



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

Provincial Gazette Igazethi Yephondo Provinsiale Koerant

Vol. 22

BISHO/
KING WILLIAM'S TOWN, 5 MARCH 2015

No. 3350
(Extraordinary)

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DEPARTMENT OF HEALTH

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GENERAL NOTICE

No. 29

DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

INVITATION OF WRITTEN COMMENTS AND INPUTS ON THE EASTERN CAPE CUSTOMARY MALE INITIATION PRACTICE BILL

1. The Department of Cooperative Governance and Traditional Affairs hereby invites members of the public or body/organisation to provide written comments and inputs on the Eastern Cape Customary Male Initiation Practice Bill, as contained in the schedule hereto.
2. The main objects of the Bill are among others to—
 - provide for the protection of life, the prevention of injuries and all forms of abuse experienced by initiates before, during and after the customary practice of male initiation;
 - provide for traditional leadership to take primary responsibility for the practice of male initiation within their areas of jurisdiction, in partnership with the Provincial government and all the other stakeholders;
 - ensure that initiation practice is not exploited as a commercial enterprise used purely for personal enrichment; and
 - ensure that the teachings and rituals that are part of male initiation are aimed at character building to prepare the young for adulthood.
3. The closing date for comments on the Bill is **60 calendar days** from the date of the publication of this notice in the *Gazette*.
4. Comments may be submitted in writing to:

Postal address: The Head of the Department
Department of Cooperative Governance and Traditional Affairs
Private Bag X0035
Bhisho
5605
5. Comments may also be-
 - (a) delivered by hand to: **Tyamzashe Building-Phalo Avenue, Bhisho, 5605;**
 - (b) sent by facsimile to: **0866647145/0862604257**
 - (c) sent by electronic mail to zingisa.mkabile@eclgta.gov.za & nangamso.mngoma@eclgta.gov.za
6. All comments must be clearly marked for the attention of;
Deputy Director-General: Traditional Affairs
Mr M. Baza

**DRAFT EASTERN CAPE CUSTOMARY MALE INITIATION PRACTICE
BILL, 2015**

(As Introduced)

(The English text is the official text of the Bill)

**(By the Member of the Executive Council responsible for Cooperative
Governance and Traditional Affairs)**

Bill

To regulate the customary male initiation practices in the Eastern Cape, to provide for the establishment, composition and functioning of the Provincial Initiation Coordinating Committee, to provide for the establishment, composition and functioning of the District Initiation Forum, to provide for the prohibition of force attendance of male initiation, to provide for the permission to open and hold initiation school, to provide for the observation of health standards in traditional circumcision, to provide for the offences and penalties therewith, to repeal the Eastern Cape Application of Health Standards in Traditional Circumcision Act, 2001 (Act No.6 OF 2001); and to provide for matters connected therewith.

BE IT THEREFORE ENACTED by the Eastern Cape Provincial Legislature as follows: —

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2. Objects of the Act

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CHAPTER 1 DEFINITIONS AND INTERPRETATIONS

Definitions

1. In this Act, unless the context indicates otherwise—

“**Constitution**” means the Constitution of the Republic of South Africa Act 108 of 1996;

“**customary practice**” include a practice according to the custom, religion or any other rules of similar nature;

“**designated medical officer**” means a medical practitioner in the service of Provincial Department of Health;

“**legal guardian**” means a parent or other person who has guardianship of a child;

“**initiate**” means a person who undergoes initiation at a traditional initiation school;

“**initiation**” means a rite of passage marking entrance or acceptance into a group or society;

“**initiation school**” means a place where one or more initiates are treated;

“**MEC**” means a Member of the Executive Council responsible for Cooperative Governance and Traditional Affairs;

“**medical officer**” means an officer designated;

“**medical practitioner**” means a person registered or deemed to be registered as a medical practitioner under the Health Professional Act, 1974 (Act 56 of 1975) and include a dentist so registered or deemed to be registered;

“**permission**” means permission in the form of a document;

“**prescribed**” means prescribed by regulations;

“**Province**” means the Province of the Eastern Cape established by section 103 of the Constitution of the Republic of South Africa Act, 1996, (Act, No. 108 of 1996);

“**traditional leader**” means any person who, in terms of customary law of a traditional community concerned, holds a traditional leadership position, and is recognised as such in terms of Traditional Leadership and Governance Framework Act (Act, No. 41 of 2003) as amended, and the Eastern Cape Traditional Leadership and Governance Act, 2005 (Act, No. 4 of 2005);

“**traditional leadership**” means the institution or structure established in terms of customary law or customs, or customary system;

“**traditional nurse**” means a person who looks after the initiates at an initiation school;

“**traditional surgeon**” means a person who has been culturally trained with experience in performing circumcision in the traditional male initiation and registered with relevant authorities (e.g. traditional leadership) in accordance with the prescribed manner.

Objects of Act

2. The object of this act is to—

(1) provide for the protection of life, the prevention of injuries and the prevention of all forms of abuse experienced by initiates before, during and after the customary practice of male initiation (both physical and mental conditions), this principle underpins the entire process of initiation without any exceptions;

(2) provide for traditional leadership to take primary responsibility for the practice of male

initiation within their areas of jurisdiction, in partnership with the provincial government and all the other stakeholders;

- (3) ensure that all stakeholders accept accountability for their roles within an established governance framework;
- (4) ensure that the provincial government (including municipalities), in partnership with traditional leadership, coordinates, monitors and evaluates all activities relating to initiation and provides sufficient resources for this purpose;
- (5) ensure that initiation is not exploited as a commercial enterprise used purely for personal enrichment;
- (6) ensure that the teachings and rituals that are part of male initiation are aimed at character building to prepare the young people for adulthood (school of life); and
- (7) protect the customary practice of male initiation and ensure that it is practiced within the constitutional and other legal prescripts.

CHAPTER 2

STRUCTURES OF CUSTOMARY MALE INITIATION PRACTICES

Establishment of the provincial initiation coordinating committee

3. (1) There is hereby established a provincial initiation coordinating committee to be known as the Eastern Cape Provincial Initiation Coordination Committee.
- (2) The main object of a provincial initiation coordinating committee is to administer and oversee all initiation schools and practices in the Province.

