



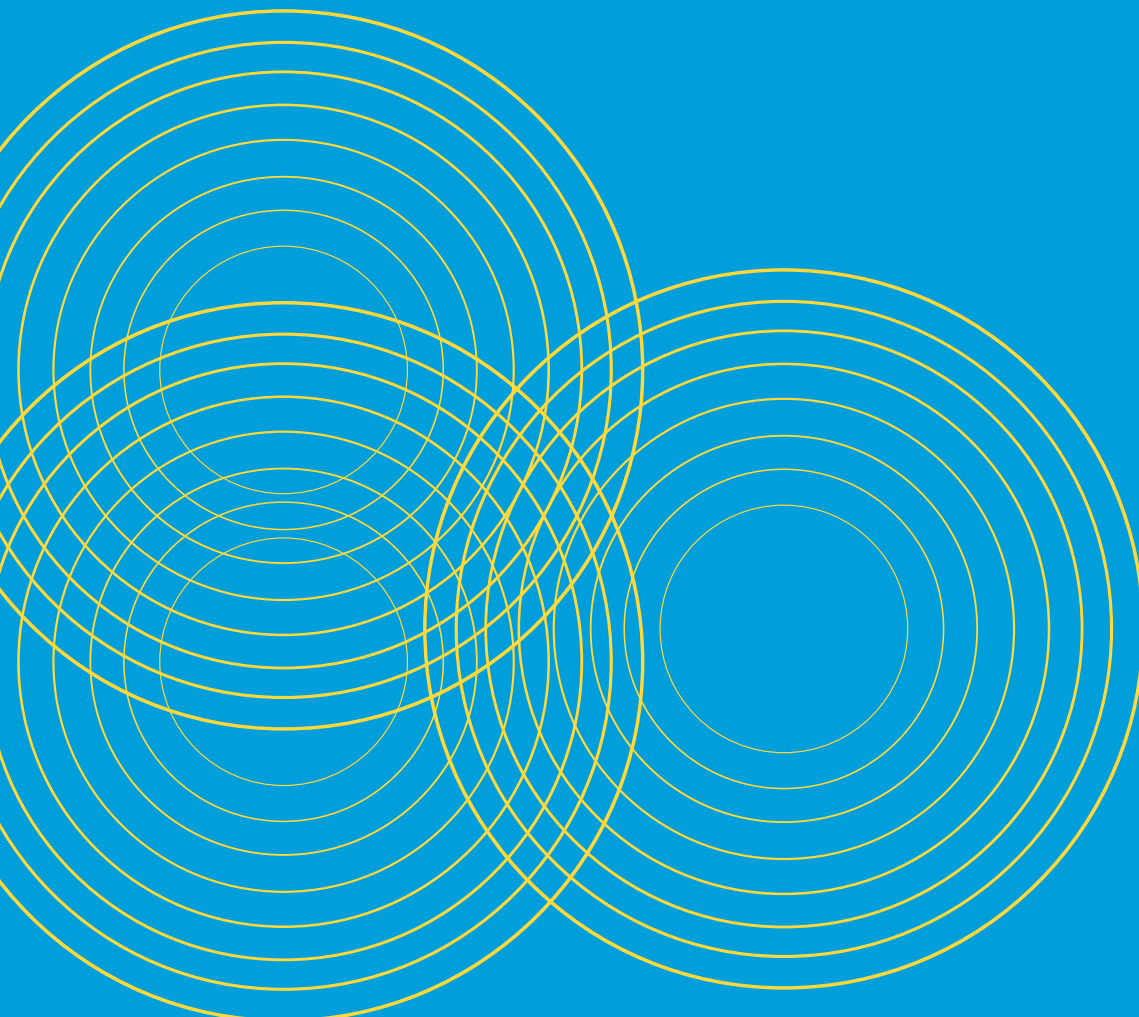
UNITED NATIONS
SOUTH AFRICA



POLICY BRIEF

Customary Practice of Initiation in South Africa

2023



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The policy brief seeks to guide the United Nations interventions and engagement with relevant stakeholders on Customary Male Initiation in the Eastern Cape, the province most affected by mortality and morbidity of male initiates.



