**Report of the Portfolio Committee on Cooperative Governance and Traditional Affairs on Customary Initiation Oversight visit to the Eastern Cape, 03 – 08 July 2022, dated 23 August 2022**

Having conducted a week-long customary initiation oversight visit to the Eastern Cape province from 03-08 July 2022, the Portfolio Committee on Cooperative Governance and Traditional Affairs reports as follows:

**Delegation:**

|  |
| --- |
| Mr FD Xasa (Chairperson); Ms D. Direko (ANC); Mr B Hadebe (ANC); Ms Xaba-Ntshaba (ANC); Mr GG Mpumza (ANC); Mr X Msimango (ANC); Mr S Mabika (DA); and Mr K Ceza (EFF). |

**Support Staff:**

|  |
| --- |
| Ms S Cassiem (Committee Secretary); Mr M Dumezweni (Committee Assistant); Mr A Sokomani (Content Advisor); and Ms F Ndenze (Principal Communication Officer).  |

1. **BACKGROUND**
	1. One of the Portfolio Committee’s key commitments over the 2019-2024 Medium Term Strategic period is to monitor the implementation of the Cultural Initiation Act (2021). Government has recently passed the Act, which became effective on 01 September 2021. The Act provides for the establishment of a National Initiation Oversight Committee, which the Minister of Cooperative Governance and Traditional Affairs gazetted on 22 October 2021. This is an eleven-member Committee that is expect to, among other things, monitor the implementation of the Act and promote compliance with its provisions by all role players involved in initiation practices and initiation schools.
	2. The Act also provides for the establishment of Provincial Initiation Coordinating Committees (PICCs). The Eastern Cape province is also expected to establish such a Committee, which the Premier must publish by notice in the Provincial *Gazette*. The province’s PICC was established before the enactment of the Customary Initiation Act, in terms of its own provincial legislation passed in 2016. Interrogating the functionality of this structure is thus one of the key matters for consideration by the Portfolio Committee, as the PICC is vested with the critical function of coordinating and making regulatory provisions for all initiation schools, practices and activities within the province.
	3. As the custodian of the Customary Initiation Act, the Portfolio Committee has a duty to conduct oversight over its implementation, and hold into account all the role-players involved for their respective responsibilities, duties, roles and functions. This entails convening meetings with the relevant provincial and national government structures to establish the extent to which the initiation oversight structures provided in the Customary Initiation Act are established and functional, including engagement with the eleven-member National Initiation Oversight Committee, as well as the Eastern Cape Provincial Initiation Coordinating Committee. This also involves assessing the practical measures in place to prevent the death of initiates by way of undertaking a physical verification of these measures, with guidance from the relevant provincial initiation structures on which sites will be conducive for the Portfolio Committee to visit, taking into account the sensitivities around the custom.
	4. The Customary Initiation Act holds great promise in the context of ineffective regulation of initiation schools, which has facilitated abuse of the customary practice of initiation - resulting in needless death and serious bodily harm to the initiates. Against this background, the Portfolio Committee conducted an oversight visit to the Eastern Cape to coincide with the winter customary initiation season which started on 17 June 2022 and expected to conclude by 15 July 2022. Approximately 40 000 initiates were expected to undergo the ritual. Over the years, the customary initiation practice in the province has become synonymous with deaths of young boys. During the December 2021 summer initiation season, 40 young boys died. Possible deaths during the current winter season are therefore of concern and consequently there was a need for the Portfolio Committee to assess the measures in place to prevent these deaths.
2. **DAY ONE, 04 JULY 2022: MEETING AT THE ALFRED NZO DISTRICT MUNICIPALITY**

On the first day of its customary initiation oversight, the Portfolio Committee convened a meeting at the headquarters of the Alfred Nzo District Municipality to receive an overview of the initiation context in the province. The District’s Acting Executive Mayor welcomed the Portfolio Committee formally, emphasising that the District was working towards zero initiation-related deaths during the current winter season. At the time of meeting the Committee, the District had no initiation-related deaths. The Acting Mayor looked forward to the Committee’s assistance with regard to the challenges facing the municipality. Having been welcomed by the District’s Acting Executive Mayor, the Committee received presentations from the National House of Traditional and Khoi-San Leaders, National Initiation Oversight Committee, the Provincial Initiation Coordinating Committee, as well as the District Initiation Forum.

* 1. **Briefing by the National House of Traditional and Khoi-San Leaders**

The Chairperson of the National House of Traditional and Khoi-San Leaders (NHTKL), Nkosikazi Mhlawuli, introduced the NHTKL’s presentation, emphasising the rationale of the meeting as a response to the challenge of deaths resulting from cultural initiation. The background to the enactment of the Customary Initiation Act was summarised and the need for compliance with the law was underscored. All this was motivated by the imperative to protect the lives of the initiates. Mr Sam Khandlela, the Director of NHTKL programmes, was then delegated to summarise the House’s presentation.