Composition of the provincial initiation coordinating committee

4. (1) The provincial initiation coordinating committee consists of representatives of—
 - (a) office of the Premier;
 - (b) the provincial Department of Cooperative Governance and Traditional Affairs;
 - (c) the provincial Department of Health;
 - (d) the provincial Department of Social Development;
 - (e) the provincial Department of Arts and Culture;
 - (f) the provincial Department of Education;
 - (g) the provincial Department of Safety and Security;
 - (h) the National Prosecution Authority;
 - (i) the South African Police Services;
 - (j) the National Intelligent Agency;
 - (k) the kingship or queenship councils;
 - (l) the South African Local Government Association; and
 - (m) any other interested body as identified by the provincial initiation coordinating committee.

- (2) The chairperson of the provincial initiation coordinating committee must be the chairperson of the provincial house of traditional leaders.

Provincial technical task team

5. (1) There is hereby established a provincial technical task team to be known as Eastern Cape Provincial Technical Task Team.

(2) The provincial technical task team must be chaired by the secretary of the Eastern Cape House of Traditional Leaders and consists of following members—

- (a) heads of departments or their representatives in terms of section 4 (1) (a)-(g); and
- (b) any other interested body as identified by the provincial initiation coordinating committee.

Establishment of district initiation forums

6. (1) Subject to the provision of this Act, the MEC in consultation with the Eastern Cape House of Traditional Leaders must establish a district initiation forum for the jurisdiction of a district or metropolitan municipality.

(2) A district initiation forum must consist of—

(a) in case of a district municipality with traditional leadership institutions—

- (i) all senior traditional leaders who reside within the area of jurisdiction of a district or metropolitan municipality;
- (ii) representative from the office of the mayor, municipal manager and speaker, of a district or metropolitan municipality;
- (iii) representative of a kingship or queenship council;
- (iv) members of a local house of traditional leaders;
- (v) sector departments contemplated in section 4 (1) (a)-(g), which have offices in the district level; and
- (vi) any other interested body as identified by the district initiation forum;

(b) in case of a district municipality without traditional leadership institutions—

- (i) members of the municipal council;
- (ii) representative from the office of the mayor, municipal manager and speaker, of a district or metropolitan municipality;
- (iii) official from sector departments contemplated in section 4 (1) (a)-(g), which have offices in the district level; and
- (iv) any other interested body as identified by the district initiation forum.

- (2) The district initiation forum must be chaired by the chairperson of a local house of traditional leaders concerned, in case of district municipality with traditional leadership institutions or the speaker of the district municipal council, in case of a district municipality without traditional leadership institutions or any designated person.

Local initiation forum

7. (1) A local initiation forum is hereby established within the jurisdiction of a local municipality.
- (2) A local initiation forum consists of—
- (a) in case of a local municipality with traditional leadership institutions—
- (i) all traditional leaders within the jurisdiction of a local municipality;
 - (ii) mayor or representative of the office of the mayor;
 - (iii) the speaker;
 - (iv) municipal manager or representative of the office of the municipal manager; and
 - (v) any other interested body as identified by the local initiation forum;
- (b) in case of a local municipality without traditional leadership institutions—
- (i) the speaker;
 - (ii) representative from office of the mayor and that of the municipal manager;
 - (iii) some members of the municipal council; and
 - (iv) any other members of the communities or members community structures existing within the jurisdictional area of a local municipality as identified by the local initiation forum.
- (3) A local initiation forum is chaired by any traditional leaders elected or selected amongst traditional leader participating in the municipal council concerned, in case of a local municipality with traditional leadership, and by the speaker or any designated person, in the case of a local municipality without traditional leadership institutions.

Establishment of a initiation working committee

8. (1) An initiation working committee is established in a jurisdictional area of a traditional council.
- (2) An initiation working committee consist of—
- (a) in the case of the jurisdictional area of a traditional council—
- (i) all members of a traditional council, including selected and elected members;
 - (ii) members of a ward committee;
 - (iii) a community development worker; and
 - (iv) any other members of the community as identified by the initiation working committee;
- (b) in case of the jurisdictional area of a ward where there are no traditional council—
- (i) all members of the ward committee;
 - (ii) a community development worker; and
 - (iii) any other members of the community as identified by the initiation working committee.

- (4) An initiation working committee is chaired by the senior traditional leader, in case of jurisdictional area of traditional leadership or by the ward councillor in case of the jurisdictional area of a ward, or any designated person identified by a senior traditional leader or ward councillor concerned.

Functions of the provincial initiation coordinating committee

9. (1) The provincial initiation coordinating committee have the following functions—
- (a) develop a provincial initiation plan or monitoring and evaluation framework for both winter and summer seasons;
 - (b) mobilise resources both human and capital from all stakeholders involved in the initiation programme and potential donors or funders;
 - (c) develop communication strategy for all stakeholders involved in the initiation programme;
 - (d) conduct media conference briefing and make media statement on the weekly basis on the initiation programme;
 - (e) facilitate pre-initiation school workshops to be attended by prospective initiates, traditional surgeons; traditional nurses; representatives of sector departments; members of district forums; and stakeholders
 - (f) conduct an overview monitoring/inspection of all initiation schools staged/opened around the Province;
 - (g) provide advice to all members of district initiation forums on any matter relating to initiation;
 - (h) develop and adopt a code of conduct for any person or stakeholders involved in the initiation programme to address all issues of misconduct including disciplinary procedures;
 - (i) conduct post initiation schools conference to review the manner in which initiation schools are conducted, during initiation season and address any shortcomings thereof.

- (2) A provincial initiation coordinating committee must—

- (a) compile a provincial report on initiation programme; and
- (b) keep records of all reports on initiation programmes in the Province.

Functions of the provincial technical task team

10. The provincial technical task team have the following functions—
- (a) provide secretariat and general support to the provincial initiation coordinating committee;
 - (b) facilitate and coordinate the establishment of district initiation forums in all districts municipalities within the Province and ensure their full participation in the initiation programme;
 - (c) facilitate and coordinate logistical arrangements for monitoring teams;
 - (d) manage the distribution of resources to members of the monitoring teams and district initiation working forums;
 - (e) conduct pre-initiation assessment to determine the state of readiness by all sector departments involved on the monitoring of initiation programme;
 - (f) facilitate and coordinate meetings of district initiation forums;

- (g) facilitate and coordinate the distribution of resources to members of the district initiation forums;
- (h) determine the redeployment of resources, to areas where they are needed most or where there are challenges in consultation with the affected district initiation forum.
- (i) compile weekly reports on initiation programme and report to the provincial initiation coordinating committee, any shortcomings or challenges with recommendations;
- (j) facilitate and coordinate initiation review sessions to consolidate reports from district initiation forums;
- (k) facilitate and coordinate initiation review session for the presentation of reports by district initiation forums and consolidate the same; and
- (l) compile a report for submission to the provincial initiation coordinating committee on initiation programme.

