

*The Road to Recovery:*  
**You & Rape**



**Rape Crisis**  
Cape Town Trust

# The Road to Recovery: You and Rape

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# Introduction

## A brief history of this booklet

In 1992, the Natal Midlands Black Sash, the Rape Crisis Cape Town Trust and a number of other women's organisations in Cape Town and Pietermaritzburg began a public rape education programme out of concern about the rising number of rapes and the need for society to support men and women who have been raped. The programme was designed to support rape survivors in their recovery and in bringing their attackers to trial, if they chose to report their rape to the authorities.

At Rape Crisis, our experiences while presenting the programme confirmed that there is a real need for rape survivors and communities to be educated about what the law says rape is, how to report it, and the physical and emotional effects of rape. In fact, the years have taught us that officials within the criminal justice system also need to be educated about the needs of rape survivors and the value of the role survivors play in assisting officials to bring rapists to justice.

This booklet is our contribution to sharing the information we've gathered from the experiences of the rape survivors, communities and officials we have worked with over the years. It has been updated several times. With this latest update, we have included a new section on growth after trauma, the effects of

trauma on the brain and recent changes to laws, policies and procedures regarding the medical and legal aspects of rape.

Some of the photographs in this booklet are of rape survivors who agreed to participate in speaking out about rape. They did this as a way of challenging rapists, as a way of encouraging criminal justice system officials to be aware of and sensitive to the needs of rape survivors and also as a way of encouraging other rape survivors to work at their own recovery, to ask for help and to not give up hope. Their stories are not told here, but each one of them survived against incredible odds and lived to tell their stories to Rape Crisis and to express their strength and their belief in the process of recovery through the images shown in this booklet.

We hope that this booklet will help you as a rape survivor, as well as the people supporting you, to understand the rights you have to services within the criminal justice system, to have a better sense of how the system works and to know something about the difficult process of recovering from rape as a trauma. We have seen thousands of rape survivors recover and even triumph over the most terrible situations. In these words we bring to you, the reader, not only the knowledge we have gained from those survivors, but also the hope that they symbolise.

# Introduction

## How to use this booklet

The part of this booklet called *What is Rape?* gives the legal definition of rape and other sexual crimes. If you want to know whether or not what has happened to you or a loved one is rape or some other sexual crime, read through this section.

*What to do if someone has raped you* provides a checklist of steps you need to take immediately after being raped, including medical advice to prevent HIV infection, pregnancy and other possible consequences of a rape. The subsequent sections give you more details on each of the steps or processes you can choose to follow.

The part called *Reporting a rape to the police* explains what you can expect when reporting a rape and/or laying a charge of rape against the rapist. If you need guidance on the steps you have to follow to do this, read through this section.

The part called *Medical attention* outlines the medical care that all rape survivors need, regardless of whether they choose to lay a charge of rape or not. *The forensic examination* outlines what government hospitals should do if you want them to gather evidence for a police investigation. This includes an overview of how evidence is collected from your body and clothes, and the medication you have a

right to receive. This subsection provides more details about post-exposure prophylaxis (PEP), that is, medication used to prevent HIV infection, sexually transmitted infection and pregnancy.

If you have laid a charge, the part of the booklet called *Criminal justice procedures* outlines what you can expect, what your rights are, what happens at bail hearings and in court, as well as sentencing and compensation issues for both criminal courts and civil court cases. Read this section for a step-by-step guide on how a rape case is processed through the criminal justice system.

The part called *Secondary trauma* describes how negative attitudes and insensitive behaviour on the part of officials within the criminal justice system – which may often be unintentional – extend the trauma of rape for many survivors. If you are an official or a community service provider, read this section to better understand and avoid causing secondary trauma to the survivors you work with.

*Reactions to rape* outlines typical reactions and responses to rape by survivors and by their loved ones. This section helps you to understand what is happening to you emotionally and why your behaviour and thoughts may have been affected. It also outlines what to expect as you move through the stages of recovery from rape.

The section entitled *Healing* provides some advice to help you get through the trauma of the rape.

Other sections in the book that contain important information are *Myths and truths about rape*, *Male rape*, *Communities challenging rape* and *Gaps in service delivery* (the latter covers gaps in service delivery by the police, medical and court services and what to do about them). A glossary of terms that explains all of the unfamiliar words and phrases in this booklet can be found near the end of the booklet, so if there are any words you don't understand, you can look for them in this section. At the end of the booklet

you will find Rape Crisis Cape Town Trust's contact details.

Some photographs in this booklet are of rape survivors in our Speak Out project. This project offers rape survivors the opportunity – with the full support of the organisation – to speak out about their rape experiences to journalists who approach Rape Crisis Cape Town Trust for a story. The photographs of criminal justice system personnel are also of real people doing real work every day. There are pictures of peer educators from our schools project as well. We thank them all for bringing life to this booklet.

*In this booklet we use the word 'survivor' to indicate any person – man or woman – who has been through a rape and lived. We use this term not only because many victims do not survive and are killed during a rape, but also because many fear that this will happen even if the rapist does not intend to kill his victim. We also use this term because it does not feel helpful for any person to be labelled a victim – it makes that person seem more weak, helpless and passive than she or he may already be feeling. In fact, that person may be very strong, resourceful and resilient. We want to encourage officials within the criminal justice system in particular to recognise the value of that strength, and the value of the survivor's help in bringing the rapist to justice. These officials need to learn how to help someone who is feeling like a victim to be strong and resourceful under difficult circumstances, such as testifying in court or during an identify parade.*

*When we refer to the rape survivor as a woman, please bear in mind that a similar process can take place in the case of a man who is raped. If not, we refer the reader to the section in this booklet on male rape.*

# What is rape?

Rape is a violent crime in which a person uses sexual acts to intentionally harm and hurt another. We cannot talk about rape in polite terms or hide the truth about it. Rape is an abuse of power and an abuse of sex.

It is important for rape survivors to understand the exact meaning of the laws on rape, for two reasons. Firstly, a rape survivor needs enough information about the law to know whether or not her case has a chance of succeeding or not. Otherwise she might be very disappointed if the rapist is not found guilty and is allowed to go free without being punished. Secondly, she needs to know exactly what is expected of her in order to prove that the rapist is guilty in the eyes of the law. There are a lot of different things that she needs to do in order to help the law to do its job, and these things are not easy, so the more she understands about them the better. This information allows rape survivors to make choices, and making choices can be very empowering for someone who is feeling like a victim.

The Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act 32 of 2007) has been in effect in South Africa since 16 December 2007. This law states that it is a crime to intentionally commit a sexual act with another person without that person's consent. The formal definition of rape that is presently used by our legal system is: **Any person who unlawfully and intentionally commits**

**an act of sexual penetration with a complainant, without the consent of the complainant, is guilty of the offence of rape.** The complainant in this sentence is the rape survivor, meaning the person who *complains* to the criminal justice system about a crime. In court, the rapist's lawyer will try to prove the accused innocent of the crime. To do this, the lawyer has to either prove that the survivor consented to having sex with the rapist or that he never penetrated any part of her body sexually.

To look at this legal definition more carefully and put it into words that are easier to understand, we need to explain what the law means by the word 'consent' and the word 'penetration'.

## Consent

According to the law, even if you indicated consent to the rapist in some way, for example by saying 'yes' or by not resisting, there is no consent or permission granted to a sexual act:

- if you are forced into an act by violence or the threat of violence to yourself, to a loved one or to your property
- if you are drunk, drugged, asleep or unconscious. This means that if you've been drinking heavily or taking drugs, you are not able to consent to sex
- if you are younger than 12 years old or mentally challenged

- if you are forced into consent by your boss or your teacher, for example if you are led to think that refusing sex will affect your position at work or at your learning institute
- if a professional or someone in authority has deceived you and made you believe that you need to submit to a sexual act for your physical, emotional or spiritual health.

## Penetration

According to the law, this could be any act which causes penetration to any extent by:

- the genital organs of one person passing into or through the genital organs, anus or mouth of another person
- any other part of the body of one person or any object passing into or through the genital organs or anus of another person

There are some rapists who bring animals into the sexual acts they commit. The legal definition also includes sexual acts with or involving animals.

## Other sexual crimes

The law also provides for a range of sexual crimes that do not fit the definition of rape or that include special circumstances, such as the involvement of a child. These sexual crimes include the following:

**Statutory rape:** Statutory rape means an act that is regarded as rape by the

law even if the persons concerned do not regard it as such. This occurs when an adult commits an act of penetration with a child between the ages of 12 and 16, whether or not the child consents. Many paedophiles believe that it is not a crime to have sex with a child. A child of 12 or younger is considered too young to be able to give consent at all, and the rapist or paedophile will automatically be prosecuted. If both people involved in the act of penetration are over the age of 12 but under the age of 16 and both consented, it is still a crime in the eyes of the law, but the authorities may decide not to go ahead and prosecute. A person can only legally consent to sex from the age of 16 onwards.

**Incest:** With or without consent, it's a crime to sexually penetrate blood relations (mothers, sisters, brothers, fathers, first cousins, aunts and uncles) or to penetrate adoptive relations.

**Compelled rape:** This occurs when someone forces or compels a third person to commit an act of rape on another. Compelled sexual assault and compelled self-sexual assault are also crimes. Therefore, it is a crime to force someone else to masturbate.

**Sexual assault:** This is any sexual act, or the threat of such an act, that doesn't fit the definition of rape and that occurs without the survivor's consent. (Statutory sexual assault is also a crime.)

**Important terms**

**Intentional:** deliberate, on purpose

**Unlawful:** illegal, against the law

**Sexual penetration:** when genital organs, body parts or objects penetrate to any extent the genitals or any other part of the body of another person

**Consent:** to agree to something, give permission or say 'yes' when you understand what is being asked of you and when you are not forced or deceived into giving consent

**Marital rape:** rape by a husband or wife (whether married by civil, customary or religious law)

**Masturbate:** stimulating your own or another person's genitals to produce sexual arousal or orgasm without penetration

**Date rape:** rape by someone that you are out on a date with

**Gang rape:** rape by two or more people

**Vagina:** the female sexual organ

**Penis:** the male sexual organ

**Anus:** the opening between the buttocks through which a person defecates

**Compel:** to force someone to do something, either by using physical force or any threat

**Paedophile:** an adult who has romantic relationships or sex with children

# What to do

## if someone has raped you

### Straight after the rape

The moments right after a rape are very important from the point of view of the law and from the point of view of the rape survivor's recovery from rape. Deciding what to do about what has just happened can be extremely difficult if you are in shock or feeling bad.

From the point of view of the law, the sooner you can get to a police station or a hospital the better, because:

- the criminal has less chance to escape
- you may be able to remember more about the rape right afterwards
- there is physical evidence on your body that links the rapist to the crime, and this evidence can get lost quickly.

From the point of view of your recovery, there are medicines you need to take (to prevent pregnancy or disease) that only work within 72 hours (three days) after the event. Getting support immediately after the rape from someone that can help you, also helps you to recover. This support could be from someone close to you or from a professional service provider such as a nurse, a doctor or a trained rape counsellor. This helps you to recover, because if you are forced to make tough decisions in a hurry, while you are feeling shocked and abused, it helps to get good information, practical help and strong emotional support. The

information given by these professional people can help you, or someone close to you, to make these choices. They will also tell you how much time you have to make these choices.

### Steps to take after rape

1. Go to a safe place as soon as possible.
2. Tell the first person you see and trust about what has happened. The first person you told about the rape will sometimes be asked to go to court to support your story – this person is called the first contact witness. If this person is a stranger, write down or try and remember her or his name, telephone number and address. This is important if you decide to report the rape, as the police will need to find that person and talk to her or him.
3. If you are badly hurt, go straight to a hospital or a doctor. The police can be called to the hospital if you want to report what has happened to you. The police can also take you to a hospital if you are hurt, or they can summon an ambulance.
4. **If you are not HIV positive** and you fear that you have been exposed to HIV, **you need to receive medical attention within 72 hours (three days) of exposure.** Some studies show that you are better protected if you receive medicine to prevent HIV infection within six to eight hours of exposure, so the sooner you receive medical attention, the better.



If you are HIV negative, the hospital or clinic will give you antiretroviral drugs (ARVs) to prevent HIV infection. The ARVs form part of a group of medicines called post-exposure prophylaxis (PEP). PEP consists of ARVs, emergency contraception to prevent pregnancy and antibiotics to prevent certain other diseases.

5. Decide whether you want to report the rape to the police. You may not feel like making this decision so soon after being raped. However, the sooner a doctor examines you, the more likely she or he is to find strong proof on your body or on your clothes, such as blood or semen from the person who raped you. Bruises and cuts will stay on your body for a while, but semen, hair, saliva and blood can be lost quickly.

If you were drunk at the time of the rape, don't let this stop you from reporting the matter to the police or from getting medical treatment. Being drunk is not a crime; rape is. Remember that the law says that you can't give consent while you're very drunk.

Women often find it difficult to go to the police. Men may find it even more difficult. Lesbian, gay, bisexual, transgendered and intersex people often find it almost impossible to face going to the police. Elderly people and disabled people who feel vulnerable at the best of times may struggle to face this ordeal and might need additional support. The decision to make a report to the police or not can affect you in many ways and you should consider it carefully.

**Important terms**

**HIV:** human immunodeficiency virus – a virus that attacks the immune system and causes AIDS

**AIDS:** acquired immune deficiency syndrome – a disease that weakens the body's immune system

**HIV negative:** not having the virus that causes AIDS

**HIV positive:** having the virus that causes AIDS

**Antiretroviral drugs (ARVs):** medication that helps prevent HIV infection after you've been exposed to the virus

**Post-exposure prophylaxis (PEP):** a group of medications given to rape survivors, including ARVs to prevent HIV infection, emergency contraception to prevent pregnancy, and antibiotics

**Emergency contraception:** the 'morning-after pill' – a pill taken within 72 hours of sexual intercourse, to prevent pregnancy



*Reporting the rape  
to the police*

# Reporting the rape

## to the police

There is no time limit on reporting rape or laying a charge. However, the sooner this is done, the easier it is to get the evidence needed for the court case. Delays in reporting may not be used against you in court, but forensic evidence (physical evidence such as semen and hairs left on your body after the rape) may be lost. If the crime was sexual assault rather than rape, you need to lay a charge within 20 years.

It's preferable to go to the police station nearest to where the rape took place. **No survivor may be turned away simply because the rape took place a long time ago or was committed in the station area of another police station.** However, police often send you to the police station nearest to where you were raped, despite this rule.

If you don't want to go to the police station, you can ask the police to send a patrol car to your house, to the crime scene or to wherever you are. However, this can take a long time. If you decide to go to a police station, you may want to take someone you trust with you. If you were drunk at the time of the rape, you must tell the police – it's not their place to judge you, and the fact that you were drunk may be important in your case. When you get to the police station, tell the police officer at the community service centre that you wish to report a rape.

At some police stations, there are police detectives from the Family Violence, Child

Abuse and Sexual Offences Unit (FCSU) who are specially trained to deal with rape, child abuse, domestic violence and sexual assault. At other stations, you may have to wait for these special detectives to come from another station to take your statement. You have the right to speak to a female police officer. If there is no woman on duty, you can ask the police to call one. This means that you may have to wait for them to find an available policewoman.

A skeleton statement should be taken first and translated into your own language. This should be taken down as soon as possible so that you can go on to the hospital for a forensic examination and medical treatment. Many police stations also have victim support volunteers from the local community who give their time to support victims of violent crimes such as rape. They will usually take you to a Victim Support Room (VSR) or Victim Friendly Room (VFR). This is a safe, private and comfortable space in or near the police station where you can wait for the FCSU detectives to come and take your statement.

If you're at a police station and the police don't allow you to report the rape, it is very important not to give up. Ask to speak to the station commander. If they still refuse, go to another police station and report the rape. You can make a complaint about this later on. (See *Gaps in service delivery* on page 78 for more information.)

### Reporting a rape without laying a charge

If you do not wish to lay a charge, you can report the rape to the police and request no further investigation. They must record it in their Occurrence Book (OB) and give you the OB number; however, in practice this is not always done. If you are asked to make a statement and if you are not ready to lay a charge, you can say this in your statement.

Regardless of whether you choose to lay a charge or not, you need to get medical help. (Read through the section *Medical attention* on page 16.) You should get to hospital as soon as possible in order to get PEP. Having the forensic examination to collect physical evidence of the crime done at the hospital also means that you will have evidence of the rape in case you change your mind later about laying a charge. Ask the investigating officer how long the forensic evidence will be kept for, as they will only usually keep evidence for a few months if you don't lay a charge.

### Laying a charge

You do not have to pay any money to lay a charge.