The summary highlighted the role of the House with respect to the cultural practice of initiation. The establishment of the NIOC did not mean that the House was no longer relevant with respect to cultural initiation, as it continues to play an important role as a custodian of culture. In this regard, the House was responsible for the development of educational materials in respect of cultural initiation; as well as developing criteria for the screening of traditional principals, traditional surgeons, care givers, and traditional health practitioners to ensure safety and accountability of role players. The various role players in the cultural practice of initiation and their functions was also highlighted, including the role of Premiers, Provincial Departments responsible for Traditional Affairs, traditional leaders, parents and legal guardians, community members, and initiates. The Committee was further reminded of the minimum requirements for the registration of traditional surgeons, who must be 40-year old males or older.

* 1. **Briefing by the National Initiation Oversight Committee**

The Deputy Director General (DDG) from the national Department of Traditional Affairs and member of the NIOC, Ms Mogaladi, delivered a presentation on behalf of the NIOC. The background to the enactment of the Customary Initiation Act, which provides for the functions of the NIOC, was highlighted. The key functions of the NIOC were then recounted, as contemplated in Section 9 of the Customary Initiation Act. The NIOC’s composition, as indicated in the Gazette of 22 October 2021 through which it was established by the Minister of Cooperative Governance and Traditional Affairs, was also elucidated.

The priorities of the NIOC for the 2022 winter initiation season included conducting awareness campaigns on the provision of the Customary Initiation Act; discussing the working relations between the NIOC and the PICCs during the season; establishment of a statistical database as contemplated in Section 9 of the Act and a hotline to facilitate reporting of non-compliance with the Act; monitoring the implementation of the Act; and ascertaining alignment between provincial legislation and the Act. The DDG indicated that six of the eight provinces (excluding the Eastern Cape whose PICC has been established through provincial legislation) had established their PICCs for the term that ended on 31 May 2022, while the North-West and KwaZulu-Natal did not. Limpopo and the Western Cape complied with the establishment deadline, while the six other provinces established their PICCs after the prescribed date. The NIOC had met with the Eastern Cape PICC to discuss its comprehensive plan on the province’s state of readiness for the 2022 winter initiation season.

In terms of the NIOC’s achievements since its establishment in October 2021, the DDG highlighted the following: conducting oversight visits to five of the seven provinces with established PICCs in preparation for the 2022 initiation season; finalisation and adoption of a concept document for the establishment and alignment of the NIOC and PICC databases as contemplated in the Act; and securing a licence to use the Presidential Hotline to report any contraventions of the Customary Imitation Act.

With regard to the challenges encountered, it was highlighted that the term of Office ending on 30 June 2022 did not afford the NIOC sufficient time to plan for, and host awareness campaigns as well as ensure alignment of provincial legislation with the Customary Initiation Act. The NIOC was only established in October 2021 and had only eight months to do its work. Consequently, instances of non-compliance with the Act were witnessed including the holding of an initiation season during provincial school holidays, which overlapped and interfered with official school terms. The cited example was that of the Mpumalanga province where the initiation season commenced from 27 April 2022 for three months, clashing with the official school terms in contravention of Section 27(1) of the Act. The admission of underage children in initiation schools was another example of non-compliance, as the 13 initiates that died in Mpumalanga included a 15-year old boy.

* 1. **Briefing by the Eastern Cape Provincial Initiation Coordinating Committee**

The newly elected Chairperson of the Eastern Cape Provincial House of Traditional Leaders, Inkosi Gwadiso, introduced the presentation and then handed over to the Provincial COGTA DDG to deliver the presentation. The main focus of the presentation was the current state of affairs in respect of the 2022 winter initiation season. The PICC subscribed to the motto that initiates should go to the initiation school alive and come back alive (*Mabaye be phila, babuye be phila)*. The PICC was reportedly functional, as everything relating to initiation in the Eastern Cape had to go through the PICC and the Provincial Initiation Technical Team (PITT), in line with the provisions of the Customary Initiation Act and the Eastern Cape Customary Male Initiation Practice Act (No.2 of 2016) respectively.

Each Organ of State represented in the PITT had made commitments or pledges to support the provincial plan for the 2022 winter initiation season, with the provincial Department of Health to provide surgical equipment and the provincial Department of Transport to provide transport for monitoring teams. The PICC monitors these commitments. The plan has also enjoyed support from Non-Governmental Organisations (NGOs) such as Right to Care, PSI, and Vusisizwe Foundation, which have assisted with the provision of surgical equipment, clinicians and monitoring vehicles.

