Executive Summary of the Report on Public Hearings on Initiation Schools in South Africa

June 2014
ACKNOWLEDGEMENTS

The Commission for the Protection and Promotion of the Rights of Cultural, Religious and Linguistic Communities (henceforth CRL Rights Commission) is grateful to all the communities who participated in the hearings. It is appreciative of their willingness to share their views with the CRL Rights Commission and providing insights into the challenges and opportunities of promoting and protecting initiation as an important cultural rite. The Commission thanks its partners and colleagues in the hearing process from the National House of Traditional Leaders, especially Kgosi Dikgale and Prince Makaula; Former Commissioner Manthatha of the South African Human Rights Commission (SAHRC); and former Commissioners Boshego, Mgcina and Mndende of the CRL Rights Commission. Acknowledgements are also due to former CEOs of the institutions who saw the need to collaborate on this project when it was initiated: Ms. P. Madiba (CRL Rights Commission), Adv. T. Thipanyane (SAHRC) and Mr. A. Sithole (current CEO of the National House of Traditional Leaders). The CRL Rights Commission also thanks Mr T Komane (SAHRC), Mr M Lekhooa, Adv. A Madiba, Mr Mahanke (Free State), Mr F Cindi, Mr L Mnguni, Ms L Magadla (all representing the Eastern Cape Provincial House of Traditional Leadership), Mr H Z Dweba, Mr Madlavuza (Eastern Cape Dept of Health), Mr M Mpeqeka, Mrs Sodo, Mrs Nkohla (Eastern Cape), Mr J Mamputa, Mr A Dyasi, Mr Tshongolo (Western Cape), Dr Monwabisi Ralarala and Mr Mathew Gopane (CRL Rights Commission) for their active participation in the field work exercise.
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Mandate of the CRL Rights Commission

The CRL Rights Commission is one of the institutions established by the Constitution of the Republic of South Africa 1996, to strengthen Constitutional democracy in the Republic of South Africa¹ and was given effect by CRL Rights Act no. 19 of 2002.² By this Act, the Commission is mandated to, inter alia:

1. promote respect for and further the protection of the rights of cultural, religious and linguistic communities;
2. promote and develop peace, friendship, humanity, tolerance, national unity among and within cultural, religious and linguistic communities, on the basis of equality, non-discrimination and free association;
3. foster mutual respect among cultural, religious and linguistic communities;
4. Promote the right of communities to develop their historically diminished heritage.

The CRL Rights Commission is charged by the Constitution to assist communities in promoting and protecting their cultures and recovering their diminished heritage. Due to colonialism and Apartheid, the ancient rite of initiation, a practice considered sacred

¹ The Constitution of the Republic of South Africa, Section 31(1) stipulates that persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community to enjoy their culture, practice their religion and use their language.
² The objects of the Commission are set out in section 4 of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities, Act 19 of 2002. This may be read along side section 185(1) of the Constitution.
by the majority of South Africans, is also falling victim to the rapid modern diminution of community cultural heritage. The recent and continuing spate of deaths and other challenges of modern society are impinging negatively on the integrity of this institution. Some popular ideas of modernity negatively regard rites of passage in general, and *Ulwaluko/Koma/Lebollo* in particular. In certain sectors of South African society, the very continuation of initiation is being questioned, and it is even argued that it is a backward and an irrelevant cultural practice that has become a death sentence for many young people.

Clearly, there is an urgent need for the CRL Rights Commission, charged with the responsibility of protecting the rights of communities; to assist in addressing the problems faced by cultural communities, with particular reference to the institution of initiation. In sum, the role of the Commission, in fulfilling its mandate, is to assist communities in safeguarding the integrity of their cultural practices and the institution of initiation. Furthermore, the Commission should help the initiation schools to recover the diminished meanings, symbolisms, values and heritage that guided and informed the practice of initiation over the centuries.
INITIATION AS A CULTURAL RIGHT

Culture is the totality of human creation and expression in both tangible and intangible forms. Tangible forms of culture include all material products created by a society as a result of human ingenuity. Intangibles comprise, among other things, language, beliefs, tastes, attitudes, rituals, religion. These intangible forms of culture are also created by humans in order to facilitate their individual and collective existence. Culture and cultural products are constantly being changed and altered. They are handed over from generation to generation. Cultures are never static. They are dynamic realities which are in constant flux. Cultures diffuse and also absorb influences and traits from other cultures. It is cultures which distinguish us from the rest of the animal kingdom. Cultures create humans, as humans create cultures. Today cultural rights, that is the right to live and practice one's culture without infringing on the rights of others, is acknowledged as a global human right, and enshrined in international human rights instruments. This applies equally to individuals and groups.

