

REPUBLIC OF SOUTH AFRICA

**PROPOSED SELECT COMMITTEE
AMENDMENTS
TO**

**CUSTOMARY
INITIATION BILL**

[B 7B—2018]

*(As proposed by the Select Committee on Cooperative Governance and Traditional
Affairs (National Council of Provinces))*

[B 7C—2018]

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PROPOSED AMENDMENTS

CUSTOMARY INITIATION BILL

[B 7B—2018]

CLAUSE 1

1. On page 4, after line 31, to insert the following definition:

“**abuse**” includes but is not limited to physical or mental abuse, sexual abuse, any form of gender-based violence and any harmful practice that an initiate may be subjected to;”.
2. On page 4, in line 34, after “Act” to insert “prior to the repeal of that Act by the TKLA or section 16(5)(a) of the TKLA once it commences”.
3. On page 5, after line 10, to insert the following definition:

“**emergency services**” means any services needed as a response to an urgent, impending or recurrent situation for which knowledgeable and expert intervention is required to ensure the welfare of initiates and any other person present at an initiation school, including but not limited to emergency medical services, ambulance services, fire-fighting services and disaster management services;”.
4. On page 5, in line 36, after “Act” to insert “prior to the repeal of that Act by the TKLA or section 1 of the TKLA once it commences”.
5. On page 5, in line 39, after “Act” to insert “prior to the repeal of that Act by the TKLA, section 50 of the TKLA”.
6. On page 5, in line 58, after “2009)” to insert “prior to the repeal of that Act by the TKLA or in terms of section 27 of the TKLA”.
7. On page 6, in line 10, after “Act” to insert “prior to the repeal of that Act by the TKLA or section 1 of the TKLA once it commences”.
8. On page 6, in line 12, after “Act” to insert “prior to the repeal of that Act by the TKLA, section 49 of the TKLA”.
9. On page 6, after line 18, to insert the following definition:

“**standards for initiation school premises**” means the standards for initiation school premises published under General Notice No. 1229 of 2015 in *Government Gazette* No. 39561 of 24 December 2015 as part of the National Health Norms and Standards for Premises, as may be amended from time to time;”.
10. On page 6, after line 20, to insert the following definition:

“**TKLA**” means the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019);”.
11. On page 6, in line 22, after “Act” to insert “prior to the repeal of that Act by the TKLA, section 3 of the TKLA”.
12. On page 6, in line 24, after “Act” to insert “prior to the repeal of that Act by the TKLA or section 1 of the TKLA once it commences”.

13. On page 6, in line 31, after “Act” to insert “prior to the repeal of that Act by the TKLA, the TKLA”.

CLAUSE 2

1. On page 6, in line 50, to omit “physical and mental”.
2. On page 7, from line 3, to omit subclause (4) and to substitute:

“(4)(a) Any principal, care-giver, traditional surgeon or traditional health practitioner who is involved in initiation practices or any aspect of such practice, must, subject to section 37(3) and (4), be at least 40 years old and must have undergone initiation himself or herself.

(b) A principal must have prior and proven experience as a care-giver for a minimum of five initiation seasons.

(c) A care-giver, traditional surgeon or traditional health practitioner may only be involved in initiation practices or any aspect of such practice, after a period of 10 years has lapsed since he or she graduated from an initiation school.”.
3. On page 7, in line 22, after “disability” to insert “, gender or sexual orientation”.
4. On page 7, after line 22, to add the following subclause:

“(8)(a) Every initiate has the right to confidentiality regarding his or her health status.

(b) A medical certificate required in terms of the provisions of this Act is confidential and must be treated as such by the medical practitioner issuing the certificate and by any person or body to whom such certificate must be submitted in terms of this Act.

(c) Notwithstanding paragraphs (a) and (b), the confidential status of a medical certificate may not be used as a reason for non-compliance with section 22(1)(c) to (f) or (2).”

CLAUSE 4

1. On page 7, in line 42, to omit “two” and to substitute “three”.
2. On page 7, in line 53, after “Women” to insert “, Youth and Persons with Disabilities”.
3. On page 7, in line 54, after “women” to insert “, youth and persons with disabilities”.
4. On page 8, in line 4, to omit “and”.
5. On page 8, after line 4, to add the following subparagraph:

“(i) one senior official from the Department of Sports, Arts and Culture who has knowledge of cultural customs, designated by the Minister responsible for Sports, Arts and Culture; and”.
6. On page 8, in line 5, to omit “(i)” and to substitute “(j)”.
7. On page 8, in line 13, to omit “(h)” and to substitute “(j)”.

CLAUSE 5

1. On page 8, in line 17, after “established,” to insert “which meeting must be convened and chaired by the Minister or by the Director-General if so directed by the Minister,”.

CLAUSE 15

1. On page 12, in line 32, to omit “provisioning” and to substitute “availability”.
2. On page 12, in line 33, after “practices” to insert a comma.
3. On page 12, in line 33, to omit “and”.
4. On page 12, in line 34, after “schools” to insert “and accessibility of the schools”.
5. On page 12, in line 39, after “requirements,” to insert “and taking into account the standards for initiation school premises insofar as such standards are not inconsistent with this Act,”.

CLAUSE 21

1. On page 18, in line 23, after “of” to insert “, including the provision of sign language practitioners and braille services where applicable”.

CLAUSE 22

1. On page 18, in line 40, after “practitioner” to insert “who is practicing within the province where the relevant initiation school is located”.

CLAUSE 24

1. On page 20, in line 14, to omit “any” and to substitute “the relevant”.

CLAUSE 28

1. On page 22, in line 34, after “forced” to insert “or coerced”.

CLAUSE 31

1. On page 24, in line 15, after “initiates” to insert “and, if requested by them, to the parents or legal or customary guardian of the deceased initiate”.

CLAUSE 32

1. On page 24, in line 21, to omit “(i)” and to substitute “(j)”.
2. On page 24, in line 28, to omit “(i)” and to substitute “(j)”.

CLAUSE 33

1. On page 25, in line 13, to omit “physical or mental”.

CLAUSE 42

1. On page 29, in line 17, to omit “2018” and to substitute “2020”.