The Buffalo City Metropolitan and the Amathole District Municipalities did not form part of the engagements to craft the provincial plan for the 2022 winter initiation season. In both municipalities the initiation forums are not active. This was also the case in OR Tambo and Sarah Baartman Districts. While all the local municipalities under the province’s six district municipalities support initiation related activities, Buffalo City was the only municipality in the province that did not provide support. One of the key concerns for the PICC is the amendment of the provincial legislation to conform adequately to the prescripts of the Customary Initiation Act. The Committee was informed that the 40 deaths witnessed during the December 2021 initiation season should be understood in the context of the 54 000 thousand initiates that went to initiation following the relaxation of COVID-19 rules.

* 1. **Input by the Alfred Nzo District Initiation Forum**

The Chairperson of the District Initiation Forum and local house of traditional leaders in Alfred Nzo informed the Portfolio Committee that there was good cooperation between the local house of traditional leaders and the district municipality. Both the house and the district were committed to eradicating illegal initiation practices and in ensuring the safety of initiates. To this end, it was decided that, in Matatiele Local Municipality, there will be no initiation this winter due to severe winter weather conditions. Initiation awareness campaigns had been reportedly conducted, as well as three workshops targeted at traditional surgeons and traditional nurses. The district enjoys support and assistance from various NGOs, including Right to Care, Man & Boys Foundation and Ikamva Lesizwe Institute.

The Alfred Nzo District had not experienced any initiation related deaths at the time of the Portfolio Committee’s oversight visit. Contributing to this success were the resources provided by each local municipality under the district, including office space, some vehicles and some health personnel who have been made available for the duration of the initiation season. However, there were still a number of challenges, including unavailability of vehicles particularly from the Department of Health to facilitate transportation for initiation monitoring teams, non-screening of prospective initiates, insufficient equipment for those in the field undertaking monitoring, illegal initiation schools, as well as the admission of underage initiates.

* 1. **Input by Committee Members**

Portfolio Committee members raised a concern around the non-establishment of PICCs in the North-West and KwaZulu-Natal for the term that ended on 31 May 2022. It was noted that this could set the wrong precedent for the term starting on 01 June 2022 and ending on 31 May 2027. The effectiveness of the Eastern Cape PICC was also questioned, based on the fact it existed since 2016 but has to date not managed to stem the tide of initiation related deaths. Portfolio Committee members consequently wanted to know as to what the PICC would be doing differently during the 2022 winter initiation season. The extent to which the Eastern Cape PICC was consistent with the provisions of the Customary Initiation Act was also queried

Further questions were posed around whether the PICC was keeping a database of registered initiation schools as well as statistics on initiation related fatalities as contemplated in the Customary Initiation Act, and whether there were any arrests effected in connection with non-registered initiation schools. Portfolio Committee members also wanted a report on progress made regarding consequence management in relation to the initiation related deaths previously presented to the Committee. Consequence management in respect of the 40 initiates that died during the December 2021 initiation season also needed to be instituted. This would also address the undesirable tendency around the commercialisation of the cultural initiation custom.

On the 54 professional nurses, a clarification was sought around whether these still needed to be contracted or were already deployed to the various districts. The status quo on the 45 vehicles promised by the provincial Department of Health was also queried. Portfolio Committee members also asked about lessons learned in the previous initiation season that could inform the preparations for the 2022 winter initiation season.

* 1. **Responses to Committee Inputs**

An undertaking was made that statistical data on initiation would be availed to the Committee, starting as far back as 2010. The OR Tambo and Alfred Nzo districts were established as initiation hotspot areas on the basis of this data. Consequently, resources have been directed to these areas. This has made significant difference in terms of reducing the number of initiation related fatalities but has by no means eliminated the problem. The 54 professional nurse were still to be contracted, and the promised vehicles had not yet been released although there was a commitment to do so.

Regarding the lessons learned from the previous initiation season to inform preparations for the current season, it was indicated that the province has established initiation coordinators in each of the 198 police stations around the Eastern Cape. Unlawful circumcision cases amounted to 27 during the previous summer initiation season and there were 22 arrests in connection with these. During the current season, 21 cases have been opened and arrests amounted to eight thus far. However, non-cooperation by initiates and their parents made it difficult for the police to track down and arrest illegal traditional surgeons.

A representative from an NGO known as Ikamva Lesizwe Institute undertook to furnish the Portfolio Committee with a report that analyses the initiation issue from a scientific point of view. The report was touted as a key to unlocking the current initiation bottlenecks. The issues of inadequate budget for traditional leaders to fulfil the responsibilities vested on them was raised repeatedly. This lack of funding was seen as the main problem hindering the effective implementation of the Customary Initiation Act. There was also a plea for special seasonal courts to deal exclusively with initiation related cases. Traditional courts are already playing this role to some extent, but this needs to be formalised through the finalisation of the Traditional Courts Bill. In this regard, the Portfolio Committee was urged to advocate for the passing of the Bill. On the question of what was being done differently, the province pointed to a renewed emphasis on the role of parents as the custodians of the custom. In this regard, a dedicated team to monitor parents and their actions - especially during the first two weeks of the initiation season – is due to be convened.