Functions of a district initiation forum

11. A district initiation forum perform but not limited to the following functions—

- (a) facilitate the establishment of local initiation forums within the jurisdiction of a district or metropolitan municipality concerned;
- (b) mobilise resources from the municipality and other stakeholders for the initiation programme;
- (a) consider and consolidate all applications for admission into an initiation schools received by local initiation forums to determine the expected number of initiates within the jurisdiction of a district or metropolitan municipality concerned in order to guide to allocation and distribution of resources;
- (c) raise community awareness about the work of syndicates who abduct young boys to make huge profits at the expense of their life, health and safety;
- (d) ensure and foster cooperation between and members of local initiation forums and other stakeholders involved in the initiation programme;
- (e) conduct workshops to members of the local initiation working committees and advice them on any matter relating to male initiation;
- (f) consolidate applications for admission into the initiation school as received by traditional councils to determine the expected number of initiates within the district to guide the allocation and distribution of resources and intervention;
- (g) facilitate the availability of adequate health facilities during initiation seasons and ensure that all prospective initiates undergo thoroughly medical examination and are issued with necessary medical certificate at least two weeks before admitted into an initiation school;
- (h) monitor and evaluate the general functioning of the initiation schools within the jurisdictional area of a district from which they operate;
- (i) develop communication strategy;
- (j) recommend the closing of all illegal initiation schools to the provincial initiation coordinating committee in consultation with parents and traditional leader concerned; and
- (k) compile a report and submit it to the provincial technical task team for consolidation on initiation programme.

Functions of a local initiation forum

12. A local initiation forum perform but not limited to the following functions—

- (a) facilitate the establishment of initiation working committees within the jurisdiction of a traditional council or ward;
- (b) mobilise resources both capital and human, from the municipality concerned and other stakeholders for the initiation programme;
- (c) receive and consolidate all applications for attendance of an initiation school from initiation working committee to determine the expected number of initiates within the jurisdiction of a local municipality concerned in order to guide to allocation and distribution of resources;
- (d) facilitate workshops and training to traditional surgeons, traditional nurses and members of initiation working committees and advice them on any matter relating to male initiation practice;
- (e) facilitate the availability of adequate health facilities during initiation seasons and ensure that all prospective initiates undergo thoroughly medical examination and are issued with necessary medical certificate at least two weeks before admitted into an initiation school;
- (f) ensure that initiates are properly taken care of at all times, by providing advice and expertise to *amakhakhatha*;
- (g) monitor and evaluate the general functioning of initiation schools within the jurisdiction of a local municipality concerned;
- (h) recommend to the traditional leadership concerned whether an initiation school comply with applicable health and safety requirements before declared opened.

Functions of an initiation working committee

13. An initiation working committee perform the following functions—

- (a) ensuring the protection of the customary male initiation practice within the jurisdiction of a traditional council or ward;
- (b) receiving and considering applications for admission in the initiation school;
- (c) conducting awareness on male initiation to members of the community, including prospective initiates, traditional nurses, traditional surgeon;
- (d) overseeing the setting up and running of initiation schools within the jurisdiction of a traditional council;
- (e) assisting a traditional leader, in the screening of traditional surgeon, traditional nurses;
- (f) ensuring that all requirements for the admission of initiates in the initiation schools are complied to, before the initiates are admitted;
- (g) ensuring that traditional huts (*amabhoma*) are properly located and built for the safety of the initiates;
- (h) monitoring the performance of initiation ritual to ensure that, traditional surgeon does not consume alcohol before performing the ritual;
- (i) ensuring that all activities that are taking place in the initiation school are within the confines of the Constitution;
- (j) implement the code of conduct in respect of the internal conduct of all participants and ensure compliance therewith;
- (k) ensuring that initiates are taught values of the community and that of a responsible citizen;

- (l) conducting regular inspections for the purpose of monitoring and reporting on initiation school practices; and
- (m) ensuring cooperation between all stakeholders involved in the initiation programme;
- (n) ensuring that any abuse of initiates whether at a registered or non-registered initiation school, is reported to the South African Police Services and dealt with in accordance with any applicable legislation.

CHAPTER 3

KEY ROLE –PLAYERS IN CUSTOMARY MALE INITIATION

Department of Cooperative Governance and Traditional Affairs

14. The role of the department of Cooperative Governance and Traditional Affairs in respect of customary male initiation includes but not limited to the following—

- (a) protect, promote and govern the customary practice of male initiation in the Province;
- (b) ensure that all applicable legislation in respect of the conducting of customary male initiation are implemented and complied therewith;
- (c) form partnership with traditional leaders, sector departments and any other stakeholders involved in the initiation programme, to ensure that the practice of initiation form an integral part of municipal plan, especially for the purpose of designating appropriate and accessible land for initiation schools and provide necessary resources during initiation seasons;
- (d) ensure that all structures referred in chapter 2 of this Act are established function properly; and
- (e) set up a unit within programme four (Eastern Cape House of Traditional Leaders) to implement and administer the Act.

Roles and responsibilities of a traditional leaders

15. (1) Traditional leaders are the custodians of customs and culture and they must perform the following functions—

- (a) ensure the protection of the customary male initiation practices within the area of jurisdiction of a traditional council;
- (b) ensure that an initiation working committee is established within the jurisdiction of a traditional council and function properly;
- (c) take primary guardianship of and responsibility for initiation schools;
- (d) identify and allocate appropriate site for initiation schools within the area of a traditional council;
- (e) delegate responsibility to members of a traditional council and that of an initiation working committee;
- (f) ensure cooperation between traditional leaders and members of traditional council and that of an initiation working committee with the provincial government and other stakeholders involved in the initiation programme;
- (g) ensure that awareness on customary male initiation are conducted with members of the community and prospective initiates within the jurisdiction of a traditional council;
- (h) identify and screen principals of initiation schools, traditional surgeon and care-givers

in consultation with the designated medical practitioner, before they are allowed to participate in the customary male initiation processes;

- (i) ensure that all prospective initiates are registered with the traditional council a month before the initiation schools are opened;
- (j) ensure that all the necessary documentation are completed, and preliminary requirements are satisfied before an initiation school is declared opened;
- (k) approve admission of prospective initiates in the initiation school;
- (l) ensure the development of by-laws and conduct in respect of the internal conduct of all participants and ensure compliance therewith;
- (m) ensure that all applicable legislation impacting on customary male initiation are complied within by members of a traditional community, traditional council and initiation working committee;
- (n) conduct regular inspection for the purposes of monitoring and reporting on initiation schools and practices; and
- (o) report any cases of abduction, assault or dehydration of initiates to the relevant authority and make follow-up on the progress of such cases.

