**CUSTOMARY INITIATION BILL ‘SEEKS TO PROTECT THIS PRACTICE FROM BEING ABUSED’
PARTICIPATE IN PARLIAMENT**

After it was tabled before the National Assembly on 28 February 2018, the Customary Initiation Bill is now before the National Council of Provinces for consideration. In his preliminary comments, the Chairperson of the Select Committee on Cooperative Governance and Traditional Affairs, Mr China Dodovu, stated that the Bill “is a significant step towards formalising the customs and norms of the traditional institution of initiation. And it is hoped that it would make life better for future initiates and make this traditional practice more efficient”.

But what should be commended the most about the Bill is that “it seeks to ensure that this practice is conducted within the principles of the Constitution”, he said.

Thereafter, the Director-General of traditional affairs in the department, explained the letter and spirit of the Bill “as that which aims to come with a national law that seeks to promote, protect and regulate this practice which is currently subjected to abuse”.

He then explained the journey travelled by the department that saw the Bill being transformed from a mere policy paper to being a fully-fledged Bill. “A process that brings us to where we are today started off with public hearings and culminated in the tabling of the Bill before the National Assembly on 28 February 2018.”

The letter and spirit of the Bill is to clarify the responsibilities of critical role players involved in this process to ensure that their undertakings are regulated within the ambit of the law. One of the critical elements of the Bill is its recognition of “a National Initiation Oversight Committee, which consists of the House of Traditional Leaders, Department of Health and South African Police Services, among others”.

This committee is meant “to curb deaths in initiation schools by conducting oversight, monitoring and providing guidance of the best practices of this practice, he said. Unlike before, traditional surgeons are now required to work under the supervision of medical practitioners, to ensure that initiates are fit to undergo this process”.

A member of the committee, Mr Mbulelo Sileku, wanted to know whether any medical practitioner will be allowed to supervise the traditional one, and wouldn’t that compromise this tradition, which precludes, for instance women, from participating in it.

Mr Abram Sithole, the Secretary of the National House of Traditional Leaders, explained that “not every medical practitioner would be allowed to supervise the traditional surgeon. It would have to be someone who has been initiated and who is not a woman”.

And if the Bill sees the light of the day, initiation schools and traditional surgeons will now have to be registered, he said. And the department will, according to him, “keep a comprehensive database of schools, develop mechanisms to ensure that they comply with the set standards proposed in the Bill”.

To this effect, the Bill recommends that “under no circumstances should a person under the age of 40 years be allowed to be a traditional surgeon”.

And the Bill has recommended 16 years as the age of consent for a person to be initiated, he said. “According to the Bill, no person under the age of 16 years should be allowed to undergo a circumcision process without his parents’ consent.”

There are objections to this age limit, he said, but further clarified that “it is in line with the Child Protection Act. And if a school is found to have not been registered, the head of the school will be sentenced to 15 years in prison”.

The Chairperson of the Portfolio Committee on Cooperative Governance and Traditional Affairs in the Eastern Cape Legislature, Mr Thabo Matiwane, queried the fact that the Bill “does not specify what is the optimal condition of an initiation school. Most of all, how it seeks to ensure that this process is not commercialised. Many initiation schools in the Eastern Cape are overcrowded. Sometimes 296 initiates would share one hut, and subjected to unhealthy conditions”.

He blamed the commercialisation of this process, “given that an initiate is charged R1 000 to undergo this process, the traditional surgeon that oversees such a school would make well over R296 000”.

Mr Sithole blamed this on rampant kidnapping of initiates, an occurrence that is now criminalised.

The Chairperson of the committee commended the fact that “this is a beginning of a new process and the committee will unfold the parliamentary process which will culminate in the processing of the Bill. That must happen this year for this Bill is a process that is long-overdue. We will do our level best to fast-rack it to reach its final conclusion”.

But what the department’s presentation lacks, he reckons, “is that it is silent on the current state of affairs: it does not tell us how many deaths we experience in our initiation schools and what is the cause of them and what we intend to do to arrest such a situation now”.

By Abel Mputing
4 February 2020

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