

The Sex Offenders Register: why the rights of children are paramount

IN RESPONSE to the unyielding and painful wave of sexual violence against women, children and vulnerable groups, there has been a sustained outcry from civil society, political formations and the general public to allow open, free public access to the National Register for Sex Offenders.

To understand this angry public demand for the sex offenders register to be made public, one must first quantify the sheer scale of violence perpetrated against women, children and vulnerable groups in South Africa. The statistics paint a grim picture of a society where both domestic and public spaces are routinely sites of extreme, pervasive trauma.

Violent crime in South Africa

The first South African national gender-based violence study in 2024 survey found that an estimated 33,1% of all women in South Africa, aged 18 and older, have experienced physical or sexual violence in their lifetime. South Africa's murder rate for the 2024/2025 financial year is estimated at 45,2 per 100,000 people.

On average, 27,000 people are murdered each year. This is roughly 959% higher than the average for G20 countries. In the 2023/2024 financial year, South Africa recorded approximately 42,500 reported rapes.

In 2022/23, 19,418 reported cases of common assault and assault with GBH crimes were committed against children, making up about 45% of all reported crimes against children in this period. Rape was the most reported crime against children, accounting for 38,3% of all cases involving minors.

Fifty-eight children are sexually abused every single day in the country, a figure that equates to 40% of the total reported sexual offences.

Experiencing physical, sexual or emotional violence as a child is a major reason why trauma gets passed down through families. Specifically, children who go through this kind of abuse are much more likely to face serious challenges as adults, including:

- ◆ **Relationship violence:** a much higher chance of either becoming an abuser or a victim of domestic violence later in life.
- ◆ **Health and addiction:** a severe risk of developing lasting mental health struggles, chronic physical illnesses, and drug or alcohol addictions.
- ◆ **Life struggles:** a much harder time succeeding in school, building a career, and achieving financial stability because of the heavy burden of these trauma-related issues.

Reason for the register

The primary function of the Sexual Offences Register is to maintain a record of individuals convicted of sexual offences against children, and physically-, mentally- and sensory-disabled persons, ensuring these individuals are legally barred from employment or volunteer positions that would grant them access to vulnerable groups.

Presently, the public is not allowed to see the register. Only certain employers and official agencies can check it, and they have to pay for an official background check to do so. This is very different from many other countries, where anyone can look up sex offender records, and communities are actively warned about them.

Arguments for open access

The epidemic of gender-based violence and femicide (GBVF) is a crisis of such magnitude that the state has formally



Professor Dasarath Chetty summarises the debate over the unsealing of the Sex Offenders Register

recognised it as a national disaster.

In a state where the criminal justice system routinely fails to protect the innocent, the rights of children and the vulnerable must seamlessly supersede the privacy rights of convicted predators. It is asserted that a government perceived as chronically "soft on crime" has a moral imperative to arm its citizens with the information necessary to protect their own households.

The rate of reoffending

South Africa's reoffending rate is estimated to be between 80% and 97%, placing it among the countries with the highest crime and recidivism rates globally. In simple terms, nine out of every 10 offenders commit crimes again.

This perpetual cycle of release and rearrest is largely driven by deeply-entrenched socio-economic factors. Overcrowded correctional facilities, a lack of adequately-staffed needs-based rehabilitation programmes, severe shortages of psychologists and social workers (with vacancy rates historically exceeding 50%), and the insurmount-

able barriers ex-offenders face when attempting to secure employment in a highly strained economy, all contribute to this phenomenon.

A public register is essentially demanded as a civilian safeguard against a state apparatus that is widely perceived as dysfunctional, corrupt and ultimately incapable of securing convictions or protecting the innocent.

Investigative paralysis

This perception of a "soft on crime" state is not merely an expression of public hysteria; it is rooted in documented administrative failures.

In 2024, an explosive parliamentary reply by the then-minister of police revealed that over 5,4 million case dockets had been summarily closed without resolution since the 2018/2019 financial year. These closures were attributed to insufficient evidence, a lack of investigative leads, and poor police detective work, meaning millions of perpetrators of violent crimes were effectively granted total impunity.