(2) A traditional leader may not—

- (a) give approval, either written or verbal to a traditional surgeon to hold, conduct or open an initiation school without written permission issued in terms of section 26 of this Act;
- (b) supply or offer to supply consent forms to prospective initiates or parents of the prospective initiate, without verifying the age of the person whom a consent form is requested for, by requesting a valid bar coded identity document or smart card;
- (c) approve admission of a child below the age of eighteen (18) years into an initiation school;
- (d) approve admission of an initiate into an initiation without the necessary authentic documentations in the form off—
 - (i) valid green bar coded identity document or smart card;
 - (ii) completed consent form signed by the prospective initiate, parents or legal guardian of the prospective initiate; and
 - (iii) medical certificate issued by a medical practitioner; and
- (e) request or accept bribe or gifts from any person or traditional surgeon in exchange of giving that person an approval to hold, conduct or open an initiation school without written permission issued in accordance with section 26 of the Act;

(3). If a traditional leader fails to comply with the provisions of this Act, or refuses to carry out any duties or functions contemplated in subsection (1) of this section, he or she shall be guilty of misconduct in terms of section 16 of this Act.

Inquiry into misconduct committed by a traditional leader

16. (1) Whenever there is a reason to believe that a traditional leader has committed an act of misconduct, in that he or she—

- (a) fails or refuse to carry out any of the functions or duties contemplated in section 15 (1) of this Act;
- (b) committed any of the prohibited acts contemplated in section 15 (2) of this Act;
- (c) displays insubordination to a person or structure with powers conferred upon that person or structure in terms of this Act; or
- (d) is negligent or indolent in the discharge of his or her duties,
- the MEC must charge the traditional leader in writing with an act of misconduct.
- (2) The charge referred to in subsection (1) must—
- (a) set out particulars of the allegations which have been made against the traditional leader; and
- (b) direct the traditional leader to respond to the allegations in writing within 7 days, of which the response must be an admission or denial of the allegations, and which may be accompanied by a written explanation of the circumstances surrounding the matter.
- (3) If the traditional leader denies the charges or fails to respond thereto within the specified period, the MEC must appoint a presiding officer to conduct an enquiry into the allegations.
- (4) The presiding officer appointed in terms of subsection (3) above must, convene an enquiry into the allegations, and must give the traditional leader who has been charged with an act of misconduct, no less than 14 days notice of the date, time and place to appear before an enquiry.
- (5) At the enquiry, the traditional leader charged with an act of misconduct, must be granted the right to be heard, either personally or through a legal representative, and may cross-examine any person called as a witness by the presiding officer conducting the enquiry, inspect any document produced in evidence, give evidence in person, and call any other persons as witness,
- (6) The presiding officer must keep records of the proceedings of the enquiry.
- (7) The presiding officer may, subpoena any person to attend the enquiry, to adduce evidence relating to the charge against the traditional leader.
- (8) Any person, subpoenaed in terms of subsection (7) above, who fails to attend the enquiry at the date, time and place specified in the subpoena, commits an offence, and may, on conviction, be liable to a fine not exceeding R5 000.00, or to imprisonment not exceeding a period of three months, or both a fine and imprisonment.
- (9) The failure to attend an enquiry by the traditional leader charged with an act of misconduct without a valid reason or explanation, either personally or by a legal representative, does not invalidate the proceedings against him or her.
- (10) At the conclusion of the enquiry, the presiding officer must within seven (7) days, forward to the MEC his or her findings, the record of the proceedings, any observations and recommendations, which he or she may wish to make, and if applicable, recommended sanctions.

- (11) The MEC may, after considering a finding of misconduct, any comments and recommendations of the presiding officer, together with any representations made by the traditional leader concerned, impose one or some of the following sanctions—
- (a) a formal written warning;
 - (b) a suspension order, without remuneration for a period not exceeding three (3) months; or
 - (c) a fine, not exceeding an amount equal to three (3) month's remuneration of the traditional leader concerned, which may be recovered from remuneration paid to him or her, in terms of the Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998), in such instalments as the MEC may determine, and must be paid into the Provincial Revenue Fund;
- (12) Any sanction referred to in subsection (11) above, must be published by the MEC through a notice in the *Provincial Gazette*.
- (13) The findings of the presiding officer and the sanction imposed by the MEC are final.

Roles and responsibilities of the family or parents (elderly male parents)

17. (1) The family or parents of a prospective initiate must—

- (a) discuss with prospective initiate the importance of customary male initiation and the processes to be followed, before, during and after the initiation school;
- (b) apply with the traditional council concerned admission of the prospective initiate a month before the initiation season or before the initiation schools are opened;
- (c) ensure that the prospective initiate is psychologically and physical fit to undergo initiation;
- (d) ensure that the prospective initiate is examined by a qualified medical practitioner and acquire a medical certificate, a month before the admission of the prospective initiate in the initiation school;
- (e) have accurate and reliable details about—
 - (i) the track record of a traditional surgeon;
 - (ii) the track record of traditional nurses or care-givers;
 - (iii) initiation processes and procedures; and
 - (iv) any other person or stakeholders involved in the initiation school;
- (f) identify and designate a suitable person to be a traditional nurse or care-giver who will be responsible for looking after an initiate;
- (g) ensure that the academic education of the child is not affected as a result of the initiation school;
- (h) ensure that the initiate is taught values, custom and customary practices that are in line the values of the family and that of the community;
- (i) ensure and receive reliable daily report on the health and status of the initiate from the traditional nurse;
- (j) report any abduction of a child into an initiation to the traditional leadership concerned and the South African Police Services; and
- (k) cooperate with all stakeholders involve in the initiation processes.

(2) The family or parents of the prospective initiate may not—

- (a) willingly and knowingly subject a prospective initiate into an illegal initiation school;
- (b) fraudulently use an identity document which does not belong to a prospective initiate, for the purpose of ensuring that, such prospective initiate get admitted into an initiation school;
- (c) subject a prospective initiate into an initiation school, without registering such a prospective initiate with the traditional leadership concerned;
- (d) allow a prospective initiate to be circumcised by traditional surgeon without verifying whether such a traditional surgeon has obtained a written permission from the designated medical officer of the jurisdictional area concerned to perform circumcision;
- (e) subject a prospective initiate into an initiation school without verifying whether the traditional surgeon is registered with the traditional leadership concerned and whether such a traditional surgeon obtained a written approval to hold, conduct or open an initiation school from the traditional leadership;
- (f) allow an initiate to be treated by any person who is not authorised to treat initiates;

(3) A family member or parent of an initiate who contravene the provision of subsection (1) and (2) of this section commits an act of misconduct and upon investigation is liable to a fine determined by the chairperson of the initiation working committee concerned in terms of the agreed sanctions.

