

**CIRCUMCISION AND INITIATION RITES PROCLAMATION
(CHAPTER 75)**

as amended by

**THE GENERAL LAW (REMOVAL OF DISCRIMINATION)
REVISION LAW, 1964**

(No. 28 of 1964)

(Promulgated 4th November, 1964)

and

**THE CONSTITUTIONAL AMENDMENT (ADAPTATION OF EXISTING LAWS)
ORDER, 1966**

(Legal Notice No. 84 of 1966)

(Date of Commencement 30th September, 1966)

Reprinted by the direction of the Attorney-General in terms of section 3 of the
Amendments Incorporation Law, 1961.

Date of Reprint: 14th April, 1967.

41 of 1917.
14 of 1931.
Cap. 66
28 of 1964.
Legal Notice
84 of 1966.

CHAPTER 75

CIRCUMCISION AND INITIATION RITES

To restrict, regulate and control rites of circumcision and initiation.

(21st December, 1917)

Short Title.

1. This Proclamation may be cited as the Circumcision and Initiation Rites Proclamation.

Application as to Area.

2. The President may by notice in the Gazette from time to time specify the areas within Botswana to which the provisions of this Proclamation shall apply and the said provisions shall apply accordingly within each such area from the date fixed by the respective notice.

Interpretation.

3. (i) For the purposes of this Proclamation "young person" shall mean any person male or female under the age of sixteen years.

(ii) "Guardian" shall in respect of any prosecution under this Proclamation include any person who in the opinion of the Court before which the prosecution is being heard at the time at which the offence is alleged to have been committed the charge or control over the young person concerned.

Offences Relating to Circumcision.

4. Any person who causes or procures or aids or attempts to cause or procure any young person within Botswana to undergo or take part in any rite of circumcision or initiation including rites known respectively as Bogwera and Boyali without the consent of either parent or of the guardian of such young person, shall be guilty of an offence and liable on conviction to a penalty not exceeding R100 or to imprisonment with or without hard labour for a period not exceeding one year.

Presumptions as to Age.

5. Where in any prosecution under this Proclamation a question is raised as to the age of any person in respect of whom an offence under this Proclamation is alleged to have been committed, and it shall appear to the Court before which the prosecution is being heard that the person in question was at the date on which the offence is alleged to have been committed, under the age of sixteen years, such person shall for the purposes of this Proclamation be deemed to have been under that age on such date unless the contrary is proved.

Private Land Defined.¹

6. For purposes of section 7 "private land" means any land the ownership of which has by law, grant or title deed become vested in any person other than the Government of Botswana² or a Tribe.

Offence and Penalty.

7. Any person³ who contravenes the provisions of section 4 and any person who causes or procures or aids or attempts to cause or procure any person³ to undergo or take part in any rite of circumcision or initiation, including the rites known respectively as Bogwera and Boyali, on any private land³ shall be guilty of an offence and be liable on conviction to imprisonment with or without hard labour for a period not exceeding one year.

(1) replaced by Law 28 of 1964.

(2) amended by Legal Notice 84 of 1966.

(3) amended by Law 28 of 1964.

CIRCUMCISION AND INITIATION RITES

(Under section *two*)

145 of 1917.
14 of 1918.
64 of 1923.
3 of 1931.
128 of 1945.
128 of 1957.

The provisions of the Circumcision and Initiation Rites Proclamation shall apply to the areas set out in the first column of the Schedule hereto, with effect from the dates set out in the second column of the Schedule hereto.

SCHEDULE

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| Bangwato Tribal Territory | 1.1.1918 |
| Bangwaketse Tribal Territory | 1.1.1918 |
| Bakwena Tribal Territory | 1.1.1918 |
| Tati District of Botswana ¹ | 1.1.1918 |
| Batawana Tribal Territory | 1.2.1918 |
| Lobatsi Block | 1.8.1923 |
| Bamalete Tribal Territory | 1.2.1931 |
| Kgalagadi District | 5.9.1945 |
| Ghanzi District | 1.1.1958 |

(1) amended by Legal Notice 84 of 1966.