On the effectiveness of the Eastern Cape PICC, it was indicated that this was hampered by the fact that the PICC mainly comprised of MECs who could not attend meetings due to many competing commitments. Having political decision makers in the PICC was a good intention, but this was not working out in practice. In this regard, the NIOC has resolved to revise the composition of the PICC. The non-establishment of PICCs in the North-West and KwaZulu-Natal related to the term that ended on 31 May 2022. For the 2022-2027 term, the constitution of the provincial houses need be completed first, as to allow the two provinces to establish their PICCs.

1. **DAY TWO, 05 JULY 2022: MEETING WITH THE OR TAMBO DISTRICT**

Due to some unforeseen logistical challenges, the Portfolio Committee arrived at the meeting venue two hours after the scheduled starting time of the meeting and found the meeting already in progress. The Chairperson of the provincial Portfolio Committee on Cooperative Governance and Traditional Affairs, Mr Matiwane, presided over the meeting. The Committee allowed the meeting to continue.

For the national Portfolio Committee’s benefit, the following were reiterated, as per the report that had been submitted to the Committee by the OR Tambo District:

|  |
| --- |
| * Total admissions to hospitals were 29: 12 for Nyandeni; 15 for Mhlontlo; and two for Port St Johns;
* Total number legal initiation schools were 66: Nine for King Sabatha Dalindyebo; five for Nyandeni; 16 for Mhlontlo; two for Port St Johns; and 34 for Ingquza Hill;
* Total number of illegal initiation schools were 68: 25 for Nyandeni; three for Mhlontlo; 19 for Port St Johns; and 21 for Ingquza Hill;
* Total number of initiation schools visited amounted to 137, comprising 1170 initiates as follows: 223 initiates visited at King Sabatha Dalindyebo; 316 visited at Nyandeni; 198 initiates visited at Mhlontlo; 232 initiates visited in Port St Johns; and 201 initiates visited in Ingquza Hill;
* 102 of the visited initiates were treated on the spot: Four at King Sabatha Dalindyebo; 57 at Nyandeni; eight in Mhlontlo; 13 in Port St Johns and 20 in Ingquza Hill;
* Three initiates have been taken to hospital, treated and discharged. All were from Port St Johns.
 |
| * 1455 initiates were medically screened before initiation: 342 from King Sabatha Dalindyebo; 47 from Nyandeni; 162 from Mhlontlo; 186 from Port St Johns and 718 from Ingquza Hill;
* 1386 initiates were tested for COVID-19, with three initiates from Port St Johns testing positive;
* No traditional surgeon or nurse was tested for COVID-19;
* The total number of initiation related fatalities amounted to 8: two from King Sabatha Dalindyebo (both died in the hands of the same traditional surgeon and nurse); four from Mhlontlo; and two from Ingquza Hill. (The number had increased to nine by the time the Portfolio Committee concluded its oversight visit on 08 July 2022).
 |

The Chair of the national Portfolio Committee was then given the opportunity address the meeting. The Chair indicated that the Committee had already received the consolidated provincial initiation picture from briefings received from the NHTKL, NIOC and the PICC. The purpose of the Portfolio Committee’s oversight visit was not to interfere with the practice of initiation but to follow up on the implementation of the Customary Initiation Act, as to ensure that the problem of initiate deaths is addressed. The Committee did not intend asking questions on the day, but to be taken to initiation sites.

* 1. **Visit to initiation schools**

Six initiation schools were to be visited, but due to time constraints and the large distances to be covered, only two initiation schools could be visited. One of the visited schools was in the Port St Johns municipal area, where the initiates ran away because the school was illegal. The other school was in Libode and did not present any significant problems. All the initiates seemed to be doing reasonably well and had passed the critical first eight days without incident. However, the traditional surgeon was younger than the prescribed minimum age.

1. **DAY THREE, 06 JULY 2022: MEETING AT NYANDENI LOCAL MUNICIPALITY**

This meeting was held jointly with the provincial COGTA Portfolio Committee. In attendance were the Deputy Executive Mayor of the OR Tambo District, the Mayor, Speaker, and the MMC responsible for community services in Nyandeni Local Municipality. The purpose of the meeting was to afford the Portfolio Committee an overview of the initiation situation in Nyandeni before it embarked on site visits.

To this end, the Portfolio Committee was informed that there were very few initiation-related deaths in the Nyandeni municipal area. This was because the municipality was most observant when it comes to initiation and enjoyed much assistance from traditional leaders who were doing everything in their power to ensure zero initiation related deaths. The district also assists with monitoring by convening weekly meetings to receive reports on initiation related developments. To ensure maximum effectiveness of monitoring, it was recommended that this should take place at night when initiates are sleeping.