If you wish to lay a criminal charge against the rapist, you need to preserve evidence of the rape:

- Do not throw away your clothes, wash yourself or eat or drink

anything, no matter how much you want to. There may be proof of the rapist's identity and of what he did to you on your body or clothes, for example hair, blood or semen. This is important evidence.

- If you want to change your clothes without washing, roll up all of the clothes you were wearing during the rape carefully to take them with you to the police. Put your clothes into a paper bag or wrap them in newspaper. Do not put them into a plastic packet, as this can destroy the evidence. If you can, take the bed sheets or other materials you were lying on during the rape with you in the same way.
- It's better not to drink anything – even water – or take any medicine or smoke before a doctor examines you. However, if you do, it's important to tell the doctor what you have taken.
- If you need to use the bathroom, keep any toilet paper and other sanitary material. There could be semen on them that would otherwise be washed away. These can be left to dry and then placed in an envelope or a paper bag.
- If the rapist drugged you in order to rape you, and you have decided to lay a charge or you want to know what drug was used, you should have a blood and urine test **within 24 hours.**

When you lay a charge of rape, it means that you want the police to investigate the case and arrest the rapist. No police official, irrespective of rank, is allowed to tell you that you cannot lay a charge, or that you do not have enough proof. You can lay a charge of rape at any time – there is no prescription period for rape.

Your statement should be taken down in a private room, by a female officer, if possible. A skeleton statement should be taken first and translated into your own language. This should be taken down as soon as possible so that you can go on to the hospital for a forensic examination and medical treatment. The skeleton statement is a statement of what took place, where it happened and who was involved. This helps the investigating officer secure the crime scene, apprehend the rapist and collect evidence as soon as possible. A full statement will be taken once the forensic examination is completed and if you are in a state to do so. If you are not in a state to have a full statement taken, the investigating officer will make an appointment with you for the following day or within 36 hours.

If you are reporting just after the rape, **you should be taken to hospital as soon as possible**. The reason for this is that ARVs are most effective in preventing HIV infection when taken 6 - 8 hours after the rape. The maximum time period for ARVs to be administered is within 72 hours (three days). You therefore need to go to hospital as quickly as possible

if you're still within the 72-hour cut-off period. Private hospitals do not perform forensic examinations, so you will have to go to a government hospital or a Thuthuzela Care Centre. Also, if you go to hospital before making your full statement, it gives you time to calm down, come out of shock or sober up before making your full statement. Your statement will be more coherent.

Keep the telephone number of the police station and the name of the person who took your statement. An officer will then investigate your case; this will be your investigating officer. He or she will be in charge of everything to do with investigating the crime and preparing the case for court. Your case will be assigned a police case number or Crime Administration System (CAS) number, which always stays the same. You should be given the telephone number of the investigating officer as well as a back-up number if you can't get hold of the investigating officer. The investigating officer is the person whom you can contact for information about your case. Make sure the investigating officer has your phone number and if your phone number changes, for any reason, let him or her know right away.

### Giving a full statement

After you have given a skeleton statement, had a forensic examination and received medical treatment, you will be allowed to go home and a time will be

agreed with you to give a full statement. The police will ask you to tell them what happened to you. Everything you say will be written down. This is referred to as a statement. This is so that the police can start trying to investigate the case and prepare the case for trial if a suspect is arrested. The investigating officer must try to gather enough evidence to prove beyond a reasonable doubt that the suspect is guilty. Tell them everything that you can remember about what was said and done to you by the rapist. It's your right to give your statement in a private place. It's your right to have someone with you to support you while you make your statement, provided that person is not a witness to the rape. Any witness will have to make her or his own statement in another private room.

You are allowed to make your statement in your home language. If the police officer taking your statement doesn't speak your language, the police should find an interpreter to translate for you.

Do not sign your statement until you agree with everything in it and until you are happy with the way it has been written. This is very important, because your statement is the first piece of evidence that a rape has been committed and it will be used in the court case. Many rape survivors do not remember all the details straight after the rape, because they are upset and shocked by what happened. If you remember something later which you did not say in your first statement, you can tell the police and have it added to the statement. The court may question

*The police often tell a rape survivor to return in the morning and that they will then take her to the hospital together with a box that contains the rape medical kit or Sexual Assault Examination Kit (SAEK). This is not allowed. The police should take any survivor to a designated public health facility directly. If you or someone you know is in this situation, you can call Rape Crisis or another NGO to support you in insisting on this with the police. Insist on going to a hospital immediately, so that further forensic evidence can be collected and so that you can receive ARVs to prevent HIV infection.*

*A survivor who was drugged by the rapist has a short period of time in which to prove that the drug is present in her body. In order to get this evidence, drug tests need to be done almost immediately – or at least within 24 hours. These tests are unfortunately quite expensive and some hospitals don't do them.*



you later about why you made these changes, but the most important thing is to have the whole story clearly laid out for the court case.

When you report to the police, you will be given a CAS number for your case. Keep this number safe. You will need it in order to enquire about your case. You can ask the police to give you a copy of your statement. Although they are not

legally obliged to give this to you, some police stations will do so – it is worth asking for it for future reference.

You must tell the police where you live and, if possible, give them a telephone number where you can be contacted. It's important to tell the police if you change your address or telephone number, so that they can always get hold of you.

*The police should ask you whether you wish to have the rapist, once he is arrested or located, tested for HIV at government expense. You don't have to make this decision immediately. This test can be done up to 90 days after the rape occurred. The benefit of asking for this is that the rapist may receive a harsher sentence if he was HIV positive when he committed the rape and he knew this. On the other hand, doing this test may cause you more stress. Remember that, even if the test results are negative, you still need to continue taking ARVs for 28 days, as the rapist may be in the window period.*

### Important terms

**Laying a charge:** reporting the crime that has been committed, so that the police can begin a thorough investigation of the facts and collect evidence in support of these facts

**Evidence:** the physical material (documents, statements, clothing, injuries, bodily fluids and so on) produced in court in an attempt to prove or disprove the facts of a crime

**Statement:** The first piece of evidence that is collected is your statement. Everything that you tell the police about what happened is written down. It is then given to you to read and sign if you agree that it's a true reflection of the event

**Community Service Centre (CSC):** the reception area of a police station where you go to lay a charge (previously called the charge office)

**Station commander:** the police officer in charge of a police station

**Crime Administration System (CAS) number:** a unique number used to identify the crime that you reported to the South African Police Service (SAPS)

**Family Violence, Child Abuse and Sexual Offence Unit (FCSU):** a specially trained unit in the police service that investigates rape cases

**Sexual Assault Examination Kit (SAEK):** a set of specially made boxes for keeping all the forensic evidence in a clean, uncontaminated package that can be transported to the forensic laboratory for analysis

**Investigating officer:** the detective responsible for all aspect of the rape case investigation. This officer will work closely with the forensic examiner and the prosecutor assigned to your case. The investigating officer is also responsible for keeping you informed of the progress of your case and answering your questions



# Medical attention

# Medical attention

You should receive medical attention as soon as possible – even if you are not bleeding, you may still be hurt. Also, given the ARV requirements to prevent HIV infection, all rape survivors should be seen as potentially fatally injured even if not bleeding, due to possible infection. The sooner you receive ARVs, the less likely it is that HIV infection will occur.

The main reasons why you need medical attention after a rape are the following:

- **Infection:** You may not know how many sexual partners a rapist has had, or what state of health he's in, so it's crucial to see a doctor for treatment to prevent STIs (sexually transmitted infections) and HIV. You need to receive PEP as soon as possible after a rape – within six hours if possible, but not more than 72 hours (three days) after the rape. If you start taking ARVs more than three days after, they will not work.
- **Injuries:** Because rape is a violent act, injuries often occur. However, even though you may not be hurt on

the outside where you can see it, you may be injured internally.

- **Possible pregnancy:** No one wants to fall pregnant as a result of being raped. So it's very important to receive treatment to prevent pregnancy, if you were not already taking measures to prevent pregnancy when the rape took place.
- **Evidence:** If you lay a charge, the doctor's report is vital to your case. Even if you are not sure whether you wish to lay a charge, it is better to have the forensic examination done, so that the doctor can gather physical evidence – in case you decide to lay a charge later. Physical evidence such as the rapist's blood, semen or hair will be lost if you don't have the forensic examination done as soon as possible after the rape.

You can still receive medical treatment even if you decide you do not want to report the rape or lay a charge. Go to your doctor, or a government hospital or clinic. Say that you have been raped and

*Tablets such as Viagra are used increasingly on male rape victims. These tablets bring on an erection. Be aware of the serious side effects this medication can have. An erection that is painful or that lasts more than four hours needs immediate medical attention. Another rare but serious side effect which may be caused by taking Viagra is a sudden loss of vision. Call your doctor immediately or go to an emergency room for evaluation.*

that you want treatment. Some clinics will charge you a fee for treatment. If you can't afford to pay a fee, government hospitals or clinics will provide a free service. Hospitals sometimes refuse to see a survivor until she has spoken to the police, so in general it is best to go to one of the dedicated health facilities for a rape examination.

You will be examined by a clinical forensic practitioner, which is a nurse or doctor who has been specially trained to gather evidence of crimes and offer medical treatment. The examination may take a long time, and you might want someone you trust to be with you – the police can make these arrangements. (See the subsection entitled *The forensic examination* for more information.)

The doctor or nurse will ask your permission to do an HIV test. This is to find out whether you are HIV negative, so that you can receive ARVs. You cannot take ARVs if you are already HIV positive. It is very important that you take the entire 28-day course of medication. You also have to take the medication in the correct way, so make sure the nurse or doctor has explained to you how and when you should take each dose. If you don't want to have an HIV test straight away (for example if you are too traumatised), you can ask to receive three days' worth of medication. You will then need to come back and have an HIV test before you can receive the rest of the course. Remember that you have to start ARV

medication as soon as possible after exposure to the virus. The medication might lead to unpleasant side effects, such as nausea, vomiting, tiredness and flu-like symptoms. If you get these symptoms, ask the doctor or nurse for something to relieve them, but don't stop taking the medication.

If the rape happened less than 72 hours ago – and if you are not using any contraception – ask for emergency contraception (the morning-after pill) to prevent getting pregnant. This medicine has to be taken within 72 hours of the rape. The pills might make you feel sick, and you will start to bleed. This bleeding is like a normal period.

If you do fall pregnant and you decide you do not wish to continue with the pregnancy, you can obtain an abortion – or termination of pregnancy (TOP) – from a government hospital or clinic. District clinics will perform abortions up to 12 weeks into the pregnancy. Major hospitals and some private clinics will perform abortions up to 20 weeks. You may find it difficult to make such decisions at this time, but it is important to go to a clinic to see how far into the pregnancy you are so that you have more options. If you decide to continue with the pregnancy but you don't wish to keep the baby, you can contact an adoption centre to discuss further options.

The rapist might have given you an STI. The doctor that sees you after the rape

should put you on a course of antibiotics to prevent this. If you have any discomfort, itching or discharge from your vagina after that, return to your doctor and ask for antibiotics to treat the STI.

If you suspect that you were drugged by the rapist, tell the doctor. However, hospitals often don't run drug tests, and the drugs go through your system very quickly, which means that evidence of them also gets lost very quickly. If you can afford it, try to get this done privately. However, check with your investigating officer what the correct procedure is, as she or he will need to preserve the chain of evidence. The doctor will have to write an affidavit about the test and its results and then be willing to testify in court, which most private doctors are reluctant to do.

If you need time off work or school to recover or to deal with trauma and side effects from medication, ask your doctor to give you a sick certificate.

You should also think about having another test after three months, as the HIV virus can take three months to show up.

### The forensic examination

The investigating officer will take a Sexual Assault Examination Kit (SAEK) along with you to the designated health facility. The SAEK is a set of specially made boxes for keeping all the forensic evidence of the rape collected from you

in a clean, uncontaminated package that can be transported to the forensic laboratory for analysis.

Forensic medicine is a field of medicine that involves collecting and analysing medical evidence and samples to bring objective information to the police investigation and into the court to use in proving the legal case against the rapist. The clinical forensic practitioner can be a specially trained nurse or doctor, whose job is to collect medical evidence in support of your statement to the police. Before this can happen, you will have to sign an SAPS 308 form to say you agree, or give your consent, being examined. The examination is sometimes embarrassing and uncomfortable, but it's the only way to find physical proof of what happened. It can also be a way to find the rapist's DNA on your body, which will link the rapist to the crime and help to prove that he was the one that committed the crime.

The doctor or nurse will ask for your medical history. This includes when, where and what happened during the rape. She or he will ask other questions such as when last you had consensual sex, whether you've had children and when you last menstruated. This helps the doctor to know whether any tears that have occurred in the vagina are a result of the rape and whether there is likely to be DNA from someone you had sex with before the rape.

*You may choose to go to your own doctor instead of the clinical forensic practitioner. Your own doctor must complete the J88 form and be prepared to go to court to give evidence. Unfortunately, many doctors and private hospitals are not trained to do this, so you must find out if your doctor is willing and able to do this examination.*

Once this is done, you'll be asked to remove your clothes while standing on a large sheet of paper; these clothes are then taken for evidence. Next the doctor will take a swab inside your mouth to try and obtain a saliva sample from the rapist. If the rapist did not kiss or orally rape you, tell the doctor immediately. You'll be asked to lie down on an examination table and the doctor will examine your whole body. The doctor will take samples to find evidence of the rapist's hair, saliva and semen. So it's important to tell the doctor where the rapist touched you and whether you scratched him, so that as much evidence as possible can be collected.

Remember that this process is about gathering evidence – the doctor's questions and the collecting of samples are aimed at establishing the identity of the rapist who attacked you.

All this information will be written on a form known as a J88, which details the doctor's findings for use in court. The evidence collected by the doctor is then placed inside the SAEK packaging and

handed to the police and, if a suspect is apprehended, it will be sent off to a forensic laboratory for further analysis. If not, it will be kept safely until needed. Both the forensic examiner and the investigating officer will sign papers to say that they handed over and received the sealed SAEK. A similar process takes place between the investigating officer and the staff at the forensic laboratory. This is to prove the evidence was not tampered with – it is called preserving the chain of evidence.

### Follow-up medical appointments

You'll be asked to return to the hospital or clinic to collect the remainder of your ARV tablets in a few weeks. You're expected to take the tablets for 28 days. Many survivors struggle to do this, because the tablets often make you feel nauseous, drowsy and confused, and may cause a constant headache. You can ask your doctor for medication to relieve these symptoms. It's very important to complete the full course of ARVs, or you may contract the virus.

### Important terms

**Forensic:** a word associated with courts of law and crime detection

**Forensic medicine:** medical knowledge applied in crime detection and for courts of law

**Clinical forensic practitioner:** a doctor or nurse trained to examine a person's body for evidence of a crime and as part of a criminal investigation

**Semen:** the thick, white fluid containing sperm that men produce from the penis when they have sex

**J88 form:** a form used as evidence in court, completed by a clinical forensic practitioner, describing any medical evidence found on or in the body

**DNA:** Deoxyribonucleic acid is a long molecule in our cells that defines what we look like and some of our personality traits. This molecule is copied and inherited across generations and is unique to a person, in the same way a fingerprint is unique

**Abortion:** terminating or ending a pregnancy

**TOP:** termination of pregnancy

**Sexually transmitted infection (STI):** a disease or infection passed on by having sexual intercourse



# Criminal justice procedures

# Criminal justice procedures

Laying a charge and starting an investigation does not guarantee that the person who raped you will be caught, kept in custody, convicted of the crime and then sentenced. There is still a long way to go. You might have to phone the police many times to find out what is happening with the case.

If you don't know the person who raped you, you should be allowed to check mug shots (photographs of criminals kept on file by the police) or describe the person for an identikit to be drawn. This will help the police to find the rapist.

## The identity parade

Your investigating officer should inform you once the rapist has been arrested. The police may ask you to identify the rapist by means of an identity parade. The police should make you feel safe, as the identity parade can be a traumatic experience.

You'll have to identify the person who raped you from among a row of men who look similar to each other. You don't have to touch him or be in the same room as him. The men should be standing behind a one-way mirror. This is a type of glass that you can see through from your side but that the men cannot see through from their side – they only see a mirror. If, for example, the rapist is a colleague or family member and someone else is able to identify him, then you will not need to go through this process.

## The bail hearing

Bail is money paid as security or a deposit against the temporary release of a prisoner awaiting trial. This means that if an accused is released on bail, he will not remain in jail until the court case. He must appear in court whenever required, or his bail money will not be returned to him.

Before bail can be granted and an amount set, the suspect has to appear in court before a magistrate, who will make this decision. Although you don't have to be there, you have a right to attend this bail hearing. Your investigating officer should inform you when the bail hearing will be held. However, because you are not expected to attend a bail hearing, some investigating officers don't let you know. Ensure that you have the investigating officer's phone number and ask her or him to tell you when the bail hearing is.