Roles and responsibilities of a traditional surgeon

18. (1) A traditional surgeon must be a person with trusted experience and good track record in performing traditional circumcision, and where necessary must come from family with traceable history, whereby skills for performing traditional circumcision ceremony if transferred from one generation to other.

(2) A traditional surgeon must—

- (a) register with the traditional leadership of the area of jurisdiction concerned, in which an initiation school is to be opened;
- (b) obtain written permission from a designated medical officer within the area of jurisdiction to which he intend to open an initiation;
- (c) attend all training courses offered by the department of health and traditional leadership in respect of customary male initiation processes and procedures;
- (d) ensure that all prospective initiates are registered with the traditional council concerned before admitting them into an initiation school;
- (e) ensure that prospective initiates have the necessary documentation in respect of consent forms signed by the parents and approved by the traditional leader concerned and medical certificate before admitting them into an initiation school;
- (f) ensure that all the prescribed health aspects have been complied with before performing circumcision on an initiate;
- (g) observe due care and diligence, and maintain appropriate health and hygienic standards as prescribed in the Traditional Health Practitioners Act, 2007;
- (h) cooperate with the initiation working committee concerned and other

- (i) stakeholders involved in the initiation process;
- (j) provide guidance to traditional nurses on how to take good care of the initiates; and
- (k) monitor initiates and traditional nurses and give report on the health status of initiates to the traditional leadership.

(3) A traditional surgeon may not—

- (a) conduct circumcision without a written permission from the Member of the Executive Council responsible for Health or any designated officer;
- (b) hold or open initiation school within the jurisdictional area of traditional council, without having registered with traditional leadership concerned;
- (c) hold or open initiation school without a written approval of the traditional leadership concerned;
- (d) admit initiate(s) into an initiation school without the consent of the parents or guardian in the form of completed and signed form and approved by the traditional leadership concerned;
- (e) conduct circumcision without obtaining the initiates' medical certificate declaring him fit to undergo initiation;
- (f) perform circumcision ceremony to a child below the age of eighteen (18) years;
- (g) conduct circumcision ceremony under the influence of alcohol or any substance that will make him not to perform circumcision ceremony diligently; and
- (h) willingly and knowingly use one instrument to perform circumcision to more than one initiate.

(4) A traditional surgeon who fails to comply with the provision of subsection (2) and (3) of this section, commits an act of misconduct.

Inquiry into an act of misconduct committed by a traditional surgeon

19. (1) If a traditional leader, a member of the initiation working committee, a designated medical officer, member of the structures involved in the initiation processes or a member of the community, on reasonable grounds, is of the opinion that a traditional surgeon, has willingly and knowingly fail to comply with the provision of section 18 of this Act, the initiation working committee must establish an investigation committee—

- (a) to investigate and make a finding on any alleged act of misconduct of this Act; and
- (b) to make recommendations to the initiation working committee concerned.

(2) If an investigation committee finds that a traditional surgeon has committed an act of misconduct in terms of this Act, the initiation working committee concerned may—

- (a) issue a formal warning to such a traditional surgeon;
- (b) reprimand such a traditional surgeon;
- (c) request the traditional leadership concerned to suspend such a traditional surgeon from holding or conducting initiation school, for a period determined by the traditional leadership concerned; or
- (d) request the MEC, to make recommendation to the Member of the Executive Council responsible for Health to withdraw the permission to perform circumcision from such a traditional surgeon.

(3) If the MEC is of the opinion that a traditional surgeon has committed an act of misconduct and that such misconduct warrants a withdrawal of a permission to perform circumcision, MEC may—

- (a) appoint a person or committee to investigate any alleged act of misconduct and make recommendation as to the appropriate sanction; and
- (b) request the Member of the Executive Council responsible for Health, to withdraw the permission to perform circumcision from such a traditional surgeon.

(4) Any investigation in terms of this item must be conducted in accordance with the provisions of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

Roles and responsibilities of a traditional nurse

20. (1) A traditional nurse must be a person who have been subjected to an initiation school with at least ten (10) years of being a graduate of an initiation school: Provided that such a person was subjected to an initiation school at the age of eighteen (18) years or above.

(2) A traditional nurse must—

- (a) register with the traditional council concerned;
- (b) have no history or record of criminal conviction of any kind, no history or criminal record related to the abuse of children or violent actions or conduct against others;
- (c) conduct himself in a manner fit for a tutor of life;
- (d) attend training courses on hygienic standards and health matters arranged by the department of health and traditional leadership;
- (e) take precautionary measures to ensure the speedy recovery of initiates after circumcision;
- (f) report any sign of illness of an initiate to the initiation working committee;
- (g) ensure that initiates eat healthy and drink clean water where necessary;
- (h) stay with the initiates at the initiation school for the whole duration of the initiation process;
- (i) teach initiates the values of a community leader and responsible citizen;
- (j) ensure that initiates display good behaviour and discipline throughout the initiation period; and
- (k) provide daily feedback to the male elders on the progress of the initiates.

(3) A traditional nurse may not—

- (a) treat an initiate without written permission of the Member of the Executive Council responsible for Health or any designated officer;
- (b) treat initiate without being registered with the traditional leadership concerned and approval of the traditional leader or any designated person of the jurisdictional area of a traditional council;
- (c) provide or offer to provide alcohol or drugs to initiates;
- (d) allow or force, coerce or pressurise initiates to fight amongst themselves during or after initiation period;

- (e) allow other people to stay or camp in the initiation school without the approval of the parents, traditional leadership or initiation working committee concerned, either during the day or night;
- (f) leave initiates alone or unattended, either during the day or night of their stay in an initiation school;
- (g) deny initiates all access to clean drinking water or food to the extent that such refusal may result in the dehydration or starvation of the initiates;
- (h) deny or restrict an initiate to take medication as prescribed by the medical practitioner; and
- (i) order or encourage initiates to hide or run away from members of the initiation working committee or any members of the monitoring teams involved in the initiation programme, conducting inspection or monitoring;

(4) If a traditional nurse fails to comply with the provision of subsection (2) and (3) of this section, commits an act of misconduct.

