (Pty) Ltd, for printing SAPRA's logo on a stall tablecloth, and for printing copies of SAPRA's flyers for distribution at these events.

3. Patrick Rohland, for stepping in for Lawrence at our first PFD event, and for lending us a table for the event.

Thank you all for your generosity.

## 2. Chief Executive Officer's Report

SAPRA was formed in 2004 as a faith-based (Pagan) human rights activist alliance. In recent years, SAPRA has shifted its focus away from strictly Pagan human rights activism to incorporate human rights issues affecting not only religious minorities in general, but other marginalized groups requiring human rights advocacy and support.

For the past 16 years SAPRA has demonstrated its capacity and proficiency in human rights activism and justice advocacy and it has acknowledged and embraced the need to expand beyond its initial CBO advocacy to a paralegal advocacy organisation in order to serve our interconnected community.

Herewith a summary of what the Alliance did since its last AGM in June 2018.

### Touchstone Advocacy 2019

Once again in 2019 SAPRA's launched its '30 days of advocacy against witch-hunts' campaign, recommitting to the fight against racism, racial discrimination, xenophobia and other acts of intolerance.

Accusations of witchcraft and witch-hunts are not condoned under our Constitution, nor is the incitement to violence and hatred by propaganda in the media or social public networks. Accusations of witchcraft and the resulting witch-hunts constitute in themselves crimes under national and international law.

Through its advocacy, SAPRA works towards raising awareness of government's failure to provide restorative justice and assistance to the victims of witchcraft accusations and witch-hunts.

See: <https://www.paganrightsalliance.org/campaign-against-witchcraft-accusations-and-witch-hunts-in-south-africa-29-march-to-7-april/> and <https://www.paganrightsalliance.org/remember-their-names/>

In June 2018, SAPRA released a statement expressing the need for the SAPS to intervene in cases of witchcraft accusations, reminding readers that accusations of witchcraft are almost never based on evidence, and invariably lead to vigilante violence, which includes arson, assault, attempted murder and murder. SAPRA advises complainants to open crimin injuria charges against their accusers and to request protection and involvement by the police within the affected community. SAPRA'S request to be allowed to assist in ensuring

that the victims receive adequate assistance was once again ignored by the SAPS.

See: <https://www.paganrightsalliance.org/witchcraft-accusations-require-saps-intervention/>

### **Freedom of expression and free speech**

In August 2018, in response to international debates on the merits of limitless free speech, SAPRA issued a statement clarifying that under South African law, freedom to express opinion is not unlimited, and that therefore the right to freedom of expression must be exercised responsibly, without infringing on the rights of others, such as the rights to dignity and equality. In summary, the right to hold opinions and to impart and receive ideas and information, is a protected but limited right in South Africa. The right to expression is limited in order to protect the rights to equality and dignity of others.

See: <https://www.paganrightsalliance.org/free-speech-freedom-of-speech-and-expression-and-its-limitations/>

On 15 August 2018, SAPRA stated that incitement to imminent violence and the advocacy of hatred is prohibited content. This is a Constitutional restriction to freedom of speech and expression, and journalists are not exempted from this prohibition. In serving the public interest, journalists must ensure that they are acting always in the interests of the victims of crime, and not promoting the cause of the accuser or perpetrator of a crime.

See: <https://www.paganrightsalliance.org/witchcraft-accusations-and-the-media/>

### **Civil Union Amendment Bill**

On 22 September 2018, SAPRA submitted comment in support of the proposed Civil Union Amendment Bill [B11-2018], to the Chairperson of the Portfolio Committee on Home Affairs (National Assembly), Mr PH Chauke, MP. The amendment removes the right of marriage officers employed by the State to object to solemnising same sex marriages on the grounds of conscience.

See: <https://www.paganrightsalliance.org/sapra-supports-the-civil-union-amendment-bill/>

### **Discrimination: Witchcamp 2018**

On 3 November 2018, SAPRA publicly dealt with the matter of Christian hate speech, hostile call to arms and defamation of the organisers, and the cancellation of Witchcamp 2018. In the public statement was the reminder that any discussion on or about religion in South Africa must begin with an acknowledgement of an absolute rule – all religions are to be regarded as equal before the law! This Constitutional rule was reiterated in 2017, when the South Gauteng High Court ruled in favour of the Organisation for Religious Education and Democracy (OGOD), against six public schools accused of promoting a single faith – Christianity – in religious education classes.



See: <https://www.paganrightsalliance.org/christian-hate-speech-and-defamation-witchcamp-2018/>

### **Pagan Conference on Religion and Regulation**

On Human Rights Day, 21 March 2019, SAPRA and the South African Pagan Council hosted an online Pagan Conference on Religion and Regulation, in order to provide accurate information on the proposal by the CRL Rights Commission to regulate religion. A copy of the Conference content may be downloaded here: <https://www.paganrightsalliance.org/wp-content/uploads/2019/03/Pagan-Conference-on-Religion-and-Regulation-March-2019.pdf>

### **COGTA Complaint against the CRL Rights Commission**

On 25 February 2019, SAPRA lodged a formal complaint against the CRL Rights Commission with COGTA, for the denial of access to participation of religious minorities in consultations concerning the CRL's proposal to regulate religion in South Africa.

