



*Specialised*  
Security Services



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**PROJECT:**  
**SEXUAL OFFENCES,**  
**CHILDREN**  
**AND THE LAW**

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*In South Africa, the legal framework concerning sexual offences, children, and the law is designed to protect the rights and well-being of minors and hold perpetrators accountable.*

*A unique aspect of this framework is the concept of "consent age" and the recognition of "statutory rape" in the context of consensual sexual activity involving minors.*

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- In terms of the Constitution and in relation to most provisions of the Act, a "child" is any person under the age of 18 years.
- For the purposes of sections 15 and 16 of the Sexual Offences Act, a "child" is defined as a person 12 years or older but under the age of 16 years.
- No child under the age of 12 years can ever consent to a sexual act.
- Thus, where a child below the age of 12 years is involved, it will always be unlawful.

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- Previously, sections 15 and 16 of the Act dealt with children from 12 to 15 years of age who had consensual sexual relations with each other, making it unlawful.
  - However, in the case of *The Teddy Bear Clinic for Abused Children and Another v Minister of Justice and Constitutional Development and Another*, the Constitutional Court found Sections 15 and 16 unconstitutional.
  - The Constitutional Court found these laws infringed the rights to dignity and privacy and the child's best interests in principle.
  - In 2015, Parliament amended the Law so that consensual sex between two children between the ages of 12 and 16 years, or between a child under 16 years and one over 16 years (if the age difference is less than two years), is no longer a crime.
  - In terms of the Sexual Offences Act, a child is defined as a person 12 years or older but under the age of 16 years.
  - In other words, statutory rape or statutory sexual assault can only be perpetrated against a child between the ages of 12 and 15 years.
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In South African law, statutory rape is a term used to describe a sexual offence in which an adult engages in sexual activity with a minor who is under the age of consent, even if the minor agrees to the activity. Statutory rape laws are designed to protect minors from potential exploitation or coercion, recognising that young individuals may not be legally capable of providing informed consent.

*Key points regarding statutory rape in South African law include:*

- **Age of Consent:**
  - The age of consent for sexual activity in South Africa is generally set at 16 years old.
  - This means that individuals under the age of 16 are considered legally unable to provide informed consent to engage in sexual activities.
- **Strict Liability:**
  - Statutory rape is typically considered a strict liability offence in South Africa.
  - This means that the accused person can be prosecuted and found guilty even if they claim not to have known the age of the minor or believed the minor was older.
- **Protection of Minors:**
  - The legal framework surrounding statutory rape is designed to protect minors from potential sexual exploitation and abuse.
  - It reflects the principle that minors, due to their age and vulnerability, should be safeguarded from engaging in sexual activities with adults.

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- **Prosecution:**

- Prosecutions for statutory rape can be initiated by law enforcement authorities even without the direct complaint of the minor or their guardian if it is determined that a sexual offence against a minor has occurred.
- This proactive approach helps ensure that minors are protected under the law.

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*It is important to note that statutory rape laws can vary by jurisdiction within South Africa, and legal details may evolve over time.*

*If you have concerns or questions about a specific case or situation involving statutory rape, it is advisable to consult with a legal professional who is well-versed in South African criminal law to provide guidance and advice tailored to the particular circumstances.*

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*South Africa's commitment to safeguarding its youth through statutory rape laws is a unique testament to its dedication to protecting the most vulnerable among us.*

*The age of consent is not merely a number but a shield, a legal embodiment of our collective responsibility to ensure that our children are shielded from exploitation and empowered to make informed choices as they grow.*

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*In recognising that a minor's capacity to provide genuine consent may be compromised due to age and experience, these laws stand as guardians of innocence, vigilant sentinels against potential harm.*

*The principle of statutory rape underscores our society's unwavering resolve to prioritise the welfare and protection of our youth, even when they may not fully comprehend the implications of their actions.*

*In the midst of these legal safeguards, we find not only a legal obligation but a moral duty to nurture, educate, and guide our children toward adulthood, ensuring they emerge unscathed from exploitation and coercion.*

*The age of consent is critical in South Africans' shared commitment to fostering a safe and nurturing environment for our future generations.*

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**RAPE CRISES CENTRES:**

CAPE TOWN	(021) 447 9762
GQEBERHA (PORT ELIZABETH)	(041) 484 3804
PRETORIA	(021) 804 3619
PIETERMARITZBURG	(033) 394 4444

**CHILDLINE:**

116

**SAPS EMERGENCIES:**

10111

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**CONTACT MR MIKE BOLHUIS FOR  
SAFETY AND SECURITY MEASURES,  
RECOMMENDATIONS, PROTECTION,  
OR AN INVESTIGATION IF NEEDED.**

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**ALL INFORMATION WILL BE TREATED WITH THE  
UTMOST PRIVACY AND CONFIDENTIALITY.**

**FORWARD THIS DOCUMENT TO EVERYBODY.**

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Regards,

Mike Bolhuis  
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**EXTREMELY IMPORTANT:** All potential clients need to be aware that owing to the nature of our work as specialist investigators there are people who have been caught on the wrong side of the law - who are trying to discredit me - Mike Bolhuis and my organisation Specialised Security Services - to get themselves off the hook.

This retaliation happens on social media and creates doubt about our integrity and ability. Doubt created on social media platforms is both unwarranted and untrue.

We strongly recommend that you make up your minds concerning me and our organisation only after considering all the factual information - to the exclusion of hearsay and assumptions.

Furthermore, you are welcome to address your concerns directly with me should you still be unsatisfied with your conclusions. While the internet provides a lot of valuable information, it is also a platform that distributes a lot of false information. The distribution of false information, fake news, slander and hate speech constitutes a crime that can be prosecuted by law. Your own research discretion and discernment are imperative when choosing what and what not to believe.

**STANDARD RULES APPLY:** Upon appointment, we require a formal mandate with detailed instructions. Please take note that should you not make use of our services - you may not under any circumstance use my name or the name

of my organisation as a means to achieve whatever end.

**POPI ACT 4 of 2013 South Africa:** Mike Bolhuis' "Specialised Security Services" falls under Section 6 of the act. Read more here: <https://mikebolhuis.co.za/popi-act-4-of-2013-section-6-mike-bolhuis/>

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**SSS TASK TEAM:**

<https://mikebh.link/sss-task-team>

**SSS CYBERCRIME UNIT:**

<https://mikebh.link/sss-cyber-team>

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