Inquiry into an act of misconduct committed by traditional nurse

21. (1) If a traditional leader, any member of the initiation working committee, a designated medical officer, member of the structures involved in the initiation processes or a member of the community, on reasonable grounds, is of the opinion that a traditional nurse, has willingly and knowingly fail to comply with the provision of section 20 of this Act, the initiation working committee must establish an investigation committee—

- (a) to investigate and make a finding on any alleged act of misconduct of this Act; and
- (b) to make recommendations to the initiation working committee concerned.

(2) If an investigation committee finds that a traditional nurse has committed an act of misconduct in terms of this Act, the traditional leadership concerned initiation working committee may—

- (a) issue a formal warning to such a traditional nurse;
- (b) reprimand such a traditional nurse;
- (c) request the traditional leadership concerned to suspend such a traditional nurse from treating or looking after the initiates, for a period to be determined by the traditional leader concerned; or
- (d) request the traditional leader to remove the name of such a traditional nurse from the database of registered traditional nurses, to ensure that such a traditional nurse does not treat or look after the initiates within the area of the jurisdiction of a traditional council concerned.

(3) Any investigation in terms of this item must be conducted in accordance with the provisions of the Promotion of Administrative Justice Act, 2000 Act No. 3 of 2000).

CHAPTER 4

HOLDING AND ATTENDANCE OF INITIATION SCHOOL

Powers of the Member of the Executive Council responsible for Health in the Province

22. (1) The Member of the Executive Council responsible for Health in the Province must, in addition to any other powers and functions entrusted to him or her by this Act, exercise and perform but not limited to the following functions and powers—

- (a) issuing of permission in consultation with the traditional leadership concerned, to circumcise or treat an initiates;
- (b) refer an initiate or initiates to a health institution if deemed necessary;
- (c) recommend the closure of an initiation school to the concerned traditional leadership, where such school does not comply with the applicable health standards in terms of this Act, or any applicable legislation;
- (d) keeping of records and statistics pertaining to circumcision and reporting thereon as prescribed to the relevant department; and
- (e) a right of access to any occasion where circumcision is performed or an initiate is treated.

(2) The Member of the Executive Council responsible for Health may delegate the functions and powers contemplated in subsection (1) to designated medical officers from district offices.

Holding of an initiation school

23. (1) A person may not hold or open an initiation school or treat an initiate without a written permission of the Member of the Executive Council responsible for Health or any designated officer issued in consultation of traditional leadership concerned, and the approval of such traditional leadership concerned: Provided that this subsection does not apply to the treatment of an initiate in a hospital or by a qualified medical practitioner.

(2) In instances where an initiation school is to be located outside the area of jurisdiction of a traditional council where such a council exist, such as on either privately-owned or state land, the principal, traditional surgeon or healer, or any other person who intends to hold or open an initiation school must, obtain the written approval of—

- (a) the owner or lawful occupier of such privately-owned land; or
- (b) the relevant organ of state responsible for the management of the particular state land.

Prohibition of force attendance of initiation

24. No person may abduct, force, coerce or pressurise another person into attending an initiation school or be subjected to any activity taking place at an initiation school.

Permission to attend initiation school

25. (1) Notwithstanding any applicable law, no person under the age of eighteen (18) years may, attend or be admitted in an initiation school.
- (2) The parent of a prospective initiate must, complete and sign the consent form.
- (3) The consent form contemplated in subsection (2) must be—
- (a) in the format set out in Annexure C
 - (b) accompanied by a medical certificate issued by a medical practitioner declaring that such a prospective initiate is medical fit to participate in the customary male initiation practice; and
 - (c) submitted to the traditional leader concerned.
- (4) A child below the age of eighteen (18) years may not participate in the customary male initiation practice but only circumcision—
- (a) for religious purpose in accordance with the practices of the religion concerned; and
 - (b) for medical reasons on the recommendation of a medical practitioner.
- (5) No permit holder may admit an initiate in an initiation school without a—
- (a) consent form, completed and signed by the parents or legal guardian of the prospective initiate, prospective initiate and approved by a traditional leader concerned; and
 - (b) medical certificate.

Permission to perform circumcision

26. (1) A traditional surgeon may not perform a traditional circumcision in the Province without a written permission issued by the Member of the Executive Council responsible for Health or any designated officer and written approval issued by the traditional leadership concerned in which a traditional circumcision is to be performed: Provided that this section does not apply to the treatment of an initiate in a hospital or by qualified medical practitioner.
- (2) (a) A person may apply as prescribed for permission to perform circumcision and such permission may not be given unless all the conditions set out in Annexure A of the Schedule have been complied with.
- (b) The Member of the Executive Council responsible for Health or any designated officer may, as part of the condition provided in item 7 of Annexure A of the Schedule—
- (i) disallow the use of a surgical instrument that the traditional surgeon intends to use; and
 - (ii) prescribe or supply a proper surgical instrument where the use of a particular instrument has been disallowed in terms of subparagraph (i).
- (c) Where a proper surgical instrument has been prescribed or supplied in terms of paragraph (b)(i), the medical officer concerned must demonstrate to or train traditional surgeon as to how the instrument should be used.

(3) A medical officer on request from the Member of the Executive Council responsible for Health must, in the following manner, present the condition set out in Annexure A, to the person applying for permission in terms of subsection (2)(a):

- (a) The medical officer, or any other person assisting such medical officer, and in the presence of the medical officer, must read the conditions in the official language understood by the person applying for permission; and
- (b) both the medical officer and the person applying for permission to perform a circumcision, must write their full names and signatures and the date on the document containing the conditions.

(4) A person whose application must within one month of the date of such application, submit proof of compliance with the conditions referred to in subsection (2), failing which the application of such person shall lapse.

(5) A person whose application has lapse as contemplated in subsection (4) is eligible to make a new application for permission to the medical officer concerned, and the provision of this Act apply to such a person as if application for permission is made for the first time.

(6) Only a person who has register as a traditional surgeon, with a traditional leadership of the area of jurisdiction in which an initiation school is to be held or opened.

(7) Only person who with no less than ten (10) years of being a graduate from an initiation school and registered with the traditional leadership concerned.

(8) In performing traditional circumcision, the person referred to in subsection (3), must observe due care and diligence and maintain prescribed health standards.