Initiation practices are universally common to many cultures. They come in many forms and institutional expressions. They are historical indicators used by human communities to mark the transit from one stage of life to another. It is in fact a rite of passage acknowledging the induction of an individual or individuals into a group or society. In a sense it recognises a social rebirth for the individual or individuals. The group into which the induction is made could be an open society or a secret society. Initiation rites are sometimes
secret ceremonies with degrees of esotericism. Universally known examples of initiation include Christian baptism or Jewish *bar mitzvah*. Another important set of initiation and attendant rites are puberty rites common to some societies. These puberty rites attest to the transition from childhood to adolescence or in some instances adulthood. In many indigenous societies around the world, shamans or healers are initiated into their profession. Such initiation processes always involve specific rituals and rites of passage which announce and herald the advent of the new status. In many cases, male circumcision is a critical part of the institution of initiation. In some societies it may even be a practice entirely on its own.

In South Africa, African male initiation is traditionally used as a transitional rite of passage from boyhood to manhood, conferring on the person the right to participate in the decision-making processes of the clan and the family; to share in the privileges, duties and responsibilities of the community and, in many instances, to marry a woman and raise a family. It must be noted that among the Venda, Pedi and Tsonga cultures found mainly in the northern parts of Southern Africa, the initiates can be as young as nine years old. However, in these instances, the boy is not expected to undergo additional rites before eventually marrying. In several different cultural communities, male initiation may parallel female initiation as a rite of passage, either from childhood to adolescence or from adolescence to adulthood.

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INITIATION AS A CULTURAL RIGHT

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Initiation is seen as the embodiment of the ideals, values and aspirations of both the individual and the community, reflected in the transmission of particular knowledge and practices during the rite. Hence initiation critically embodies both personal experience, as well as community values, aspirations and heritage. Practiced correctly and legally, the institution of initiation and its security is a community's cultural, spiritual and religious right. The Constitution of the Republic of South Africa of 1996 codifies the protection and advancement of these rights, which it guaranteed by establishing the various Constitutional bodies that work independently of government to safeguard cultural rights and so strengthen Constitutional democracy in the country.

Initiation schools form part of cultural practices in South Africa, and are protected by the Constitution. These schools are regarded as cultural and educational institutions where initiates are taught community values inherent in courtship, social responsibility, discipline and acceptable conduct, as well as about their culture. Values taught to younger boys are critical for their social and psychological development.

According to cultural anthropologist, Margaret Mead, adolescence, if not monitored, could become destructive to individual adolescents, their families, and their communities. During the intermediate phase of adolescence the person is neither child nor adult. The role of initiation, therefore, becomes critical in helping to steer a young man towards becoming a fully responsible man of dignity in his community.
STATUS QUO

Even though initiation has survived through centuries, the practice needs to be brought in line with modern times and technologies, as well as to address challenges that have surfaced in more recent times.

Communities and the media have reported that many initiates have had severe damage to, and even amputation of, their phalluses, with some resulting in death. These cases are almost without exception due to the negligence of some traditional ‘surgeons’, some found operating under the influence of alcohol, while others have used unsterilized instruments, contributing to the spread of blood-related infections such as HIV and AIDS, as well as tetanus. In some cases, initiates have died from septic wounds, blood loss and/or other easily preventable result of unprofessional circumcisions.

Some initiation schools are also opened for pure profit, with initiates having to pay exorbitantly expensive fees, resulting in poorer families not being able to afford initiation for their sons. Some traditional ‘surgeons’ also abuse their positions of power, while some ‘surgeons’ are inadequately trained to perform traditional circumcision.

