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Freedom of religion, child protection and moral formation

A South African perspective

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Abstract

This article explores the paradoxical relationship between religious freedom and child abuse in South Africa. Despite strong constitutional protections for both religious freedom and children's rights, child abuse remains widespread. The study argues that protecting children is both a legal obligation and a moral duty inherent in the exercise of religious freedom. Drawing on constitutional principles, children's rights frameworks, natural law ethics, and the concept of hospitality as safeguarding, the article contends that religious communities, families, and society share responsibility for protecting children.

Keywords

Freedom of religion, children's rights, child abuse, natural law ethics, safeguarding, hospitality, legal protection frameworks, South Africa.

1. Introduction and core thesis

To the best of current knowledge, no major, legally recognised, mainstream religion teaches that violence against children or the commission of crimes against children is morally justified or should be actively pursued by adherents. On the contrary, most religious traditions promote moral principles that emphasise the protection and well-being of children and explicitly condemn child abuse. This does not imply, however, that individual adherents do not at times perpetrate crimes against children, nor does it negate the fact that some religious communities have historically practiced customs that are now widely regarded as harmful

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to children, such as severe corporal punishment, enforced child marriage and child labour, or the denial of educational opportunities. In certain instances, followers may interpret prescriptions contained in sacred texts in ways that lead to harmful practices, including the use of excessive physical discipline. Religious affiliation also does not necessarily indicate the frequency of religious practice (church, mosque or temple attendance), the quality of faith and belief, or adherence to the religious teachings regarding the upbringing of children.

Contrary to what can be expected of a country that possesses comparatively strong constitutional protections for freedom of religion (Benson 2011), South Africa experiences high levels of violent crime and violence affecting children (UNICEF 2013; Crofford 2026; also see section 4 below where this statement is substantiated). Although a review of the available evidence suggests that the constitutional enshrinement of religious freedom does not necessarily correlate with child safety due to the interplay of a large variety of social, political, economic and other factors (United States Commission on International Religious Freedom 2026),[2] one could assume that the adherents of mainstream religions that explicitly decry violence and crimes against children, and who live in a country in which the rights of children are pertinently protected, would refrain from such behaviour. That is, however, unfortunately not the case in South Africa.

High levels of crime against children continue to be registered in South Africa, where children supposedly enjoy constitutional and legal protection, and whose population could be regarded as "largely religious." Around 85 percent of the population states that they belong to various Christian denominations, around 2.4 percent to traditional African religions, around 1.6 percent to the Muslim religion, 1.0 percent to the Hindu religion, and nearly one percent to other religions such as Judaism, Buddhism, the Baha'i and others – with only around 9.0 percent declaring that they do not belong to any religious grouping (Statistics South Africa 2022).

As South African educationists, we as the authors of this article feel deeply concerned about the level of violence and crime perpetrated against children in this country despite the constitutional and legal protection that children are supposed to enjoy, and despite the fact that children are regarded as gifts from God and should be cherished (cf. Ps. 127:3 in the Bible; Surah 42:49-50, 25:74, 64:15 in the Qur'an; several places in the Hindu Upanishads and Vedas). In view of this

2 According to one of the reviewers of this article, factors such as secular humanism, the mainstream media, the availability of pornographic material, alcohol abuse, recent legislation allowing the use of cannabis, the problem of broken families and absent fathers, the abolishment of corporal punishment, and the explicit sex education taught to children in the Life Sciences and Life Orientation programmes in the context of the Curriculum and Assessment Policy Statements (2011) also play roles in this regard. The reviewer also pointed out that the Basic Education Law Amendment Act, promulgated in 2024, may have a detrimental effect on future adults because it tends to replace parental authority with state authority.