CHAPTER 5

GENERAL PROVISIONS

Offences

27. (1) It is an offence for a person to conduct, hold or open an initiation school without a prior written permission of a designated medical officer and the approval of the traditional leadership concerned.
- (2) It is an offence for traditional surgeon whether registered or not registered, to admit or allow the admission of a child below the age of eighteen (18) years.
- (3) No person including a traditional leader must approve admission of an initiate into an initiation school, without the written consent of the parents or legal parents.
- (4) No person, including a designated medical officer or traditional leader, may willingly and knowingly distribute or supply consent forms to a child or parents of a child below the age of eighteen (18) years, for the purpose of admission into an initiation school.
- (5) It is an offence for any person, including a traditional nurse, to physically abuse or assault, force initiates to fight amongst themselves or allow any person to physically abuse initiates during or after the initiation school.
- (6) It is offence for any person including a traditional nurse, to consume or disseminate

liquor to initiates including traditional liquor without the approval or permission of a traditional leadership concerned.

(7) It is an offence for any person, including a traditional nurse to deny initiates all access to clean drinking water or food to the extent that such refusal result in the dehydration or starvation on the initiates.

Penalties

28. (1) Any person who conduct, hold or open initiation school without a written permission from the Member of the Executive Council responsible for Health issued in terms of section 26 of this Act and written approval issued by the traditional leadership concerned, is guilty of an offence, and upon conviction is liable to a fine not exceeding R30 000.00 or 12 months imprisonment or both a fine and imprisonment : Provided that if the opening of such an illegal initiation school result to the injuries or death of initiates, such person shall be charged with attempted or murder and upon conviction sentenced to not more than twenty-five years imprisonments, depending on the number of initiates involved.
- (2) A person who admit or approve admission of a child below the age of eighteen (18) years in a registered or non-registered initiation school, is guilty of an offence, and upon conviction shall be liable to a fine not exceeding R10 000.00 or six (6) months imprisonment, per initiate or both a fine and imprisonment.
- (3) A traditional leader or any designated person, whom upon investigation found to have approved admission of a child below the age of eighteen (18) years, is liable upon conviction to a fine of R10 000.00 or six months imprisonment per initiate or both a fine and imprisonment: Provided that if such admission result to the death of such an initiate, such a traditional leader or designated person must upon conviction, be charged with conspiracy to murder, and sentenced to not more than fifteen years imprisonment.
- (6) A person whom upon investigation found to have distributed or supplied consent forms to initiates below the age of eighteen (18) years, is liable to a fine of R5 000.00 or three months imprisonment or both a fine and imprisonment.
- (7) Any person, whom upon investigation is found to have physically abuse or assault, force initiates to fight or allow other person to physically abuse or assault initiate(s), is guilty of an offence, and upon conviction is liable to a fine or imprisonment in terms of applicable legislation.
- (8) A person whom upon investigation found to have consumed or disseminated liquor to initiates, is guilty of an offence, and upon conviction liable to a fine or imprisonment in terms of applicable legislation.
- (7) Any person whom upon investigation found to have willingly denied an initiate all access to clean drinking water or food, which resulted to starvation or dehydration, is guilty of an offence and upon conviction liable to a fine of R10 000.00 six months or imprisonment.

Regulations

29. The MEC may, after consultation with provincial house of traditional leaders, make regulations regarding—

- (a) the categories and upper limits of fees payable for admission or attending an initiation school;
- (b) the issue of permission under this Act, and form of such permission;
- (c) the requirement to be complied with by the applicant for such permission;
- (d) the duration of initiation school; and
- (e) the role and functions of sector departments and non-governmental organisation involved in the initiation process.

Delegation

30. (1) The MEC may, subject to such conditions as he or she may determine in writing, delegate any powers conferred on him or her by this Act to any official or a member of the Provincial House, but not the powers to make regulations.

(2) The delegation referred to in subsection (1), does not preclude the MEC from exercising any such delegated powers.

(3) The MEC may, set aside, amend or withdraw, at any given time, any decision taken by the delegate made in the course of exercising such powers.

Short title and commencement.

31. This Act is called the Eastern Cape Customary Male Initiation Practice Act, 2015 and comes into operation on the date to be determined by the Premier in the *Provincial Gazette*.

**SCHEDULE 1
ANNEXURE A**

CONDITIONS FOR OBTAINING PERMISSION TO PERFORM CIRCUMCISION

1. There must be proof in the of an identity document or smart card that the prospective initiate in respect of whom permission is requested is at least 18 years old.
2. Parental consent must be obtained in respect of a prospective initiate who has not acquired adulthood, and such consent must be given either by a parent or a guardian of the prospective initiate concerned.
3. A prospective initiate must undergo a pre-circumcision medical examination by a medical doctor. The medical certificate must indicate as to whether the prospective initiate, based on the examination by the medical doctor who must have considered amongst others, the medical history of the prospective initiate, is fit to undergo circumcision or not.
4. The traditional surgeon must register with the traditional leadership concerned and be known to the parents of the prospective initiate and must use instruments approved by such parents, or in case of an orphan by the family, guardian or relatives, unless a medical officer has prescribed another surgical instrument.
5. A traditional surgeon who is to perform a circumcision within an area falling under a traditional leadership must inform such traditional leadership thereof.
6. Where a traditional surgeon does not have the necessary experience to perform a circumcision, he must perform it under the supervision of an experience traditional surgeon.
7. An instrument used to perform a circumcision on one initiate must not be used again to perform a circumcision on another initiate, and the traditional surgeon must use the instrument supplied by the medical officer where the traditional surgeon has to perform more than one circumcision on more than one initiate but does not have sufficient instruments.
8. The traditional surgeon must keep instruments to be used by him to perform circumcision clean at all times, before a circumcision, and shall use any substance prescribed by a medical officer for the sterilisation of the instruments.
9. The traditional surgeon must cooperate at all times with the medical officer concerned in respect of any directive given or decision made by the medical officer under the powers vested in the medical officer by this Act.

Traditional surgeon

Name.....
Signature.....
Date.....

Parent or guardian

Name.....
Signature.....
Date.....

Medical officer

Name.....
Signature.....
Date.....

Traditional Leader

Name.....
Signature.....
Date.....

