



THE NATIONAL REGISTER FOR SEX OFFENDERS

Chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, Amendment 13 of 2021

NATIONAL REGISTER FOR SEX OFFENDERS (NRSO) AIMS TO STOP THE SPATE OF INCIDENTS AGAINST VULNERABLE PERSONS

- The NRSO was established by an Act Parliament in 2007.
- It is a record of the particulars of those who are guilty of sexual offences against vulnerable persons.
- The register gives employers in the public or private sectors such as school; crèches and hospitals the right and an obligation to check person being hired is fit to work with vulnerable persons.
- Being found guilty of any sexual offence against a vulnerable persons will result in one's particulars being included on the National Register.
- The Register seeks to ensure that sex offenders do not work with vulnerable persons.
- Also that sex offenders are not allowed to apply for foster care or adoption, or to work with vulnerable persons.
- Employers are able to check whether the particulars of individuals placed to be in charge of the vulnerable persons are on the National Register or not included.

WHAT IS SEXUAL ASSAULT?

- A person ('A') who unlawfully and intentionally sexually violates a complainant ('B'), without the consent of B, is guilty of the offence of sexual assault or
- A person ('A') who unlawfully and intentionally inspires the belief in a complainant ('B') that B will be sexually violated, is guilty of the offence of sexual assault.
- Asexual assault is when someone touches another person without permission.
- A sexual act involves penetration or an act of sexual violation.
- It involves:
 - touching, rubbing or poking at ones private parts
 - showing ones private body parts to a vulnerable persons
 - showing vulnerable persons pornographic material.
 - sexual exploitation and sexual grooming of children.
- Our country's laws protects vulnerable persons from such behaviour.

THE PROCESS OF REPORTING A SEXUAL ASSAULT

- 1 A sexual offence is identified
- 2 The offence is reported to the Police
- 3 The matter goes to court
- 4 The offender is convicted
- 5 The name of the offender is placed on the register

REPORTING AN OFFENCE TO THE POLICE

Go to the Police



- Go to your nearest Police station
- You can ask a friend or a family member to go with you.

Fill out a statement



- The Police will take down everything you tell them in the form of a statement.
- You are allowed to make changes to the statement.

Get a case number



- Do not forget to get a case number from the Police Officer.
- This number will be used to monitor updates on the case.

Medical Examination



- When reporting to the police, he/ she may ask for a medical person to carry-out an examination.
- The findings will be included in your case file.

Contact Details



- Don't forget to give the Police Officer all your contact details: Address, Telephone numbers.
- Even when you move, inform the Police so that they can keep you informed.



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Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

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WHAT IS THE REPORTING PROCESS?

- The police have a duty to protect all people in our country.
- Therefore, vulnerable persons should feel safe to report any form of sexual offence to the police and always alert an adult that they trust if someone is touching them in a manner that is inappropriate.
- Anyone who knows about such behaviour against a vulnerable persons must report the incident to the police.
- If you don't report it, you could get a fine or a conviction.

WHAT WILL POLICE DO AFTER A COMPLAINT IS LODGED?

- An investigation officer will be assigned to the case. The investigation officer will inform you:
 - When the suspect is arrested;
 - If bail has been granted;
 - Whether you need to go to a parade to see your attacker in a line-up;
 - The date of the trial;
 - When you will have to give evidence; and
 - The outcome of the case.
- Don't be afraid to ask the police officer for his phone number to check on the progress of the case.
- After investigation (all of which is done free), the investigating officer will hand the file to the state lawyer. This service is also free.
- The state lawyers decides on whether the matter should go to court or not.

CHILD-FRIENDLY SEXUAL OFFENCES COURT

- Special child-friendly courts have been set up around the country with safety and comfort at the heart of justice.
- The Sexual Offences Courts are built to strengthen and support venerable persons and victims of sexual offences.
- To make victims feel safer, toys are provided, as well as television (one way mirror) to get testimony in a manner that makes a venerable person comfortable.