As threats to the lives of initiates escalated, some provincial governments and municipalities established legislation and by-laws to regulate certain aspects of the cultural practice. Different pieces of provincial legislation regulate medical, environmental and governance aspects of initiation, while municipal by-laws regulate

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community governance with specific reference to the role of traditional leadership, traditional surgeons and healers.

The Constitution of the Republic of South Africa of 1996, guarantees people’s rights to perform their cultural practices. The South African Constitution is not neutral on values, and challenges South Africans to exercise their rights according to the values of, among others, respect, human dignity and freedom. However, these rights at times conflict with some traditional practices, necessitating further discussion and further public education.

Contemporary South African society requires initiation practitioners to re-examine their activities if they are to be responsive to their changing social environment. A challenge remains that cultural rights cannot infringe on the rights of others, e.g. unsafe traditional circumcision vs the right to health, bodily integrity, or indeed the right to life. Simultaneously, while cultural spaces are shared in the South African democracy, individual communities’ specific cultural practices should not be infringed, provided these are legal and Constitutional.

This research process was not designed to reach universal consensus. Rather, the study intended, through case studies, to reach viable solutions to inform individuals and communities to take action to stem the death toll and health consequences of bungled circumcision.
Statistics reflected below are from the Limpopo and Eastern Cape Provincial Houses of Traditional Leaders, as well as from the Mpumalanga Department of Health.

<table>
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<tr>
<th>PROVINCE</th>
<th>YEAR</th>
<th>INITIATES' DEATHS</th>
<th>HOSPITAL ADMISSIONS</th>
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<td>EASTERN CAPE</td>
<td>2008</td>
<td>29</td>
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<tr>
<td></td>
<td>2012</td>
<td>74</td>
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<td>TOTAL</td>
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<td>TOTAL</td>
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STATISTICS
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The participants in the different Provinces attribute the causes of initiates' deaths to, among other things:

- Dehydration
- Septicaemia
- Accidents during the operation
- Gangrene
- Kidney failure
- Assaults on the initiates during initiation.

It has been reported that the families of deceased initiates are often intimidated to withdraw complaints lodged at local police stations, resulting in perpetrators escaping prosecution.
RECOMMENDATIONS

1. The Department of Health should work in partnership with the CRL Rights Commission to conduct health checks of all initiates before admission into initiation schools. Initiates must register to attend initiation schools and all initiation candidates’ health must be checked before they are admitted into initiation schools.

2. National, rather than merely Provincial, legislation should be developed to regulate initiation schools in the country.

3. Meetings must be convened between the CRL Rights Commission, the National House of Traditional Leaders and community Traditional Leaders to continue conversations and education on ensuring safe circumcision of young men.

4. The National House of Traditional Leaders, in consultation with communities and in line with Constitutional rights, should determine an appropriate legal age of admission for initiation schools.

5. The CRL Rights Commission must meet with the Parliamentary Portfolio Committee on Cooperative Governance and Traditional Affairs regarding initiation schools.

6. Local Government must provide necessary infrastructure for initiation schools, including access to land, clean water, sanitation, etc.

7. SAPS should intervene to root out criminality in some schools.

8. The length of school holidays should consider the initiation season.

9. The Department of Social Development should make provision for poorer families by subsidising initiates who cannot afford the fees charged by some initiation schools.

10. The Department of Social Development should encourage and support the acceptance of people with disability in initiation schools.
CRL RIGHTS COMMISSION POSITION ON INITIATION SCHOOLS

The role of the CRL Rights Commission, in fulfilling its Constitutional mandate, is to assist communities in safeguarding the integrity of their cultural practices, which includes the institution of initiation. Furthermore, the CRL Rights Commission aims to help initiation schools to recover the diminished meanings, symbolisms, values and heritage that guided and informed the practice of initiation over centuries.

The CRL Rights Commission therefore calls for initiates who wish to attend initiation schools to continue doing so.

Again, the CRL Rights Commission condemns the criminal acts and abuses in some initiation schools, and calls on the police and criminal justice system to decisively act against perpetrators.

While the CRL Rights Commission acknowledges the policies and measures established in recent years to curb abuses at some initiation schools, we call for the rapid implementation, by all relevant institutions, of recommendations in this report.
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