1. INTRODUCTION

Initiation is a sacred and respected customary practice used as a rite of passage to adulthood, and in South Africa is practiced by numerous traditional communities. The rite of passage is an embodiment of ideals, values and aspirations of both the individual and the community, reflected in the transfer of certain knowledge and practices during the rite, including teachings about culture and tradition, and the performance of many secret and sacred religious rituals. Initiation was and still is considered an important, exciting part of the upbringing of young men, without which they can neither participate in the social activities and affairs of their communities, nor take up the advances of the opposite sex in preparation for marriage.¹ Within traditional communities, initiation is of particular importance in respect of the following:

- The promotion and enhancement of seniority in traditional leadership;
- The promotion and enhancement of seniority within the family;
- The promotion and enhancement of seniority within the community;
- The participation of the entire community in the process of initiation;
- The participation of the entire family (extended family as well) in the initiation process;
- The teaching of respect; and the preservation of cultural, community and family values.

Initiation encompasses different stages. The first is referred to as the 'Separation Stage', where initiates are taken away from their familial environments, and introduced to a different environment where they are expected to adapt to unfamiliar ways of routine living. This is followed by a 'Transitional Stage', where initiates are educated on the social concepts of initiation. This is also the stage where circumcision occurs, and where initiates are taught by their elders about various skills they need to know as men. The final stage is the 'Incorporation Stage', which is when the newly initiated boys are now referred to as men and are reincorporated into their various communities. In the case of male initiation, the policy brief will limit itself to one aspect of initiation, namely the traditional male circumcision and not focus on the Voluntary Medical Male Circumcision (VMMC).

¹ Government Gazette, 4 June 2021 number.44668, Customary Initiation Act, 2021

² Magubane, P. Initiation of Basotho Men. <https://southafrica.co.za/basotho-initiation-rituals.html>

2. PROBLEM STATEMENT

The Eastern Cape is well known for the practice of Isiko lolwaluko (male traditional initiation) and is a tradition that remains widely practised and historically documented in reports dating from 1789. The practice usually takes place at initiation schools, undertaken in areas that may encompass a lodge built at a secluded location, sometimes in the mountains, which was not easily accessible or identifiable. While initiation schools are usually located in secluded areas so as not to compromise their operations and functionality, their remoteness and inaccessibility are major obstacles in cases of emergency (such as medical emergencies). On the other hand, the establishment of initiation schools in crowded urban areas without the authority of a traditional leader and also with insufficient space for appropriate initiation activities poses its own unique challenges.

Currently in South Africa, this rite of passage is permitted to be practiced only in traditional initiation schools that are approved by government authorities. The operating permit or legal status is awarded to traditional initiation schools after they have complied with the current regulations. However, there are challenges related to compliance and verification in legal initiation schools and despite government efforts against illegal circumcision schools and illegal traditional surgeons, some schools are not registered with and endorsed by relevant bodies.³

The Commission for Gender Equality (CGE) conducted a study in the 2020/21 financial year to examine factors that lead to the emergence, persistence, and prevalence of illegal initiation schools in South Africa. The study found that there are 'push' and 'pull' factors playing a role to the emergence and persistence of illegal initiation schools. 'Push factors' are explained as those conditions and circumstances that compel the initiates (often against their will) to subject themselves to the practices of illegal initiation schools, while 'Pull factors' are those factors that are attractive and positively associated with the act of initiation, circumcision. The study further identified peer-group pressure as one of the key push factors, in that, illegal initiation schools provided boys and young men with the quickest route to fit in with their peers given that the process of entering illegal initiation was deemed lax.

³ Illegal initiation schools in South Africa: Assessing risks to boys and young men. Commission for Gender Equality. 2021

The CGE study suggested the lack of financial resources as another push factor. The commercialisation of the tradition of initiation was perceived as being responsible for the escalation of illegal initiation schools. The findings also indicated that, to a very large extent, the lack of financial resources emerged as a push factor for boys and young men to opt for illegal initiation schools, implying that such schools were more affordable.