**If the police have already served the rapist with a protection order before the bail hearing, his chance of receiving bail is reduced.** This is sometimes the case when the rape was an act of domestic violence. Give this information to the prosecutor before the bail hearing.

During the bail hearing, you can be asked to give supporting evidence on why you think the rapist should not be released on bail. However, it's better for you to tell the investigating officer these reasons and to write them down, so that



you don't actually testify in court at this stage of the case.

The court is unlikely to release the rapist on bail:

- if he raped you more than once
- if there was more than one person who raped you and they were in it together
- if he already has two or more rape charges against him
- if he knew he had HIV/AIDS at the time
- if you are under 16
- if you are vulnerable as a result of a physical or mental disability or illness
- if he inflicted grievous bodily harm on you during the rape
- if he or his family has threatened you.

If you do not attend the bail hearing, you can phone the investigating officer and find out the results. If the rapist is granted bail, you may wish to obtain a protection order to ensure he doesn't contact you. Being granted bail doesn't mean that the courts think the accused is innocent; it means that they think that he will come back to court for the trial and that he will not interfere with you before the trial.

When an accused is allowed out of jail on bail, he is not allowed to do certain things, such as leave the country or intimidate you or your family in any way. You shouldn't even have to see him during this time. If you know that he has done any of these things, you must let the police know about it straight away. If the police do nothing, you must report

this to the station commander, an NGO such as Rape Crisis, or the Independent Police Investigative Directorate (see the section *Gaps in service delivery* on page 78 in this booklet).

### The police investigation

After a suspect has been arrested, the investigating officer has to investigate the rape complaint to see if she or he can gather sufficient evidence for a court case or prosecution to proceed. The medical evidence will be taken to the forensic laboratory for analysis and the results must be added to the docket or case file. Any witnesses, including the first person you told about the rape or anyone who may have seen it happen, must be interviewed by the police and must give their statements to the police.

You can help your case by making sure that you stay in contact with your investigating officer.

- Phone her or him at least once a month, and make sure that she or he knows where to find you at all times.
- Your investigating officer will inform you when your case is going to court. You can also meet the prosecutor and ask her or him about what will happen in court.
- You may also lodge a formal complaint with the police if you feel that your case is not being investigated properly.

### The case goes to the public prosecutor

The prosecutor will look at the evidence and decide whether to prosecute. The prosecutor may also decide whether the case needs further investigation or additional evidence before a more informed decision is made.

If it's decided that the matter will not go to court, it does not mean that the police and the prosecutor don't believe you or that the rapist is not guilty – it simply means there is not enough evidence. If this happens, you can pursue a civil court case, which requires less evidence. See the subsection on civil cases on page 30 for more information.

**Rape is one of the most difficult crimes to prove in court.** The following is a description of 'the perfect case' for the system, one that allows everyone's job to be a lot easier than it may otherwise be:

*'... the perfect case would be one in which all the information checks out, there are police witnesses to the crime, the victim can provide a good description of the assailant, there is supporting medical evidence including sperm and injuries, the story remains completely consistent and unchanging, the victim was forced to accompany the assailant, was previously minding her own business, a virgin, sober, stable emotionally, upset by the rape, did not know the assailant who has a prison record and a long list of current charges against him.'*<sup>1</sup>

Most rape cases don't even come close to fitting this description. There are seldom any witnesses. It can be extremely hard to describe a stranger who did something that traumatised you, let alone remember that description some time later. There may have been no injuries or semen samples to give medical evidence of the rape itself. Many rape survivors remember bits and pieces of what happened only weeks later, and this changes the statement, making it seem as though the survivor's story is inconsistent. This is not wrong or bad from any other point of view than a legal point of view, but, in prosecutions, that is all that counts.

Often, the rape survivor goes willingly with the rapist because she knows him or has been deceived by him, but that can make it seem as though she gave consent to other things too. If you were drunk at the time, it can be made to seem as though you were trying to seduce the rapist or as if you gave him your consent. If you remained calm and contained throughout the process of making your statement and enduring the forensic examination, it can be made to seem as though you were not upset by what happened. Some rapists hold positions of status and respect, and no one wants to believe that they could have done anything shocking or bad. All these factors – and many others – make it very difficult to prove beyond a reasonable doubt that a particular person raped you.

If the prosecutor withdraws the case, **you can still apply for a protection order that clearly stipulates the rapist should not contact you or approach you in any way.** A protection order is a document issued by the court which prevents the rapist from committing an act of violence, enlisting the help of another person to commit violence, entering your home, your work place or contacting or approaching you in any way. If he then does contact you, he can be arrested. You can set the terms of the protection order according to your own needs and against a set deadline.

### The court case or trial

If you don't attend court hearings that were scheduled, your case may be withdrawn. Justice can only happen if you participate.

The State will provide you with a lawyer, known as the State prosecutor, who represents the State and acts on your behalf. This is because rape is seen as a crime against the State. You cannot choose your own lawyer to represent you in court. During the trial, the rapist will be referred to as the accused, and his lawyer as the defence attorney.

It's a good idea to meet with the State prosecutor before the trial, as she or he can give you information about how the trial will be conducted. Most prosecutors will make an arrangement to meet with you before the trial. At this meeting, you should find out what questions you may

be asked by the prosecutor in court. This meeting takes place at the court building in the prosecutor's office. It is a good idea to ask the prosecutor to show you the court room where your case will be heard, so that you know what it looks like, who will be present in court and why they are present during the trial.

When the matter first goes to court, it will not go to trial immediately. The case is also usually postponed a few times before it's ready for trial. Therefore, you might not need to attend court at the start of the process. Your investigating officer will tell you when you need to come to court and will give you a subpoena that indicates when you should appear. It may take many months before the case comes to trial. It's a good idea to go with someone such as your investigating officer, prosecutor or counsellor before the court case to see what a courtroom looks like, where the different people sit and what they are there to do. In some places, you may ask a rape counsellor to go with you to court.

You are allowed to read your statement again before the trial starts, to remind you about what you said to the police immediately after the rape. You should discuss this with the prosecutor.

When you go to court, ask if you can wait in a waiting room separate from the rapist, before testifying. This may not always be possible.

The prosecutor should reimburse you for any travelling and waiting time spent in court. The funds for this are limited. Speak to the prosecutor. She or he will write you a slip which you can take to the Clerk of the Court, who reimburses you.

### Postponements

Be prepared for postponements. The case can be delayed if either the prosecutor or the defence attorney needs more time to prepare for the trial. You may request a postponement yourself if you are not ready to appear in court due to emotional difficulties or because you are ill, writing exams and so on. There can be many reasons, both good and bad, for delaying a court case. These postponements happen frequently, so try to prepare yourself. The trial phase can take months, or even years (in complicated cases).

### In camera

If you are under 18 years old, the court will automatically be cleared of the general public. If you are over 18, you can ask that the court be cleared of the general public while you give your evidence or testify. This type of hearing is called an in camera hearing, meaning 'in private'. The court workers and the accused will, however, remain in the court. You may ask for a rape counsellor or your family and supporters to stay with you, provided none of them are witnesses in the trial – other witnesses have to remain outside the courtroom

until after they have testified. Then they may join you in court.

### Closed circuit television (CCTV)

In certain cases, survivors may be allowed to use CCTV. This is a direct link between a video camera in a room outside the court room and a television screen inside the court room. The video is transmitted from the camera to the screen inside the court room and is not broadcast to any other television screens. It may be recorded for replay at a later stage.

You give your evidence from this separate room in front of a camera that is set up on a stand (there is no camera operator behind the camera) and you are seen giving your testimony on a TV set in the courtroom. You wear a set of headphones, and through these you hear the questions being asked of you by the prosecutor and the defence attorney. It is possible to request giving your evidence in this way if it would be too traumatic to give testimony in the same room as the accused. Prosecutors must request this option of the court if you ask for it, but the magistrate may refuse it without giving any reasons. If this option is denied for survivors under the age of 14, the court must give reasons for any refusal.

### Using an intermediary

Children under the age of 18 and people who are mentally challenged may be allowed to use an intermediary to testify. The process is similar to the process using

CCTV, but in this case there is a trained intermediary who wears the headphones and relays the questions asked by the court to the witness, who then gives her answer to the intermediary. The questions and the witness's replies are relayed back to the courtroom through the CCTV linking the two rooms. If the court does not have this facility, you can request that the case be moved to one that does have it. The request may or may not be granted, depending on the circumstances.

### Giving testimony

As the survivor, you'll probably be the first person to give evidence in the trial. All the details of the trial will be recorded, either through a microphone in front of each person that records their words or by a court stenographer who types out everything that is said.

You are entitled to speak in your home language. A court interpreter will translate for you if the members of the court don't speak your language. If you think that the interpreter is not interpreting properly, you must tell the magistrate or the prosecutor.

Once you have answered questions posed to you by the State prosecutor, you will answer questions posed to you by the defence attorney. This is called cross examination. After that, the prosecutor will have an opportunity to ask you any final questions before the next witness is called.

You have only one chance to tell the court what happened. You must do this in as much detail as possible. All you need to do is tell the truth; you don't have to defend yourself, even though the defence attorney may try and suggest that you are lying for some reason or that you are mistaken. The role of the defence attorney is to try and prove to the court that the rape did not happen, that you agreed to have sex with the rapist or that it was a different person that raped you. The defence attorney does this in order to try and defend the accused.

If there were any other people who saw the rape, they too will give their evidence as witnesses and then be cross examined by the defence attorney. The first person you told about the rape may also be asked to give evidence. The investigating officer will give the evidence uncovered by her or his investigation. The doctor or nurse that examined you will give her or his evidence. A forensic pathologist will give evidence of the analysis of the samples that were taken and analysed, showing a match in the accused's DNA with samples taken from your body after the rape. The accused will then give his evidence and will be asked questions by the prosecutor. The prosecutor will try to question the truth of his testimony about what happened.

### Evidence required or allowed

Evidence requirements for sexual assault trials have changed in recent years.

Nowadays, there are certain things that the defence cannot use in the trial to try to create reasonable doubt, and there are certain things that are no longer necessary in order to prove the survivor's credibility:

- **Previous consistent statements:** In the past, the law expected survivors to tell someone what had happened shortly after the rape, and this 'first report' was often key to a survivor's testimony. Nowadays, earlier and consistent statements or first reports on the rape can be used, but they aren't necessary for the survivor's testimony to be believed. This means that the court can't decide that your story is any less true just because you added to or changed the first statement you made to the police.
- **Delays in reporting:** The court may no longer draw any conclusions from the delay between being raped and reporting the rape.
- **No cautionary rule:** Previously, the survivor's testimony was to be viewed with caution, in that she may be lying. Now your evidence may no longer be viewed with caution.
- **Character and previous sexual history:** No evidence of your previous sexual history may be presented in court. Prosecutors must oppose any questions about your previous sexual experiences. The defence attorney may apply to include this evidence, but only as long as it's

not used to imply that you were likely to consent or that you are not believable.

## The verdict and sentencing

After all the evidence has been presented, the magistrate decides whether the accused is guilty or not. If the rapist is found guilty, this is called a conviction – he has been convicted of the crime of rape. If the court does not find him guilty, it doesn't mean that the rape didn't happen. It means that it couldn't be proved beyond a reasonable doubt that the rapist raped you or that he was the person that raped you.

Rape is the most difficult of all crimes to prove beyond a reasonable doubt. 'Beyond reasonable doubt' is the standard of evidence required to justify a criminal conviction in most legal systems around the world. Generally, the prosecution bears the responsibility of finding proof of a crime and is required to prove their version of events beyond a reasonable doubt. This means that there could be no 'reasonable doubt' in the mind of a 'reasonable person' that the accused is guilty. There can still be a doubt, but only to the extent that it would not affect a reasonable person's belief that the accused is guilty.

The investigating officer has a duty to tell you when the verdict will be given, so that you can decide for yourself whether you'd like to attend or not. If you would

like to attend, you can ask the prosecutor to make a note of this after you have given your testimony. Many survivors choose to attend, as they need to be there to satisfy themselves that the trial has run its course and it is all over. If the accused is found not guilty, you may wish to apply for a protection order if you feel you need one.

If the rapist is found guilty, there'll be another court hearing to decide on the sentence or punishment he will receive. The minimum sentence for rape is ten years. For a second offence, the minimum sentence is 15 years and for a third offence the minimum sentence is 20 years. Even though there are minimum sentences, it is possible for a court to impose a lighter sentence in certain circumstances. Any sentence of ten years or more can only be passed down by the High Court, so most sentencing hearings take place there.

In certain circumstances, a life sentence of 25 years is the minimum sentence.

This is the case if:

- the rapist raped you more than once
- there was more than one person who raped you and they were in it together
- the rapist knew he had HIV/AIDS at the time
- you were under 16 at the time
- you are vulnerable due to being physically or mentally challenged or ill
- the rapist inflicted grievous bodily harm during the rape.

A life sentence can only be handed down by the High Court. So this hearing will take place in another court with a judge presiding. Reasons for a heavy sentence will be presented, largely based on the impact that the rape has had on your life. Once the rapist has been sentenced, whatever sentence is passed will take effect immediately.

### Compensation

If the rapist is found guilty, the court may order the rapist to pay you for expenses you had to incur as a result of the rape.

These costs may include:

- medical expenses
- alternative accommodation, if you were forced to leave home
- counselling costs
- the cost of replacing any damaged property
- wages lost because of having to attend court.

Speak to your prosecutor about this and keep receipts of all these expenses.

### A civil case

Another option available to a rape survivor is to make a civil case against the rapist. This entails going to a lawyer, and may cost you a lot of money.

In a civil case, the standard of proof required is lower than in a criminal case. In a civil case, a rapist can be found guilty on what the courts call a balance of probabilities rather than the reasonable

doubt required in a criminal court. This means that, taking all the evidence into account, the judge believes it's more likely that the crime was committed than not, even if there is some doubt. If the rapist is found guilty on balance of probabilities (which means the judge is convinced there is a good chance he is guilty), the judge will order him to pay damages to you and you may receive compensation from him. The judge may not, however, sentence him to time in prison.

## The Service Charter for Victims of Crime in South Africa

The South African government has committed itself to improving services to victims of all crimes. To do this, it developed a set of rights for victims and standards of service delivery for officials. This charter services as a way of promoting justice in our country and it shows you what you have a right to expect from service providers and what to do if your rights are not supported or upheld.

### Important terms

**Accused:** the person declared to be – and suspected of being – the person who committed the crime

**State prosecutor:** the lawyer paid by the State to take charge of court cases against people accused of crimes such as rape

**Intermediary:** a person who is trained to use the CCTV system and to act as the link between the courtroom and the witness, who is in a separate room

**Witness:** a person who was present at an event and who is able to give information about it

**Postponement:** an arrangement for the court hearing to take place at a later time

**Testify:** to bear witness and to give the court verbal evidence of a crime

**Sentence:** to condemn a convicted criminal to a specified punishment

**In camera:** This means that the general public will not be allowed to sit in to listen to your case. The only people allowed are the accused, his support people, yourself, your support people and members of the court

**Docket:** the paper case file, with a unique number, that the police open in order to keep all evidence of the facts of the case in one place within the system

**Protection order:** a document issued by the court which prevents the rapist from contacting or approaching you in any way

**Closed circuit television (CCTV):** a direct link between a video camera in one room and a television screen in another room. The video is transmitted from the camera to the screen inside the court room and not broadcast to any other television screens



Your rights as a victim of crime are:

- to be treated with fairness and respect for your dignity and privacy
- the right to offer information
- the right to receive information
- the right to protection from further harm
- the right to assistance
- the right to compensation
- the right to restitution.

The minimum standards of service that go with these rights are the following:

- Members of the criminal justice system must treat you with respect and sensitivity.
- They must give you many opportunities to share information with them.
- They must give you information about the criminal justice system processes and procedures, inform

you of the progress of your case and provide you with contact details of relevant people.

- They must protect you against any threats to you or your family.
- They must assist you by doing all of the above and by supporting you and listening to your needs.
- You will be awarded compensation for any loss or damages.
- The court will ensure that, if the accused is convicted, he or she will return any goods or property taken from you.

Read the section on *Gaps in service delivery* on page 78 for information about how to complain if your rights are not upheld or if you feel these service standards are not being maintained.



## Secondary trauma



# Secondary trauma

Rape survivors may turn to a variety of services in their community for assistance, such as the police, medical facilities, mental health organisations, courts and religious institutions. The responses of these services can deeply affect the rape survivor's well-being and influence her ability to recover from the trauma. If the responses are negative, they can increase the level of trauma she experiences and make her recovery even more difficult. Rape survivors are often denied help by community services, and sometimes the help they do receive leaves them feeling questioned, blamed and retraumatised. These negative experiences are called *the second rape* or *secondary trauma* or *secondary victimisation*. In other words, the victim's well-being may be affected not only by the rape itself but also by the way officials and other people offering her assistance treat her.

