

Victims of rape and other sexual crimes



Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007)



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



INTRODUCTION

Government introduced a new law to protect communities against rape and other sexual related crimes. The new law is called the **Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007**. This new law which is also known as the Sexual Offences Amendment Act (SOAA) is required to protect victims, especially women, children and people living with mental disabilities that have been raped or have experienced sexual crimes.

This information brochure provides a summary of victims' rights that are listed in the SOAA. For more information, contact the Department of Justice and Constitutional Development at the numbers listed on the last page of the brochure.

WHAT ARE SEXUAL CRIMES (OFFENCES)?

The Sexual Offences Amendment Act (SOAA) protects any person who has experienced rape, sexual assault, sexual grooming, incest, child pornography or prostitution, etc.

- **Rape** occurs when a person forces another to have sexual intercourse without their consent. This is a crime and must be reported. The SOAA also makes it a crime for a person to force another person to rape someone. This is known as compelled rape.
- **Sexual assault** occurs when a person sexually violates another person without their consent. This is a crime and must be reported. The SOAA also makes it a crime for a person to force another person to witness and or perform sexual acts to someone. This is known as compelled sexual assault.
- **Sexual grooming** occurs when a person educates/introduces or prepares a child to perform/witness any sexual act or became sexually ready. A child is usually unaware that the person is grooming him/her for sexual acts because this person is often nice to the child. In most instances, after realising the motive of the person, the child is usually scared to speak or report this because the incident could have been taking place over a long period of time. This is a crime and must be reported. The same may also occur with persons living with mentally disabled persons.
- **Incest** occurs when people who are related and are not allowed to marry each other engage in a sexual act with each other even though they both agreed to do so. It is illegal and should be reported.

- **Child pornography** occurs when a person or company uses a child for a reward or money for the purpose of publishing pornographic material.
- **Child prostitution** occurs when a person uses a child or any person living with mental disabilities to expose or display to prostitution or engaging him/her in sexual acts for a reward.

WHO CAN BE A VICTIM OF RAPE OR SEXUAL CRIMES?

Anyone (women, men, children, babies), irrespective of gender can be a victim of rape and it is not their fault that it happened. The SOAA requires all criminal justice officials (Police, Prosecutors, Magistrates and Court Clerks) to deal with all reported sexual crimes without discriminating against victims because of race, nationality, sex, age, sexual orientation or any other reason.

The SOAA recognises that in our communities the majority of victims of sexual offences are children, women and persons living with mental disabilities. It further extends the responsibility to members of the public including government and private institutions to report any form of sexual violence against all vulnerable persons.

HERE ARE SOME OF THE RIGHTS OF VICTIMS OF RAPE AND RELATED SEXUAL CRIMES

You have the right to:

1. **Dignity and Privacy** - When you report cases to the police and at a public hospital or clinic. When you report to police, you will be taken to a separate room where you can speak in an office or environment that you are comfortable with.
2. **Information** - When you report to a public hospital, you will receive information on procedures required to have the alleged perpetrator be tested for his or her HIV status and right to receive Post Exposure Prophylaxis (PEP).
3. **Treatment** - The courts will appoint a competent person to act as an intermediary in cases where, a witness under the age of eighteen would suffer undue mental stress if he or she were to testify at such proceedings without the assistance of Intermediary services.

4. **Protection** - The National Registrar for Sex Offenders (NRSO) protects children and persons living with mental disabilities against sex offenders, by keeping a Register, and before an institution appoints someone in a specific job, must get a clearance certificate from the Registrar that this person is not restricted by the Register to work with children or persons with disabilities. The courts are now also provided with extraterritorial powers when hearing matters relating to sexual offences.

CONCLUSION

If you have been raped or exposed to sexual crimes, or know someone who has been raped or sexually violated, do not hesitate to report the matter. The Sexual Offences Amendment Act makes it an offence for some who fails to report rape or sexual crime.

VICTIM SUPPORT SERVICES AVAILABLE TO VICTIMS

Provincial Victim Empowerment Coordinators

Any referral made in respect of a person or child that is/was a victim of sexual violence, must be to an accredited centre or shelter. The centres and shelters below have been assessed for capacity to provide service to victims of sexual violence.

