



EMBARGO: FOR IMMEDIATE RELEASE

**MEDIA STATEMENT BY THE SOUTH AFRICAN LAW REFORM COMMISSION
PROJECT 135: REVISED DISCUSSION PAPER 158: REVIEW OF THE
WITCHCRAFT SUPPRESSION ACT 3 OF 1957**

The South African Law Reform Commission (i.e. “the SALRC” or “the Commission”) has approved the publication of a revised discussion paper under Project 135 (i.e. “The Review of the Witchcraft Suppression Act 3 of 1957”) thereof for public comment. Both an issue paper (published in September 2014) and a discussion paper (published in January 2016) have been completed under the project thus far.

Subsequent to the publication of Discussion Paper 139 on 19 January 2016 the researcher assigned to this investigation moved on from the Commission. This resulted in the investigation being delayed until a new researcher could be assigned. Once a new researcher was assigned to this investigation in 2021, the time lapse between the publication of Discussion Paper 139 in 2016 and the assignment of the investigation to the new researcher resulted in some of the information contained in Discussion Paper 139 becoming outdated. Consequently, a revised discussion paper was necessitated incorporating all the input received as at 30 April 2016 before a broad based consultation process could be undertaken by the Commission.

The revised discussion paper is the third document published during the course of this project. The revised discussion paper contemplates the reality of the spiritual beliefs practised by many population groupings in South Africa today, which beliefs currently find application under the Witchcraft Suppression Act 3 of 1957 (legislation predating the Constitution of the Republic of South Africa's Bill of Rights). The requests to review the Witchcraft Suppression Act have resulted in two dominant recommendations from stakeholders thus far.

The First recommendation is to repeal the Act entirely and to have no further regulation aimed specifically at witchcraft beliefs as, "it violates the constitutionally protected rights of people who practice witchcraft." The Second recommendation is to continue to regulate harmful witchcraft practices by either amending the current Act or by replacing it with another Act, either of which will be aimed at being more effective and in line with the Constitution. The rationale for this recommendation is that, "dire consequences are suffered by communities through harmful practices associated with witchcraft."

Both arguments have been considered and weighed against each other in the revised discussion paper in light of the various Constitutional rights upon which they *both* are firstly founded and secondly impact others' rights.

The revised discussion paper adopts a project stance that does not seek to regulate the lawful and constitutionally guaranteed beliefs practised by people in this country. To this point, the paper stresses the distinction between witchcraft as a religious and/or cultural belief and harmful witchcraft practices. The latter is what the project concerns itself with in the paper.

The commission makes specific preliminary recommendations in the revised discussion paper, which the public is now called to make comment upon. The recommendations are as follows:

- 1 Repeal of the Witchcraft Suppression Act, 1957 (Act No. 3 of 1997)
- 2 Do not supply clear definitions of "witchcraft" and "witch"

- 3 Consider non-legislative interventions
- 4 Prohibit harmful witchcraft practices; 4 of which are identified as (i) witchcraft accusations, (ii) witch finding, (iii) crimes associated with harmful witchcraft and (iv) muti killings (Bill is contained in revised discussion paper).

The SALRC would appreciate receiving comment and input from stakeholders and members of the public on or before 31 October 2022 at the following address:

The Secretary
South African Law Reform Commission
Private Bag X668
Pretoria
0001

Tel: (012) 622 6350

E-mail: MoMolapo@justice.gov.za

Website: <http://www.justice.gov.za/salrc/index.htm>

Discussion Paper 158 is available on the Internet at the following site:
<https://www.justice.gov.za/salrc/dpapers.htm>

The discussion paper is also obtainable free of charge from the SALRC upon request (the contact person is Mr Jacob Kabini at (012) 622 6349).

EMBARGO: FOR IMMEDIATE RELEASE