The Portfolio Committee did not support a proposal to visit and disband with immediate effect an illegal initiation school in Port St Johns, as disbanding was neither its oversight objective nor its responsibility. This was the responsibility of the PICC, which needed to follow due processes before disbanding an illegal school. It was important for the Portfolio Committee not to be seen as responsible for closing illegal initiation schools. The Department of Health also needed to deal with the situation, as the initiates there were now patients. It was decided that five initiation schools, excluding the one in Port St Johns, would be visited on the day.

* 1. **Visit to initiation schools**

The delegation was divided into two groups, one led by the provincial COGTA Portfolio Chairperson, Honourable Matiwane and the other by the national COGTA Portfolio Committee Chairpersons, Honourable Xasa. The latter group visited two initiation schools: one in KuZele (Libode) and the other in eZinkumbini. In KuZele, the infamous traditional surgeon knowns as ‘Mtshayina’, the traditional nurse, and some of the initiates, fled from the site. It was explained to the Portfolio Committee that it was normal for these people to flee when the school was known to be illegal. The excessively large entourage of motor vehicles was also deemed to be frightening, thus contributing to the flight.

The 14 initiates that did not run away were not in good condition, and had said so themselves. A health practitioner accompanying the Committee conducted a physical examination of the initiates and discovered that some of them had boils and that their wounds had not been cleaned. Most were underage, between 13 and 14 years old and were mostly from the same location called eChibini. Only one boy was 18 years old, although he appeared to be mentally handicapped.

None of the initiates had a medical certificate indicating that they were fit to participate in the initiation practices and that they had no medical, physical or psychological condition that may cause complication during or after initiation. This was in contravention of Section 22(1) *(c)* of the Customary Initiation Act. None of the initiates could produce birth certificates and the traditional leader in the area was not aware of their presence. As the situation could not be left as it was, a criminal case was opened with the South African Police Service in the name of the state.

In eZinkumbini, the Portfolio Committee encountered no major problems. All the 13 initiates seen were in good condition and were under the care of two traditional nurses, but the traditional surgeon was not present. Although both traditional nurses looked dishevelled and extremely untidy, could not produce documentation and had not undergone formal training, the head nurse had more than ten years of experience as a traditional nurse. He was credited with improving the school and the condition of the initiates after he had taken over from a previous problematic traditional nurse.

Honourable Matiwane’s group visited three initiation schools in Mabhozeni, Guqa location and Dumasi, all in Ngqeleni. The report back was provided on the following day.

1. **DAY FOUR, 07 JULY 2022: MEETING AT THE NELSON MANDELA RESOURCE CENTRE**

The purpose of this meeting was to receive guidance and direction on the initiation sites to be visited on the day, as well as to report back on the previous day’s findings by the two separate groups led by Honourable Matiwane and Honourable Xasa. The findings of the latter have been detailed in the previous section. The former group reported having visited three sites, as indicated previously. Two of these were illegal schools. Here, the initiates were too many and were underage. There was some complexity involved as there was an illegal school principal who was being assisted by someone with the requisite documentation.

However, the health of the initiates was not bad. The excuse provided for the illegality was that the new law was unknown, and there were no workshops conducted and training provided on it. In the legal school visited, there were no problems. The initiates were few and healthy. The overall report back was not bad as that of KuZele. Regarding the initiation schools to be visited on the day, it was resolved that the delegation would be divided into three groups: one to focus on King Sabatha Dalindyebo, the other on Qumbu, and the last one on Tsolo. The Chairperson of the national COGTA Portfolio Committee led the last group, which visited two initiation schools in Ematyeni and in Ward 1.

* 1. **Visit to initiation schools**
		1. *Ematyeni*

This school was chosen as an example of good practice. The initiates were in possession of copies of their Identity Documents, doctor’s certificates, parental consent forms and had undergone screening. In other words, they were generally compliant as far as the new legislation was concerned. The school was run by the Diya family, which discouraged the visiting of the school by too many people. During the first eight days, the initiates were fed meat to ensure that they had enough protein. After eight days, there was follow up made to see if initiates were still alive and well.

This was unlike in other places where parents left the well-being of their children to strangers and waited to see them when the initiation season was over. Government also tended to come on board too late when a crisis had already occurred. In this regard, the Portfolio Committee was thanked for being proactive and coming to visit on time. The Portfolio Committee agreed that the initiates looked good, especially given that the first critical eight days were over. Much was learnt from the Ematyeni case.

