

THE NATIONAL REGISTER FOR SEX OFFENDERS



Chapter 6 of Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007), established the National Register for Sexual Offenders

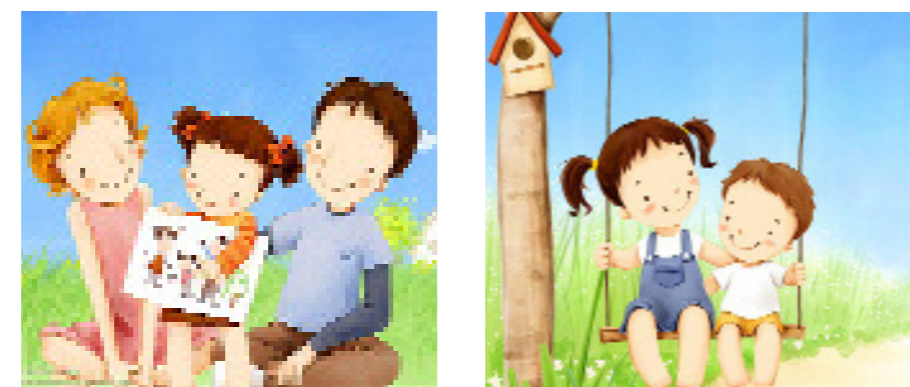
National Register for Sex Offenders (NRSO) aims to stop spate of incidents against children and mentally disabled people

- The NRSO was established by an Act of Parliament in 2007.
- It is a record of names of those found guilty of sexual offences against children and mentally disabled people.
- The register gives employers in the public or private sectors such as schools; crèches and hospitals the right to check that the person being hired is fit to work with children or mentally disabled people.
- Being found guilty of any crime against a child or mentally disabled person will result in one's name being put on the National Register.
- The Register seeks to ensure that offenders do not work with children or mentally disabled people.
- Also offenders are not allowed to apply for foster care or adoption, or to work with children.
- Employers can find out whether the people they put in charge of their children have not been found guilty of sexual offences in terms of the law.



What is sexual assault?

- A sexual assault is when someone touches another person without permission.
- A sexual act involves penetration or an act of sexual violation. Having sex without permission is known as rape.
- Assault involves
 - touching, rubbing or poking at one's private parts.
 - Showing one's private body parts to a child or mentally disabled person.
 - Showing children and mentally handicapped people pornographic material.
 - Sexual exploitation and sexual grooming of children.
- Our country's laws protect children and mentally disabled people from such behaviour.
- All sexual offences against a child and people who are mentally disabled are placed on the Register.



Kids and mentally disabled persons need

love and support



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 keep you informed of what's happening
- 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.

What is the reporting process?

- The police have a duty to protect all people in our country.
- Therefore, children and people who are mentally disabled 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 way they do not think is right.
- Anyone who knows about such behaviour against a child or mentally disabled person must report the incident to the police.
- If you don't report it, you could get a fine or go to jail.

What will police do after complaint is lodged?

- An investigating officer will be assigned to the case. The investigating officer will let you know:
 - When the suspect is arrested
 - If bail has been given
 - 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
 - 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 investigating (all of which is done free), the investigating officer will hand the file to the state lawyer. This service is free.
- The state lawyer decides on whether the matter should go to court.

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 children and victims of sexual offences.
- To make victims feel safer, toys are provided, as well as a television (one way mirror) to get testimony in a manner that makes the child 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 make it easier for victims to lay a charge through the one-stop Thuthuzela Care Centre which may be found in a hospital.

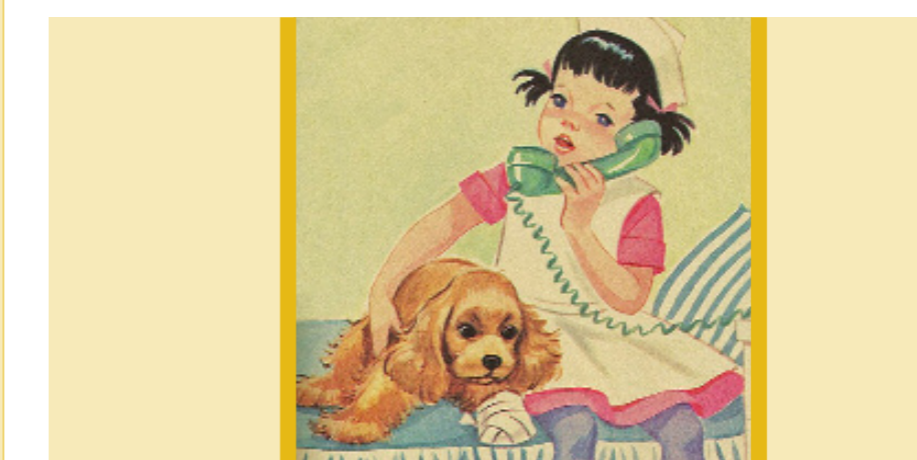
Who has access to the Register?

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



What happens after a sexual offender is found guilty in court?

- A court finding a person guilty of a sexual offence against a child or a mentally disabled person, must put the details of that person on the National Register for Sexual Offenders.
- The effects of the finding must be explained to the offender.
- The Registrar of the Court must, where possible, inform the employer of the person found guilty of a sexual offence about the finding, and ensure that the offender's name is put on the national 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 Registrar for Sex Offenders.



Frequently asked questions:

- Q: What sexual offences are placed on the registry?**
A: All offences of a sexual nature against children and mentally disabled are put on the Register. Anyone found guilty of any sexual offence against a child or mentally handicapped person is put on the Register.
- Q: What is the idea behind putting names of offenders on the Register?**
A: The Register aims to protect children and mentally disabled people from sexual offenders found guilty of an offence. It seeks to ensure that anyone found guilty of sex crime does not work with children or mentally handicapped people. In terms of the law, such people are also deemed unfit to apply to become foster 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 offence against children, have not been found guilty in a court.
- Q: What does the presence of ones name mean for the people working with children and mentally disabled persons, such as teachers, nurses etc.**
A: It means that children and mentally disabled people 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 name be removed from the Register?**
A: A person's name can be taken out if convicted for a period not more than 18 months, however, if that person is found guilty of an offence longer than 18 months, then the name is not removed at all.
- Q: What does the Register entail?**
A: The Register has details of all current convictions of people found guilty of any form of sexual offence against children or mentally disabled people. The goal of the Register is to ensure that people found guilty of such offences, will not work with children or mentally handicapped people.
- Q: How will the public benefit from the Register?**
A: Children and mentally disabled people will be protected from sexual offenders. Potential employers can check if the person they are hiring has not committed an offence, ensuring that convicted persons do not work with children or mentally disabled people.
- Q: What are the 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, touching, rubbing or poking at one's private parts, showing one's private body parts to a child or mentally disturbed person is also wrong, according to the law. Showing children and mentally handicapped people pornographic material is also considered a sexual offence, as well as sexual exploitation and sexual grooming of children.

For more information contact:

The Department of Justice and Constitutional Development

Postal Address: Private Bag X81 | ntchiloane@justice.gov.za | www.justice.gov.za | Tel: 012 315 1111