concern, we contend *that the protection and safeguarding of children constitute not only a legal obligation, as a necessary implication of the constitutional right to freedom of religion, belief and conscience, but also a moral obligation of people enjoying the freedom of religion to safeguard the children entrusted to them. In principle, religious communities, traditions and institutions possess both the freedom and the responsibility to cultivate moral formation, hospitality, compassion and safeguarding practices that protect children from abuse and exploitation (see section 4). Genuine religious freedom cannot be separated from accountability where the dignity, safety and best interests of children are threatened.*

2. Research method and structure of the article

To substantiate this core theoretical argument, the study systematically synthesises existing scholarship from several disciplines, ranging from religious freedom issues, ethics (moral philosophy), educational theory, and the social sciences, to law and jurisprudence (cf. Creswell & Plano Clark 2018:35). A methodical, legal, society-focused, comparative approach (Venter 2022:59) was followed to establish the extent to which extent legal measures provide for freedom of religion and belief, and for the protection, care and best interests of children.

The logical sequence of the argument, as outlined above, is reflected in the structure of the article. It began by outlining the problem of child abuse in the context of freedom of religion and faith, and by stating the contention of the article (section 1). Section 3 hereafter is dedicated to a discussion of South Africa's constitutional stipulations regarding freedom of religion, as well as the respect for and protection of children's rights and their best interests. Section 4 presents a discussion of child abuse in South Africa despite many measures intended to protect them, such as legislation that safeguards both freedom of religion and the safety and well-being of children. Based on the subsequent conclusion that South Africans, despite their proclaimed widespread religiosity and their enjoyment of freedom of religion, seem to have lost their moral compass with regard to the treatment of children, a brief discussion of natural-law ethics is presented as a possible solution to the problem, along with a discussion of hospitality in the sense of the safeguarding of children. In the final section, we return to the problem outlined at the beginning of the article by reconsidering the core theoretical argument of the paper.

3. South Africa's legislative and jurisprudential provisions regarding freedom of religion, and their implications for the safeguarding of children

South Africa's Constitution is widely regarded as one of the most progressive in the world, as it guarantees freedom of religion, faith and belief, as well as respect

for children's rights and for their welfare. Section 15 of the Constitution (RSA 1996) enshrines freedom of religion. South Africa's constitutional democracy protects freedom of religion, belief and conscience as well as the rights and dignity of children. This protection creates an important ethical and legal intersection: religious communities are free to practise and transmit their convictions, but this freedom also compels them to bear responsibility regarding the care, protection and safeguarding of the children entrusted to them. South Africa's constitutional democracy is in line with international policies and statements that all aim at the recognition and protection of children's rights and their personal welfare, as will now be indicated.

3.1. International children's rights

The *Convention on the Rights of the Child* (UN General Assembly 1989) represents a significant milestone in recognising children's rights as it stipulates that States Parties shall respect the child's right to freedom of thought, conscience and religion. However, it also provides that the 'freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others' (Article 14). The significance of this Convention lies in the fact that, during its formulation, faith-based civil society organisations contributed theological perspectives and advocated strongly for the recognition of children's agency, evolving capacities and empowerment. In doing so, the drafters acknowledged that 'religious law or doctrine may be acknowledged as part of a child's life, but cannot supersede protections against discrimination, violence or harmful practices' (Kavalauskas et al. 2026:262).

3.2. Constitutional and other legal measures ensconcing freedom of religion and the protection of children in South Africa

South Africa's Constitution (RSA 1996) provides strong and detailed protection of freedom of religion by explicitly guaranteeing the right to freedom of religion, allowing legal challenges when religious rights are violated, protecting minority religious communities, and requiring that children's best interests be respected in matters affecting them. It also stipulates that everyone has the right to freedom of conscience, religion, thought, belief, and opinion. Religious observances may occur in public institutions such as schools only if participation is voluntary and conducted on an equitable basis. The Constitution provides strong protection for freedom of religion through a Bill of Rights, particularly Section 15 thereof. Section 15(1) stipulates that everyone has the right to freedom of conscience, religion, thought, belief and opinion. The Constitution establishes South Africa as a secular

constitutional democracy, not a religious state. It neither promotes nor opposes any religion; instead, it protects the rights of people of all religions or faiths, as well as those who declare that they do not adhere to any religion.