When rape survivors' needs are not met by the very people they turn to for help, the effects can be devastating. Because traumatic incidents invariably damage relationships, people in the survivor's world have the power to influence the outcome of the trauma. In the aftermath of rape, a survivor is extremely vulnerable. Her sense of self has been shattered and her faith in the world as a safe place destroyed. Rebuilding some form of trust, even if minimal, is the primary task<sup>2</sup> of anyone wanting to help a rape survivor.

Secondary victimisation has been defined as 'the insensitive attitudes, behaviours and practices engaged in by officials and service providers, which further the rape event, resulting in additional trauma for the rape survivors'<sup>3</sup>. These insensitive attitudes stem from four main causes, namely:

1. the stigma that results from believing certain myths and stereotypes about rape
2. bias or prejudice about certain kinds of rape survivors
3. high case loads and the pressure of working to strict case flow deadlines
4. poor staff morale experienced by personnel working in under-resourced facilities with very little support.

If service providers ascribe to myths about rape – such as believing that women often provoke rape by the way they dress or that women are prone to seek revenge on a former lover by lying about having been raped – these service providers may tell the survivor that she is not a credible witness or that her story is not believable, or they may even just give her a sense of being doubted. A belief in rape myths may lead to a rape survivor not being taken seriously or having her case dismissed. Officials who believe in rape myths may fail to refer the survivor for a forensic examination or medical treatment, or might fail to inform the survivor fully of the health risks associated with rape.

State service providers don't always get thorough and comprehensive training in issues of violence against women and victim support in their academic education. They must therefore ensure that they are exposed to this at a later stage in order to gain an understanding of the issues and to learn the appropriate skills.

Sometimes, the very services offered to rape survivors cause distress: the police statement and counselling services cause distress because they cause the survivor to relive the rape experience by retelling it; the forensic examination causes distress because it probes and exposes her body in the same way as the rape did, even if the motivation is completely different; the court case causes distress because it introduces the survivor to an adversarial situation – the battle ground of the court room. There might be no intention to cause distress and the survivor may receive sensitive treatment, but the role she has to play is stressful in and of itself.

For men reporting rape, the risks are the same as for women. In some instances, they are even greater, as men are expected to be able to defend themselves from harm and may even be ridiculed for having been raped.

The implications of secondary trauma for recovery are very clear - a negative experience leads to a much poorer chance

of recovery. Therefore, preventing secondary victimisation and trauma must be a key focus in any intervention with rape survivors. Men, women from poorer communities, those raped by someone known to them, the elderly, children, persons with disabilities and members of the lesbian, gay, bisexual, transgendered or intersex community are at greater risk for secondary victimisation.

## The principles of empowerment

Preventing secondary trauma involves the conscious use of the principles of empowerment.<sup>4</sup> These are safety, choice, respect and ongoing support. If service providers are able to encompass these principles in their work, they go some way towards fulfilling the primary task of rebuilding trust. An awareness of the damage caused by secondary victimisation has led to the development of a set of minimum standards for service delivery<sup>5</sup> by the Department of Social Development.

Rape Crisis has taken these standards and grouped them under the headings of the four principles of empowerment, as follows:

1. **Safety:** physical, emotional and mental
  - reassurance of physical safety from further harm
  - reassurance about confidentiality
  - making the survivor feel comfortable

<sup>2</sup> *Trauma and Recovery*. Herman, J. Basic Books: New York. 1997.

<sup>3</sup> *Preventing the 'Second Rape': Rape survivors' experiences with community service providers*. Campbell, R., Wasco, S., Ahrens, C., Sefl, T. & Barnes, E. Journal of Interpersonal Violence, Vol. 16 No. 12, December 2001. Sage Publications. pp. 1239–1259.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Draft Minimum Standards for Service Delivery in Victim Empowerment (Victims of Crime and Violence)*. Department of Social Development, Pretoria. May 2004.

- explaining upcoming procedures in detail
  - offering to call a family member or other trusted person
2. **Choice:** based on good information
    - giving information to the survivor
    - receiving information from the survivor
    - involving the survivor in all decisions that affect her
    - ensuring that interventions happen with the survivor's informed consent
    - informing the survivor of her legal rights
  3. **Respect:** being taken seriously
    - treating the survivor with respect for her dignity
    - affirming the survivor's strengths
    - speaking in the survivor's own language where possible
    - listening attentively
    - adhering to the survivor's wishes as far as possible
    - respecting diversity of language, culture, religion, race, sexual orientation and gender
  4. **Ongoing support:** ensuring support beyond the service provided
    - treating the survivor in a caring manner
    - offering access to available resources
    - offering emotional support
    - offering practical support
    - involving family members or other trusted persons in supporting the survivor
    - referring the survivor to other

- relevant services for further assistance
- accompanying the survivor in stressful situations

Using these principles and applying them consciously involves service providers becoming aware of their own biases and moral judgements. One of the simplest and most direct ways of doing this is to consider how far from the 'ideal' most rape cases are, from a legal perspective.

Of course there are few, if any, survivors that meet the requirements of the perfect legal case, and so each survivor represents hard work for the team. And if the team is tired, overworked or operating under stress, they may not be as sensitive to the survivor's needs as they would wish. And of course we are all subject to being influenced by the myths about rape at some point or other, even though we know they are not true. It takes a lot of thought, care and self-awareness to be completely unbiased and sensitive to every survivor. It is therefore important for service providers to consider how they would like to treat survivors and to work out why their behaviour sometimes falls short. Then they can work at it and help others around them to do so too.

When it comes to the medical examination in particular, the intervention itself is traumatic. It is therefore doubly important for service providers to be acutely aware of the potential for further harm to the survivor. The following

quote by an emergency room physician describes the essentials:

*'The most important thing in medically examining someone who has been sexually assaulted is not to re-rape the victim. A cardinal rule of medicine is: Above all do no harm ... and rape victims often experience an intense feeling of helplessness and loss of control. If you just look schematically at what a doctor does to the victim very shortly after the assault with a minimal degree of very passive consent: A stranger makes a very quick intimate contact and inserts an instrument into the vagina with very little control or decision-making on the part of the victim; that is a symbolic set up of a psychological re-rape.'*

*So when I do an examination I spend a lot of time preparing the victim; every step along the way I try to give back control to the victim. I might say, 'We would like to do this and how we do it is your decision,' and provide a large amount of information, much of which I am sure is never processed; but it still comes across as concern on our part. I try to make the victim an active participant to the fullest extent possible.'*<sup>6</sup>

### Community-based support

Based on research findings, three further prevention approaches are recommended<sup>7</sup> for secondary trauma, namely:

1. increased involvement of organisations that offer services to rape

2. specialised training for all service providers
3. the development of multidisciplinary teams in systems offering integrated care to survivors.

At Rape Crisis Cape Town Trust, we would add two more, namely:

4. the increased use of specially trained community-based volunteers in victim support
5. increased supervision and support to service providers.

The services of organisations catering to rape survivors are under-utilised by survivors, even though they are consistently effective in assisting victims to negotiate their way through the criminal justice system, and in offering crisis intervention and advocacy services. Many rape survivors don't know about these services and how they help survivors. Service providers need to refer rape survivors and inform them about local rape services.

Rape care centres – such as the Thuthuzela Care Centres (TCCs) – that bring together police, doctors, nurses, victim support volunteers, social workers and prosecutors to work as an integrated team assisting rape survivors, offer some of the most helpful services to rape survivors. They avoid the stress associated with the survivor travelling from one

<sup>6</sup> *Trauma and Recovery*. Herman, J. Basic Books: New York. 1997.

<sup>7</sup> *Preventing the 'Second Rape': Rape survivors' experiences with community service providers*. Campbell, R., Wasco, S., Ahrens, C., Sefl, T. & Barnes, E. Journal of Interpersonal Violence, Vol. 16 No. 12, December 2001. Sage Publications. pp. 1239–1259.

service to the next and facing a different environment and attitude towards care every time the survivor does so.

Community-based victim support volunteers are also an important component of service provision for rape survivors. This model, where community members form a community-based organisation that organises the volunteers through recruitment, training, support and rosters, is exceptionally attractive. It seems to offer a solution to the challenge of preventing secondary trauma by offering support to victims as a parallel process alongside and in collaboration with direct service provision by members of the criminal justice system.

Volunteers offering practical and emotional support, based at police stations, schools, courts and hospitals, also strengthen the community with tools, capacity and support that empower the community against the tide of violence. They are perfectly positioned to restore some of the trust that has been damaged through violence.

In the South African context, community members do not always easily access professionals when they are needed most. Professionals usually work during office hours, on weekdays only and only counsel from their offices, which might be far from where the survivor is. Within this context, community volunteers are a wonderful resource, because they are able to bridge this gap. If correctly

managed and well supported, they take a lot of the burden off service providers too, allowing personnel to perform their jobs knowing that rape survivors are getting maximum support.

### Vicarious trauma

One last thing that makes officials and service providers reluctant to engage with survivors on an emotional level (which is often required if secondary trauma is to be prevented) is that they themselves do not get adequate support and supervision within their settings. They therefore fall prey to vicarious trauma. In other words, because they are not supported, they begin to take on and experience some of the feelings experienced by the survivors they treat. They are often treated rudely by complainants and, in communities where levels of violence are very high, they sometimes experience physical threats to their lives and experience trauma of their own. It is no wonder that they attempt to distance themselves from survivors and adopt the victim-blaming attitudes that allow them to remain removed.

The symptoms of vicarious trauma are very much like the feelings that a rape survivor experiences after a rape. The stress of having to deliver services to survivors while experiencing some of the same feelings can be intense. Trauma is contagious. Anyone helping a rape survivor can be overwhelmed emotionally by what she or he hears

and could even begin to experience, to a lesser degree, the same terror, rage, helplessness and despair as the survivor. Hearing stories of trauma can also awaken the personal memories of suffering that a helper might have gone through in the past, if they themselves were a victim of trauma at some stage. Engaging in this work therefore presents some risk to the helper's psychological and emotional health. This risk is often severely underestimated by officials and

service providers, and by their organisations or institutions.

Each person working regularly with survivors needs support in order to avoid 'compassion fatigue' – being drained and burnt out by these continuous intense interactions. In the same way that survivors cannot recover alone, therapists, counsellors and medical personnel and even police and prosecutors can never work alone, and should not have to.



# Reactions to rape

# Reactions to rape

Each person copes with trauma in a different way, depending on her or his circumstances. By describing some of these feelings, we hope to give strength and understanding to those who have been raped and to the people who are supporting them.

We are not trying to tell you what you should feel if you have been raped. We can only tell you what we've learnt from the stories of women who have been raped. In this booklet there is also a section on male rape, made up of the stories of men who have been raped. **Read both sections, as many experiences are similar for both male and female survivors.**

How long your journey to recovery takes will depend on many things, including your situation and how supportive the people around you are. If you are worried that negative feelings are lasting too long or becoming overwhelming, you might consider getting help. It's important to remember that there are people who can help you, such as a rape counsellor, social worker, psychologist, clinic sister or even a family member or a friend you can trust.

Partners, parents or other friends and family members may not know how to respond to you, and may even share some of your feelings about the rape. They can also choose to go for counselling so that they can learn to understand their own feelings and how to offer you more support.

On the other hand, people around you might need to distance themselves from what happened to you because, although it could happen to them too, they don't want to believe that. Some people might not be supportive, because they themselves live with men who rape, or because it has happened to them and they don't want you to remind them of their own painful experiences. The truth is that not everyone around you will be supportive, and you may feel alone in dealing with some things. However, you don't have to be alone on your journey along the road to recovery – there are signposts that can help you on your way.

## Phases of recovery

The first signpost along the road to recovery is realising that there is a pattern to how most people progress or move through the trauma of rape. However, these phases don't follow on neatly from one to another; you may move backwards and forwards through the phases as you work through the trauma.

There is no single way to recover; your journey is unique. With good support, people can recover from rape, but many people choose not to get support and not to tell anyone about what happened. The following phases can also be seen in people who do not go for counselling.

### Acute phase

Immediately after the rape, most survivors feel shock, dismay, fear, panic

and anger. Some survivors show this by being numb or dazed, others by being openly upset. You would probably react this way in the first few hours, days and weeks after the rape, but usually not longer than two weeks afterwards. This is the first phase of the crisis. It is called the acute phase, because it is so intense. Many survivors are unable to talk about the rape. You might have nightmares and feel shocked, guilty, afraid, ashamed, powerless, angry, depressed and afraid of being touched. These feelings can be overwhelming.

#### Outward adjustment phase

In this phase, most survivors try to carry on with their lives as normal. To anyone looking at you from the outside, you may seem to be coping. You might even feel this way yourself. You need to go through this phase to reassure yourself that you can cope. During this phase, you test your ability to survive the experience. You may use all kinds of different ways of coping, such as pretending the rape didn't happen or pushing thoughts and feelings away.

In this phase, rape survivors are usually not open to coming for counselling. You tend to feel a lot less troubled than during the acute phase, but you may not want to speak about the rape very much. This can be difficult for those close to you who wish to be helpful and think they can do that by getting you to talk. They may feel frustrated if you don't want to

talk or they may put pressure on you to behave differently. You might find that, during this phase, what you really need is for people to let you be.

#### Integration phase

During the integration phase, the part of you that felt overwhelmed by intense emotions during the acute phase and the part of you that felt almost nothing during the outward adjustment phase come together. The intense feelings start to come back, but less overwhelming than before. You may begin to feel depressed or anxious and start thinking about the rape when you least expect to. This is the time when you might wish to talk a bit more about what happened. You might start having nightmares again and feel shocked, guilty, afraid, ashamed, powerless, angry, depressed and afraid of being touched or of being alone. You may well find that you cannot function the way you used to. You may also start to think about the rapist more.

Many survivors in this phase believe their feelings mean they have serious emotional problems or are going mad. This is a good time to go for counselling, because it can give you support and comfort, with respect for what you are going through. You can also get information about what you are going through, in the form of psycho-education. Psycho-education helps you and people close to you to understand and deal with the feelings you have. Also, your counsellor will help

you to find your own strengths, resources and coping skills so that you learn to be a part of your own recovery and contribute to your health and wellness on a long-term basis. The better the knowledge you have about what you're going through, the better you can live with it and share it.

#### Renewal phase

You begin to make sense of the trauma and to feel safer in the world. During this phase your symptoms will ease off or disappear. The memory of the rape will not have the same effect on you. You may start to feel good about life again. You may still feel emotional at times, but overall you will feel more in control and able to move forward.

#### Common feelings or reactions to rape

During the first two phases, many women report feeling or experiencing:

- shock
- guilt
- powerlessness and a loss of control
- fear
- shame
- an inability to speak about the rape
- nightmares
- a fear of touching
- depression
- anger
- grief about loss
- the desire to use drugs and alcohol
- the desire to hurt themselves, for example by cutting themselves
- suicidal thoughts or feelings.

#### Shock

You might suffer from shock after being raped. Shock can make you shake, cry, laugh or shiver. It can make you unable to think clearly, or it can make you feel strangely calm. It can also affect your concentration, so you might find it hard to focus on things. It could affect your memory, with the result that you don't remember things that you said or did, or even parts of the rape itself. These memories can return at a later stage, but sometimes they never come back. Some of these things might happen immediately, or they might happen later. Even if you are not hurt externally, you should get to a hospital, clinic or doctor as soon as possible. (See the section *Medical attention* on page 16 for more information.)

#### Guilt

Almost every person who is raped feels guilty and looks for things that she could have done to stop the rape, such as screaming, not screaming, locking the door or doing any number of things differently than what she did. You might feel bad and worthless, because you feel that you let the person rape you or that somehow it was your fault. In time, you will come to understand that it was not your fault. However, this does take time.

This feeling of guilt is often made worse by your contact with the police, doctors and the court, who may question what you did and make you feel that you are to blame. Many people hold false ideas



about why rape happens – even police and doctors. These false ideas are called myths. (See *Myths and truths about rape* on page 60.)

### Powerlessness and loss of control

Being raped can make you feel as if you have lost your power to make decisions. This feeling comes from the experience of being violated. The rapist uses his power to force you to do what he wants. What you want means nothing to him.

People who have been raped therefore have to overcome a very intense experience of extreme disrespect of their wishes, their feelings and their bodies. The experience is so intense that sometimes survivors even begin to feel as though their wishes, feelings and bodies aren't really important. The truth is that they still are and always should be.

If you are finding it difficult to make decisions after a rape, you could let people you trust help you to make some decisions. However, try to remember that at the end of the day you are the person who is in control of your life and you have the right to your own choices and decisions. Try to seek out enough information to help you make the decisions you need to make and find someone you can talk them through with.

