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Sex Off 42

SOBillChildren(SOB)

CHAPTER 1 DEFINITIONS AND OBJECTS

Definitions and interpretation of Act

1.

~~"pornography" includes any image, however created, or any description of a person, real or simulated—~~

- ~~(a) engaged in a sexual act or sexual conduct;~~
- ~~(b) participating in, or assisting or facilitating another person to participate in, a sexual act or sexual conduct; or~~
- ~~(c) showing or describing the body, or parts of the body, of such person in a manner or in circumstances which, within context, amounts to sexual exploitation, or in such a manner that it is capable of being used for the purposes of sexual exploitation;~~

Option:

~~"pornography" means any explicit depiction or description of a sexual act or sexual conduct:~~

~~"sexual act" means an act of sexual penetration or an act of sexual violation;~~

~~"sexual conduct" includes—~~

- ~~(a) masturbation;~~
- ~~(b) male genital organs in a state of arousal or stimulation;~~
- ~~(c) any form of arousal or stimulation of a sexual nature of the female breast;~~
- ~~(d) the undue or inappropriate exposure or display of or causing exposure or display of genital organs, female breasts or of the anal region;~~
- ~~(e) sexually suggestive or lewd acts; or~~
- ~~(eA) sadistic or masochistic acts of a sexual nature;~~
- ~~(f) bestiality;~~

.....
~~"sexual penetration" includes any act which causes penetration to any extent whatsoever by—~~

- ~~(a) the genital organs of one person into or beyond the genital organs, anus, or mouth of another person;~~
- ~~(b) any other part of the body of one person or, any object, including any part of the body of an animal or any object resembling representing the genital organs of a person or an animal, into or beyond the genital organs or anus of another person; or~~
- ~~(c) the genital organs of an animal, into or beyond the mouth of another person, and "sexually penetrates" has a corresponding meaning;~~

~~"sexual violation" Option: sexual contact includes any act which causes —~~

- ~~(a) direct or indirect contact between the—~~
 - ~~(i) genital organs or anus of one person or, in the case of a female, her breasts, and any part of the body of another person or an animal, or any object, including any object resembling representing the genital organs or anus of a person or an animal;~~
 - ~~(ii) mouth of one person and—~~
 - ~~(aa) the genital organs or anus of another person or, in the case of a female, her breasts;~~
 - ~~(bb) the mouth of another person;~~
 - ~~(cc) any other part of the body of another person, other than the genital organs or anus of that person or, in the case of a female,~~

- her breasts, which could –
- (aaa) be used in an act of sexual penetration;
 - (bbb) cause sexual arousal or stimulation; or
 - (ccc) be sexually aroused or stimulated thereby; or
 - (dd) any object resembling the genital organs or anus of a person, and in the case of a female, her breasts, or an animal; or
- (iii) the mouth of the complainant and the genital organs or anus of an animal;
- (b) the masturbation of one person by another person; or
 - (c) the insertion of any object resembling the genital organs of a person or animal, into or beyond the mouth of another person,
- Option: (paragraph (C))**
- (c) the insertion of any object—
 - (i) resembling the genital organs of a person or animal; or
 - (ii) which could cause sexual arousal or stimulation, into or beyond the mouth of another person.

Abuse of child for pornographic purposes

21A. (1) A person ("A") who unlawfully and intentionally uses a child complainant ("B") or engages the services of ~~a child complainant ("B")~~ B, for financial or other reward, favour or compensation to B or to a third person ("C"), ~~or uses B—~~

