



THOHOYANDOU VICTIM EMPOWERMENT PROGRAMME

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Submission to the Portfolio Committee on Justice and Correctional Services on the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill

For attention:

Hon. M Motshekga, chairperson

The Portfolio Committee on Justice and Constitutional Development

Parliament

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Introduction

Our sincere appreciation to the Portfolio Committee on Justice and Correctional Services for allowing us an opportunity to make submissions on this law reform that is crucial and relevant in our lives.

We would highly love and appreciate to be considered to make oral submissions in Parliament. We would love for the Portfolio Committee to consider us for financial assistance in all means possible in order to attend and participate in public hearings.

About Thohoyandou Victim Empowerment Programme

Thohoyandou Victim Empowerment Programme (TVEP) is a non-profit organisation which exists to generate an attitude of zero tolerance towards domestic violence, sexual assault and domestic violence in the Thulamela Municipality which has a very high incidence of these crimes. To realise this vision, we work in partnership with government departments, local municipalities, local leaders and structures in the community.

After subsequent consultations with groups from ground roots level, this is our submission

Submission

The Criminal law (Sexual Offences) Amendment Act 32 of 2007, Section 15 & 16 provides that adolescents between the ages of 12-16 years are criminalised if their found to be engaging in consensual sexual activities and therefore automatically placed on the National Register for Sex Offenders. The legislation should be amended to include *“that adolescents between the ages of 12 and 16 years should not be criminalised for engaging in consensual sexual activities and with reference to section 50; it should not be an automatic process to place adolescents on the National Register of Sex Offenders but there should be a prior process in place to ascertain dependent on the extent of the sexual violation”*.

Children are human beings with inherent human rights; rights that are natural rights and that need to be upheld and protected. Every human person is entitled to their natural feelings and

Trustees

Prof M Davhana- Maselesele, Mr S Madi, Dr L Lalendle, Ms J Mufamadi, Adv LT Nevondwe,

Mr TN Makuya; Mr ND Tshithavhani CA(SA),RA, Ms F Nicholson

emotions as a human person inborn with such feelings. One cannot be expected to naturally be deterred/ refrained from expressing themselves naturally and not acting upon their natural beings.

The proposed amendments are not saying adolescents between 12 and 16 years are permitted to engage in sexual activities as they like but however the amendments are dealing with the criminalising of adolescents between 12 and 16 years who consensually engage in sexual activities and are automatically placed on the National Sex Offenders register.

Conclusion

We need not allow our children to be prosecuted and traumatised for expressing their natural sexual feelings; We need not punish them for simply being human but we need to educate, sensitise and guide our children and communities in what needs to be done and how it all needs to be done in order for them to steer in the right direction.