The requirement that, within the constitutional framework of religious freedom, children's best interests be respected in matters affecting them resulted in the promulgation of the Children's Act (38 of 2005; SA 2005). Its long title indicates that the Act was enacted 'to give effect to certain rights of children as contained in the Constitution of the Republic of South Africa, 1996; to set out principles relating to the care and protection of children; and to define parental responsibilities and rights.' Chapter 2 of the Act affirms the rights enshrined in the Constitution and aligns them with applicable international legal instruments concerning the safety, protection, and care of children. The chapter also informs all actions, policies, and legislative measures relating to child protection, care, and well-being, as well as any proceedings or decisions affecting the status and interests of the child.

The Act was followed up in 2019 by the Department of Social Development's adoption of the National Child Care and Protection Policy (DSD 2019). According to this policy, childcare and protection are conceptualised as a comprehensive programme of care, support and protection of all children for the purpose of securing their well-being and enabling them to develop to their full potential.

3.3. Court cases

It is clear from the overview given above of the policies and legal framework regarding freedom of religion, on one hand, and of the safeguarding and protection of the rights and welfare of children on the other hand that there is an area of complexity regarding the balance between (a) parents' (in fact, all educators') right to raise children according to their religious beliefs, and (b) children's right to develop their own personal beliefs. South African courts tend to resolve this tension by applying the constitutional principle that the best interests of children are paramount.

In contrast to the view expressed in the National Policy on Religion and Education (DoE 2003) that South Africa was a secular state, the Constitutional Court in the case of *State v Lawrence* (1997) ruled that the Constitution envisaged a cooperative – rather than a separatist – relationship between the state and religion or religious institutions (Smit 2013:158). Chief Justice Chaskalson explained the concept of religious freedom by stating that according to the Constitution (RSA 1996), everybody in South Africa has the right to religious belief and to freely express and practise their belief. According to him, it is their 'right to entertain such religious beliefs as a person chooses – the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to

manifest religious belief by worship and practice or by teaching and dissemination.' This right was later confirmed in the Constitutional Court case of *Christian Education South Africa v Minister of Education* (2000). In this case, the court not only referred to this right as an individual right, but by referring to Sections 18 and 31 in the Bill of Rights (RSA 1996), it held that freedom of religion in South Africa has to be seen as a collective right 'prohibiting the state from denying them the rights collectively to profess and practice their own religion.' This verdict confirmed the judgment in the matter of *Wittmann v Deutscher Schulverein, Pretoria* (1998).

Two other court cases demonstrate how the principles of religious freedom and the interests of the child have been taken into consideration. In the case of *Christian Education v Minister of Education* (2000), the Constitutional Court (led by Judge Albie Sachs) acknowledged that religious beliefs should be treated with respect but held that some limitations on religious practice were justified because the state had a duty to protect children from violence and to promote their dignity and well-being. The Court concluded that children's rights and interests outweighed the claim to use corporal punishment in schools. In this case, the Court respected the principle of religious freedom but also protected the best interests of children by upholding the ban on corporal punishment.

In another landmark case, *Kotze v Kotze* (2003), the parents' divorce settlement contained a clause stipulating that the minor child would be expected to continue participating fully in the Apostolic Church's activities and adhere to its doctrines. The court held that the clause was unconstitutional in that it violated the child's freedom of religion and the constitutional principle of acting in the best interests of children. This verdict was later confirmed in the case of *Hay v B* (2014), where the court recognised the sincerity of the parents' religious convictions but nevertheless authorised a blood transfusion because the child's life was at risk. The court held that the child's welfare and best interests were paramount and that emergency treatment could proceed despite parental religious objection.