The CRL Rights Commission proposed that all religion and religious organizations in South Africa should be regulated by legislation. According to section 18 of the Commission's report:

- “• The Religion must have a Religious Text that has a defined origin or an origin proved so ancient that no one alive can remember the true origin.
- The Religion should have a significant number of followers that believe in and that adhere to the tenets of the faith.
- Religious peer review committees must represent the whole religious community and not just a portion of the religion.
- A General Religious Practitioner, being a person that imparts knowledge of the tenets of the faith to a gathering of worshipers, shall be required to obtain a license to operate.”

On behalf of Pagan religious leaders, this Alliance wrote to the CRL Rights Commission in February 2016, requesting to be recognised as an interested and affected party to all future discussions, relating to the Commission's investigation into the commercialisation of religion and abuse of people's belief systems, and its proposal to license religious leaders and regulate religion in South Africa.

It must be noted that submissions in objection to the CRL Rights Commission's proposal to regulate religions and religious leaders were submitted to the Commission in October 2017 by both the South African Pagan Rights Alliance, and the South African Pagan Council.

Receipt of these submissions was not acknowledged by the Commission, our organisations were ignored, and Pagan religious leaders were not canvassed for our opinions on the proposal.

This Alliance wishes to reiterate that it seeks to participate in good faith in any and all consultations and negotiations concerning the CRL Rights Commission's proposal to regulate religions in South Africa. The South African Pagan Rights Alliance reserves its right to equal access to the democratic process.

See: <https://www.paganrightsalliance.org/sapra-lodges-complaint-against-crl-rights-commission-with-cogta/>

SAPRA encourages Pagan religious leaders and organisations to uphold a high standard of ethics in their occupations, and to operate in accordance with the law in order to avoid bringing themselves, their organisations, or Paganism in general into disrepute.

### **Sunday Times Interviews on (a) the decriminalisation of Witchcraft and (b) surviving refugees of witchcraft accusation**

On 14 April 2019, the Sunday Times' Sipokazi Fokazi, published an interview with SAPRA's director Damon Leff, on SAPRA's request to the South African Law Reform Commission for review of the Witchcraft Suppression Act, the decriminalisation of witchcraft, and the role that SAPRA played in this process, entitled 'The decriminalisation of 'harmless witchcraft' to be realised in the near future?'

See: <https://www.timeslive.co.za/sunday-times/news/2019-04-14-the-decriminalisation-of-harmless-witchcraft-to-be-realised-in-the-near-future/>

Also on 14 April, the Sunday Times' Jeff Wicks, published an interview with Damon Leff on the living refugees of witch-hunts in South Africa, entitled 'Helena, the desolate exile, has become known as the 'place of witches - Trauma never dies for 'sorcerers' cast out of their homes.'

See: <https://www.timeslive.co.za/sunday-times/news/2019-04-14-helena-the-desolate-exile-has-become-known-as-the-place-of-witches/>

Also on 14 April, Star Bustamonte, editor of the international Pagan publication The Wild Hunt, published an article covering SAPRA's "Touchstone Advocacy", describing it as an annual 30 day campaign to end "witch-hunts" and the accusations of "witchcraft" in South Africa. She wrote *"the importance of campaigns like this cannot be overstated. SAPRA's leadership with this campaign powerfully responds to a critical worldwide need for greater public awareness, education, and advocacy against witch-hunts that changes culture and ultimately save lives."*

See: <https://www.paganrightsalliance.org/advocacy-against-accusations-of-witchcraft-saves-lives/>

### 3. Treasurer's Report

#### Summary report for the period March 2018 to April 2019

##### 2018

Membership fees paid: R2850

Money received from Exco as at April - R300

Interest received on member's fees deposited into the account: R47.31

Bank fees R621

Internet hosting and domain name fees - R2742.72

**Bank balance as of 4 April 2019 - R4084.89**

##### 2019

Internet fees as of February - R1371.36

Bank charges as of February - R562

Membership fees paid as of February - R2300

Interest received as of February - R43.01

**As of February 2019: SAPRA made a profit of R409.65**

SARS assessment - No taxes payable as the company is under the R70 000 net profit ceiling. Confirmation that SAPRA is tax compliant and does not owe any tax.

## **Registration as ‘Not for Profit’ Public Benefit Organisation with the South African Revenue Services**

*"Not for profit organisations play a significant role in society as they take a shared responsibility with Government for the social and development needs of the country. Preferential tax treatment is designed to assist non-profit organisations by augmenting their financial resources.*

*The preferential tax treatment for not for profit organisations is however not automatic and organisations that meet the requirements set out in the Income Tax Act, 1962, must apply for this exemption. If the exemption application has been approved by SARS, the organisation is registered as a Public Benefit Organisation (PBO) and allocated a unique PBO reference number.*

*It is important to note that an organisation that has a non-profit motive or is registered as a non-profit organisation (NPO) or Non Profit Company (NPC) does not automatically qualify for preferential tax treatment. An organisation will only enjoy preferential tax treatment after it has applied for and been granted approval as a Public Benefit Organisation (PBO) by the Tax Exemption Unit (TEU)."*