### Fear

Fear can make you freeze. During the rape, you might find you are unable to

scream, run or struggle, because you are paralysed by fear. This is the body's natural response to being confronted with something life-threatening – it is your body's way of trying to protect you. The fear that you feel while you are being raped may not go away afterwards. You might remember all the terrible stories you've read and heard, and this could make you even more afraid that you will be badly hurt or raped again.

You might find that you can't go into a place or situation that reminds you of where you were raped; this could be a certain street, or even a room in your own house. At times a word, a film, a book, a particular kind of car, a certain time of day or even a smell can bring back the fear. You might even be too scared to go out at all. These feelings should go away after a while, but it may take some time. Try to think of things you can do, or have done in the past, to help you feel safer, and do or use these things daily.

### Shame

Sometimes women feel very ashamed of having been raped, even though it was not their fault. Most women feel dirty and spend a lot of time washing to try to feel clean again. It's important to know that you didn't do anything to deserve being raped. Some women feel that their homes are dirty too, especially if they were raped there. You may find yourself wanting to keep on cleaning the

house, and this might help you to get back some of your control. Some women feel the opposite and cannot take care of themselves or clean their homes at all.

Many women's bodies respond sexually to being raped – the vagina may become moist and some women may even have an orgasm during the rape. This doesn't mean they enjoyed the experience, were sexually aroused or wished for the rape to happen. It's a physical reaction which comes from fear and adrenalin and is nothing to be ashamed of. However, after the rape those same feelings could trigger feelings of shame and fear, because they remind you of the rape. It may take some time before you're able to enjoy the pleasure of sex again.

Because sex is a taboo subject for many families and cultures, there's shame in talking about what happened. Bear in mind it can be very healthy to talk about sex and compare your experiences with those of others – it doesn't have to be a taboo subject. Your body is nothing to be ashamed of.

### Silence

Many women find they can't speak about being raped at all. We don't talk about sex in our normal, everyday lives, because it is private. Consequently, it's so much harder to speak about rape. For many women, keeping quiet is a way of protecting themselves and not exposing themselves to further violation.

You may be afraid of people's opinions and of gossip in the community. The benefits of speaking out are that you can bring the rapist to justice and can muster support for yourself. Every woman who breaks her silence helps herself **and other women** to conquer fear and regain strength. However – and this is extremely important – you don't have to talk about what happened until you feel ready to do so. Try not to let other people, even those who are doing it because they care about you, pressure you into speaking about the rape before you are ready.

### Nightmares

Many women have nightmares after being raped. These include images of the rape itself, or frightening thoughts and feelings. Nightmares can make you afraid to go to sleep. It can help if you talk to somebody about these nightmares and feelings. It's also useful to be able to wake someone up for support if the nightmares do not go away. If there is no one to support you, you can see a doctor to get medicines to help you sleep better. However, it's important not to rely too much on medicine, and to rather go for counselling if the nightmares go on for any length of time. If you can find ways of getting through the night when you feel filled with fear, this can be very helpful. Some things that women have tried is reading a book, calling a 24-hour helpline, listening to the radio, watching TV, praying, doing relaxation exercises, using creative visualisation techniques or

writing things down on paper just to get them off your mind. Sleeplessness often causes great suffering for trauma victims.

### A fear of touching

You might feel that you cannot touch anyone else, or let anyone touch you in an intimate or sexual way again. Because your body has been violated, you may feel that this is a way to protect your body. You may find that you do not even wish to hold or hug your children or let them touch you. You may also find that you feel especially uncomfortable around, or afraid of, all men, or that you do not wish to have sex for a while. It's important that you decide when you are ready for sexual touching again. If you have a partner you should talk to her or him about this so that you can both understand and support each other.

After being raped, some women feel tight and dry inside their vagina during sex. This is called 'vaginismus'. It should go away after a while. In the meantime, rather than hurting yourself, use a lubricating lotion, such as KY Jelly, to ease the dryness.

Some women find that they wish to have sex with many partners after being raped. Try not to judge yourself if you find yourself reacting this way, and don't let anyone else do so. You have the right to do whatever you want with your body. Please do remember to practise safe sex! It can be empowering to find that it is safe to have sex with someone. But if it

becomes a compulsion and you can't stop doing it even though you want to, then you will have to try and stop and get help and support.

### Depression

Many women feel unhappy for a long time after being raped. They feel numb, tired, sad and disinterested in things. They may have difficulty sleeping, sleep too much, eat too much or eat too little. They may not wish to spend time with friends as much as they used to. This is called depression. You may feel that you're not able to do anything for yourself. You might cry all the time or have angry outbursts. You may even think of taking your own life to escape from the painful, overwhelming and confusing feelings you have. You may be unable to communicate and become very isolated.

Depression is a very common mental illness and medicine for depression may help you. You could see a doctor about this option. The medicines available for treating depression are very advanced these days and can be extremely helpful to you in your recovery. If you are depressed but you feel bad about taking pills, it may also help to talk to a friend or a rape counsellor.

### Anger

If you have been raped, you may be filled with anger for a long time. You may not feel like doing the things you usually do.

It's a good idea to talk to someone about why you are angry and whom you are angry with. Of course, it is best to be angry with the person who raped you, and not with yourself. However, some women find they hate themselves for a while. You might find you're irritable all the time and that small things infuriate you. You may find you are very angry with the police, the courts, your family, the doctor or your counsellor. It's quite understandable to be very angry after a rape.

### Grief about loss

You might experience grief and sadness as a result of the shock of your experience. You may feel grief over losing:

- your sense of safety and security, as a result of having your life threatened
- your sense of being in control, as a result of being in a situation you

could not escape from

- the sense of being in control of your body and your sexuality
- your virginity, if you were still a virgin.

If you knew the rapist (many women know the person who raped them) you may also experience a feeling of betrayal and loss of trust. Allow yourself time for this grief, but remember that you haven't lost everything. You can recover from a rape.

### Drugs and alcohol

If you were a drinker or if you used to take drugs before the rape, it is quite likely that you will turn to these things to help you cope with the overwhelming feelings and sensations provoked by the rape or anything that reminds you of the rape. Alcohol can help you relax and

### Important terms

**Psychologist:** a person qualified to study the mind and human behaviour, and to assist people with problems arising from their mental functioning, attitudes and behaviour

**Counsellor:** a person trained to give support and advice on personal, social or psychological problems

**Guilt:** the feeling that you have done something wrong

**Myths:** popular beliefs held by many people, which are believed to be true but that are actually false

**Taboo:** things that are avoided, or not allowed, because of social customs

**Vaginismus:** a painful spasm or contraction of the vagina in response to pressure or sexual intercourse

**Lubrication:** to reduce friction by making something smooth and slippery with lotion or gel

**Depression:** an extreme feeling of sadness, hopelessness and inadequacy often accompanied by physical and behavioural symptoms

forget for a while and drugs can take you to a place of total escape. But of course we all know that this can only be of limited benefit before it begins to take over and become more of a problem to you than even the feelings and memories of the rape. Addictive patterns can set in that are very difficult to break free of and they can lead to full-scale dependence. Learning to endure intense and painful emotions over long periods of time and finding other ways of altering our mood or our state of mind become some of the foremost challenges of recovering from rape.

### Cutting

Some rape survivors find the one way they can endure the intense suffering of painful emotions is to hurt themselves, for example by cutting their skin. You might find that the physical pain of cutting yourself with something very sharp until you bleed is preferable to the emotional pain you are going through. There is something simple and solid about physical pain that makes it somehow easier to bear. Many survivors feel very guilty and ashamed of this particular coping mechanism.

The problem here is that the cuts leave scars and can become infected if they fester. Finding new places to cut that are hidden by your clothes can also become difficult. It also makes some rape survivors feel separated from other people – you keep it a secret from them because of what you imagine they would think of

you if they knew what you were doing. Becoming isolated from other people can be a very dangerous place to be emotionally. Finding other more constructive ways of enduring painful emotions, getting enough sleep and reaching out to other people are some ways of searching for a path away from cutting.

### Suicide

Many rape survivors feel suicidal at some point after rape, mainly as a way from escaping from the intolerable feelings they have to go through and because they become exhausted and lose hope. Suicide is a risk, especially if you sink into a deep depression that extends over many weeks or months. Depression that leads to suicidal thoughts and feelings should be treated with the correct medicines in the correct dosage for you and should be prescribed by a psychiatrist.

Some rape survivors benefit from spending some time in hospital so that doctors can find the right drugs to treat them. This is also helpful from the point of view that you get looked after by other people, who make sure that you bath, eat and rest. These seemingly simple and ordinary everyday tasks can be too much for someone who is suffering from extreme mental and emotional exhaustion. In a hospital psychiatric ward you also gain the kind of psychological insight and information that helps you and people close to you to understand and be better

able to deal with the feelings you have. The trained people there are committed to helping you discover your own strengths, resources and coping skills. These skills may have deserted you for the time being, but in hospital you get a chance to win them back before you go out into the world again. In hospital you may meet other survivors or people who have experienced other kinds of trauma or tragedy, which can help you feel less alone.

### Trauma and the brain

It is useful to speak to people who have survived trauma as a result of violent crime, about the reactions of view of the body and of the brain in particular. As survivors, we often feel bewildered and confused by the thoughts and the emotions that we experience after a bad incident. Understanding the processes in the brain helps us to feel normal and explains many of the confusing responses and feelings we have about a traumatic encounter.

A useful way to describe the functioning of the brain was developed by a social neuroscientist called Dan Siegel. You can watch his description of the 'hand model' of the brain on YouTube (<http://www.youtube.com/watch?v=DD-lfP1FBfk>). He actually developed this model to tell children about how the brain works.

The model works as follows. Hold up your left hand, put your thumb inside your palm and close your four fingers over

your thumb – there you have a simple model for describing the basic functions of the brain. Your wrist and arm symbolise the brainstem connecting the brain to the spinal column and the rest of the body through the central nervous system. The four fingers folded over the thumb represent the prefrontal cortex – also known as the executive or thinking brain. Tucked inside the hand when you open your four fingers is the feeling brain: the emotional, social, reactive part of your brain. Your thumb covers the hippocampus, which is the memory storage centre of the brain, and the amygdala, which is the alarm system of the brain. This alarm system alerts us to danger, and also reward. This part of the brain is often called the reptile brain.

Speaking generally, we are always operating either from an open hand or a closed hand. When the hand is open – four fingers raised – the feeling brain is in charge. When the hand is closed – four fingers down – the thinking brain is in charge. This may be starting to sound familiar. When we are faced with a dangerous or traumatic situation, our brain is designed to help us survive – that is its most important function. Not to think, but to **survive**.

Think about what happens to you when you get a fright – even a small one like almost stepping off the pavement in front of a car. What are the sensations that you feel in your body?

Your heart beats faster, and your breathing becomes shallow and rapid. You feel a little weak at the knees and your focus becomes extremely sharp – you are focused on the apparent danger. There is a whole flood of different responses that happen to us when we are at risk. And they are all designed to help us survive. The heart, our breathing and the shivery feeling are all designed to take the blood and oxygen and strength to where we need them: to our muscles. You may have heard of mothers that lift cars off their children in catastrophic situations. That is how powerful we can become. This happens so that we can get ourselves out of danger – like jumping out of the way of an oncoming car. This is a wonderful reaction. We are designed to survive.

You may recognise the idea of 'fight, flight or freeze' response. In any dangerous situation, we do one of three things: fight back, freeze or flee (run away). The one thing we don't do is think. That would be the worst possible thing to do. When a lion jumps out of the bush to attack you, you don't stand there and think; you run away as fast as you can, look for a weapon or try to become one with your surroundings.

Our brains are constantly looking out for anything that is a threat to us. The instant we see a threat, our feeling and our reptile brain go into action to make sure we survive. This is a positive thing. It is what keeps us alive. The tiny little

almond-shaped amygdala hidden under the thumb in our hand model is the part of the brain responsible for sending the message to our adrenal glands to release adrenalin. That creates the fight, flight or freeze reaction. But after the adrenalin recedes, you could feel weak and exhausted. Adrenalin helps us survive in the moment of terror, but it has difficult after-effects. It makes you feel weak, you can't sleep, you are on super-alert all the time in case of another danger, you overreact, you are tearful, your appetite is affected, you take things personally and, worst of all, you relive the trauma over and over again. You keep trying to make sense of it. This is how the feeling brain tries to adjust to the huge shock that it has been given. This is because the adrenalin makes the brain think that it is always in danger.

Think about our hand model. When you are experiencing a trauma, your thinking brain disappears (it has to, it's not needed) and then you are left with the feeling brain trying to make sense of what just happened. And the feeling brain has no logic. You are left with a whole lot of feelings and reactions that belong to the feeling brain, not the thinking brain – and that can be confusing, because we like to think and we rely on our thinking in many different ways. What this means is that triggers that remind you of the rape will cause the same feelings at the same level of intensity as the rape, even though the trigger

itself is really quite a small thing. For example, if you were raped by a man in a red shirt and one day you are surprised by another man in a similar red shirt, you might go into a panic, while, in fact, the second man in the red shirt is no threat to you at all.

Part of counselling, talking to someone and working through what happened, is closing your hand again and bringing the thinking brain back into play. You use this brain when you speak and use language. Instead of just living with feelings and reactions, which make no sense, talking to a counsellor helps you close your fingers and make some sense of something that feels totally senseless.

The hippocampus, your memory bank, is tucked deep inside that thumb curled up in your palm. This is why our memories of what happened are sometimes a bit strange. If someone else has experienced the same trauma at the same time that you have, often her or his story differs from yours. This is because we don't have our thinking brain engaged when we are in the traumatic situation. Your memories of the trauma are therefore not experienced through logic and thinking. Very often, they are difficult to express in thoughts or words.

One of the most important things after a trauma is to get rid of all the adrenalin that surged through the body. In the moment when we need the adrenalin,

it is fantastic – it keeps us alive. But it is toxic if it stays in our brains for too long. It releases a neurochemical called cortisol, also known as the stress hormone. It causes forgetfulness, sleeplessness, irritability, feelings of being misunderstood, a loss of appetite and feelings of helplessness and hopelessness.

This build-up of adrenalin can sit in your system for weeks and months, so you need to flush it out. The best way is through counselling or physical exercise. However, good eating habits, crying, breathing, prayer, meditation, rest, doing kind things for yourself, being in nature, laughing and dancing can help too. Sometimes it is also just a question of time.

We have this wonderful brain that helps us to live, even when we think we may not want to. We need to work with our brain to help it live the best possible way. Feeling is all very well when we need it, but not all the time. Your thinking brain helps you to live well. It gives you dreams and hopes and goals. One of the good things about this process in the brain is that once these neurochemicals have passed through your system, you could experience a wonderful sense of renewed energy and passion for life. The very same part of the brain that alerts us to danger also alerts us to rewards. This booklet discusses post-traumatic growth on page 59. It is safe to say that you too can hope to experience this in time.

# Healing

It's important to realise that the feelings you experience after being raped are a completely natural response to a terrible event. You aren't going mad, nor are you over-reacting – no matter who tells you so. There's a good reason why you're not able to function in your normal way. There may be good reasons why your reactions are quite extreme, like some reactions we describe in the previous section. Some rape survivors might need professional help that goes beyond the scope of this book, but even so, finding your own coping skills and your own strengths and inner resources will still be stages you go through along the road to recovery. Although your road may have been steeper and covered by rocks, it is still the same road and it leads to your recovery.

You are also not alone. Many women and men have been raped and know how you feel. Your feelings won't last forever. If, however, you feel they are lasting far too long, or that you are not able to cope, you should contact a rape counsellor, a social worker or a psychologist to help you by keeping you company, pointing out some of the landmarks and helping you carry some of your burdens.

You may, on the other hand, not experience any of these feelings at all. This does not make you abnormal either. For some people, rape is something they can integrate and understand, and the experience passes quite quickly. They should not be judged for that either. As well as having serious legal and

medical consequences, rape impacts the body, the emotions and the mind. You therefore need to pay attention to all three of these levels when working through what has happened to you.

In the following sections, we outline some ideas that many rape survivors have found useful. Please note that none of these suggestions are intended to replace the treatment or care suggested to you by a doctor or counsellor. However, these ideas can easily be used together with a doctor's or counsellor's recommendations to help with your recovery. All of them are things that you can do for yourself if there's no one around to help you.

## Taking care of your body

Take care of your body by:

- eating healthy food
- doing some exercise every day
- trying to get enough sleep or rest
- taking care of your personal hygiene
- attending to the medical risks associated with rape.

## Food

If you've lost your appetite and don't feel like eating, try to eat small amounts at a time. Then try to eat more often. Eat foods that are good for you and easy to eat and digest, such as soup, toast or yoghurt, and that help the body cope with stress. As women we get bombarded with advice about our diets, and we are not suggesting you go on any kind of diet. There are comfort foods – such as

# Healing



chocolate and fish and chips – that come highly recommended. These foods may comfort you for a time. However, you may find yourself overeating, gaining weight and feeling miserable about that. You might also incur other health problems, such as high blood pressure or high blood sugar, that could be very damaging in the long term. In time, it is possible to find the balance between eating healthy food and comforting food.