3.4. The delicate balance between freedom of religion policies and the welfare of children

South Africa's policies on freedom of religion have had a significant impact on the care and safety of children, both positively and, in some cases, through challenges that require careful balancing of the rights of the various parties involved. Because the Constitution guarantees and enshrines freedom of religion and equality, no child should be treated unfairly because of their faith or belief system. This means that children from minority religions are protected in schools and other institutions, that children who do not follow a particular religion are

protected, and that schools (for instance) must respect religious diversity and avoid favouring one religion over others.

It is also clear from the preceding overview that both international children's rights instruments and South African law recognise that children have spiritual as well as physical and emotional needs, and that adults should not only be aware of them but also provide for them as far as possible. Adults, in the contexts of religious and other communities, are called upon to provide moral guidance and value education, social support, youth programs and mentoring, and care for vulnerable children. Children are protected from forced religious participation.

Section 28 of the Constitution provides an important principle regarding the treatment of children. It states that a child's best interests are of paramount importance in every matter concerning the child. This means that religious practices are allowed only if they do not harm the child, and that courts and state authorities must prioritise children's welfare over competing interests. The right to freedom of religion does not protect harmful practices such as the physical or sexual abuse, neglect or exploitation of children. Religious organisations remain subject to the country's child protection laws. If a child is endangered, the state may intervene regardless of any religious justification proffered by the offender. Most importantly, although South African law recognises freedom of religion as an important right, this right is not unlimited. When a religious practice threatens a child's health, safety, development or dignity, the Constitution requires that the child's welfare must take precedence. This balance helps to align freedom of religion with the broader goal of protecting and caring for children.

Human freedom, including freedom of religion, also includes the possibility of self-harm and – inadvertently – harm to others such as children, thereby creating a moral dilemma (Houston 1998:164). Despite all the legal and jurisprudential measures discussed above, a disturbingly large percentage of the children in South Africa are subjected to abuse and maltreatment, as we will briefly illustrate in the following section. The abuse of children in homes, schools, communities or religious institutions raises not merely criminal and ethical concerns but also questions regarding the proper exercise of religious freedom within a constitutional order founded on dignity, equality and human rights.

4. Violence and crime against children in South Africa

According to Le Cordeur (2024:13), many South African children are confined in isolation under deplorable conditions and subjected to sexual abuse, while others live without adequate nutrition, clothing, or meaningful contact with their families. Although reliable statistics on child abuse remain difficult to obtain, available data reveal the seriousness of the problem. Of the approximately 16,000

children reported missing in South Africa between 2008 and 2023, more than 4,000 have not been found. During the 2024-2025 fiscal year, 26,852 cases of child abuse and neglect were reported, an increase from 23,732 cases in the previous year. These included approximately 9,860 cases of sexual abuse, 9,485 cases of neglect, 3,965 cases of physical abuse, and 595 cases of abandonment (Africa Check 2025; News24 2025). Given the significant underreporting of abuse, the actual incidence is likely to be considerably higher.

Occasionally, victims manage to escape their abusers and report their experiences. Van der Merwe (2023:6) recounted the case of a young boy who succeeded in freeing himself and his three younger sisters from their father, who had imprisoned and repeatedly assaulted them. Prins (2019:20) reported the rape of a young girl in the presence of her grandmother; Otto (2023:1) described a case in which the parents of four young children were convicted of repeatedly raping them, with the eldest daughter forced to witness the abuse of her siblings. The youngest victim was only three years old. Another widely publicised case involved six-year-old Joslin Smith, who disappeared after being left in the care of her mother's boyfriend. Her fate remains unknown, and her disappearance has become emblematic of the vulnerability of many South African children.

Child maltreatment takes many forms, including physical, emotional and psychological abuse, sexual exploitation, neglect, child labour, human trafficking, forced marriage, exposure to domestic violence, and deprivation resulting from war, displacement, social inequality, and gender discrimination. In some cases, harsh treatment is justified through ideologies of "hard individualism," which seek to cultivate resilience and self-sufficiency in children (Allerton 2020/2023). In some parts of the world, children are exploited as labourers or forced into prostitution to supplement family income.