- In these courts, there is a waiting area, so that the victim of a sexual offence does not have to see the person accused of the crime.
- These courts also makes it easier for victims to lay a charge through the one-stop Thuthuzela Care Centre which may be found in hospital.

WHAT HAPPENS AFTER A SEXUAL OFFENDER IS FOUND GUILTY IN COURT?

- A court finding a person guilty of a sexual offence against a vulnerable person, must make an order for the particulars of the offender to be placed on the National Register for Sex Offenders.
- The effect of the finding must be explained to the offender.
- The Registrar of the Court must, were possible inform the employer of the person found guilty of a sexual offence about the finding, and ensure that the offender's particulars are placed on the Register.
- This responsibility also falls on the shoulder of the Clerk of the Court who has to complete an electronic NRSO notification that goes to the Office of the National Register for Sex Offenders.

WHO HAS ACCESS TO THE REGISTER?

- The Register is not open to the public and is kept confidential.
- Anyone found guilty of sexual offence against vulnerable persons is placed on the Register.
- Any employer in the public or private sector working with vulnerable persons can apply for a certificate from the Registrar, these include:
 - Licensing authorities, courts, any organisation in which vulnerable persons are members, and an employee (in respect of name being on the Register) can apply on behalf of an individual to see if the particulars of such person on the Register or not.
- It can be accessed by an individual applying for a clearance certificate in terms of his or her own particulars.

Frequently asked questions:

Q: What sexual offences are placed on the Register?

A: All offences of a sexual nature against vulnerable persons are placed on the Register. Anyone found guilty of any sexual offence against vulnerable persons will be placed on the Register.

Q: What is the idea behind putting names of offenders on the Register?

A: The Register aims to protect vulnerable persons from sexual offenders found guilty of an offence. It seeks to ensure that anyone found guilty of a sexual offence does not work with vulnerable persons. In terms of the law, such people are also deemed unfit to apply to become fosterer parents or adopt children.

Q: Is it true that a number of teachers are on the Register?

A: This statement may be true, however, it could not be confirmed since many teachers said to have committed sexual offences against vulnerable persons, have not been found guilty in a court.

Q: What does the presence of ones particulars mean for people working with vulnerable persons, such as teachers, nurses etc?

A: it means that vulnerable persons would be safer if those names are checked against the Register before hiring staff, and those found to be on the Register should not be employed until their names are removed from the Register.

Q: How can ones particulars be removed from the Register?

A: Particulars of an individual may be removed from the Register if such person qualifies to have his/her particulars to be removed e.g. Periods to qualify for the removal of particulars from the Register have been doubled: the particulars of a person– (a) who–:

has been sentenced for a conviction of a sexual offence to a term of imprisonment, periodical imprisonment, correctional supervision or to imprisonment, without the option of a fine for a period of at least 16 months but not exceeding eighteen months, whether the sentence was suspended or not, may, on application, be removed from the Register after a period of 20 years has lapsed after that person has been released from prison or the period of suspension has lapsed; and

No removal: The Act still prohibits the removal of particulars of a registered sex offender from the Register if such convicted sex offender is sentenced to an imprisonment of 18 months and more, or is a repeat convicted sexual offender.

Q: What does the Register entails?

A: The NRSO entails a database in respect of the particulars of individuals who have been convicted of any sexual offence against vulnerable persons.

Q: How will the public benefit from the Register?

A: Vulnerable persons will be protected from sexual offenders. Potential employees must check if the person they are hiring particulars are not on the Register and if such person's particulars are found to be on the Register, then the convicted person shall not work with vulnerable persons.

Q: What types of offences that are punishable via the Courts and the Register?

A: All sexual offences are punishable by law with inclusion on the Register as one of the consequences. It includes rape, compelled rape, Sexual assault, compelled sexual assault, Sexual grooming, Child pornography, Child prostitution, Exposing or displaying or causing the exposure or display of genital organs, anus or female breasts to a person 18 years or older (flashing), Bestiality, Sexual intimidation and Incest.



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