### Rest and sleep

Rest as much as you can, especially if you are not sleeping well at night. Lie down for 20 minutes in the afternoon, just sit quietly in a chair or put your head down on your desk for a few moments just to be quiet and do nothing for a short while and stop expending energy. However, it is best if you can lie down, as this helps the cortisol (the stress hormone) in your system to recede. One survivor told her counsellor that she used to close the door of her office and lie down on the floor for ten minutes in the afternoon. Do not underestimate the power of a small lie-down or a brief nap.

To help with sleeping problems, try to take a half-hour walk each day if you can – or, better still, a run. A good, strong sprint can help like nothing else to get your body to process adrenalin. It is also very effective in calming anxiety, a major cause of sleeplessness. You don't need to run far, for long or even frequently – just enough to tire you out and get your heart to pump strongly for a short burst. Don't eat, drink or smoke shortly before

going to bed, as these are all stimulants, including both tea and coffee. Rooibos tea, hot chocolate or warm milk and honey are more soothing drinks before bedtime. Don't panic if you can't sleep – get up and do something for a while, such as reading a book, watching TV or doing social networking, and then try and sleep again later. Wake someone up to talk to if possible, or phone a 24-hour service, such as LifeLine or Rape Crisis.

If lack of sleep is making you feel very agitated or exhausted, consider getting a prescription from a doctor for sleeping pills. These pills only start to be addictive if you are taking a 10 mg tablet per day for longer than two weeks. Some prescribed drugs can be taken for even longer periods quite safely, so don't worry if you're taking them for shorter periods. They can be very useful in restoring a regular sleeping pattern, but they can be dangerous if misused. Your doctor should monitor these drugs and their effect on you to help you use them correctly.

### Personal care

Be kind to your body and do things that make you feel cared for and good. For example, if you have a bath, add a generous handful of rock salt, table salt or Epsom salts to the water and soak for at least 20 minutes. A sprig of fresh rosemary or lavender in a bath is also helpful. If you wash in a basin or a shower, scrub yourself with coarse salt as a body scrub. All of these things are cleansing and soothing in an emotional

as well as a physical way, which many survivors feel they need.

Soaking your feet in a basin of hot water or taking a hot water bottle to bed on a cold day can be very comforting. Try and find other things that will comfort your body and that will soothe the rest of you too. Getting someone else to wash your feet for you can be deeply relaxing and soothing.

For those that can afford it, certain kinds of massage can be very beneficial, as they work on flushing adrenalin and cortisol through your system. They can also help to calm the central nervous system. Otherwise, ask a friend or family member to rub your back with vegetable oil, body lotion or baby oil. Hand and foot massages are a good option if you are not comfortable with being touched too much.

There are also certain forms of exercise, such as road running, yoga, t'ai chi, swimming and dancing, that can really help your body cope with stress.

If you are experiencing one or more of the medical consequences of rape and you are taking PEP medicines, if you are worried about sexually transmitted infections or if you are recovering from injuries, then you need to take care of your health and keep all the appointments you have at the clinic or with your doctor, taking all your medicines and asking for healthcare-related information so that you know what you need to do to take care of yourself.

### Caring for your emotions

One of the hardest things to do after being raped is to endure the emotional pain and suffering you feel as a consequence. These feelings are very important. They can be the real key to your healing, even though they hurt so much that all you want is for them to stop.

Give yourself space and time to feel. Pay attention to your feelings. Trying to push them away could make your healing take longer. Try to express feelings and share them in some way. Talk about them to your family or friends or write them down somewhere. Many rape survivors add to their pain by trying not to be angry, scared or vulnerable, and by worrying about how they'll appear to others. The fact is, we all have a right to these emotions and to freedom of expression.

Some feelings, such as pain, anger and rage, can be very frightening for us and those around us. Here are a few clear rules that you can follow in order to make it safer to feel them:

- Do not harm yourself.
- Do not harm anything valuable to you.
- Do not harm other people.
- Do not harm anything valuable to someone else.

The last thing you want is to regret something you have done. If you are worried that you might not be able to stick to these rules and that you could lose control of your emotions, contact a

counselling service or a doctor. You can even go to your local hospital emergency unit for help. There's nothing to be ashamed of in experiencing a strong reaction to an extreme situation. One rape survivor told us how she was so alone that she called a taxi company – using almost her last money – to take her to a hospital emergency unit, because she felt worried she was going to destroy the contents of her home and smash everything she owned to pieces. The taxi came and she and the driver sat outside the emergency unit for almost an hour in the early hours of the morning, saying very little. Then the feeling passed and he took her home again. That was a turning point for her in her recovery.

Don't be afraid of antidepressant medicines. They are tools to help you – no more and no less. As with everything, gain as much information as possible in order to help you make the best decision.

Get people who know about the criminal justice system to help you with your legal case, especially the trial and testifying in

court. Also stay in touch with your investigating officer and follow up on the progress of your case month by month. The more you know about these processes and procedures, the better you will manage the role you are required to play. Try to tell people what you're going through. People like to feel needed, even just as listeners. If you don't want any advice, be sure to let them know that. Cry if you have to. And, most of all, if there is something to laugh at, laugh. There is nothing better than laughter for healing. You can recover. You can even become stronger than you were before, now that you have survived being raped – and recovered.

### Looking after your mind

Many rape survivors have found that positive thinking helped their healing process. It may require a deliberate effort on your part to stop self-criticism and negative or frightening thoughts. In order to transform your thoughts, it can be helpful to list negative thoughts you are having and then to try to rephrase them positively. This exercise does take some

time, as it's difficult to reframe thoughts when you're feeling bad. Just keep trying until you find a way.

This may seem like a pointless exercise, but the fact is that writing something down and deliberately trying to change the tone of your thoughts can have a lasting effect over time, even if it doesn't have an immediate effect. The goal is not to cheer you up. The goal is rather to shift your pattern of thinking, creating a small foothold for a greater healing process. You won't be able to do this until you are ready, so if you cannot do it yet, just move on and try again a few weeks later. It is a way of helping to shut down your feeling brain and boosting the power of your thinking brain, so that they begin talking to one another again. Read the section on *Trauma and the brain* on page 49 to understand this better.

Educate yourself. Recovering from rape is about making your own decisions, and the best way to do so is to learn as much as you can and be as well informed as possible about the medical, legal and emotional aspects of rape.

Remember your faith in life. This can be a religious faith, your own spiritual beliefs about life or your personal philosophy. Your experience of being raped could challenge this faith, or your faith could be a powerful source of support to you. Go to those who have helped you keep faith in life before, read the things that previously helped you and go to the places

that help you keep your faith. Prayer and meditation, spending time in nature, listening to hymns and sacred music, or reading the Bible or other religious books can all be very helpful. Remember that you are not alone. Join or form a support group and meet other survivors. You'll be able to help them and in turn get help from them. In this country, with its high rape statistics, it is very possible that someone you know has been raped and will understand a part or all of what you are going through.

### Growth through recovery

We spoke earlier about finding signposts along the road that tell you that you are on the way to recovery. We described the typical reactions and responses that most rape survivors experience. But what can you do to enhance your own recovery? There are certain tasks you could perform to increase your recovery. A trained counsellor could certainly be of great help to you in doing so.

A word of caution: it is important not to see this as some kind of a standard. If you don't feel like helping yourself, then you are not ready to and it would be absolutely pointless to try. If you want to, this would be a good time to see a rape counsellor who could help you, but even that is something that takes courage and you should try it only when and if you feel ready to do so. Remember: there is no one way to recover; you will find a way that is uniquely yours.

#### Here are some examples:

Negative thoughts	Positive thoughts
<i>No matter what I do, I'll never be able to overcome this.</i>	<i>Although this is difficult, I can find peace and be restored to my former self.</i>
<i>Things are always going to be this way, so there is no use in trying.</i>	<i>Things feel tough right now, but I can do small things to help myself.</i>
<i>I'm so scared of these things. It is impossible to feel differently.</i>	<i>What I think, do and believe can and does change how I feel.</i>

*There are further useful tips in the subsection The road to recovery, on page 72, in the section Male rape. These tips are useful for both men and women.*

### Stages of growth and recovery

There are three phases to recovery from trauma, namely:<sup>8</sup>

1. restoring safety
2. remembering and mourning
3. reconnecting with others.

In the first phase, your main tasks are to make sure you feel safe again. You need to do whatever you can to ensure your bodily and physical safety and then you need to do whatever you can to make sure your environment is safe. So, for example, if you are struggling with alcohol abuse and you live with people who behave violently, that will be the most important thing you have to deal with before you can recover from the rape. Drinking less when you feel like drinking more and finding a safer place to live become the priority tasks of your recovery. You need to take care of yourself and your body, mind and emotions. If you make yourself the priority and think carefully about what safety means to you and what you can do to feel even safer, you will go a long way towards your own recovery.

Once you feel safe enough to stop and take a look at what happened to you, the

tasks in the second phase are to go back and remember and talk about the rape. Once you can do that, you will also go back to the way it made you feel. Sharing that with someone you trust can help you make sense of it. If you have no one to talk to in that way, you can write about it in a diary or a notebook. Telling the story and finding new ways of seeing the rape encounter are very important. Each time you tell the story you will see something about it that you did not see before. You will even begin to notice a change in how you are reacting, compared with a few weeks ago. As the pain becomes more and more bearable, you will see how your priorities change and you can begin to focus on other things. One thing you may begin to see now is that while you may never go back to being the same as you were before the rape, that is not really the goal. The goal is to be different, to have been affected by the change – perhaps you will now begin to see that you can be more than you were before. Take your time and go at your own pace here.

The task of the third phase is to seek out and connect with the world beyond your own thoughts and feelings. You need to find new meaning in a world that is both safe and unsafe, that contains both people who wish to help you and people who mean you harm, a world that both influences you and is influenced by you. This last point is important, because the trauma of rape makes you and those close to you feel very helpless. And yet

you have by this stage done so much to restore your sense of control over your life. You can learn to be hopeful about the future, strange as that might seem, and you can learn to value the changes in your life even though they have come about through suffering.

### Post-traumatic growth

The idea of a road that leads to recovery – and the journey we must make to follow that road to where it leads – would be pointless if we did not speak about the end of the road. You need to know what recovery is if you are going to travel towards it. We have already spoken about the phases of recovery from trauma on page 41, which can serve as landmarks for you along the way. In the end, rape does not have to lead to a permanently damaged and broken life. It can, in fact, act as a springboard to a higher level of emotional well-being. In this case, the road to recovery leads to personal growth and a place of new beginnings. We hear of rape survivors who can truly say that they have a new appreciation for life, that they have grown to know themselves in a way that made them appreciate and respect themselves for the first time, that they found incredible people along the way who helped them and, most of all, that they have learnt to value the small, simple, ordinary things in life. Trauma can be a catalyst of positive change – in other words, it can actually cause positive change to happen.

Here are some things that survivors have experienced at the end of their recovery:<sup>9</sup>

- Your relationships improve: you value your friends and family more, you feel compassion for others that suffer and you are less afraid of intimacy and getting close to people.
- Your view of yourself changes: you like yourself more, you are more confident, you recognise your own unique wisdom and personal strength, you feel a sense of gratitude and a greater acceptance of your weaknesses.
- Your view of life changes: you appreciate each new day for what it is and no more than that, you have a greater sense of purpose, you have a greater sense of knowing what truly matters in life, you are less materialistic and more able to live in the present and you are willing to open yourself up to new experiences more and more.

You might never feel this way permanently – you would not be human if you did – but you might feel this way sometimes. The enormous mental and emotional struggle you go through is not in vain; it is not for nothing. In fact, some say the greater the struggle, the greater the reward. We have indeed seen this with many survivors. You have much to teach those who haven't been exposed to trauma, about how to live.



# Myths and truths about rape

# Myths and truths about rape

As we said before, a myth is a false idea that many people believe to be true.

In many societies all over the world, people have believed and still believe in myths about what rape is and what causes it. In South Africa, the legal definition of rape has been changed (see *What is rape?* on page 4). This means that our law courts recognise what rape truly is, instead of upholding rape myths (false ideas). Sadly though, many men and women in our country still hold on to harmful myths about rape.

Why are rape myths so harmful?

- **Myths lead people to blame women.** We think that she was 'asking to be raped'. Instead of holding the rapist responsible for the rape, we blame the victim. In court, defence lawyers can use myths to attempt to undermine the testimony of the survivor. This can prevent justice from being done.
- **Myths make people doubt what the victim says.** We think that 'she was not really raped'. This can mean that
- **Myths make rape survivors feel too ashamed or too guilty to report the rape** or to share it with others. The survivor ends up isolated and does not get the support she needs to help her recover from the trauma of the rape. Studies estimate<sup>10</sup> that only one in nine survivors report rape. This means that most rapists walk freely among us, unpunished and ready to reoffend.
- **Myths hide the fact that a rapist can come from any race, social class or environment.** We feel more distrustful or afraid of certain people based on stereotypes and prejudice, not based on the facts of the situation. We believe that we can tell what makes someone a rapist, when in fact this is not the case.
- **Myths make us believe that we can prevent rape** from happening to us.

*Many of the myths and facts set out in this booklet refer to rape between a man and a woman and the ideas that people have about this. It is important to realise that rape can happen between same-sex partners as well. Thinking that rape can only happen between a man and a woman is also a myth. In certain rare instances, women have been known to rape men. However, at Rape Crisis we have found this to be the exception rather than the rule, and so we base our comments on rape between a man and a woman, while acknowledging that each rape is unique, even as we generalise about it.*

<sup>10</sup> Violence against women in three South African provinces. Jewkes, R. et al. 1999. South African Medical Research Council.



This stops us from addressing the real sources of the problem, for example people's attitudes to violence and to relationships between men and women (gender relations).

Myths take away the dignity and humanity of the survivor, causing her more trauma and pain and lowering her chances of recovery. Myths also prevent many rapists from being prosecuted. It is vital that all of us in society reject these myths, so that survivors may fully recover and more rapists may be convicted.

**MYTH: A woman who gets drunk is inviting rape.**

The truth is that both men and women sometimes get drunk – it is not a crime to drink, it is a crime to rape.

**TRUTH: A person that is too drunk might be incapable of consenting to sex; sex without consent is rape.**

**MYTH: It's not rape if a woman wears revealing clothing, because then she wants sex.**

Sex without consent is always rape, no matter what the circumstances. Just because a woman wears a short skirt or a revealing top does not always mean that she is sending out a signal that she is available for sex. A woman always has the right to choose if, when and with whom she has sex.

**TRUTH: When a woman wears revealing clothes she is not actively consenting to sex – she must still be able to withhold her consent to sex if she chooses to.**

**MYTH: Women who wear revealing clothing invite men to rape them.**

Appearance and clothing have nothing to do with who gets raped. Women are raped no matter what they wear: babies in nappies, old women in tracksuits and nuns in habits also get raped.

**TRUTH: Clothing does not determine who gets raped.**

**MYTH: Rapists are always strangers in the dark.**

The truth is that most rapes occur between people who know each other. A person is much more likely to be raped by a family member, relation or friend than by a stranger.

**TRUTH: Rapists are mostly known to the survivor.**

**MYTH: It's not rape if the woman has given her consent to having sex with the man before.**

If a woman consents to sex once, that does not mean the man has a right to have sex with her anytime from now on.

**TRUTH: Both people need to consent to sex every time.**

**MYTH: It's not rape if the woman and man are married or in a relationship.**

The truth in South Africa is that a husband or boyfriend may never force his wife or girlfriend to have sex with him. If he does, he can be charged with rape. A woman has to give consent for sex, every time.

**TRUTH: In any relationship, a woman has the right to say no to sex.**

**MYTH: Sex workers can't be raped.**

The truth is that sex workers have the same right to refuse sex as anyone else. They are paid for consensual sex, not rape. They choose with whom to do business.

**TRUTH: Sex workers also have to consent to sex.**

**MYTH: Women say they have been raped to get revenge on a man.**

The truth is that women very rarely do this, as reporting rape to the authorities and going through a rape trial are very traumatic. It takes a lot of courage to report a rape and go through with a rape trial. Other people often make rape victims feel ashamed or guilty about the rape, which makes it even less likely that a woman would lie about rape. Statistics show that number of false reports of rape is the same as any other crime.

**TRUTH: People lie about all crimes, not just rape. The number of people that lie about being the victim of a crime is very small.**

**MYTH: A woman who withdraws rape charges was never raped in the first place.**

Women who withdraw rape charges mostly do this because the people around them pressurise them to do so. This can happen, for example, if the rapist is the breadwinner of the family, if the family fears a scandal or if they fear revenge by the rapist's friends and family. Rape victims are often intimidated into dropping charges.

