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4 June 2021

No. 44668

## THE PRESIDENCY

**No. 333**                      **4 June 2021**

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**Act No. 2 of 2021: Customary Initiation Act, 2021**

## OFISI KAMONGAMELI

**No. 333**                      **4 June 2021**

Esi sisaziso sokuba uMongameli uwamkele lo mthetho ulandelayo nonikezelwa kuluntu jikelelele kolu xwebhu:—

**Ino. 2 ka 2021: Umthetho Wolwaluko, 2021**

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*(English text signed by the President)*  
*(Assented to 1 June 2021)*

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# ACT

To provide for the effective regulation of customary initiation practices; to provide for the establishment of a National Initiation Oversight Committee and Provincial Initiation Coordinating Committees and their functions; to provide for the responsibilities, roles and functions of the various role-players involved in initiation practices as such or in the governance aspects thereof; to provide for the effective regulation of initiation schools; to provide for regulatory powers of the Minister and Premiers; to provide for the monitoring of the implementation of this Act; to provide for provincial peculiarities; and to provide for matters connected therewith.

## PREAMBLE

**WHEREAS** the Constitution recognises—

- the right to life;
- the right to bodily and psychological integrity;
- the rights of persons to enjoy their culture;
- the rights of persons to form, join and maintain cultural associations; and
- the rights of children to be protected from maltreatment, neglect, abuse or degradation;

**AND WHEREAS** customary initiation is practiced by many communities in South Africa as a sacred and respected practice, and in some instances is regarded as a rite of passage to adulthood;

**AND WHEREAS** initiation is an embodiment of ideals, values and aspirations of both the individual and the community, reflected in the transfer of teachings about culture, tradition and respect (especially for women and the elderly);

**AND WHEREAS—**

- the customary practice of initiation has been subject to abuse which in many instances has resulted in serious injuries to, and even the death of, initiates;
- initiation schools have not been effectively regulated;
- existing relevant laws only deal with certain aspects of initiation and not with initiation in general; and
- some initiation schools operate for personal financial gain only with little or no concern for the well-being of initiates;

**AND WHEREAS—**

- government has a duty to protect the lives of initiates;
- government has a duty to set norms and standards within which the customary practice of initiation must take place;
- all role-players involved in initiation must be accountable for their respective responsibilities, duties, roles and functions;

(English text signed by the President)  
(Assented to 1 June 2021)

## UMTHETHO

Injongo kukululawula ngokukuko ulwaluko; kukuba kusekwe iKomiti Eyongamele Ulwaluko Elizweni neeKomiti Zokunxibelelanisa Zolwaluko Zamaphondo nokuxela imisebenzi yazo; kukuxela imisebenzi yabathabathi-nxaxheba ababandakanyekileyo kulwaluko okanye ekusingathweni kwalo; kukwenzela ukuba alawulwe ngempumelelo amabhuma; kukunika uMphathiswa neeNkulumbuso amagunya okululawula; kukukubek' esweni ukusetyenziswa kwalo Mthetho; kukulungiselela ukungafani kweendlela zokwenza kumaphondo ngamaphondo; nokulungiselela imibandela ehlobene nale.

### INTSHAYELELO

**NJENGOKO** uMgaqo-siseko uvuma ukuba—

- umntu unelungelo lokuphila;
- umntu unelungelo lokungenziwa nto embi emzimbeni nasengqondweni;
- abantu banelungelo lokuphila ngokwezithethe zabo;
- abantu banelungelo lokuba basungule imibutho yezithethe zabo, bazimanye nayo kwaye bayilondoloze;
- nabantwana banelungelo lokukhuselwa kwimpatho-mpi, kwintswela-nkathalo, ekuxhatshazweni okanye ekuthotyweni isidima;

**NJENGOKO** kusalukwa ngabantu bemimandla emininzi eMzantsi-Afrika kwaye kusiithethe esixatyisiweyo, kunjalonje kweminye imimandla kuthathwa njengendlela yokudlulela ebudodeni;

**NJENGOKO** ulwaluko luziingcamango neminqweno yomntu lowo owalukayo neyoluntu, efundiswa ngezithethe nokuhlonipha (ingakumbi ukuhlonipha abantu abangoomama nabantu abakhulileyo);

**NJENGOKO**—

- isiko lolwaluko liye lasetyenziswa gwenxa laza kumaxesha amaninzi labangela ukwenzakala okukhulu nkqu nokufa kwabo baluswayo;
- amabhuma ebengalawulwa ngokukuko;
- imithetho ekhoyo ilawula kuphela izinto ezithile kulwaluko, ingalulawuli lonke ulwaluko; abe
- namabhuma athile ekholo nje ukuzizuzisa imali, incinane inkathalo anayo ngabakhwetha okanye engenankathalo ngabo konke-konke;

**NJENGOKO**

- urhulumente enoxanduva lokukhusela ubomi babakhwetha;
- urhulumente enoxanduva lokumisela imigqaliselo emayithotyelwe xa kusaluswa;
- bonke aban enxaxheba kulwaluko befanele baphendule ngendima yabo nangemisebenzi yabo;

- the customary practice of initiation must, where necessary, be transformed to reflect the Constitutional principles, especially the principles contained in the Bill of Rights; and
- all role-players have an obligation to restore the integrity and legitimacy of the customary practice of initiation;

**AND WHEREAS** the Constitution provides that national or provincial legislation may provide for cultural matters,

**B**E IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

## ARRANGEMENT OF SECTIONS

### *Sections*

### CHAPTER 1 5

#### INTERPRETATION, APPLICATION, OBJECTIVES AND PRINCIPLES

1. Definitions
2. Application, objectives, interpretation and prohibitions
3. Guiding principles

### CHAPTER 2 10

#### OVERSIGHT AND COORDINATING STRUCTURES

##### *Part 1*

##### *National Initiation Oversight Committee*

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5. Chairperson and deputy chairperson 15
6. Disqualifications
7. Vacancies
8. Meetings
9. Functions
10. Administrative and financial support 20

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##### *Provincial Initiation Coordinating Committees*

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12. Chairperson and deputy chairperson
13. Vacancies 25
14. Meetings
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16. Technical support teams
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#### ROLE-PLAYERS

18. Government
19. Houses of traditional leaders
20. Traditional leaders
21. Principals and care-givers 35
22. Parents or legal or customary guardian

## 5

- ukuqhutywa kolwaluko kufanele, apho kuyimfuneko khona, kutshintshwe ukuze kuhambisane nemigaqo ekuMgaqo-siseko, ngakumbi imigaqo ekuMqulu Wamalungelo; kwaye
- nabathabathi-nxaxheba benyanzelekile ukuba babuyise isidima solwaluko;

**NANJENGOKO** uMgaqo-siseko usithi kunokuqulunqwa imithetho yepalamente yelizwe okanye imithetho yeepalamente zamaphondo,

**NGOKO** KE KUQULUNQWA UMTHETHO yiPalamente yeRiphabliki yoMzantsi-Afrika ngale ndlela ilandelayo:—

## ULANDELELWANO LWEZIQENDU

*Iziqendu*

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**UKUCHAZWA KWAMAGAMA, UKUSETYENZISWA KWALO MTHETHO, IINJONGO ZAWO NEMIGAQO**

1. Ukuchazwa kwamagama
2. Ukusetyenziswa kwawo, iinjongo zawo, ukuchazwa kwentsingiselo nezithintelo 10
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4. Ukusekwa kwayo, indlela eyakhiwe ngayo nexesha layo
5. Usihlalo nosekele-sihlalo
6. Izinto ezimenza angafaneleki umntu
7. Izithuba
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