Alarming the study further noted that initiates voluntarily subjected themselves to initiation and circumcision practices by illegal and unregistered facilities. The findings revealed that initiates attended these schools to show respect for the cultural practice by both the caregivers and the initiates; the idea of transitioning from boyhood to manhood; and the promise of the benefits of being an adult, such as the ability to take a wife and be given adult responsibilities, and thus avoiding the disrespect that comes with being an uninitiated young man or boy.

It has been widely reported that over the past decade that some of these illegal schools have been responsible for violating the law, including violations of the human and other rights of many boys and young men. Over the years, some of these illegal operations have led to numerous injuries, as well as fatalities.

It has been acknowledged that the majority of injuries and fatalities that occur at initiation schools are mainly due to the lack of compliance with regulations and to the untrained traditional surgeons who perform the circumcision ritual on male initiates. Studies conducted note that some initiation schools have been opened for personal financial gain, with some unregulated traditional surgeons and owners of initiation schools main aim to generate an income.

In many instances the general care provided to initiates is of poor quality. They are exposed to harsh environmental conditions with insufficient or poor shelter being provided. There is also a lack of access to clean water and appropriate nutrition. In the context of male-circumcision and HIV and AIDS, there is a grave risk that the observance of the custom could be a breeding ground for infections as reportedly, in some instances, the surgical instrument is used on more than one boy at a time without being sterilised. It has also been stated that existing health conditions of initiates are not taken into consideration, resulting in the deterioration of health conditions of initiates. There are also

lack of access to clean water and appropriate nutrition. In the context of male-circumcision and HIV and AIDS, there is a grave risk that the observance of the custom could be a breeding ground for infections as reportedly, in some instances, the surgical instrument is used on more than one boy at a time without being sterilised. It has also been stated that existing health conditions of initiates are not taken into consideration, resulting in the deterioration of health conditions of initiates. There are also allegations of drug and substance abuse at initiation schools.

Due to the alarming rate of deaths among amaXhosa initiates, who predominantly reside in the Eastern Cape, the practice of initiation has received widespread publicity. Alarming, there were 43 deaths of initiates in the summer season of 2021 in the Eastern Cape. It is further stated in the Traditional Male Initiation Eastern Cape Department of Health Summer Season report that in 2022 there were 11 deaths reported in the winter season (May- June) and 22 deaths reported in the summer season (November-December) and 11 of them were from OR Tambo district, with 195 hospital admissions reported overall in the same district⁴ It was further reported that Chris Hani and OR Tambo districts had the highest rate of morbidity, with 63 and 47 respectively⁵ According to a review on Customary Initiation Intervention by PSI Health Solutions (2022), the top three causes of death reported in 2021 included septicemia, dehydration and cardiac arrest related causes.

3. LEGISLATIVE FRAMEWORK AND OVERSIGHT STRUCTURES ESTABLISHED

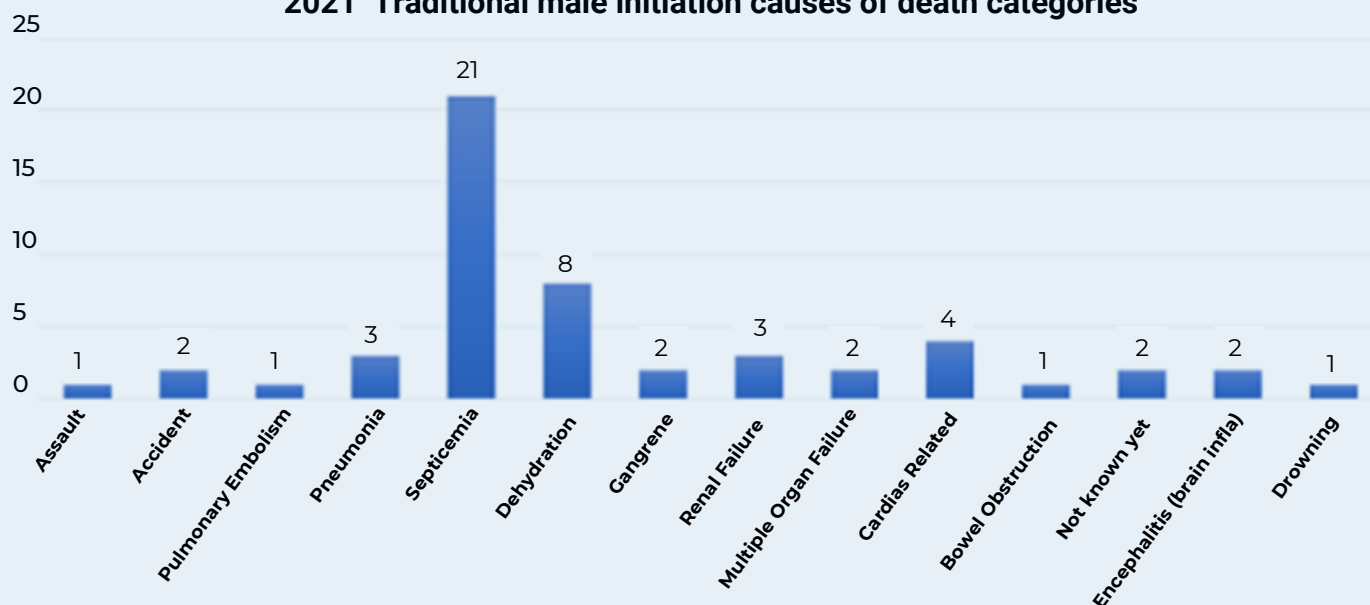
1. Constitution of the Republic of South Africa Act No 8.1996, Chapter 12 (211;212)
- National Customary Initiation Act, Act No 2 of 2021
- Eastern Cape Customary Male Initiation Practice Act, Act No 5 of 2016