The right to know

Citizens argue that transparency is a critical tool for primary prevention, rather than a mechanism for secondary punishment.

By making the register public, parents, guardians and community leaders can conduct immediate, independent background checks on individuals who routinely interact with their children – such as neighbours, private tutors, sports coaches, or the parents of their children's friends. In this balancing exercise, the offender's right to privacy, guaranteed under Section 14 of the Constitution, is viewed as subordinate.

While the right to privacy is fundamental, it is not absolute. The limitation clause located in Section 36 of

the Constitution allows for rights to be limited if the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom.

The rights of predators or the rights of children?

Section 28(2) of the Constitution of the Republic of South Africa mandates that "a child's best interests are of paramount importance in every matter concerning the child".

This paramountcy principle is not merely an aspirational ideal. It is a binding legal directive that demands a proactive, maximally protective stance against known threats to children.

Sacrificing the privacy of a convicted predator to guarantee the physical, psychological and sexual safety of a child meets the criteria of Section 36. The state routinely limits privacy for lesser reasons, such as warrantless searches under Section 22 of the Criminal Procedure Act, and therefore must be willing to limit privacy to prevent the rape of minors.

Legal scholars warn that publicising the registry violates constitutional privacy protections, severely undermines the rehabilitative objectives of the correctional system, and, most alarmingly, in a society deeply scarred by systemic extrajudicial violence, risks inciting deadly mob justice and vigilantism. However, are the rights of a child not paramount?

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ROMANTIC INTEREST

‘La vido loca’



RAVI GOVENDER

AH ... “the crazy life”.

The title of this piece was also the title of a hit song by Ricky Martin in 1999. As I write this, the song is playing in my mind. It was a favourite of mine and I played it on my radio show and my dance parties ad infinitum. It means “the crazy life” in English.

If you could get into a time machine and go back to another period in your life, and could change the course of events, what would you like to undo? Many of us would long to go back to a time when we still had a father or mother, or both, still alive and enjoying their love and care. I know that is a constant yearning of mine.

Maybe you would want to go back and relive an unrequited romantic interest just to see how it would have panned out if things were different. Now that is definitely not something I long for. My wife and her mother read my columns. I may be crazy, but I am certainly not suicidal.

Possibly you would like to go back to a moment when you could restrain yourself from saying something that had caused bad relations between a loved one and yourself for a long period of time. Yes, in an ideal world where miracles can happen, the above would be a reality. However, let's stop there and ponder something. All the above scenarios come with regrets. Henceforth, maybe we could attempt living our lives in a more solicitous way whereby we would not cause intended or accidental hurt to our family and friends.

In a nutshell, attempt to live your life with no regrets. The legendary actor Robert Redford, of *Butch Cassidy and the Sundance Kid* fame, once said: “I have no regrets, because I have done everything I could to the best of my ability.”

There is a Latin saying: *Primum non nocere*, which loosely translated means, “first, do no harm”.

It is popularly attributed to being part of the Hippocratic Oath which medical practitioners are sworn to. However, popular theory is that it is not factually correct. Rather, “abstain from doing harm” is part of the oath. What is correct is that it is a good maxim by which to live our limited lives which we are blessed with on this earth. Do no harm, verbally or physically.

In pondering this subject before writing it, I asked myself the following question: “what kind of person will people remember me as being when I die?”

So, I ask you – how would you like to be known when you “shuffle off this mortal coil”?

I would like to be remembered as being a kind and loving person, who brooked no nonsense, but yet, was caring and sensitive to the needs and feelings of my friends and neighbours. I can make that happen. It is within my power to do so. If I care enough to watch what I say and do every day, every hour, every minute of my life. It may seem scrupulously tedious to do that, but ultimately it will be the right thing to do.

To quote William Shakespeare in one of his most famous tragic plays, *Julius Caesar*, when his character Mark Anthony was whipping the crowd into a frenzy to avenge Caesar's assassination: “The evil that men do lives after them; the good is oft interred with their bones.”

