

# What Is Ukuthwala?



Ukuthwala is a form of abduction that involves kidnapping a girl or a young woman by a man and his friends or peers with the intention of compelling the girl or young woman's family to agree into marriage.

## THE CURRENT PRACTICE OF UKUTHWALA

Today, ukuthwala is being practiced in different ways from the original tradition, as it is marked by violence and rape.

## WHAT IS THE IMPACT OF UKUTHWALA ON A GIRL CHILD?

**HEALTH IMPACT:** Experiences of complications such as HIV/AIDS and other related diseases.

**SEXUAL REPRODUCTIVE RIGHTS:** Sexual relations with a child increases the likelihood of HIV infection and other sexually transmitted diseases and affect her sexual and reproductive health rights negatively.

**CHILDBEARING:** This may entail complications during pregnancy and delivery and a great risk of the mother dying from these complications.

**EDUCATION:** Dropping out of school.

**GENDER INEQUALITY:** Continues gender inequality between girls and boys and lessens chances of a better future.

**STEALING CHILDHOOD:** It can also have immediate and long-term harmful effects on a girl's emotional, psychological welfare since she is forced to become a mother/wife whilst she is still a child.

## HOW DOES THE LAW PROTECT VICTIMS OF UKUTHWALA?

1. Recognition of Customary Marriage Act, age of consent for marriage is 18yrs.
2. Prevention and Combating of Trafficking in Persons. Make it punishable to conclude a forced marriage with another person.

## CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007:

**RAPE:** If a man has sex with a girl less than 12 years of age, he commits rape because she is too young to consent. If the man has sex with a girl between 12 and 16 years of age, he is guilty of statutory rape, whether or not she agreed to have sex. If he has sex with a girl over 16 years of age, without her consent, he commits rape.

**SEXUAL ASSAULT:** Direct or indirect contact between genital organs, anus, women's breast or any part of the body used for purposes of penetration or sexual stimulation. Any man who sexually violates an abducted girl is guilty of sexual assault.

**SEXUAL EXPLOITATION:** When a person pays someone under the age of 18 years old for sexual services, even if the sexual act is not committed. The parents or caregiver of a child who participates in or allows ukuthwala intombi or does not report it when their child is abducted in terms of ukuthwala intombi to the police, may be charged with the crime of sexual exploitation. A parent can therefore not accept lobolo in exchange for the girl to be abducted or thwala.



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Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA



# Where to Report Ukuthwala Incidents

**Nearest police station**

**School teacher**

**Social Worker**

**Community leader**

**Church leader and,**

**Any other trustworthy person**