- (a) for the purpose of creating, making or producing any image, publication, depiction, description or sequence in any manner whatsoever, of—
 - (i) B engaged in a sexual act an act that constitutes a sexual offence;
 - (ii) B engaged in an act of sexual penetration;
 - (iii) B engaged in an act of sexual violation;
 - (ii) ~~the body, or parts of the body, of B in a manner or in circumstances which, within context, (violate or offend the sexual integrity or dignity??) violate or show disrespect for the right to human dignity of B (or any other person??) or is capable of being used for the purposes of (violating or offending the sexual integrity or dignity??) showing disrespect for the right to human dignity of B (or any other person??);~~
 - (iii) B engaged in an act of self-masturbation;
 - (iv) the genital organs of B in a state of arousal or stimulation;
 - (v) any form of arousal or stimulation of a sexual nature of the breasts of B, in the case of a female;
 - (vi) B where there is undue or inappropriate exposure or display of or causing exposure or display of genital organs, female breasts or of the anal region of B;
 - (vii) B engaged in sexually suggestive or lewd acts;
 - (viii) B engaged in or as the subject of sadistic or masochistic acts of a sexual nature; or
 - (ix) the body, or parts of the body, of B in a manner or in circumstances which, within context, violate or offend the sexual integrity or dignity of B or is capable of being used for the purposes of violating or offending the sexual integrity or dignity of B;
- (b) for the purpose of B participating in, or assisting or facilitating another person to participate in, any act contemplated in subparagraphs (a)(i) to (viii);
- (b) ~~for the purpose of describing—~~
 - (i) ~~B engaged in a sexual act;~~
 - (ii) ~~the body, or parts of the body, of B in a manner or in circumstances which, within context, violates or offends the sexual integrity of B or is capable of being used for the purposes of violating or offending the sexual integrity of B;~~
 - (iii) ~~B engaged in an act of masturbation;~~
 - (iv) ~~the genital organs of B in a state of arousal or stimulation;~~

- (v) ~~any form of arousal or stimulation of a sexual nature of the breasts of B, in the case of a female;~~
 - (vi) ~~the undue or inappropriate exposure or display of the genital organs, female breasts or of the anal region of B;~~
 - (vii) ~~B engaged in sexually suggestive or lewd acts;~~
 - (viii) ~~B engaged in or as the subject of sadistic or masochistic acts of a sexual nature; or~~
 - (ix) ~~B participating in, or assisting or facilitating another person to participate in, any act contemplated in subparagraphs (i) to (viii); or~~
 - (c) by creating, making or producing any image, publication, depiction, description or sequence or in any way contributing to, or assisting in the creation, making or production of any image, publication, depiction, description or sequence or any description of B as contemplated in paragraph (a) or (b),
- is guilty of the offence of the abuse of a child for pornographic purposes.

(2) Any person who knowingly and intentionally in any manner whatsoever gains financially from, or receives any favour, reward, compensation or any other advantage as the result of the commission of any act contemplated in subsection (1)(a), or (b) or (c) is guilty of the offence of being involved in the abuse of a child for pornographic purposes.

NO
STRIKE-
THROUGH.

Exposure or display of or causing exposure or display of pornography to child

22A. A person ("A") who unlawfully and intentionally, ~~whether for the sexual gratification of A or of a third person ("C") or not,~~ exposes or displays or causes the exposure or display of—

- (a) any image or description image, publication, depiction, description or sequence of child pornography as contemplated in section 21A;
 - (b) any publication or film classified in terms of legislation administered by the Department of Home Affairs, Films and Publications Act, 1996 (Act No. 65 of 1996) as—
 - (i) a 'refused classification' on the grounds that it contains a visual presentation, description or representation of child pornography or child abuse;
 - (ii) 'XX';
 - (iii) 'X18'; or
 - (iv) ~~containing visual presentations or descriptions or representations which may be disturbing or harmful to, or age-inappropriate for children,~~
 - (c) any image, publication, depictions, descriptions or sequences containing visual presentations or descriptions or representations which may be disturbing or harmful to, or age-inappropriate for children,
 - ~~(c)(d) any film classified in terms of legislation administered by the Department of Home Affairs the Films and Publications Act, 1996, as contemplated in paragraph (b),~~
- to a child complainant ("B") ~~[, with or without the consent of B / despite the consent,???~~ is guilty of the offence of exposing or displaying or causing the exposure or display of pornography to a child.

Exposure or display of or causing exposure or display of child pornography to person 18 years or older

22B. ~~A person ("A") who unlawfully and intentionally, whether for the sexual gratification of A or of a third person ("C") or not, exposes or displays or causes the exposure or display of any image, publication, depictions, descriptions or sequences // pornographic material contemplated in section 21A to a complainant 18 years or older ("B"), without the consent of B, is guilty of the offence of exposing or displaying or causing the exposure or display of child pornography to a person 18 years or older.~~