

CHAPTER 20:02
CIRCUMCISION AND INITIATION RITES
ARRANGEMENT OF SECTIONS

SECTION

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Proc. 41, 1917,
Proc. 14, 1931,
Cap. 66, 1948,
Cap. 75, 1959,
Law 28, 1964,
L.N. 84, 1966.

An Act to restrict, regulate and control rites of circumcision and initiation.

[Date of Commencement: 21st December, 1917]

1. Short title

This Act may be cited as the Circumcision and Initiation Rites Act.

2. Application as to area

The President may, by order published in the *Gazette* from time to time, specify the areas within Botswana to which the provisions of this Act shall apply and the said provisions shall apply accordingly within each such area from the date fixed by the respective order.

3. Interpretation

For the purposes of this Act-

"**guardian**", in respect of any prosecution under this Act, includes any person who in the opinion of the court before which the prosecution is being heard had, at the time at which the offence is alleged to have been committed, the charge or control over the young person concerned.

"**young person**" means any person male or female under the age of 16 years.

4. Offences relating to circumcision

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 Bojale without the consent of either parent or of the guardian of such young person, shall be guilty of an offence and liable to a fine not exceeding P100 or to imprisonment for a term not exceeding one year.

5. Presumption as to age

Where in any prosecution under this Act a question is raised as to the age of any person in respect of whom an offence under this Act is alleged to have been committed, and it appears 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 16 years, such person shall for the purposes of this Act be deemed to have been under that age on such date unless the contrary is proved.

6. Offence and penalty

(1) Any person who contravenes the provisions of section 4 and any person who causes or procures or aids or attempts to cause or procure any person to undergo or take part in any rite of circumcision or initiation, including the rites known respectively as Bogwera and Bojale,

on any private land shall be guilty of an offence and liable to a fine not exceeding P100 or to imprisonment for a term not exceeding one year.

(2) For the purposes of this section "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 Botswana or a tribe.