PROVINCE	CONTACT PERSON	CONTACT DETAILS
Eastern Cape	Ms V Hlanganyana	Tel: (040) 609 5307
Free State	Ms P Ramolehe	Tel: (051) 409 0566
Gauteng	Ms A Sithole	Tel: (011) 3557718,
KwaZulu-Natal	Mr R Byroo	Tel: (033) 264 2011
Limpopo	Mr J Mphasha	Tel: (015) 293 6141

PROVINCE	CONTACT PERSON	CONTACT DETAILS
Mpumalanga	Ms P Sihlangu	Tel: (013) 766 3158
North West	Ms D Komane	Tel: (018) 388 1638
Northern Cape	Ms S Swartland	Tel: (053) 874 9224
Western Cape	Mr A Lewaks	Tel: (021) 483 4021

Contact details of accredited centres/shelters for victims

PROVINCE	SHELTER/CENTRE NAME	CONTACT PERSON	TELEPHONE NUMBER
Eastern Cape	Kwanobuhle Outreach Centre, Uitenhage.	Ms Adelette Philips	Tel: (041) 978 1499
Free State	Serobe Shelter, Bloemfontein.	Ms Jolanda Niorini	Cell: 083 958 0602
Gauteng	*Ikhaya Le Themba, Johannesburg.	Ms Allison Weinwright	Cell: 083 286 7948
	*Mercy House, Pretoria.	Ms Mary Mmushi Sister Colleen Wilkinson	Tel: (012) 329 5528
	*Eldorado Park Women's Forum, Eldorado Park (Centre in Lenasia)	Mrs Karen Mateman Ms Liezell Marais	Cell: 072 278 1841 Cell: 073 150 4392
KwaZulu-Natal	Open Doors, Pinetown	Ms Thora Mansfield	Cell: 084 409 2679/ Tel: (031) 709 2679

PROVINCE	SHELTER/CENTRE NAME	CONTACT PERSON	TELEPHONE NUMBER
Limpopo	Secure Care Centre, Polokwane	Mr EM Enoch Motanti Monyamane	Cell: 082 688 71 28
Mpumalanga	Badplaas Shelter, Badplaas	Ms Nokuthula Zwane	Cell: 082 765 5423/ Tel: (017) 884 1541
Northern Cape	Bopanang Crisis Centre, Upington	Mrs Valerie Systers	Cell: 079 8841 834
North West	Grace Help Centre, Mooi Nooi	Mrs Rina van der Berg	Cell: 072 348 6526/ Tel: (014) 574 3476
Western Cape	*Stellenbosch Safe House, Stellenbosch, Cape Town	Ms Lee Rossouw	Cell: 079 689 0453/ Tel: (021) 8832 574
	Saartjie Baartman Centre for Women and Children	Ms Synnov Skorge	Tel: (021) 633 5287

FOR MORE INFORMATION CONTACT

The Department of Justice and Constitutional Development:

The Office of the Chief-Directorate: Promotion of the Rights of Vulnerable Groups

The Office of the National Registrar for Sex Offenders

Private Bag X81, Pretoria, 0001

Tel: (012) 315 1808/1656, Fax: 086 653 3306

www.justice.gov.za

Contact Details for the Regional Offices

PROVINCE	TELEPHONE	FAX
Eastern Cape	(043) 702 7000	(043) 721 1463
Free State	(051) 407 1800	(051) 448 4753
Gauteng	(011) 332 9000	(011) 333 0656
KwaZulu-Natal	(031) 372 3007/3012	(031) 301 5341
Limpopo	(015) 287 2000	(015) 297 5567
Mpumalanga	(013) 752 8393	(013) 752 2666
North West	(018) 397 7000	(018) 384 2406
Northern Cape	(053) 839 0000	(053) 832 7428
Western Cape	(021) 462 5471	(021) 462 3135

Do the right thing and report all forms of sexual violence!

Brought to you by the
Department of Justice and Constitutional Development
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(Directorate Victim Support and Specialised Court Services)
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