* + 1. *Ward 1*

This was also a site that exemplified good practice. The initiates were clean and showed no signs of abuse such as beatings. They were due to be released from the initiation school on 20 July 2022. The Portfolio Committee was informed that, in this area, there had been no death resulting from initiation since 1886 when Chief Ranuga of the Amampondomise clan introduced the custom. However, every ten or twenty years an initiate would succumb to a pre-existing condition, such as a seizure, that was unrelated to the surgical procedure.

The parents and the two traditional leaders (one addressed the Committee) in the area were fully involved and invested in the well-being of the initiates. The Portfolio Committee hosts revealed that they found the new law confusing in some aspects. For example, initiates from 16 to 17 years required parental consent to undergo initiation, while from 18 years upwards no parental consent was required. It was recommended that even 18-year olds should obtain parental consent. The sourcing of Identity Documents for the 16 to 17 year-olds was also identified as a problem, as this age group tended to have Birth Certificates rather than IDs. This needed intervention from the Department of Home Affairs or intervention in terms of Regulations. The Portfolio Committee appreciated this feedback and further expressed gratitude at being addressed by a traditional leader for the first time, as this did not happen in the previous sites visited.

* + 1. *Qumbu*

The delegation that went to Qumbu observed no notable initiated related problems in the area. This was attributed to the fact that the region was populated by the AmaHlubi cultural group who generally observed safe and diligent cultural initiation practices. Consequently, there were no initiation related deaths reported in the area.

1. **DAY FIVE, 08 JULY 2022: MEETING AT THE CIVIC CENTRE, KING WILLIAMS’S TOWN**

The Chairperson of the Local House of Traditional Leaders in Buffalo City, Inkosi Toyise, welcomed the joint Portfolio Committees to Buffalo City. Although no initiation related deaths had been reported around the metro area, there were still challenges around the provision of adequate resources to conduct oversight over initiation schools. For example, the chief’s initiation forum comprised a total of seven members but only the Chairperson was provided with a vehicle. The seven members could not fit in one vehicle. Chief Toyise stressed that they should be equipped in such a way that they are able to visit initiation schools even before the initiation season starts.

The chief further pleaded that all departments should be engaged in initiation and that the Customary Initiation Act should look at initiation broadly, in such a way that the school term contemplated therein also addressed those instances where prospective initiates had finished matric. Other areas of concern included the abuse of children, including the case of a 15-year old who was circumcised forcefully because the father was not happy that the boy had a girlfriend. The screening of initiates was also a challenge, as the process was done at short notice leading to overcrowding. In closing, the chief called on COGTA and other relevant Departments to assist the province with funding.

Mr Kenneth Kodwa, Initiation Coordinator in Buffalo City, indicated that attempts have been made to strengthen the involvement of the National Prosecuting Authority in the prosecution of initiation related cases. Currently, the South African Police Service was making a number of arrests but the NPA was not coming on board, notwithstanding the dedication of NPA Advocate Ntelwa. Sometimes the NPA would assign cases to non-initiated individuals who could not pursue the cases to their final conclusion. Engaging the Crime Intelligence unit within the police has assisted to a great extent and has facilitated a good working relationship with the Local Initiation Forum. However, it could not be denied that the onset of COVID-19 saw initiation structures working in silos, as no gatherings were allowed.

As part of the Provincial Initiation Technical Team, which reports to the PICC, Mr Kodwa oversaw the implementation of a strategy to deal with initiation related deaths. Buffalo City championed this strategy and consequently the metro is no longer an initiation fatality hotspot, as it was previously known. As part of moving forward and making further progress, the Local Initiation Forum in the metro was advocating for the municipality to designate a space to be dedicated exclusively to the practice of cultural initiation, as done in Nelson Mandela Bay metro. This would also facilitate access to clean drinking water for the initiates.

As it was the last day of the Portfolio Committee’s cultural initiation oversight visit, the Chair of the NIOC, Inkosi Mahlangu requested an opportunity for the NIOC to make a few observations. Having been granted this opportunity, the floor was given to the Deputy Chairperson of the NIOC who observed as follows:

|  |
| --- |
| * The Portfolio Committee was thanked and appreciated for inviting the NIOC and allowing it to accompanying the Committee for the duration of the oversight;
* The lack of harmonisation between the Eastern Cape initiation legislation and the Customary Initiation Act was noted. In this regard, a legal opinion will be sought as to whether the provincial legislation should be harmonised or repealed.
* Having the MEC as the Head of the PITT created a problem, as the MEC’s priority list disadvantages the structure;
* The current composition of the PICC seriously hindered effective monitoring and a proper constitution of the PICC was recommended;
* The PICC’s 2022 winter initiation season plan was good but needed to be monitored for proper implementation;
* The high number of illegal initiation schools in the province was a matter of grave concern to the NIOC;
* Introducing new legislation without ensuring adherence to it remained a serious gap. Throughout the oversight, the NIOC observed the importance of awareness campaigns, which the province should flag as a serious need.
* Non-alignment of the initiation season with school terms was also observed, as some of the seasons in some districts started during the school term.
 |

The Chairperson of the Eastern Cape Provincial House of Traditional Leaders, Inkosi Gwadiso, also express appreciation for the assistance provided by the two Portfolio Committees through the oversight visit. He underscored the problem of inadequate resources that hindered traditional leaders from fulfilling their responsibilities. The arrival of national COGTA Portfolio Committee in particular provided some hope regarding the resolution of this matter because the province always points to the national government whenever a funding request is submitted.