SCHEDULE 2**ANNEXUTURE B****CONDITIONS FOR OBTAINING PERMISSION FOR HOLDING INITIATION SCHOOL OR TREATING INITIATES**

1. The medical officer concerned shall be entitled to impose a deviation from the use of traditional material only in cases where there are early sign of sepsis or other similar health conditions.
2. The medical officer concerned must be allowed by the traditional nurse to visit the initiation school at any time and as regularly as the medical officer deems necessary in order to inspect the health and the condition of the initiate(s).
3. The initiate(s) must, at least within the first eight (8) days of the circumcision, be allowed by the traditional nurse to have reasonable amount of water to avoid the initiate suffering any dehydration.
4. The traditional nurse must not expose any initiate(s) to any danger or harmful situation and shall exercise reasonable care in the holding of the initiation school.
5. The traditional must report any sign of illness of the initiate(s) to the medical officer, as soon as possible.
6. The traditional nurse must stay with the initiate at the initiation school 24 hours for the duration of an initiation school.
7. The medical officer concerned shall be entitled to prescribe any measure at any stage of the initiation process that he or she reasonable grounds deems necessary in the interest of the good health of the initiate(s), and such a measure may in appropriate circumstances include a departure from the traditional methods.
8. The traditional nurse must cooperate at all times with the medical officer in respect of any directive given or decision made by a medical officer under the powers vested in the medical officer by this Act.

Traditional nurse

Name.....
 Signature.....
 Date.....

Medical officer

Name.....
 Signature.....
 Date.....

Traditional Leader

Name.....
 Signature.....
 Date.....

**SCHEDULE 3
ANNEXURE C**

PARENTAL OR GUSRDIAN CONSENT

I,.....

ID No.

Residential address

.....
.....
.....
.....
.....

1. Confirm that I am the parent/guardian of:

Name of the person

.....

Who will be undergoing a circumcison on

Date of operation.....

in

Place of operation.....

at

Time of operation.....H.....

and

2. Consent to my child undergoing a circumcison operation and attending initiation school. I acknowledge that I understand the conditions set out in Annexures A and B hereto, which conditions bind the traditional surgeon and traditional nurse

Signature of the parent.....

Guardian.....

**EXPLANATORY MEMORANDUM
ON THE OBJECTS OF
EASTERN CAPE CUSTOMARY MALE INITIATION PRACTICE BILL, 2015**

1. BACKGROUND

This Bill is intended to regulate customary male initiation practice in the Eastern Cape Province and accordingly repeals the Eastern Cape Application of Health Standards in Traditional Circumcision Act, (Act No. 6 of 2001).

2. OBJECTS OF THE BILL

The objects of the Bill is among others to—

- (a) provide for the protection of life, the prevention of injuries and the prevention of all forms of abuse experienced by initiates before, during and after the customary practice of initiation (both physical and mental conditions), this principle underpins the entire process of initiation without any exceptions;
- (b) provide for traditional leadership to take primary responsibility for the practice of initiation within their areas of jurisdiction, in partnership with government and all the other stakeholders;
- (c) ensure that all stakeholders accept accountability for their roles within an established governance framework;
- (d) ensure that government, in partnership with traditional leadership, coordinates, monitors and evaluates all activities relating to initiation and provides sufficient resources for this purpose;
- (e) ensure that initiation is not exploited as a commercial enterprise used purely for personal enrichment;
- (f) ensure that the teachings and rituals that are part of initiation are aimed at character building to prepare the young people for adulthood (school of life); and
- (g) protect the customary practice of initiation and ensure that it is practiced within the constitutional and other legal prescripts

3. CONSTITUTIONAL IMPLICATIONS

This Bill will give effect to the aims and objects of the Constitution as it applies to traditional leadership institutions, leaders, municipalities and other authorities within the Province of the Eastern Cape.

4. FINANCIAL IMPLICATIONS

Not yet determined

5. ORGANISATION AND PERSONNEL IMPLICATIONS

Not determined as yet.

6. IMPLICATIONS FOR MUNICIPALITIES

The implications for municipalities in terms of the Bill are, inter alia

- (a) Clause 6 (1) and (2) of the Bill provides that the MEC in consultation with the Eastern Cape House of Traditional Leaders must establish a district initiation forum for the jurisdiction of a district or metropolitan municipality and its composition.
- (b) Clause 7 (1) and (2) provides for the establishment of a local initiation forum within the jurisdiction of a local municipality and its composition thereof.

7. CONSULTATIONS AND PUBLIC PARTICIPATION

The Department of Cooperative Governance and Traditional Affairs will conduct consultation sessions with key stakeholders on the draft Bill namely-

- Members of the Executive Committee of the Provincial House
- Members of the Provincial Executive Committee of CONTRALESA (Eastern Cape)
- Members of king or queen's councils
- Traditional leaders in general from all constituencies/kingdoms or regions;
- Sector Departments;
- Members of Municipal Councils; and
- Top management of the Department and officials from both Head office and Regional Offices.

This process will be followed by statutory processes for publication in the Provincial Gazette in terms of the Standing Rules of Legislature for public comments and further processes of the Legislature.

8. CLAUSE BY – CLAUSE ANALYSIS

Clause

1. provides for definitions
2. provides for objects of the Act
3. provides for establishment of the Provincial Initiation Coordinating Committee
4. provides for composition of the Provincial Initiation Coordinating Committee
5. provides for Provincial Task Team

6. provides establishment of district initiation forum
7. provides for local initiation forum
8. provide for establishment of an initiation working committee
9. provide for the functions of a provincial initiation coordinating committee
10. provide for the functions of a provincial task team
11. provide for the functions of a district initiation forum
12. provide for the functions of a local initiation forum
13. provide for the functions of an initiation working committee
14. provide for the role of the department of Cooperative Governance and Traditional Affairs
15. provide for the role of traditional leaders
16. provides for the inquiry into an act of misconduct committed by a traditional leader
17. provide for the role of the family or parents of the initiate/s
18. provide for the role of a traditional surgeon
18. provide for the inquiry into an act of misconduct committed by a traditional surgeon
20. provide for the role of a traditional nurse
21. provide for the inquiry into an act of misconduct committed by a traditional nurse
22. provides for the powers of the Member of the Executive Council responsible for Health matters in the Province.
23. provides for the holding of an initiation school.
24. provides for the prohibition of force attendance of initiation school.
25. provides for the permission to attend an initiation school.
26. provides for the permission to perform circumcision.
27. provides for the offences.
28. provides for penalties.
29. provides for the making of regulations.
30. provides for delegation of powers.
31. provides for the short title and commencement of the Act.

SCHEDULE 1**ANNEXURE A**

Schedule 1 annexure A of the Bill contain the conditions for obtaining permission to perform circumcision

SCHEDULE 2**ANNEXURE B**

Schedule 2 annexure B of the Bill contain conditions for obtaining permission for holding an initiation school or for treating initiates.

SCHEDULE 3**ANNEXURE**

Schedule 3 annexure C of the Bill contain parental or guardian consent

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