

# KNOW • YOUR • RIGHTS

If you have experienced sexual violence  
it is important to know and understand  
your health **risks, rights and services**  
that are available to you.



If someone has sexually abused or violated you, it is important to know and understand the risks to your health, what your health rights are and how to access free health services. It is not a *MUST* to open a case in order to access these services, you have a right to be assisted even if you only choose to open a case later on, or not at all. Doctors' advice is that it is best to get medical treatment as soon as possible to prevent diseases that can be passed on by having sex with someone, especially if that sex has been forced on you. If you cannot get to a health service within a few hours of the assault, it is important for you to get there within 72 hours, which is three days. This is to make sure that you receive medical assistance in time.

Even though it is not necessary to report the case to the police you might want to preserve the medical evidence that can be found on your clothes, which should be wrapped in a newspaper **NOT** a plastic bag if you want to bring them with you.

If you have means, you can go straight to the designated health facility or Thuthuzela Care Centre and the police will be called and come there to take your statement and open a case. If you do not have means, you need to go to a local police station and they will arrange transport for you.

When you access a designated health facility or Thuthuzela Care Centre you will receive the following:

- Emotional support and trauma containment
- Medical assistance
- Legal assistance

Do not suffer in silence or ignore your psychological trauma, counselling is available. If you need a place of safety to stay, arrangements will be made.



# HEALTH RISKS

- Not all rapes result in injuries but if you are injured your injuries may get infected and grow worse if you do not get them treated.
- The rapist might have been HIV positive and there is a risk that you could get infected too.
- If you do not get the medicine you need to prevent possible HIV infection soon enough it will not work - the sooner you do this the better, but after 72 hours or three days you will have missed this chance.
- This medicine is very strong and can lead to side effects that can make you feel sick.
- If you do not take the full 28 day course of the antiretroviral medication to prevent contracting HIV/AIDS it may not work.
- If you do not get a follow up test to make sure you still test negative you will not have proof and peace of mind that the medicine worked for you.
- The rapist might have had a sexually transmitted infection (STI) and there is a risk that you could get infected too.
- Some women are at risk of falling pregnant after rape, especially if you are not on any contraception.
- The shock and trauma of rape can damage your emotional health, you might have trouble sleeping and feel overwhelmed by strong emotions for some time after the rape.



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- If your emotional health is not well supported this could lead to mental health problems such as anxiety or depression.
- Your family may be traumatised by what has been done to you and their emotional wellbeing could be damaged too.
- If the rapist has threatened you, you might be in danger of further harm.

Because you are also the victim of a crime and medical evidence can be used in court to make a stronger case against the rapists there are some risks you need to know about when you go for medical treatment in case you want to report the case to the police:

- You can only get a rape kit done within 72 hours after the rape so that DNA evidence can be collected. If you go later than that they will not be able to collect evidence such as saliva, semen or blood from the rapist on your body.
- If you wash or change your clothing before going to the hospital you might leave behind valuable evidence of the rape. If you remove your clothes but take them with you and put them in a plastic bag the evidence will be lost too. It is best to go in the clothes you were wearing and not to wash but if you have removed your clothes take them with you in a cloth or paper bag.



# HEALTH RIGHTS

- You have a right to free medical treatment after someone has raped you.
- You can get free treatment for any injuries you might have.
- You have a right to HIV prevention medicines, known as post exposure prophylaxis or PEP if you go to a government health facility within 72 hours or three days after someone has raped you but sooner is better.
- You can get medicine to take away the side effects of the PEP. You might not get the full 28 day course of medicine right away so it is important to go for follow up treatment and get the full course without interruption.
- You can get a free follow up test to make sure you are still HIV negative.
- You can get treatment to prevent sexually transmitted infections.
- You can get emergency contraception in the form of the morning after pill (MAP).
- Any woman can get an abortion at a district clinic up to 12 weeks into her pregnancy. Regional hospitals and some private clinics will perform abortions up to 20 weeks if the pregnancy is as a result of rape.
- You can get counselling for emotional support and psychiatric treatment if your mental health is affected.



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- Your family can get counselling if they need emotional support.
- Ask the investigating officer what protective measures are available to you if you feel in danger of further harm from the rapist.
- If you need a place to stay arrangements will be made for you to go to a shelter.
- If you need further social work services, arrangements will be made to put you in touch with your nearest welfare service or NGO.
- Healing happens at your own pace, seek help when you need it even if it is a long time after the rape, so if you are struggling to cope with your day to day, please seek help.

All of the above services are free. It is your right to access all of these services at designated government health facilities and forensic units at no cost.



FREE

# HEALTH SERVICES

- When you access a Thuthuzela Care Centre or a government designated health facility you will receive all the services listed above free of charge. If you go to a health service that is not meant to assist sexual assault survivors you will be referred to one because this is a specialised service. It is not available at all government hospitals, clinics and day hospitals. All health care services, counselling and legal services are available at no cost to you at the designated centres.
- You might need to seek counselling to help you through the criminal justice proceedings as this can be helpful. You can ask for a referral to a local NGO to get information about the case proceedings and all the steps you will need to follow. As you go through the Criminal Justice System it can be helpful to seek counselling to support you on your journey. You are not alone on your recovery journey, counselling is available and most NGOs do not charge for helping you access information or get counselling.
- Free access to HIV medication is available to all rape survivors within 72 hours but also the full 28 day course of treatment and follow up testing. You can get this from your nearest clinic, you don't have to go back to the Thuthuzela Care Centre or forensic unit for that.
- You can go to a private doctor for medical attention but they will charge you a fee. If you decide to go that route, be careful to check that they will be able to do the forensic part of the examination because this means that they will need to appear in court if the case goes to trial and some doctors are not willing or able to do that.



# IF YOU HAVE BEEN A VICTIM OF CRIME, THE VICTIM SERVICE CHARTER SAYS THAT YOUR RIGHTS INCLUDE THE FOLLOWING:

## **1. The right to be treated with fairness & with respect for dignity & privacy**

You should receive services at the police and hospital without having to wait for long periods. Everyone in the criminal justice system should treat you with respect, interview you in your own language and take steps to make sure that secondary trauma is limited.

## **2. The right to offer information**

You are able to give information during the police investigation and the court process. The police and prosecutors should make sure that the information that you give is recorded so that it can be used later. You are able to testify in court about the crime.

## **3. The right to receive information**

You should receive information about your rights and the services available to you. If there is anything that you do not understand, you can ask for it to be translated to your own language. The police, hospital workers and people at the court should tell you what is expected of you and what you can expect from the service. You can also ask for information about the investigation and the case at any point.

## **4. The right to protection**

You have the right to be free from intimidation, harassment, bribery and abuse. If you are a witness in the case and any of these things happen, you should tell the police immediately. The court may also decide that you will provide testimony in a separate room from the courtroom or that your identity is not revealed to keep you safe. In order to ensure your safety, you may be placed in witness protection, if this is necessary.

## **5. The right to assistance**

You can ask for health services, counselling services, legal assistance or any other services you may need after the crime. If you have special needs, people providing these services should try to accommodate you and make sure that you are treated with sensitivity.





## **List of Thuthuzela Care Centres**

Karl Bremer Hospital: 021 918 1321

Heideveld Day Hospital: 021 699 3246

Victoria Hospital forensic unit: 021 799 1111/1235

Khayelitsha District Hospital: 021 360 4570

## **Rape Crisis 24 hour helpline number**

021 447 9762

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