Some people have gone down in history as being bad, or even downright evil. Names like Adolf Hitler and Idi Amin trip off the brain easily. Let's strive not to be included in a similar roll of (dis)honour. How do we do endeavour to be good and leave a positive impression when we reach the “hereafter”? How about while we are alive and able, tell the ones that you love how much you do love them. Regularly! Say it and follow it up with deeds that reinforce the loving words.

As hard as it may be, try and be forgiving of others.

If what they say and do does not harm us or our family badly, try and make peace and seek no vengeance. Settling difficulties immediately allows them not to fester within ourselves and thereby make us bitter and unhappy.

My last advice as far as living with no regret is a four letter word. Time. Without sounding morbid, our time on this planet is limited. Make the best use of what is allocated to us. Spend quality time with your loved ones. Make special memories. These are the things that will outlast our existence. They are moments that will make our kin smile when they think back. In this way we can keep alive our memories.

Is there a certain hobby you wanted to pursue? Or perhaps a place you wanted to visit? A long lost relative you need to track down and reacquaint with? Do it as soon as possible. Work on your bucket list. Tick them all off until you have accomplished them in its entirety. Then, in the final accounting, we can confidently answer the age-old question with the words: “Ah ... so that is what this thing called ‘life’ was all about.” Or as the iconic French phrase renders it *c'est la vie*. Such is life.

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THE writer, Roshan Jainath, South African Food Sovereignty Campaign (SAFSC) local co-ordinator, from left, Qhawe Mahlalela; SAFSC national coordinator; Kate Curtis, permaculture trainer; and Pundit Kirun Sagtoor, president of the Arya Pratinidhi Sabha (South Africa). | Supplied

ROSHAN JAINATH

SOMETHING shifts in the air when a group of people decide to put their hands back into the soil. From March 22 to 28, that shift is happening at the Arya Samaj premises on Dresda Road in Northdale, Pietermaritzburg. An intensive seven-day permaculture training course is unfolding, bringing together theory and the practical work of establishing a 200-square-metre garden.

It is, in its own quiet way, a revolution. Revolution is a weighty word, I know. But when regenerative training in our capital city challenges the dominant logic of extractive farming – the logic of chemical fertilisers and GMO seeds – then the simple decision of 30 SMME farmers to pursue organic methods becomes something more. It becomes a choice to step outside a system that has promised abundance while quietly eroding the ground beneath our feet.

I came to this work as a co-ordinator for the South African Food Sovereignty Campaign (SAFSC), appointed in February last year. I have been an activist for many years, but this terrain was new to me. By September 2025, we had put together a three-day workshop at the Stay Easy Hotel for 25 young African farmers. The outreach was driven by my fellow activist, Snenhlanhla Mngadi, who wears many hats – among them, chair of the KZN African Farmers' Association of South Africa (Afasa) Women's Desk.

Most of our trainees came through the Afasa, and what struck me most was their hunger. Not just for land or markets, but for knowledge. A deep-rooted passion for farming, yes, but also a genuine eagerness to learn permaculture within the broader framework of agroecology. I had attended a permaculture course at Wits University myself, and I came back determined to bring that training home.

At Wits, SAFSC and the Co-operative and Policy Alternative Centre (Copac) have built permaculture gardens that feed thousands of students. More than that, they have established a training



A GARDEN unfolding.

centre and a seedbank right on campus. The SAFSC itself emerged from the need to unite partners and organisations around a common goal: to champion food sovereignty on a national platform. Its founder, Professor Vishwas Satghar, is a former Pietermaritzburg resident, part of a pioneering family of activists in this city. So the work we are doing here feels less like an import, and more like a homecoming. Still, you do not need to be a farmer to care about how food is grown. Perhaps, more than anything, the consumer needs to understand what they consume. And to understand that, we need to talk about how we arrived at this moment.