Children raised under such conditions experience a profound restriction of their personal freedom. Concepts such as safety, abuse, personal autonomy, and freedom are inherently ethical in nature because they concern the quality of interpersonal relationships and the obligations individuals and societies owe to their most vulnerable members.

5. Religious freedom, moral formation and child safeguarding

South Africa's constitutional democracy simultaneously protects freedom of religion, belief and conscience and the rights and dignity of children. This creates an important ethical and legal intersection: religious communities are free to practice and transmit their convictions, yet they also bear profound responsibilities regarding the care, protection and safeguarding of children entrusted to them. In principle, religion plays a positive role in communities in that it promotes the cul-

tivation of moral conscience. Religious teachings also tend to reinforce compassion for the weak and needy, including children, who cannot fend for themselves. Religious institutions such as churches, mosques, synagogues and temples have also historically contributed to child welfare.

As mentioned above, high rates of child abuse persist in South Africa despite widespread religious adherence among adults, and despite several legal measures to protect the welfare of children. Many factors, such as those mentioned in footnote 2, as well as widespread poverty, resource shortages, cramped living conditions, a lack of privacy, exposure to adult behaviours, and alcohol and drug abuse could be responsible for religious teachings being overridden (UN General Assembly 2026). Several academic publications and research reports directly discuss this paradox, namely why child abuse remains pervasive in South Africa despite South Africans' high levels of religious adherence. One of these ascribes the paradox to the possibility that religious organisations and people either ignore the abuse of children or fail to challenge the social norms and practices that hide such abuse (Grobbelaar & Jones 2020:34-64). Weber and Bowers-Du Toit (2018) ascribe it to what they term an "ecosystem of violence" driven by deep historical, spatial and economic inequalities (in this case, on the Cape Flats). Niyodusenga (2021) looked at how the institutional realities of religious organisations complicate the protection of children. He found that while religious leaders are prepared, willing and able to offer spiritual and social support, they often find themselves at a loss when having to comply with mandatory laws due to a lack of knowledge of procedures, harbouring of fears about the safety of a child after reporting an incident, and concern about the reputation of the religious community. In their examination of the link between religiosity and child abuse risks, Rodriguez and Henderson (2010) concluded that extrinsic religiosity, i.e. using religion for ensuring social conformity or status, combined with strong demands for social conformity, could in practice lead to an increased risk of physical abuse because behavioural compliance is often applied through harsh physical discipline.

As discussed, the inhabitants of South Africa have, due to all the conditions and considerations mentioned above, not displayed commendable behaviour regarding their treatment of children. We surmise that although they believe themselves to be religious or to be adherents of a mainstream religion, many of these "believers" may be believers only in a nominal and superficial sense, may have lost sight of the moral aspects of the religion they purport to belong to, or their personal socio-economic circumstances may have caused them to interact in a morally reprehensible manner with children. The abuse of children within homes, schools, communities or religious institutions raises not merely criminal and ethical concerns but also questions regarding the proper exercise

of religious freedom within a constitutional order founded on dignity, equality and human rights.

South Africans learn about their moral duty towards others and, more specifically, towards children not only in their respective religious institutions but also in school in examinable subjects such as Life Orientation and Life Skills. The problem is that around 40 percent of the Grade 1 cohort of any specific year tend to drop out along the way and never complete their schooling. In dropping out, they swell the number of NEETs (people not employed and not in training), thereby contributing to the national unemployment rate, which officially stands at 33.7 percent, or 43.7 percent when discouraged workers – those available for work but no longer looking – are included (Prashad 2026). Their lack of schooling and the dismal conditions in which they and their families eke out a living may be one reason why they lack the necessary moral fibre to do the right things by other people, including children, and why they indulge in all sorts of criminal behaviour, such as drug peddling and gang warfare, that negatively impacts the welfare of the children in their care or vicinity.