**TRUTH: If a woman withdraws a rape charge, it doesn't mean she was lying.**

**MYTH: It can only be called rape if there is sexual intercourse.**

South African law defines rape very clearly. It does not only mean penetration of the vagina by the penis.

**TRUTH: Rape is when a person puts any body part or object into another person's anus or vagina, or genital organs into the mouth of another person.**

**MYTH: If the victim gets sexually aroused or has an orgasm during the rape, it means she enjoyed it.**

Although this sometimes happens, it does not mean the survivor enjoyed it. It can in fact make the rape more traumatic.

**TRUTH: The stress of the rape can cause the body to respond in a sexual way automatically.**

**MYTH: A woman can prevent rape if she tries hard enough.**

The truth is that most men are stronger than most women. But force is often not necessary, as men can use emotional manipulation, weapons or threats on the victim's life to get a woman to comply.

**TRUTH: A woman cannot do anything to prevent the rape from happening.**

**MYTH: Respectable women don't get raped. Promiscuous women invite rape.**

The truth is that there is no type of woman who gets raped: women of all ages and social positions get raped. The lifestyle and personality of the victim has nothing to do with getting raped. The rapist is to blame.

**TRUTH: Rape can happen to any type of person.**



**MYTH: A woman is asking to get raped if she goes into an unsafe area, such as a bad neighbourhood or a bar.**

The truth is that women are more likely to be sexually assaulted in their own homes or in places familiar to them than anywhere else.

**TRUTH: A woman can be raped anywhere, even in her own home.**

**MYTH: Rapists are mentally ill madmen or are sex starved.**

The truth is that only very few rapists are mentally ill. Most rapists are not sex starved – they are mostly men who act responsibly at work and at home with their families.

**TRUTH: You cannot tell a rapist from a man who does not rape.**

**MYTH: Rape mostly involves black men raping white women.**

**TRUTH: Most rapes occur between people of the same race.**

**MYTH: Gay men and lesbians will become heterosexual after having sex with someone of the opposite sex.**

Some people believe that homosexuality is unnatural and that it can be ‘cured’ – or that it must be punished – through heterosexual rape. The truth is that rapists use rape as a weapon to harm and intimidate people who do not live according to the rapist’s own way of life. It is illegal to victimise gay men and lesbians in this way.

**TRUTH: Homosexuality is not a choice. It is a way of being that deserves respect.**

**MYTH: Men rape for sex.**

The truth is that rape is not only about relieving sexual desire. It is about gaining power and control over another person. A rapist gets satisfaction by humiliating and controlling his victim and uses sex as the tool to do this.

**TRUTH: Rape is more about having power over someone than about sex.**

**MYTH: Once a man is sexually excited, he cannot stop.**

The truth is that all men and women sometimes get sexually excited and want it to lead to sex. But we can all choose to stop and wait for the feeling to subside.

**TRUTH: We all have control over our choices and our bodies. Rapists choose not to stop.**

**MYTH: Women dream or fantasise about rape and will enjoy it if it happens.**

The truth is that some women may think about being raped, but in no way do they wish it to happen. They can control fantasising and can stop when they choose, but they have no control when they are raped.

**TRUTH: No one wants to be raped.**

**MYTH: Women say ‘no’ when they mean ‘yes’.**

In some cultures, a woman is expected to be coy and to not ‘welcome’ sexual advances. But this does NOT mean that a man can ignore it if a woman says ‘no’. A man must always be very sure that the woman consents.

**TRUTH: When a woman says ‘no’, it means ‘no’.**



## Male rape

# Male rape

Studies show that rape is about domination, aggression and gaining control. In ancient times, a victorious warrior would rape his defeated opponent to display his total control over him. It was believed that the raped warrior would then be less of a man. In interviews with rapists, it was found that generally they don't have a preference towards any specific gender. In most cases, deciding on the victim was either due to circumstances (wrong place, wrong time) or the fact that men believe overpowering a woman would be easier than confronting another man.

Criminals also sometimes use rape to silence the victim, to hide another crime. A criminal stealing from a man, for example, might rape the victim in an effort to stop him from reporting the theft. This is done based on the fact that men don't easily report rape – especially adult men.

The fact that men are raped is an issue that is still surrounded by a great deal of silence. Men are, in most cases, more likely than women to become victims of violent crime, with two exceptions: rape and domestic violence. This view of rape as a crime predominantly perpetrated against women has most likely influenced the lack of research on and writing about male rape. Feminist writings about the rape of women as an exercise of power laid the groundwork for an interest in the fact that men also get raped. This interest was first focused on men in prison.

For a long time it was generally believed that men who raped other men were all homosexuals. However, research has shown that most rapists who rape men are actually heterosexual, which is in line with feminist writings on rape as a power exercise rather than a sexual act.

Most researchers in the field believe that the number of male rape survivors that report the rape to the police or even look for any kind of help afterwards is very small compared to the actual number of male rapes taking place. The main reasons for rapes not being reported seem to be the response of other people towards the rape survivor – such as expressing disbelief over the fact that a man can be raped at all – and the feelings of shame that this response creates in the survivor. Another reason for under-reporting is the fact that there are still not that many organisations out there that support male rape survivors. This is likely to make them feel as if there is no point in even looking for help. The law in South Africa recognises that both men and women can be raped and the same processes apply equally to men and women.

## Myths and truths about male rape

### **MYTH: Men are able to protect themselves and can't be raped.**

The truth is that the force used by a rapist to subdue a male victim is often much more violent than that used towards a

woman. A loaded pistol remains a threat, whether you are a man or a woman. Manipulation is also often used to control and overpower younger boys and teenagers. The confusion and fear caused by the rapist may mean that the attacker doesn't need to use any other form of force. If you are a male rape survivor and you are reading this, it means you did something right. To escape with your life is a victory in itself. Never question the actions you took, or did not take, during the rape. You're alive and that is what matters!

**TRUTH: A rapist can overpower a male victim.**

### **MYTH: Only gay men are raped and only gay men rape other men.**

The truth is that rape is about power and control, not sexual desire. The rapist uses rape as a weapon to gain control over the victim, regardless of whether the attacker is heterosexual or homosexual, and whether the victim is male or female, heterosexual or homosexual.

**TRUTH: Heterosexual men also rape and are raped.**

### **MYTH: Gay men deserve to be raped.**

Some people believe that homosexuality is 'unnatural' and that it should be punished through an act of heterosexual rape. The truth is that rapists use rape as a weapon to harm and intimidate people who do not live according to the rapist's own way of life. It is illegal to victimise gay men and lesbians in this way.

**TRUTH: No one deserves to be raped.**

**MYTH: If the victim gets an erection**

**or ejaculates during rape, it means he enjoyed it.**

The truth is that erections or ejaculations during rape or sexual abuse are physical responses. They can be a result of extreme stress or of physical contact. The rapist may be aware of this automatic response of your body and use it to further his display of control over you and to discourage you from reporting the crime. It doesn't mean that you enjoyed what happened – in fact, it could make the entire experience more traumatic for you. Additionally, tablets such as Viagra are used increasingly on the victim in cases of male rape. These tablets cause you to have an erection. Be aware of the serious side effects this could have. An erection that is painful or lasts more than four hours needs immediate medical attention. Another rare but serious side effect of Viagra is a sudden loss of vision. If this happens to you, call your doctor immediately or go to the emergency room of a hospital for evaluation.

**TRUTH: The stress of the rape can cause the body to automatically respond with an erection or ejaculation.**

### **MYTH: Men who were raped become abusers themselves.**

The truth is that a survivor who is supported and who is able to talk about the rape will not become an abuser. Survivors also often turn abuse on themselves in the form of drug or alcohol abuse, instead of abusing others.

**TRUTH: Men who were raped will not automatically become abusers.**

**MYTH: Heterosexual men who are raped will become homosexual.**

The truth is that most homosexual people believe they are born homosexual, just as most heterosexual people believe they are born that way.

**TRUTH: Rape cannot change someone's sexual orientation.**

**Reactions to male rape**

Male rape survivors experience many of the same symptoms as women do. However, one of the greatest differences between male and female rape survivors seems to be the way that other people respond to them. While women are sometimes told the rape was their fault because of what they were wearing or what they were doing, men are often questioned about their manliness. People ask them questions such as: 'What kind of man are you to let someone do that to you?' or 'Why didn't you defend yourself?'

The reason for this disbelief could be that society in general has a picture of women and children as victims and men as the strong ones. Men can be the ones who commit crime, but not the victims. Many men who are raped also have this belief. They've never thought of the possibility of being raped. This makes the shock of a rape even greater for a man. All the ideas you had about belonging to the 'stronger sex' and therefore being safe, are crushed.

This is also likely to make you doubt whether it could really have been rape, and thus prevent you from reporting the crime. This is one of the reasons why so many of the male rapes that occur are never discussed, which then leads people to think that it doesn't really happen. The silence creates a circle, and the majority of rapists get away without punishment. As a man, you may have been taught not to show your emotions, since this is

considered unmanly by some people. Many men therefore don't know how to handle their feelings. It also means that many men never get any kind of counselling. They end up with all the feelings connected to the rape bottled up inside for a long time, with no outlet. They may try to put everything behind them as quickly as possible, believing that they can go on with their lives as if nothing has happened. This may lead to physical symptoms such as illness, headaches and backaches. It also often means that the emotional 'crash' is more devastating when it finally does come.

On the other hand, putting off seeking help means that, by the time you actually decide to come for counselling, you've given it a lot of thought and tried to resist it for a long time. Your motivation for obtaining help is therefore likely to be quite high. If you haven't told anybody about the rape, the decision to come for counselling is also totally your own. This could make you feel more vulnerable. People deal with emotions in their own ways and it is your choice whether you want to speak about it, when, and with whom. Counselling is a way to find out more about recovering from rape and to get support in discovering your own strengths, inner resources and coping skills. Rape counselling also assists you in managing the criminal justice system processes and procedures you might have to follow.

Heterosexual men who have been raped often go through a stage of doubting their own sexuality, unless they were raped in prison. You might doubt your manliness and ask yourself how you could have let the rape happen to you, especially if no physical force was used. You might fear that the mere fact that you were raped means you must be homosexual, due to the myth that 'real' men don't get raped. At times, this might make you feel homophobic. Avoid attacking others. The person you really have a reason to be angry with is the person who raped you – and the odds are that he was a heterosexual man. Alternatively, you might seek homosexual contact to test your attraction.

Homosexual men do not tend to blame themselves for being raped – they place the blame very squarely on the rapist, where it belongs. Of all groups of survivors, we have found that these men are most able to think about the rapist as responsible for what happened and feel the least shame and guilt about rape. However, this does not mean you are less traumatised than other survivors – your recovery is just as painful. In addition, you might be asked questions about your homosexuality by the police and other criminal justice system officials, and you might experience insensitive treatment that causes secondary trauma.

The next sections explore some thoughts and feelings that survivors may go through.

**Important terms**

**Gay:** a homosexual person, either male or female

**Homosexual:** feeling sexual attraction towards members of the same sex

**Heterosexual:** feeling sexual attraction towards members of the opposite sex

**Erection:** an enlarged, rigid state of the penis, usually when sexually aroused

**Ejaculation:** when semen suddenly ejects from the penis

**Automatic:** something that happens instinctively, without conscious thought or deliberate intention

**Orgasm:** the climax of sexual excitement during sexual intercourse

**Arousal:** sexual stimulation

**Denial**

*'Did I imagine it? Was it rape? Why me?'*  
Your brain is trying to protect you. You've heard people who witnessed an accident describing it as 'unreal'. When dealing with trauma, our brains try to convince us that it never happened, so that we can avoid some of the pain of facing the reality that it did happen. Sometimes this denial lasts only for a short time to help us prepare to face up to reality. If denial goes on for too long, it can be unhealthy. If this is the case with you, you should seek help from a counsellor, as denying the rape can actually prevent you from getting on with your life if it goes on for too long.

**Embarrassment**

*'Can I tell my family? What will people think? I can't get clean.'*  
You have nothing to be embarrassed about. You did not ask to be raped. Tell the people you love – and who love you – about the rape. Only tell them as much as you feel comfortable with. Explain to them how difficult it is for you to talk about it.

**Guilt**

*'I should have been able to stop it from happening.'*  
No matter what your size or strength, you were raped because you could not prevent it. When you are faced with a life-threatening situation, the best result is to escape alive. You were probably brought up with the idea that you are

supposed to protect yourself and to fight. You will not be of much use to yourself, or anyone else for that matter, if you're dead. Fighting back may well have caused your death. The fact that you are here reading this means that you did something right.

**Powerlessness**

*'I am not in control. I am less of a man.'*  
You are in fact in control. The man or men who raped you are no longer with you. You decide what you do and when you do it. You did not choose to be raped, but you can choose what to do from now on. Give your body, your mind and your emotions time to heal.

**Depression**

*'I feel hopeless. I can't face tomorrow.'*  
Get yourself through today, and today only. You can do nothing about tomorrow, except worry about things that might not even happen. Remember that coping is a journey; you have your ups and downs. Hang in there when the tough times come around and enjoy the good times when you can. Medicine for depression may help for a while, and you could see a doctor about this option. If you are depressed, it may also help to talk to a friend or a rape counsellor.

**Disorientation**

*'What day is it? I keep on forgetting things.'*  
This is a symptom of shock. You may feel so overwhelmed by what happened to

you that you can't seem to keep things together. It can help to write down everything you want to do during the day and stick to a routine as far as possible.

**Flashbacks**

*'I keep seeing it happen. I can't think of anything else.'*  
If you remember something about the attack that you didn't include in your statement, write it down. To avoid flashbacks, try to stay busy and keep your mind occupied. Write, draw or express what is happening so you can begin to put the incident in the past, where it belongs. If the flashbacks continue for several months, you should consider seeking professional help.

**Fear**

*'I'm afraid to go out. I'm afraid to be alone.'*  
This is normal: you have experienced every man and woman's worst nightmare. Sometimes, after experiencing a life-threatening situation, a person can become more alert and feel on edge all the time. While this is a natural reaction after trauma, and while it is always good to be security conscious, try not to let your fear stop you from doing the things you like. It's your right to go where you want, when you want; don't give your rapist that much control over your life.

**Anxiety**

*'I have panic attacks. I can't breathe. I can't eat. I can't sleep.'*  
Sometimes when you are experiencing

a lot of stress, your breathing becomes faster and you take in more oxygen than you need. This can cause your heart to beat very fast. It may make you sweat, shiver and even feel like you are going to have a heart attack. The more you worry about these feelings, the worse you seem to feel. This is a panic attack. Although panic attacks feel terrible, they will not kill you and they will only last about ten minutes. It can be helpful to concentrate on taking deep, slow breaths, accept that it is happening and know that it will not last. Focus on something external – for example, count the tiles on the floor or the panes in the window – and the attack will end soon. Keeping a paper bag handy and breathing into it when you feel anxiety coming on will also help.

**Anger**

*'I hate him. I want to kill him.'*  
Of course you do; you want to pay him back. Just think what that will achieve – nothing. In fact, you are giving him the control, because all you do is think of him. Killing him or getting even is not going to change the fact that you were raped. Rather try to concentrate on things that will help you cope during this time and help you feel better about yourself, instead of things that will add to your misery. You have every right to hate the person who raped you and to feel a lot of anger. It is important that you can find a way of expressing this anger in a way that doesn't cause you or others any harm.

### Sexuality

*'Am I gay? Will I ever have sex again?'*  
Rape is about power and control and the rapist does this through a sexual act. If you were heterosexual before the rape, you'll remain that way. Don't pressure yourself to be sexual before you are ready. When it feels safe to do so, you may consider beginning with sensual touch, in a situation where there is no pressure on you to perform.

### The road to recovery

#### Talking about it

For many survivors, the most difficult task of all is to talk about the rape. Because male rape is such an unspoken crime, people are often unsure of what to say to support you. Before you tell a person what happened, think why you would wish them to know. How do you want them to react? People are scared of things they don't know or understand. Accept that not everyone you tell will understand what you have been through, and be prepared for this.

Talking about it remains one of the fundamental ways of coping. Talk to those that you think will listen. When a person does listen, thank her or him, especially if it is someone close to you. Remember that your family and loved ones will be going through their own feelings of pain and helplessness, and this might affect their responses.

### Take some time out

Trauma still affects your body and your emotions for a while after the event. To give yourself space to heal, hand over some of your responsibilities. If this had been a car accident rather than a rape, you'd take things easy to allow your body to heal. The same principle applies for emotional injuries. Take care of those things that must be done and leave the rest for later. As you grow in confidence, you can take on those responsibilities again, but first look after yourself. Try to avoid making any life-changing decisions during the early stages of your recovery.