The rising number of deaths and injuries necessitated the promulgation of the Eastern Cape Customary Male Initiation Practice Act No 5 of 2016 and Customary Initiation Act, Act No 2 of 2021 in an effort to regulate the old age custom. These legislations paved the way for the establishment of legislated structures and the adoption of multidisciplinary approach to deal with customary male initiation. The current laws, which provide for and regulate circumcision of infants and young boys, can be

⁴Traditional Male Initiation Eastern Cape Department of Health Summer Season report (2022)

⁵Traditional Male Initiation Eastern Cape Department of Health Summer Season report (2022)

2021 Traditional male initiation causes of death categories



Source: Review of customary initiation intervention, PSI Health Solutions, 2022

found in the Children’s Act of 2005 as well as the National Health Act of 2003. The Children’s Act lays down strict rules as to when a circumcision may be performed. Male children under the age of 16 may only undergo circumcision if it is for religious or medical reasons. A number of religious orders require neonatal circumcision to be performed and this is also catered for in law. Children older than 16 may undergo the procedure if they have been counselled appropriately as to the risks and benefits of the procedure and have given written consent.

4. ROLE PLAYERS

a. Government

The COGTA Minister, by notice in the Gazette and after consultation with all Premiers, the National House, provincial houses, is responsible determine the fees to be paid—

- (i) by any prospective initiate to a principal for the purposes of attending such a school;
- (ii) by the principal to the Provincial Initiation Coordinating Committees (PICC) in respect of the registration of such schools; and
- (iii) by the parents or legal or customary guardian of an initiate to a medical practitioner for his services rendered during initiation.

National and provincial departments and municipal councils may, in respect of initiation practices in general and initiation schools in particular, enter into partnership with each other and with—

- The principal of an initiation school or principals of initiation schools jointly within the province;
- The kingship or queenship council, principal traditional council or traditional council in whose area of jurisdiction an initiation schools is help or such councils jointly within the province.

A metropolitan, district or local municipality may, upon request of the principal of a prospective initiation school, in relevant municipal plans or by any other means applicable within such municipality, and after consultation with a kingship or queenship council, principal traditional council or traditional council falling within the municipal area, if any, make provision for the designation of appropriate and accessible land for the purpose of conducting initiation schools.

b. Houses of traditional leaders

The National House and provincial houses must, in respect of initiation, promote— (a) the customary practice and the legal obligations pertaining to it; (b) compliance with Constitutional principles and any other legal prescripts pertaining to customary initiation, including the relevant provisions of the Children’s Act; (c) good and safe practices; and (d) accountability amongst all role-players.