### **What is a Public Benefit Organisation (PBO)**

*"The conditions and requirements for an organisation to be approved as a PBO are contained in section 30 while the rules governing the preferential tax treatment of PBOs are contained in section 10(1)(cN). Section 10(1)(cN) provides for the exemption from normal tax of certain receipts and accruals of approved PBOs. Certain receipts and accruals from trading or business activities will nevertheless be taxable.*

*Approved PBOs have the privilege and responsibility of spending public funds, which they derive from donations or grants, in the public interest on a tax-free basis. The donations or grants may be received from the general public or directly or indirectly from the State. It is therefore important to ensure that exempt organisations use their funds responsibly and solely for their stated objectives, without any personal gain being enjoyed by any person including the founders and the fiduciaries.*

*Approved PBO's must continue to comply with the Act and related legislation throughout their existence. This includes the submission of annual income tax returns on an IT12EI form. The income tax return enables the Commissioner to assess whether the approved PBO is operating within the prescribed limits of the relevant approval granted and to determine whether the partial taxation principles must be applied to receipts and accruals derived from a trading activity or business undertaking which does not qualify for exemption."*

### **Tax deductible donations (Section 18A receipts)**

*“The South African Government has recognised that certain organisations are dependent upon the generosity of the public and to encourage that generosity has provided a tax deduction for certain donations made by taxpayers.*

*The eligibility to issue tax deductible receipts is dependent on section 18A approval granted by the TEU, and is restricted to specific approved organisations which use the donations to fund specific approved Public Benefit Activities.*

*A taxpayer making a bona fide donation in cash or of property in kind to a section 18A-approved organisation, is entitled to a deduction from taxable income if the donation is supported by the necessary section 18A receipt issued by the organisation or, in certain circumstances, by an employees’ tax certificate reflecting the donations made by the employee. The amount of donations which may qualify for a tax deduction is limited.”*

Source: <https://www.sars.gov.za/ClientSegments/Businesses/TEO/Pages/default.aspx>

### **Registration as ‘Non Profit Organisation’ with the Department of Social Development**

*“The Nonprofit Organisations Directorate was established in terms of the Nonprofit Organisations Act 71 of 1997 to essentially administer the Register of Nonprofit Organisations in South Africa.*

*The Register of Nonprofit Organisations (NPOs) is a voluntary registration facility that enhances the credibility of the registered NPO as it reports to a public office. The NPO Directorate, as a public office, holds information about registered NPOs for the public to access. This thus, increases the transparency and accountability of the organisation beyond its immediate role-plays. This accountability and transparency improves the governance of an organisation as it is also expected that a registered NPO must comply with the requirements of the NPO Act. The NPO registration status is also a funding requirement for most donor and funding agencies. The national NPO registration facility therefore brings NPOs into a public system that allows for information about the sector to be gathered and made publicly available which in many ways increases the confidence of the public in the nonprofit sector.*

*An NPO is defined, in terms of section 1 of the NPO Act, as a trust, company or other association of persons established for a public purpose and of which its income and property are not distributable to its members or office bearers except as reasonable compensation for*

*services rendered. Nongovernmental organisations (NGOs) and community based organisations (CBOs) are collectively known as nonprofit organisations (NPOs). In some instance, NPOs are also referred to as Civil Society Organisations (CSO).*

*To apply for registration as a NPO, organisations fill-in a prescribed application form and submit it to the Directorate for Nonprofit Organisations with two copies of the organisation's founding document i.e. a constitution for a volunteer association; memorandum and articles of association with the company's registration letter for a not-for-profit company; and a deeds of trust with the trustees authorisation letter for a trust. The founding document of the organisation must meet the requirements of section 12 of the NPO Act.*

*Once the organisation is registered, it is obligated, in terms of sections 18 and 19, to submit within nine (9) months after the end of its financial year, annual reports (a narrative report, annual financial statement and an accounting officer's report) including any changes to the organisation's constitution, physical address and office bearers.*

*A thirty (30) days notice is served to all those registered NPOs whose reports are due as per requirements of section 20 of the NPO Act. Failure to comply with this notice, an organisation registration status is cancelled in terms of section 21 for the NPO Act.*

*Once an organisation has been cancelled, deregistered or dissolved, as the case may be, it is a criminal offence, in terms of section 29, for any such organisation to represent itself as being validly registered in terms of the NPO Act. The offence is also extended to a person(s) using the registration number of another organisation's and making any false representation in any report submitted to in terms of this Act. A person(s) convicted for these offences is liable to a fine or to imprisonment or to both fine and imprisonment, in terms of section 30 of the NPO Act."*

Source: [http://www.dsd.limpopo.gov.za/?q=about\\_npo](http://www.dsd.limpopo.gov.za/?q=about_npo)



**South African Pagan Rights Alliance (NPC - 2018/620182/08)**

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Treasurer: Mr Chris Waugh · General Secretary: Ms Gitta Seyfert ·

Executive Committee Chair: Mr Francisco Fumarola