#### Write it down

A safe and effective way of releasing stress, anger and confusion is to write. Put your thoughts and feelings down on paper. Occasionally, read over the thoughts you had in earlier days. As you begin to heal, you will soon learn that things do get better. Keep it as a journal to map your progress.

#### Anger

You may find yourself venting your anger on those around you. Don't let the guilt you experience after an outburst of rage get you down. You have lived through an extremely traumatic event and will have built up anger as a result. When you do find yourself lashing out at someone, apologise and move on. Don't use the rape as a license to abuse others.

A useful way to get rid of anger is to stay active. Work out, walk, chop wood, mow the lawn – anything that will enable you to be active. Another very useful tool is to speak about how angry you are feeling and to figure out who you're angry with and why.

#### Substance abuse

Alcohol and drugs will only offer temporary relief. The low you will hit when these substances wear out is not worth the temporary high you might experience. It's a commonly known fact that in order to overcome your fears, you must face them. By abusing alcohol and drugs you will never face your fear, and will not be able to recover in a meaningful way. You have survived the rape; don't cause yourself more pain and harm by abusing alcohol or drugs.

#### Counselling

You might feel guilty because those around you are also suffering because of the rape. If you find yourself not talking about the rape in order to prevent further pain to those you love, seek help. Phone one of the rape helplines or go to your nearest Rape Crisis centre (find details on page 81). You'll find that talking to a counsellor allows you to say things without the constant fear of hurting or burdening someone. Alternatively, seek help from a therapist to assist you in dealing with the rape. You don't need to cope with the rape all on your own.

### Stay healthy

You may find that physical fitness is the last thing on your mind. However, one of the most important things right now is to keep healthy, as it will also help you to cope mentally and emotionally. The stress of the rape can play havoc with your body. Anxiety and emotional factors such as depression or anger can make you feel that you don't have any energy to go on, and this is why it's important to stay as healthy as you can.

A loss of appetite and sleeplessness is common among survivors. Take nutritional supplements if you have trouble eating. When you do have an appetite, eat healthy, nutritious foods that will fuel your body. If necessary, ask your doctor to prescribe medication to help you sleep. It's important to realise that you will not be able to stay on the medication forever, so experiment with natural ways of overcoming sleeplessness.

*Read the section entitled  
Healing on page 52 for more  
advice on recovery.*



# Communities

challenging rape



# Communities

challenging rape

Although at times you may feel alone after you have been raped, you are not alone. Many South Africans have been raped and we can all learn from each other. Join a group or organisation, or start your own. Show others this booklet. If you have not been raped yourself but feel strongly about this issue and want to make a difference, then you can.

There are many issues to think about. You might have your own questions and thoughts that you wish to talk about. These are some questions you can think about:

- Why do so many men think rape is something to joke about and something that makes men look strong?
- Why do we teach boys to be rough and tough, but teach girls to be soft and to hide their strength?
- Why don't we talk more openly about sex and sexual communication?
- What can mothers and fathers do to raise sons who respect girls?
- What can parents do to raise daughters who feel a strong sense of their rights?
- How can we organise improved safety for all women?
- How can we make our homes, our streets and our workplaces safe?
- How can women and men organise together against rape?
- How can we make our leaders and politicians set a good example when it comes to condemning rape and sexist attitudes?
- How can we support men who have been raped?

Women around the world – in rich and poor countries – have used many ways to make sure their voices are heard. We need to spread the word that rape has no place in our country. People working against rape are stronger when working together than on their own. Men can also work to challenge rape and men and women can work together as activists to challenge rape in our country.

## Ways that we can all challenge rape

### Be aware of language

Words are very powerful, especially when spoken by people with power over others. We live in a society in which words are often used to put women down, where calling a girl or woman a bitch, chick, whore, baby, goose, slut, dog and so on, is common. Such language conveys a message that females are less than fully human. When we view women as inferior, it becomes easier to treat them with less respect and to disregard their rights and their well-being.

### Communicate

Sexual violence often goes hand in hand with poor communication. Our discomfort with talking honestly and openly about sex dramatically increases the risk of rape. By learning effective sexual communication – stating your desires clearly, listening to your partner and asking for clarity when the situation is unclear – men and women can make sex safer for everyone.

### Speak up

You will probably never see a rape in progress, but you will see and hear attitudes and behaviours that degrade women and promote rape. When your best friend tells a joke about rape, tell him you don't find it funny. When you read an article that blames a rape survivor for being assaulted, write a letter of complaint to the editor. When laws are proposed that limit women's rights, let politicians know that you won't support them. Do anything except remain silent.

### Support survivors of rape

The problem of rape will not be taken seriously until everyone knows how common it is. In South Africa we have one of the highest rates of sexual offences reported to the police in the world. These numbers are increasing gradually. Research estimates that only one in nine survivors report rape. By learning to sensitively support survivors in their lives, men can help both women and other men feel safer to speak out about being raped. In this way we can let the world know how serious a problem rape is.

### Contribute your time and money

Join or donate to an organisation working to prevent violence against women. Organisations that offer services to rape survivors, domestic violence agencies and men's anti-rape groups count on donations for their survival and always need volunteers to share the workload.

If you think you have a natural talent for counselling or for speaking on a public platform about rape education, then enrol in a training course to become a volunteer for an organisation such as the Rape Crisis Cape Town Trust.

### Talk about it

Talk to women:

- about how the risk of being raped affects their daily lives
- about how they wish to be supported, if it has happened to them
- about what they think men can do to prevent sexual violence.

If you're willing to listen, you can learn a lot from women about the impact of rape and how to stop it.

Talk to men:

- about how it feels to be seen as a potential rapist
- about the fact that 10–20% of all males will be sexually abused in their lifetimes
- about whether they know someone who's been raped.

Learn about how sexual violence touches the lives of men and what we can do to stop it.

### Organise

Form your own organisation focused on stopping sexual violence. Anti-rape groups are becoming more and more

common around the country, especially on college and university campuses. If you have the time and the motivation, it's a wonderful way to make a difference in your community.

### Work to end all forms of oppression

Rape feeds off many other forms of prejudice, including racism, homophobia and religious discrimination. By speaking out against any beliefs and behaviours (including rape) that promote one group of people as superior to another and deny other groups their full humanity, you support everyone's equality.

If you already belong to a group, ask them to talk about rape. If the group is part of a bigger organisation such as a political party, church group, union, stokvel or student's organisation, ask the group to demand that the larger organisation takes rape more seriously.

### Start or join a campaign

A campaign can start with simple things such as your group writing letters to important people, awareness raising workshops where you distribute information pamphlets, or getting people to sign an online petition. This is effective if you lack resources to do more and it can make a surprising amount of difference. Slowly, year by year, you build knowledge and you build support. You could also hold community meetings, dialogues and debates to hear what changes people affected by the rape

and sexual offences in your community want, and to decide on what change to call for. You could hold a march with placards carrying a clear message calling for change. You could write letters to the newspapers and initiate social media campaigns calling for change.

Here are five things you could call on the South African government to do to support rape survivors:

- Call for a review of the Life Orientation curriculum in schools to educate all children about the pathway through the criminal justice system.
- Call for an integrated information management system that tracks cases through the criminal justice system and records any problems.
- Call for increased funding and resources for NGOs that offer psychosocial care to rape survivors.
- Call for an Ombud like the Public Protector's Office to protect rape survivors from the consequences of poor service delivery within the criminal justice system.
- Call for government departments to work together in a collaborative way that includes joint strategic planning in order to coordinate services within the criminal justice system.

*What other things would you call for and who would you call on?*

# Gaps in service delivery

The Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act 32 of 2007) is still relatively new. For it to really benefit rape survivors, we need to monitor how it's being implemented by the police, health services and courts. If your rights weren't respected or you did not receive the attention you needed, you can lay a complaint.

Rape Crisis is helping to monitor gaps in service delivery – so **if you are from the Western Cape** and would like to make a complaint about the police, a hospital or a court, you can let us do this for you. Call our Observatory office on 021 447 1467 and ask for the Advocacy Department.

## Complaints about police services

If you want to complain about a police officer or the service you received from the police, first write a complaint to the station commander of the police station in question. Write down the exact nature of the complaint and give all the details about the incident, in other words the date, names of people, places, time and so forth. If you don't receive a reply, you could try contacting the provincial commissioner of police in your area.

## Complaints about hospital services

If you wish to complain about a health institution, write a letter to the medical superintendent of the hospital, stating your name and what happened, the names of the health officials involved and all other details of the incident. If the matter isn't dealt with, you can contact the director

general of the Department of Health, or the public protector.

## Complaints about court services

If you want to complain about a prosecutor, you can speak to or write to the senior prosecutor of the court where your case is heard. If this doesn't work, you can write to the provincial director of public prosecutions. If you are still unsure, call the public protector for advice.

## The public protector

The public protector can investigate anyone that performs a public function. This includes any official duty which affects any of us. Therefore, unacceptable behaviour when treating a rape survivor at a government hospital or bad conduct by the police both fall into this category. If you are unsure whether your problem is something the public protector will investigate, or if you can't write, you can call the public protector's office. The staff at these offices will try to help you. They will tell you where you should send your complaint if they can't help you. **Their tollfree hotline number is 0800 11 20 40.** Their website address is <http://www.pprotect.org/>.

The public prosecutor can investigate:

- prejudice, abuse of power, unfairness, rudeness or other improper conduct
- undue delay
- the violation of a human right
- maladministration.

**Abortion:** terminating or ending a pregnancy

**Accused:** the person suspected and accused of committing a crime

**Acquaintance rape:** rape committed by someone who already knew the victim to some extent before the rape took place

**AIDS (acquired immune deficiency syndrome):** a sexually transmitted, incurable disease caused by HIV

**Alleged rapist:** a term used by the media for the person presumed to be the rapist, before the offence has been proved in court and the person has been found guilty

**Anal rape:** being raped in one's anus

**Anus:** the opening between the buttocks through which a person defecates

**Arousal:** sexual stimulation

**ARVs (antiretrovirals):** medication that helps prevent HIV after someone has been exposed to the virus

**Automatic:** something that happens instinctively, without conscious thought or deliberate intention

**Bail:** money given to the State as a deposit to ensure an accused person will appear in court for the trial

**Bail hearing:** the court proceeding held to decide if an accused person should be released on bail and to set an amount for bail

**Child sexual abuse:** the use of a child for sexual acts or gratification by an adult or older child

**Clinical forensic practitioners:** doctors and nurses that are trained to gather evidence of a rape for a court case; they are employed by the Department of Health's forensic services

**Closed circuit television (CCTV):** a system consisting of a camera, headphones and a TV screen, which enables a witness to testify from a room adjacent to the court

**Community Service Centre (CSC):** the reception area of a police station where you go to lay a charge (previously called the charge office)

**Compel:** to force someone to consent or do something

**Consent:** to agree to something or give permission, to say 'yes'

**Counsellor:** a person trained to give support and advice for personal, social or psychological problems

# Glossary

**Crime Administration System (CAS) number:** a unique number used to identify a crime that is reported to the South African Police Service (SAPS)

**Date rape:** the rape of a woman by the man she's out on a date with

**Depression:** an extreme feeling of sadness, hopelessness and inadequacy, often accompanied by physical and behavioural symptoms

**DNA (deoxyribonucleic acid):** a long molecule in our cells that defines what we look like and some of our personality traits. DNA is copied and inherited across generations and is unique to a person in the same way that a fingerprint is unique

**Docket:** the paper case file with a unique number that the police open to keep all evidence of the facts of the case in one place within the system

**Ejaculation:** when semen is suddenly ejected from the penis

**Erection:** an enlarged, rigid state of the penis, usually when sexually aroused

**Evidence:** the material (documents, statements, clothing and bodily fluids) produced in court in an attempt to prove or disprove a case

**Fact:** a thing that is known to exist, to have happened or to be true

**Forensic:** a word associated with courts of law and crime detection

**Forensic medicine:** medical knowledge applied in crime detection and in courts of law

**Gang rape:** rape of a person by two or more people

**Gay:** a homosexual person, either male or female

**Grievous bodily harm:** serious physical injury

**Guilt:** a) being proved to have committed a specific crime  
b) the feeling that you have done something wrong

**Heterosexual:** feeling sexual attraction towards members of the opposite sex

**HIV (human immunodeficiency virus):** the virus that causes AIDS

**HIV negative:** not having the HI virus

**HIV positive:** having the HI virus

**Homosexual:** feeling sexual attraction towards members of the same sex

**Incest:** sexual intercourse between two people

# Glossary

legally regarded as being too closely related to marry, e.g. children and parents, guardians or grandparents; uncles and nieces; brothers and sisters; step-parents and stepchildren

**Intentional:** deliberate, on purpose

**Intermediary:** a person who is trained to use the CCTV and to act as a link between the courtroom and the witness, who is in a separate room

**Investigating officer:** the police officer that gathers all the evidence relating to a crime and who prepares the case for trial

**J88 form:** a form used as evidence in court, completed by a clinical forensic practitioner, describing any bodily injuries sustained or other evidence of rape on the body

**Laying a charge:** reporting the crime that has been committed so that the police can begin a thorough investigation of the facts and collect evidence in support of these facts

**Lubricant:** a lotion or gel used to reduce friction by making something smooth and slippery

**Marital rape:** rape of a woman by her husband, or vice versa (whether married by civil, customary or religious law)

**Masturbate:** stimulating your own or another person's genitals to produce sexual arousal or orgasm without penetration

**Morning-after pill (emergency contraception):** a tablet that prevents pregnancy if taken within 72 hours after sexual intercourse

**Myths:** popular beliefs held by many people, which are believed to be true, but are actually false

**Orgasm:** a physical response at the climax of sexual excitement

**Paedophile:** an adult who has romantic relationships and/or sex with children

**Passive resistance:** non-violent refusal to cooperate

**Penis:** the male sexual organ

**PEP (post-exposure prophylaxis):** medicine used to prevent HIV infection, STIs and pregnancy as a result of rape

**Postponement:** an arrangement for the court hearing to take place at a later time

**Promiscuity:** having sex with many partners  
**Protection order:** a document issued by the court which prevents the rapist from contacting or approaching you in any way

**Psychologist:** a person qualified to study the mind and human behaviour, and to help people who have problems with mental functioning, attitudes and behaviour

**Pubic hair:** the hair that grows around sexual organs

**Public prosecutor:** a lawyer employed by the State to take charge of court cases against people accused of crimes such as rape

**Semen:** the thick, white fluid that men produce from the penis when they ejaculate

**Sentence:** the punishment given to a convicted criminal by the court

**Sexual Assault Examination Kit (SAEK):** a set of specially made boxes for keeping all the forensic evidence in a clean, uncontaminated package that can be transported to the forensic laboratory for analysis

**Sexually transmitted infection (STI):** an infection passed on or caught through sexual contact

**Statement:** the first piece of evidence that is collected with regards to a crime; it should include everything that the rape survivor tells the police of the incident

**Station commander:** the police officer in charge of a police station

**Statutory rape:** when someone commits an act of penetration with a child between the ages of 12 and 16, whether or not the child penetrated consents

**Taboo:** things that are avoided, not spoken about or not allowed, because of social customs

**Testify:** to bear witness and give the court verbal evidence of a crime

**Termination of Pregnancy (TOP):** an abortion

**Unlawful:** illegal, against the law

**Vagina:** part of the female sexual organ; the inner passage

**Vaginismus:** a painful spasm or contraction of the vagina in response to pressure or sexual intercourse

**Vulnerable adult:** normally, a person who is intellectually challenged and therefore unable to consent to sex

**Vulnerable witness:** any person who may be traumatised by testifying in court in the presence of the accused, and who requires special protection

**Witnesses:** people who have seen an event and can give first-hand evidence about it

# You & Rape Resources

## Rape Crisis Cape Town Trust

**Observatory:** +27 (0)21 447 1467  
Counselling line: +27 (0)21 447 9762

**Athlone:** +27 (0)21 684 1180  
Counselling line: +27 (0)21 633 9229

**Khayelitsha:** +27 (0)21 361 9228  
Counselling line: +27 (0)21 361 9085

[www.rapecrisis.org.za](http://www.rapecrisis.org.za)

[rapecrisis.mobi](http://rapecrisis.mobi)

[info@rapecrisis.org.za](mailto:info@rapecrisis.org.za)

@RapeCrisis on Twitter

<http://www.facebook.com/rapecrisiscapetown>

This booklet is available in isiXhosa and Afrikaans at Rape Crisis offices.

Readers are encouraged to copy any section of this booklet, but please acknowledge Rape Crisis Cape Town Trust. You can also download this booklet from our website:  
<http://www.rapecrisis.org.za>

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**DGMT**  
THE DG MURRAY TRUST

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