Let me tell you a story. Years ago, America was locked in a long, brutal war with Vietnam. The arms industry thrived on conflict, and when that war ended, business slowed. So the same scientific minds that had built weapons turned their attention elsewhere. They built a new kind of weapon, this time aimed at the soil: the nitrogen-based chemical fertiliser industry. In the 1960s, India faced the prospect of mass famine. Chemical fertilisers and high-yield seeds – later genetically-modified

– promised a way out. They delivered, tripling grain production and saving millions of lives.

There is a reason it was called the Green Revolution. Before it, India imported grain just to keep people alive; after it, the country began to export. In places like Punjab and Haryana, farming became a path to the middle class.

Families bought tractors, built houses, sent their children to school. That much is true. But the costs were not counted at the start. They took decades to appear, and by the time they did, they had become permanent. The soil changed first. Synthetic nitrogen feeds the plant, but starves the life beneath. The microbes that once held the earth together disappeared. The ground grew hard, pale, dependent on the next chemical dose.

Across millions of hectares, soil lost its organic matter, turned acidic, turned salty. What had once been a living ecosystem became little more than a medium for inputs. The water followed. Fertilisers ran off the fields into rivers, creating dead zones. They seeped into groundwater, loading it with nitrates. In Punjab, the water table began to



SHARING seeds.

fall, and the water that remained was often poisoned. In villages across India's breadbasket, rates of cancer began to climb – gastric cancers linked directly to nitrates in drinking water. And then there were the pesticides.

GMO seeds engineered to tolerate herbicides did not reduce chemical use; they increased it. Glyphosate, now classified as a probable human carcinogen, became so common it was everywhere – in the fields, in the dust, in the water. For farmers, the trap tightened slowly. Hybrid and GMO seeds could not be saved; every season meant buying new ones. The cost of inputs rose year after year. Small farmers borrowed to plant, hoping the harvest would cover the debt. Often, it did not. Since 1995, India has recorded over 400,000 farmer suicides. This is not a distant tragedy. It is a warning.

As I write, global conflicts are sending fuel and fertiliser prices soaring. The same system that promised security is showing its fragility. In India, Dr Vandana Shiva has spent decades offering a different path. Through Navdanya, she has helped over 500,000 farmers transition away from chemical-intensive agriculture toward regenerative, biodiversity-rich practices. Known as the “Gandhi of grain”, her work is rooted in seed sovereignty, Earth Democracy, and the central role of women in feeding communities.

Now, back to Pietermaritzburg. Here, we are choosing another way. In our permaculture training, we have banned chemical fertilisers. Instead, we are using compost, wood chips, and effective mulching to reignite the biodiversity in the soil.

We are learning to use different root systems together, letting them support one another in a common garden. Imagine the nutrient density of vegetables and fruit grown this way – so rich that they could reduce the need for bulk calories by half. Imagine every home

with a garden of hope. Imagine a government that values the sustainability of food sovereignty over GMO-driven food security, which cannot hold against rising prices. Imagine ordinary people being treated with dignity.

Pundit Kirun Satgoor, spiritual head of the Ved Dharam Sabha and president of its national body, the Arya Pratinidhi Sabha, understands this. Swami Dayanand, he reminds us, was a revolutionary in his own right. Pundit Satgoor commits himself to that legacy by investing in sustainable systems and social cohesion across race, class and gender. Regenerating the soil, he says, is akin to regenerating the spirit of humanity. And then there are the three angels who visited us.

Kate Curtis, a renowned permaculture trainer, whose energy and presence seem to move mountains for agroecology, Qhawe Mahlalela and Nomaswazi Mthombeni – a Master's and a doctoral student at Wits – bring with them an African feminist thought that reframes everything.

They teach us that life is not a production line. It is a web: between soil and seed, water and root, grandmother and grandchild, the woman who saves seed, and the community that eats from it. Tending that web is not romantic. It is the most practical work there is.

This is food sovereignty. Not just the right to eat, but the right to decide what is grown, how, and for whom. It is built from the ground up by communities who refuse to wait for permission to feed themselves.

The African feminists among us are stirring something in this sleepy hollow of Pietermaritzburg. They are threatening to make us the city of flowers again – not just in name, but in truth. Blossoming with hope, sustainability, and the quiet dignity of self-reliance.

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