



## A snapshot of male circumcision in South Africa

13 August 2013

### 1. Background

Initiation of boys is central to many cultures in Africa. It is a rite of passage that introduces boys to manhood. In the past, the initiation of boys was carried out without major problems, with a few isolated cases being reported. Currently, however, there is a huge problem as many boys have sustained injuries and some even lost their lives during the initiation ceremonies.

The practice has therefore caught the attention of the media as well as that of the public. Furthermore, the international community is also keeping a close eye on South Africa with regard to the death of initiates. There are many theories surrounding the causes of these deaths. Some people attribute the deaths to a failure to perform ritual ceremonies for the initiates before they go to the initiation school, while other people attribute the problem to circumcisions that are performed by inexperienced surgeons. The focus of this paper is to uncover the existence and scope of the main problem (i.e. deaths among initiates), in many parts of South Africa, particularly in the Eastern Cape Province.<sup>1</sup>

*Child dies after circumcision at hospital<sup>2</sup>*  
*Circumcision: when tradition kills<sup>3</sup>*  
*The boys who lost their manhood<sup>4</sup>*

The box above depicts headlines in the past month and relates to either death or serious injury to young boys as a result of poor circumcision practices. These stories describe clear rights violations and illustrate a disregard for the law and basic human rights. The section below outlines the law as it relates to the Constitution and relevant domestic legislation.

### 2. Legislation

The Constitution provides that children have the right to basic healthcare services and to be protected from maltreatment, neglect, abuse or degradation. It also provides that 'the child's best interests are of paramount importance in every matter concerning the child'.

<sup>1</sup> Bogopa, D.L. (2007)

<sup>2</sup> Mkize, V. (2013)

<sup>3</sup> Horner, H. (2013)

<sup>4</sup> Malan, M. (2013)



The Children's Act clearly outlines the law as it relates to circumcision in relation to all children. These are outlined below:

### **2.1 Circumcision of boys**

Circumcision of male children under 16 years is prohibited, unless it is done for medical or religious reasons. Anyone who contravenes the prohibition is guilty of an offence and can be 11 In force since 1 April 2010.

The Act and Regulations set out the general requirements for conducting circumcisions on boy children:

- The circumcision can only be done by a medical practitioner or a person who has knowledge of the social or cultural practice or religious practice and who has been properly trained to perform circumcisions.
- The person performing the circumcision must:
  - Use sterile surgical gloves and dispose the gloves after each circumcision;
  - Dispose or sterilise instruments used after each circumcision;
  - Dispose instruments or human tissue in accordance with medical standards;
  - Ensure that there is no direct contact with blood or bodily fluid or foreign substance of the child, the practitioner or any other person;
- A boy child has the right to refuse circumcision (taking into consideration his age, maturity and stage of development).

For boy children 16 years and older, the following requirements must also be met:

- The boy must first consent to the circumcision – i.e. it must be the child's choice (the child must sign Form 2).
- The boy's parent or legal guardian must assist the child (they must also sign Form 2).
- The boy must receive proper counselling.
- The boy's age must be verified.

Based on the high number of young boys seen at hospitals presenting with injury as a result of unsafe circumcisions it is blatantly obvious that the law is disregarded and human rights for many children is not considered.



### 3. Suggested comments and questions

#### *Eastern Cape*

1. How much of the R 20 million allocated in 2013/14 to the Member of the Mayoral Committee (MMC) budget has been allocated to interventions for traditional circumcision?
2. Since the Committee's visit in July 2011 what has the Department done to ensure they have an active working relationship with the Department of Co-operative Governance and Traditional Affairs and communities?

#### *General*

3. The Department should make a concerted effort to collaborate with the Department of Basic Education to inform children on their basic human rights as it relates to human dignity, protection and basic health care services.
4. The Department should work with the South African Police Services to provide evidence that would assist in prosecuting individuals who engage in illegal and unsafe traditional practices.

### 4. References

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