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## **ACTION PLAN OF THE REPORT ON THE VIOLATION OF THE RIGHTS OF CHILDREN THROUGH THE VIOLATION OF THE CULTURAL PRACTICE OF UKUTHWALA**

### **Introduction and background**

A workshop was held in Kopanong in August 2012 for the purpose of raising awareness and creating a platform for all stakeholders to deliberate on the practice of ukuthwala, ascertain the historical background of the practice, clarify roles and responsibilities of all stakeholders and determine interventions that will protect children from this abuse. In addition, the workshop was expected to review the legal framework that protects children with the view of identifying gaps and recommending changes where appropriate. The workshop was in response to the abuse of the cultural practice of ukuthwala where young girls from Eastern Cape Province (Transkei/Pondoland) in particular were the victims of the abuse of this cultural practice. The occurrences in Pondoland also brought public outcry and concerns over appropriate interventions by government and other relevant stakeholders in protecting children from this practice.

The two day workshop which was attended by various stakeholders included the following national departments: South African Police Service (SAPS), Department of Justice and Constitutional Development (DoJCD – South African Law Reform Commission), Department of Traditional Affairs (DTA), Department for Women, Children and People with Disabilities (DWCPWD), Department of Education (DoE), Department of Local Government and Housing Gauteng, Department of Rural Development and Land Reform, Department of Communication, provincial departments of social development and SAPS, Commission on the Promotion and Protection of the rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission), civil society and traditional leaders represented by the national and provincial houses of traditional leaders.

The workshop came with a number of recommendations which were extracted from the presentations, questions raised, feedback from commissions and comments made. These recommendations requires an intersectoral collaboration hence the development of the action plan. The action plan is an integrated plan with allocated roles and responsibilities.

**ACTION PLAN**

RECOMMENDATION	ACTION	RESPONSIBILITY	TIME FRAME
<p><b>Management of ukuthwala practice</b></p>	<p>Develop an intersectoral strategy for the management of ukuthwala</p>	<p>Department for women, children and people with disabilities</p>	
	<p>Develop a policy directive to facilitate the management of this practice at grass-root level and disseminate to all departments who have a role to play in the care and protection of children.</p>	<p>Department for women, children and people with disabilities</p>	
	<p>Conduct capacity building drive to ensure that all people working with children understand how to manage this custom in practice.</p>	<p>Child Protection Directorate</p>	
	<p>Develop preventative measures such as public awareness campaigns, dialogues and debates on cultural practices must be developed to halt the practice.</p>	<p>Inter-departmental team comprising of DSD, Traditional Affairs etc</p>	
	<p>Strengthen families and ensure that there are community based supportive services, these are key to the care and protection of children.</p>	<p>DSD- Families</p>	
	<p>Develop a communication strategy on the issue of ukuthwala that includes the government's view of the practice, the legal</p>	<p>Department for women, children and people with disabilities</p>	

	position and the sanctions. This communication strategy must be widely circulated starting in Parliament.		
<b>Criminalise ukuthwala of young girls</b>	Provide inputs for the review the Children's Act to ensure that there are provisions in the Act that make it a criminal offence.	Child Protection Directorate	
<b>Harmonization of marriage age to 18 years.</b>	Request Parliament to make the marriage age 18 years and older with no exceptions, whilst awaiting the amendments to all the other Acts that provide for different marriageable ages.	DSD and DoJ- Children's Act Directorate	
<b>Research and document about all cultural practices</b>	Undertake research into all cultural practices: a comparison will have to be made with the laws of the land to determine their constitutionality.	Department of Traditional	
<b>Victim Empowerment for</b>	Therapeutic intervention for all children who have been exposed to this practice	DSD- Families and VEP	