

Reporting a Sexual Offence

What the law and SAPS require:

IF YOU REPORT A SEXUAL OFFENCE TO THE POLICE

- A police member may not turn you away. If there are reasonable grounds, the member must take an affidavit, open a docket and register it on the police case system.
- If the member is not satisfied, the Community Service Centre Commander must open an enquiry docket so that a member of an FCS unit can investigate.
- The member must find out whether you need medical help and arrange it as soon as possible.
- The member must tell you about victim support services and refer you to a support centre such as a Thuthuzela Care Centre.
- Your statement must be taken in private. You may ask for a person of your choice to be present.
- If you may have been exposed to HIV, the member must tell you about PEP, which should be started without delay and within 72 hours of the offence.
- If the victim is a child, the member must make sure the child is safe.

IF YOU SUSPECT A SEXUAL OFFENCE AGAINST A CHILD

- Anyone who has knowledge, reasonable belief or suspicion that a sexual offence has been committed against a child must report it immediately to a police official. Failing to report is an offence carrying a fine, up to five years in prison, or both (Sexual Offences Act, s 54).
- Teachers, doctors, nurses, social workers and other listed professionals who conclude on reasonable grounds that a child has been sexually abused must report it to a designated child protection organisation, the provincial social development department or the police (Children's Act, s 110).
- A police official who receives such a report must make sure the child is safe and, within 24 hours, notify the provincial social development department or a designated child protection organisation (Children's Act, s 110(4)).
- A child below 12 cannot legally consent to a sexual act (Sexual Offences Act, s 57(1)).

IF A POLICE MEMBER IS THE ACCUSED

- IPID, the Independent Police Investigative Directorate, must investigate rape by police members, on or off duty.
- SAPS must tell IPID within 24 hours.

Sources: SAPS National Instruction 3 of 2008 on Sexual Offences, version 3.00 (saps.gov.za) · Sexual Offences Act 32 of 2007 · Children's Act 38 of 2005 · IPID Act 1 of 2011 as amended