Following the above inputs, it was resolved that three initiation sites would be visited on the day, namely Ndevana, Mdantsane and Gqobhasi. A fourth site, Phakamisa, was added as it was along the way.

* 1. **Visit to initiation schools**
		1. *Phakamisa*

There were no problems in this site. All the initiates looked well and were of the right age. It was advised that the boys should be taught well.

* + 1. *Ndevana*

In this site, the documentation had been destroyed by a fire that burnt one of the living quarters. The incident has been reported to the police. Here, the Portfolio Committee also encountered the case of an initiate who was maimed by a traditional surgeon who is also the traditional nurse. The initiate was maimed because his mother refused the surgeon’s sexual advances. A criminal case has been opened with the police against the surgeon. Other than this, there were no other major problems. The initiates were well cared for and some parents even came out to investigate when they saw the large oversight entourage. The initiates were due to exit the school between 16 and 23 July 2022.

* + 1. *Mdantsane*

There were also no major problems encountered in this site. Some of the initiates’ parents, who were on site visiting, thanked the Portfolio Committee for following up on initiation malpractices.

* + 1. *Gqobhasi*

This initiation school has been infamous for death of initiates and illegality. On arrival of the oversight entourage some of the initiates and school personnel fled from the site. Only six initiates remained and 18 ran away. All were illegal. A message was conveyed to the runaway initiates to the effect that the Portfolio Committee was there to help. Exacerbating the situation in Gqobhasi was the fact that the majority of the initiates came from the surrounding squatter camps where lawlessness was the norm, and were also raised by single mothers. The mothers had no interest in checking on the well-being of their children. They made it easy for the illegal traditional surgeons to practice but were the first to cry when fatalities occurred.

In this regard, there was a view that the sanctions contemplated by the Customary Initiation Act against parents, traditional nurses and surgeons were not adequate in terms of preventing wrong-doing. In Gqobhasi it was impossible to obtain the truth as to the identity of the traditional surgeon, the Portfolio Committees were informed. The surgical knife often used was the Okapi, which was also used for other purposes such as the slaughtering of animals. There needed to be a special focus on this area, as it was likely to be a blackspot in the metro. It was recommended that awareness campaigns should start in this area.

1. **KEY OVERSIGHT FINDINGS**

The Portfolio Committee noted and observed the following:

* 1. Nine initiates across the Eastern Cape were reported as having died at the time of the Committee’s oversight visit, which concluded on 08 July 2022. This was much less compared to the 40 initiates reported in the previous initiation season. The Committee hoped that the number will not increase any further until the end of the 2022 initiation season, which was scheduled for 15 July 2022.
	2. Notwithstanding some notable exceptions, there was a general lack of compliance with the Customary Initiation Act. This was confirmed by the mushrooming of illegal initiation schools, which surpassed the legal schools, as well as the admission of underage boys to initiation schools.
	3. Despite having received briefings about awareness campaigns conducted in preparation for the 2022 winter initiation season, there was almost no evidence on the ground to the effect that the relevant stakeholders have been educated on the Customary Initiation Act. There were still people who have not heard about the existence of the new Act, notwithstanding the report by the PICC to the effect that it had three awareness campaigns planned in preparation for the Eastern Cape winter initiation season of 2022.
	4. The provincial initiation legislation of the Eastern Cape was not well harmonised with the national customary initiation legislation. This led to instances of conflict, which can be resolved by means of either amending the provincial legislation or repealing it.
	5. The structures vested with oversight over initiation tended to consists mainly of traditional leaders. There was a need for political representation in these structures as to facilitate quick decision-making.
	6. There was no clear provision as to where to accommodate the initiates that had been rescued from illegal initiation schools, as the erstwhile rescue centres were no longer operational due to the COVID-19 pandemic and depletion of resources. This was notwithstanding the report by the PICC to the effect that it was attending to the appointment of service providers to manage rescue centres during the initiation season.
	7. There was as yet no consolidated and consistent statistics on initiation related deaths, injuries, amputations, arrests and rescue missions conducted for the whole province of the Eastern Cape.
	8. At the conclusion of the Portfolio Committee’s oversight visit on 08 July 2022, the provincial Department of Health had not yet fulfilled its undertaking to contract 54 additional professional nurses in the course of the Eastern Cape winter initiation season for purposes of monitoring the initiation school. As the season was close to the end, it was doubtful whether calling for the finalisation of this contracting would add much value.
	9. The provincial Department of Health had also not yet availed the promised 45 vehicles to facilitate the monitoring of initiation schools, a constraint that hinders monitoring teams from fulfilling their responsibilities and hampers the provision of accurate statistics on customary male initiation.
	10. The decision by the Alfred Nzo district initiation forum to suspend the 2022 winter initiation season in Matatiele due to severe weather conditions is commendable, as it is indicative of an interest to prioritise the safety of initiates.
	11. The initiates who ran away when visited is a matter of concern to the Portfolio Committee. This matter should be investigated thoroughly and a report back furnished to the Committee.
	12. On visiting the Mhlontlo municipal area where five of the nine initiates reportedly died, the Portfolio Committee was mainly shown the ideal conditions, and was thus left with lingering questions.
1. **KEY RECOMMENDATIONS**
	1. The Provincial Department of Cooperative Governance and Traditional Affairs in the Eastern Cape must immediately look at harmonising the provincial legislation regulating customary initiation with the Customary Initiation Act. This can consist in either amending the provincial legislation or repealing it.
	2. The National Initiation Oversight Committee must follow up on its commitment to convene a dedicated team to monitor parents in terms of fulfilling their responsibility in line with Section 22 of the Customary Initiation Act, especially during the first two critical weeks of the initiation season. The Eastern Cape PICC must also ensure the realisation of its plan to develop a legally binding parental commitment form, where parents will commit to take care of their children in the initiation schools.
	3. The National Initiation Oversight Committee must also revisit the composition of the Provincial Initiation Coordinating Committees to ensure that they are constituted by relevant personnel who are available to attend to initiation related matters.
	4. The Portfolio Committee must monitor and follow up on the case it opened in relation to the admission of underage children in KuZele, Libode.
	5. The Provincial Initiation Coordinating Committee should enforce the provisions of the Customary Initiation Act and close illegal initiation schools through the due process contemplated in Section 15 of the Act. A time-frame for the eradication of these illegal structures must be furnished to the Portfolio Committee. The Portfolio Committee must ensure that the Minister responsible for Cooperative Governance and Traditional Affairs follows up with the PICC in this regard.
	6. The provincial Department of Human Settlements should consider providing a temporary prefabricated structure to accommodate the underage boys in the illegal initiation school found in KuZele, Libode, as the place was not fit for human habitation.
	7. The Committee must follow up with the Department of Justice and Constitutional Development on the matter of the Traditional Courts Bill, which many of the stakeholders interacting with the Committee believed could assist in fast-tracking the resolution of initiation related cases.
	8. The national Department of Traditional Affairs must ensure that the Customary Initiation Act is widely known, especially in provinces such as the Eastern Cape, which have initiation legislation that precedes the Act. All other role players should also conduct rigorous awareness campaigns on the Act to promote compliance.
	9. The Deputy Executive Mayor of OR Tambo must furnish the Committee with correct and updated statistics relating to the number of illegal initiation schools, and initiation related deaths (including age, and causes of death). The NIOC must also furnish the Portfolio Committee with consolidated and consistent statistics on initiation related deaths, injuries, amputations, arrests and rescue missions conducted for the whole province of the Eastern Cape.
	10. In the next initiation season, the provincial Department of Health must fulfil its undertaking in connection with sourcing and contracting additional professional nurses to assist with monitoring initiation schools. The processes must be finalised well before the initiation season begins.
	11. In the next initiation season, the provincial Department of Transport must also follow through on its commitment to support the provincial seasonal initiation plan through the provision of adequate transportation for initiation monitoring teams.
	12. The Portfolio Committee must call the National Initiation Oversight Committee to account on progress made in relation to some of the Portfolio Committee’s oversight findings.
2. **ACKNOWLEDGEMENTS**

The Portfolio Committee’s customary initiation oversight visit to the Eastern Cape benefitted immensely from the assistance, guidance and inputs received from the national Department of Traditional Affairs, the National Initiation Oversight Committee, the Provincial Initiation Coordinating Committee, various District and Local initiation structures in the Districts of Alfred Nzo and OR Tambo as well as the Buffalo City Metropolitan Municipality, and the Provincial Portfolio Committee on Cooperative Governance and Traditional Affairs. Members of the provincial CoGTA Portfolio Committee accompanied the national Portfolio Committee for the duration of the oversight visit and added much value to the Committee’s programme. The Committee further appreciates the support received from Committee support staff as well the contributions of Committee members. The Committee looks forward to enjoying similar success in the near future as it follows up on commitments made during its interactions with the various initiation stakeholders.

**Report to be considered**