c. Traditional leaders

The institution of Traditional leadership represents an early form of societal organisation. It embodies the protection of culture, tradition,

customs and values. Customary male initiation is a rite of passage to manhood and one of the customs that is still the responsibility of traditional leaders, including screening the principals, traditional surgeons, care-givers and traditional health practitioners using criteria developed by the National House.

d. Principals and care-givers

The principal of the relevant initiation school, the care-giver is responsible for the prospective initiate, including ensuring any relevant traditional health practitioner or the traditional surgeon who will be performing the male circumcision, have been screened and found suitable.

e. Parents or legal or customary guardian

The parents or the legal or customary guardian of an initiate, must ensure that the academic education of an initiate is not compromised as a result of his or her attendance of an initiation school. The parents or the legal or customary guardian of an initiate, have the right—

(a) to attend to an initiate who falls sick during initiation; and (b) to remove such initiate from an initiation school in any instance where— (i) the initiate requires medical attention; (ii) the initiate requests to be removed from the initiation school; (iii) the initiate is attending an initiation school without the necessary consent; (iv) the initiate is or has been subjected to any abuse at the school.

f. Traditional surgeons

Traditional surgeons only participate in initiation practices if such surgeons are registered; and have been provided with all required consent, medical certificates and be in possession of the letter confirming registration. The traditional surgeon must observe due care and diligence, and maintain appropriate health and hygienic standards together with the relevant care-giver, is responsible for the treatment and care of the initiates during the circumcision process and any treatment that may be required following circumcision.

g. South African Police Service and National Prosecuting Authority

The SAPS must, upon receipt of a report contemplated investigate the matter and after investigation, submit the docket to the NPA for a decision whether to prosecute or not. The SAPS must, for the purpose of section also investigate whether the initiates who were attending the non-registered initiation school could be regarded as abducted or kidnapped, and submit the docket to the NPA for a decision whether anyone should be prosecuted for abduction or kidnapping.

The SAPS must, upon receipt of a report comply with the provisions of the Children's Act, investigate the matter and after investigation, submit the docket to the NPA for a decision whether to prosecute or not. Whenever the death of an initiate is reported to the SAPS, the SAPS must investigate such death and after the investigation, submit the docket to the NPA for a decision whether to prosecute or not. Whenever the death of an initiate is reported to the SAPS, the SAPS must investigate such death and after the investigation, submit the docket to the NPA for a decision whether to prosecute or not.

5. OVERSIGHT AND COORDINATING STRUCTURES

a. National Initiation Oversight Committee:

monitors the implementation of and promote compliance with the provisions of the National Customary Initiation Act No 2 of 2021 Act amongst all role-players who are involved in initiation practices and initiation schools. The committee also makes recommendations to the relevant Provincial Initiation Coordinating Committees (PICC) in respect of the closing of any non-registered initiation school or the registration of any initiation school that does not comply with or meet the requirements of the Act.

b. Provincial Initiation Coordinating Committee:

A PICC must coordinate all initiation schools, practices and activities within the particular province and must, for this purpose —

(i) promote cooperation between traditional leadership, government and any other role-players in respect of initiation schools and practices;

(ii) receive and consider an application by a principal to open and hold an initiation school;

(iii) register any initiation school whose application has been approved and issue a letter confirming such registration to the principal;

(iv) keep a register of all registered initiation schools and screened principals.

c. Provincial Initiation Task Team:

The Customary Male Initiation Act No 5 of 2016 makes provision for the establishment of the Provincial Initiation Task Team (PITT), which reports to the PICC which should ensure state of readiness for both initiation seasons.