One possible answer to this deleterious situation regarding the treatment of children in South Africa and elsewhere is to consider the legal protection that children enjoy as well as the natural law governing the welfare and safeguarding of children. Houston (1998:177) remarks that people's actions towards others, including children, are ethically significant because of the intentionality and the desire involved. People tend to impose an interpretive framework based on their view of moral order on their understanding of agency when interacting with children. This explains why we must resort to natural law as a common denominator among the various religions, to keep sensitising people about their duty to children. "Duty" here refers to two natural law principles: not to inflict harm on children, and to act in their best interests.

Natural law 'appears to be able to give the means of establishing a clearly defined rule that can … be applied universally' (Thompson 2018:68). Conscience, religiously inspired or otherwise, holds that a condition such as child abuse is wrong in itself. To be concerned about the safety of children, and thus to do whatever is required to ensure their safety, is a matter of ethical concern because it pertains to the issue of caring for the interests of the child (Stoker 1967:251).

People naturally and spontaneously understand that an act or a condition is good or bad, right or wrong, irrespective of one's life and worldview, or what the consequences of the act or condition might be. In practical terms, the sexual abuse or abduction of a child is morally wrong and repulsive, irrespective of the negative results that the abuse might lead to later in the child's life as an adult (such as, for instance, chronic depression, a failed marriage, or emotional confu-

sion). Moral precepts exist independently of our judgements and are knowable by reason. If this were not the case, why would moral norms such as caring for others, including children, exist in most cultures (cf. Wilkens, 2017:13)? Since all people – irrespective of religion or life and worldview – are in some way aware of these norms, they are obligatory for all. Natural-law ethics is the theory that morality is rooted in core truths about what we are as human beings, the inborn understanding of how people should live and relate to one another (Peterson 2017:83, 84). They can do so "naturally" (Sacks 2011:66). From a very tender age, a person learns that harm is always wrong and should be avoided, and that treating others well and with empathy and compassion is always good and should be adhered to (Peterson 2017:89; Haidt 2012:11-12).

Ethics in general explores such notions as motivation, desire and intention as the basis of moral agency – in this case, when interacting with a child. Experience of agency in such interaction brings the ethics of subjectivity into focus (Houston 1998:179). This ethic holds that human morality is a series of disclosures in which the deepest being of an actor expresses itself in the form of words and deeds in the process of interacting with (*in casu*) a child. This insight, according to Houston, shifts the focus from outward acts to inward character. Inner character – conscience, integrity – finds expression through outward acts. Put differently, a person's subjectivity is taken to be the wellspring of action – in the case of dealing with children, within the framework of moral order and religious or moral freedom. A person's intention when interacting with a child is of prime significance in the moral life (Houston 1998:180).

One of the most potent ways to display character, conscience, integrity, empathy and compassion is to show hospitality to a child. Hospitality is a core concept in many religions and philosophies of life, as well as in the African philosophy of Ubuntu[3] (Kretzschmar 2017:35). Hospitality is a sacred obligation for many people, and it entails the welcoming and safeguarding of the vulnerable, including children, as "the least among us". Children should never be exposed to unsafe conditions; rather, they should always be treated hospitably. Hospitality – understood as safeguarding – according to De Muynck, Both and Boer (2026:8), means to be with others in such a manner that they will see and know that one is being fully accepted as an individual, and as a member of the community. Hospitality refers to a relational practice rooted in the recognition of the other's inherent dignity as well as in the moral imperative to welcome the stranger. It radiates a readiness to offer space to the other (Ruitenberg 2011; Pierron 2024).

3 Ubuntu refers to the traditional African life view that all people are connected, and that one's well-being depends on the well-being of others. It literally holds that 'I am because we are.'

