

ANNEXURE A

**OFFENCES IN TERMS OF THE CRIMINAL LAW (SEXUAL
OFFENCES AND RELATED MATTERS) AMENDMENT ACT, 2007
(ACT NO. 32 OF 2007)**

Section 3: Rape

Section 4: Compelled rape

Section 5: Sexual assault

Section 6: Compelled sexual assault

Section 7: Compelled self-sexual assault

Section 8: Compelling or causing persons 18 years or older to witness a sexual offences, sexual acts or self-masturbation

This section provides for 3 different offences namely:

- (a) compelling or causing an adult to view the commission of a **sexual offence**;
- (b) compelling or causing an adult to view the performance of a **sexual act**; and
- (c) compelling or causing an adult to view the performance of **self-masturbation**.

Section 9: Exposure or display of or causing exposure or display of genital organs, anus or female breasts to persons 18 years or older (“flashing”)

Section 10: Exposure or display of or causing exposure or display of child pornography to persons 18 years or older

Section 11: Engaging sexual services of persons 18 years or older

Section 11A Harmful disclosure of pornography

This section provides for 3 different offences namely:

- (a) harmful disclosure of pornography;
- (b) threatening to disclose pornography that will cause harm; and
- (c) harmful disclosure of pornography related extortion.

Section 12: Incest

Section 13: Bestiality

Section 14: Sexual act with corpse

Section 14A. Sexual intimidation

Section 15: Acts of consensual sexual penetration with certain children (statutory rape)

Section 16: Acts of consensual sexual violation with certain children (statutory sexual assault)

Section 17: Sexual exploitation of children

This section provides for 6 different offences namely:

- (a) **sexual exploitation** of a child;
- (b) being **involved in** the sexual exploitation of a child;
- (c) **furthering** the sexual exploitation of a child;
- (d) **benefiting** from the sexual exploitation of a child;
- (e) **living from the earnings** of the sexual exploitation of a child;
- (f) **promoting child sex tours**; and
- (g) advocate, advertise, encourage or promote the sexual exploitation of a child.

Section 18: Sexual grooming of children

This section provides for the following different offences namely:

- (a) **promoting** the sexual grooming of a child; and
- (b) **sexual grooming** of a child.

Section 19: Exposure or display of or causing exposure or display of child pornography or pornography to children

Section 19A: Offences relating to child pornography

This section provides for the following different offences namely:

- (a) **create, make or produce child pornography** in any manner, other than by using a child for child pornography as contemplated in section 20(1);
- (b) **assist in, or facilitate** the creation, making or production of child pornography;

- (c) **possession** of child pornography;
- (d) **distribute, make available, transmit, offer for sale, sell, offers to procure; procure, access, download or view** child pornography;
- (e) **assists in, or facilitates** the distribution, making available, transmission; offering for sale; selling; offering to procure; procuring; accessing; downloading; or viewing, of child pornography; and
- (f) **process or facilitate a financial transaction**, knowing that such transaction will facilitate a contravention of any of the offences mentioned in this section.

Section 20: Using children for or benefiting from child pornography

This section provides for the following different offences namely:

- (a) **using** a child for child pornography;
- (b) **benefiting** from child pornography;
- (c) **attending, viewing or participating** in, a performance involving child pornography; and
- (d) **recruiting** a child for participating in a live performance involving child pornography.

Section 21: Compelling or causing children to witness sexual offences, sexual acts or self-masturbation

This section provides for 3 different offences namely:

- (a) compelling or causing a child to witness a **sexual offence**;
- (b) compelling or causing a child to witness a **sexual act**; and
- (c) compelling or causing a child to witness **self-masturbation**.

Section 22: Exposure or display of or causing exposure or display of genital organs, anus or female breasts to children ("flashing")

Section 23: Sexual exploitation of persons who are mentally disabled

This section provides for 6 different offences namely:

- (a) **sexual exploitation** of a person who is mentally disabled;
- (b) being **involved in** the sexual exploitation of a person who is mentally disabled;
- (c) **furthering** the sexual exploitation of a person who is mentally disabled;
- (d) **benefiting** from the sexual exploitation of a person who is mentally disabled;

- (e) **living from the earnings** of the sexual exploitation of a person who is mentally disabled; and
- (f) **promoting sex tours with persons who are mentally disabled.**

Section 24: Sexual grooming of persons who are mentally disabled

This section provides for the following different offences namely:

- (a) **promoting** the sexual grooming of a person who is mentally disabled; and
- (b) **sexual grooming** of a person who is mentally disabled.

Section 25: Exposure or display of or causing exposure or display of child pornography or pornography to persons who are mentally disabled

Section 26: Using persons who are mentally disabled for pornographic purposes or benefiting therefrom

This section provides for the following different offences namely:

- (a) **using** a person who is mentally disabled for pornographic purposes; and
- (b) **benefiting** from using a person who is mentally disabled for pornographic purposes.

Section 54: Failure to report a sexual offence against a child or mentally disabled person

This section provides for the following different offences namely:

- (a) Failure by adult to report knowledge that a sexual offence has been committed against against **a person who is vulnerable**;
- (b) failure by adult to report knowledge of the commission of **any offence referred to in section 19A (offences relating to child pornography)**, or reasonable suspicion that such an offence has been or is being or will probably be committed; and
- (c) failure by an electronic communications service provider to —
 - (i) report to a police official that its electronic communications service or electronic communications network is used or involved in the commission of any offence provided for in section 19A (child pornography);
 - (ii) preserve any information which may be of assistance to the South African Police Service in investigating the offence; and
 - (iii) take all reasonable steps to prevent access to the child

pornography by any person.

Section 55: Attempt, conspiracy, incitement or inducing another person to commit sexual offence