

The portfolio committee on justice and correctional services
The committee secretary
Cindy Balie

The ongoing concern pertaining to the national register for sex offenders should be exercised with utmost sensitivity borne in mind. Giving analysis to sensitivity, since the adoption implementation of the register (16 June 2009) there has been endless doubt on such issue.

I submit to the committee on a first hand basis, I being a former child investigator of 15 years specializing in sexual offences, attempted rape, rape, sodomy, assault, attempted murder and murder etc. one should take cognizance of the following :

Children at a minority age are sexually active, both the parties being the male and female indulge in consensual sex, often both parties are not aware of statutory rape and indulge in such pleasure if I may term it as such. Both parties are unaware of any repercussions in terms of our law. This becomes totally prejudicial during a trial for the accused as he was ignorant of such law. A common factor is family pressure on the victim to open a case against her male partner although she was a willing candidate. The actual physique of a minor plays a significant role as some 14, 15, 16 year olds look as they reached majority. This plays a pivotal role during a trial, often victims lie about age when it pertains to their self protection.

In cases of violent rapes where force is used and the victim and offender don't know each other; such merits of case may differ, thus also changing the sentence imposed by a court in comparison with statutory rape, thus judicial discretion. Although judicial officers have a judicial discretion every case is tried according to its own merits, I argue as to why an innocent child offender who was not aware of such legislation of statutory rape be endorsed in the national register for sex offenders, further our courts need to approach such matters with the aim of allowing such offender rehabilitation and imposing corrective measures. We need to take into account that the crime has already taken place, apart from the punishment that will be imposed by a court, is the endorsement of a minor offender going to assist civil society in any way and how? Definitely NO

As such minor is still a scholar, unfit to work at such age, not reaching maturity or even stability, unlike an adult who could adopt children, work with, etc and could still be an offender.

An accused child with all likelihood is a candidate for rehabilitation, a child who can possess a good future in society and can later on in life progress to becoming a humble professional and intellect. I often posed the question as to how an endorsement on such registers going to enhance, influence the future of such child in society. I submit to the committee the following: apart from the conviction by a court it is preferable to impose corrective measures to ma child offender rather than labeling them, and preventing future growth tom such offender, the register is damaging to a young offender who still has a future ahead and can make drastic changes tom one's life.

Socio economic factors play a pivotal role in South Africa and goes hand in hand with such child offenders, crimes that could have been avoided has taken place. Children should not be prejudiced further by such endorsement of the register for sex offenders; this in no way is curbing prevalence. We need to approach this by nature of building these minors and adopting a positive approach and reintegrating them into society after punishment by the courts. This register defeats its purpose and actually makes the child perpetrator feel unwanted and isolated from society and there is always a stigma attached that he is endorsed in such register. More humiliation is suffered.

In vide of all the reasons given, I submit to the committee that particulars of a child offender should not be endorsed in the register for sexual offenders.

I propose an exceptional way for the removal of particulars of child offenders.

The procedure for the removal of children's particulars be made simple to access, cost effective, be a free service as not many are in a position to engage in litigation or engage legal practioners due to financial constrain.

I submit that a new document be drawn up similar to the one as the application for presidential pardon. This document can be a "j" form, with the section and act stipulated, including all details of the accused, personal particulars and two references etc, (a testimonial, letter of good standing) Such document could be for the president and the minister of justice. Every court in South Africa should be able to access it and give a copy to one upon request. it should also be accessed on the internet and downloaded. I'm rather positive that there won't be any other simpler way of accessing such document should this be approved. I'm also prepared to draft a copy for the committee should the committee be interested at no cost to anyone.

I would be eager to give a verbal explanation to the committee as it would be best to express myself personally so that the committee will have a full understanding as a personal message sends out a true message.

Thank you
Naviek Ramdeyal

Legal freelance writer
Activist for youth and justice
033-3912621
0766992900