











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a) Sexual offences which X may be charged of are flashing,  pe, displaying of pornography to children, sexual  ion of children, statutory rape, sexual grooming of children and furthering sexual  exploitation of children. According to the Sexual Offences Act 2007 for the purposes of sections 15 and 16, a child is defined in section 1(1) as “a person 12 years or older but under the age of 16 years”¹. Since Y was 16 years old, X can be found guilty of all the sexual offences mentioned.

By indulging in sex and sending naked images of himself showing his genital parts to Y even with Y’s consent but because she is a child, X committed a sexual crime of  ing. Section 1(3)(b) of the act reveals that when X used his power or authority by promising Y of a bright future in her sports career and get her consent to have sex with her, X raped.

Pornographic movie by X to diminish Y’s  chances of resisting sex, X committed a sexual offence of displaying pornography to children as according to section 19 of the Act.  X also sexually violated Y by being masterbated and as according to section 1(iii)(b) of the Act where there was contact of genital parts and not penetration by Y. Section 15 of the Act also point that X committed consensual sexual penetration of Y since she was now pregnant. She is by law not in a position to make rational decisions for herself. By coaxing Y to masterbate  him entice her to indulge in sex, X is guilty of sexual grooming of children. X furthered sexual exploitation of children by allowing a place he owns to be used for sex by a child as by section 17(3) of the Act².

b) X cannot be convicted of  murder of the unborn child because the main requirement of murder is that, the victim must be a living human being³. In the Mshumpa case, it was held that there is no counterpart in the  Constitution for the protection of the rights of the unborn child⁴. Further, South African courts have not ruled in any decision that the  child that was not born alive holds any rights in its unborn state⁵.

¹Jordaan L et al *Specific Crimes Only Study Guide for CRW2602* (University of South Africa Pretoria 2014)98.

² Jordaan L et al *Specific Crimes Only Study Guide for CRW2602* (University of South Africa Pretoria 2014)104.

³Jordaan L et al *Specific Crimes Only Study Guide for CRW2602* (University of South Africa Pretoria 2014) 116.

⁴ Jordan L et al *Case Law Reader for CRW2602* (University of South Africa Pretoria 2016)35.

⁵ Jordaan L et al *Specific Crimes Only Study Guide for CRW2601* (University of South Africa Pretoria 2014)117.

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ACADEMIC HONESTY DECLARATION

DECLARATION

1. I understand what academic dishonesty entails and am aware of Unisa's policies in this regard.
2. I declare that this assignment is my own, original work. Where I have used someone else's work I have indicated this by using the prescribed style of referencing. Every contribution to, and quotation in, this assignment from the work or works of other people has been referenced according to this style.
3. I have not allowed, and will not allow, anyone to copy my work with the intention of passing it off as his or her own work.
4. I did not make use of another student's work and submitted it as my own.

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