According to De Muynck et al. (2026), the following are keywords describing hospitality:

- Safety: each child is an individual with rights and responsibilities and should be accepted without reservation;
- Care and empathy: their needs should be met as far as possible, their fears should be addressed, and their aspirations should be supported as far as possible. In some cases, to do so would require a change in their parents' or caregivers' (the host's) attitude and approach towards children.
- Equivalence: all children should be seen as equal in value although they may be different (unequal) in terms of personality or achievement.
- Justice: every child should be treated fairly and justly.
- Sharing the burden of another: parents and caretakers should be aware of the physical and psychological burdens that some children must carry, and they should lighten the weight of the burden with the necessary support (De Muynck et al. 2026:9).

The key notion associated with hospitality – in the sense of "safeguarding" – according to De Muynck et al. (2026:8), is to make children's stay with their parents or caregivers as enjoyable and safe as possible. Derrida (1999:50) was correct in seeing hospitality (in the sense of safeguarding the interests of others, in this case children) as shaping all human interaction and, therefore, as the core principle of ethics.

As already mentioned, parents, caregivers, the government and its legal systems act, in principle, as protective institutions for the safeguarding of children. Religious institutions and faith communities such as churches or religious bodies can, and should, also act as safeguarding networks. Such institutions, in the form of religious schools, pastoral care, religious charities, and the spiritual formation that they provide, can play a pivotal role in keeping children safe.

6. Discussion

Hospitality, as Hughes-Warrington (2012:317) observed, entails the welcoming of people based on charity and civility, and in response to legislated duty and/or a moral imperative. We went further than this in our argument above in averring that hospitality, especially with respect to the safety of children, should be interpreted as safeguarding. Derrida (1999:83) spoke of "absolute hospitality". Hospitality or safeguarding in this sense is not bound to any convention, law, right, debt or duty.

Why then, given this circumscription of hospitality as safeguarding of children, and given all the policies and legal measures already in place in South Africa for the protection of children, are there still so many instances of child abuse? The most plausible answer to this question is probably a lack of knowl-

edge and insight into what freedom of religion and conscience entails; of undeveloped or underdeveloped adult consciences; of adult consciences that have become hardened or even deadened because of prevailing social, socio-economic and political circumstances. Moral discretion (the Greek word *phronesis* – wisdom – comes to mind here) is required when dealing with children. An adult must know in all circumstances and conditions what is morally admissible or non-admissible when dealing with children. The alarm bells of conscience ought to start ringing when morally inadmissible things are perpetrated against a child. One's feeling of "something is not right" should come to the fore in such circumstances (Van Olst 2025:109). Vorster (2017:162) correctly concluded that the appropriate moral attitude cannot be formalised in a set of rules (conventions, policies, and laws). The moral compass of conscience – guided by religious conviction, if it exists – should guide grownups' attitudes towards, and in their dealings with children. Those in the presence of children should "naturally know" in their "inner self" that something is not right, and that child abuse will have dire consequences.

The discussion above has substantiated the core thesis of this article by showing that the protection and safeguarding of children indeed constitute not only a legal obligation as a necessary implication of the constitutional right to freedom of religion, belief and conscience, but also a moral obligation of people enjoying the freedom of religion to safeguard the children entrusted to them. The religious communities, traditions and institutions in South Africa, and in other countries that are suffering from the problem of widespread child abuse, either possess both the freedom and the responsibility to cultivate moral formation, hospitality, compassion and safeguarding practices that protect children from abuse and exploitation, or, if not, they should seek such freedom. Genuine religious freedom cannot be separated from accountability where the dignity, safety and best interests of children are under threat.

7. Conclusion

Religious freedom in a constitutional democracy cannot be reduced to mere institutional autonomy or freedom from state interference. Properly understood, it also includes the freedom and responsibility of religious communities to cultivate moral conscience, protect human dignity, and safeguard children, despite prevailing circumstances. Faith traditions possess significant ethical resources capable of reinforcing compassion, hospitality, justice and accountability. At the same time, constitutional protections for religion cannot be invoked to justify practices that undermine the dignity, safety or best interests of children. A sustainable framework for child protection in South Africa therefore requires

constructive cooperation between constitutional law, religious freedom, moral formation and effective safeguarding mechanisms.

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