6. KEY FINDINGS

1. The current policy and legislative framework that governs or regulates the practice of traditional initiation and circumcision in the country is fragmented, with various discreet aspects of the practice regulated by various pieces of national and provincial legislation, as well as local government ordinances.
2. Due to the lax legislative and regulatory system (and poor enforcement) within which the practice of traditional initiation and circumcision takes place in various parts of the country, this environment has encouraged the emergence of illegal, unregistered as well as fraudulently registered initiation schools alongside the registered initiation schools across the country.
3. The lack of effective enforcement has made it possible for the illegal initiation schools, including in some cases the legal initiation schools, to disregard the rules, regulations, and accepted formal practices and codes of conduct governing the practices of initiation and circumcision.
4. The aspect of peer and societal pressures is likely to make families and young men to insist on getting initiated even when they are not medically cleared or cannot afford accredited and more expensive schools.
5. The processes and practices of recruiting initiates are not standardised or consistently applied across the country, and therefore are highly open to abuse, especially by unscrupulous operators of initiation schools, to the detriment of the rights of initiates.
6. The traditional initiation sector suffers not only from a lack of effective enforcement of current laws, rules, and regulations but also a lack of effective, direct and ongoing monitoring of the activities of initiation schools.
7. Lack of specific funding to address and manage CMI related matters needs to be after the promulgation of the Act in 2016, deaths decreased as opposed to when there was no law.
8. There is political will to support CMI (national, provincial and local levels) advocacy for awareness purposes.
9. Policies and strategies are in place to regulate, despite lack of effective enforcement.

7. RECOMMENDATIONS

1. The United Nations interventions should focus its support on the broad areas of policy implementation and knowledge generation; strengthening standards, guidance, enforcement; support to materials provisions (water, drug testing, sterilizer/ sterile wound care management tools); convening and coordinating stakeholders; supporting community sensitisation and mobilisation and mapping and localisation of legal and illegal schools. Including, promoting men's health and addressing harmful practices of toxic masculinity and gender-based violence.
2. Government should prioritise consolidating legislative provisions contained in various pieces of national and provincial legislation governing different aspects of the practice of traditional initiation and circumcision in South Africa.
3. Centralising and resuscitating of the hotline for reporting illegal schools and reporting community complaints/ reports in cases of criminality and emergencies occurring during seasons, including focusing on issues of confidentiality and whistleblower protection.
4. Monitoring and rapid response capacity in the lead up to and during seasons is a necessity. SAPS at provincial levels, including municipal police, develop and strengthen their detective and intelligence gathering units to build capacity to combat the proliferation of illegal initiation schools, including criminal activities such as the kidnapping and killing of initiates.
5. Strengthening trust and relationship between police and community.
6. The national government prescribes the necessary legislative provisions, through the Customary Initiation Bill, to regulate critical aspects of initiation and circumcision, such as: stringent selection and accreditation or licencing criteria for initiation schools; pre-admission medical examinations for prospective initiates; strict enforcement of prescribed age limits for initiates; accurate record-keeping of enrolled initiates from entry to completion; regulation of enrolment fees; and compliance with strict monitoring and oversight requirements by authorised government agencies.
7. Clearer national government guidelines for strengthening vital services from provincial departments such as the Department of Water and Sanitation, the Department of Health, the Department of Social Development and the

8. Department of Cooperative Governance and Traditional Affairs, to coordinate their support for legally registered initiation schools.
 9. Effective community educational awareness programmes are conducted by provincial Houses of Traditional Leaders, working closely with municipalities and other key role players (especially parents, school principals and teachers) in communities affected by the problems of crime and the anti-social consequences resulting in illegal initiation schools.
- Ensure that the national and provincial government develop
10. effective monitoring and oversight processes necessary to protect the rights of initiates to ensure they undergo the cultural practices of initiation and circumcision in safe and secure environments, where their cultural, human and sexual reproductive health rights are not violated.
 11. Allocation of a dedicated budget for CMI implementation and monitoring by Treasury.

8. CONCLUSION

It is imperative that role players take steps to ensure that appropriate, acceptable customs and practices are reinforced and that an acceptable level of accountability that sustained the practice over many years is restored. Including:

1. Developing and crafting criteria to be used for the purposes of the screening of principals, traditional surgeons, care-givers and traditional health practitioners as contemplated;
2. Defining the minimum requirements needed for the registration of traditional surgeons;



CONTACT US:

United Nations Resident Coordinator's Office
UN House, Metro Park Building,
351 Francis Baard Street, Pretoria, South Africa
Telephone: +27 12 354 8504
Email: unic-pretoria@un.org

Facebook: [@UNinSouthAfrica](https://www.facebook.com/UNinSouthAfrica)
Twitter: [@UNinSouthAfrica](https://twitter.com/UNinSouthAfrica)
Instagram: [@UNinSouthAfrica](https://www.instagram.com/UNinSouthAfrica)
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