

What is Rape?



Rape Crisis
Cape Town Trust

rapecrisis.org.za CRISIS HELPLINE: 021 447 9762

“With the help of Rape Crisis I found myself again. With someone holding my hand I felt hopeful and I knew it was not the end of the world; my World.”

Chipo Hwacha
Rape Crisis Speak Out Project

“This was a journey that I realised I could not walk alone. With a trained counsellor I was able to understand and finally accept that what happened to me was not my fault. I was able to pick myself up and heal. With someone explaining to me that all that I felt was normal and part of the healing process, I managed to build myself again to be the person I am today.

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 her case has a chance of succeeding or not.
- Secondly, the survivor needs to know exactly what is expected of them to prove that

The formal definition of rape currently [2018] used in 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 rapist is guilty in the eyes of the law.

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 against another person without that person's consent.

What to do if someone has raped you?

Straight after the rape

From the point of view of the law as well as from a medical perspective there are certain things that are necessary to do in the moments right after a rape. These moments are also important for the rape survivor's emotional recovery from rape.

There are medicines you need to take (to prevent pregnancy or infection) 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 emotionally. 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.

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.

Deciding what to do about what has just happened to you as a victim of a violent crime can be extremely difficult if you are in shock or feeling bad.

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 or DNA evidence on your body that links the rapist to the crime, and this evidence fades within 72 hours (three days) after the event.

Steps to take after rape

1. Go to a safe place.
2. Tell the first person you see and trust about what has happened.
3. Go straight to a hospital or to a doctor to get the medical attention.
4. You need to receive medical attention within 72 hours (3 days) of any HIV exposure.
5. You can still receive medical treatment even if you decide not to lay a charge.
6. Ask for emergency contraception to stop you from getting pregnant.
7. If you do fall pregnant from the rape you can choose to have an abortion.
8. Ask for a medical certificate if you need time to recover.
9. Report the rape to the police.

Dealing with 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 medical and physical 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) will be lost after 72 hours.

1. 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.

2. A brief statement should be taken first and translated into your own language. 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.

3. You can ask to be seen in a private room at the police station and to give your statement to a female police officer.

4. You have a right to be treated with respect for your dignity and to complain if this does not happen.

Steps to take after rape

1 Go to a safe place
Do this as soon as possible.

2 Tell the first person you see and trust about what has happened.

The first person you tell 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 his or her 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 them.

3 Go straight to a hospital or to a doctor to get the necessary medication.

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 6-8 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 You can still receive medical treatment even if you decide not to lay a charge.

Go to your doctor, or a government hospital or clinic. Say that you have been raped and that you want treatment. 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. It is very important that you take the entire 28-day course of medication. The medication might lead to unpleasant side effects, but don't stop taking the medication. You should also think about having another HIV test after three months, as the HIV virus can take three months to show up. The rapist might also have given you a sexually

transmitted infection (STI). The doctor should put you on a course of antibiotics to prevent this. If you have any discomfort, itching or discharge after the rape, return to your doctor and ask for antibiotics to treat an STI.

6 Ask for emergency contraception (the morning-after pill) to stop you from getting pregnant if you are not using any prevention methods.

This medicine has to be taken within 72 hours (three days) of the rape. The pills might make you feel sick, and you will start to bleed. This bleeding is like a normal period.

Steps to take after rape

7 If you do fall pregnant from the rape you can choose to have 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.

8 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 medical certificate.

9 Decide whether you want to report the rape to the police. You may not feel like making this decision so soon after being raped.

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 call for an ambulance.

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 for if 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 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.

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 when you are very drunk.





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 (three days) of sexual intercourse, to prevent pregnancy.

STI: Sexually Transmitted Infection also known as an STD, Sexually Transmitted Disease.

TOP: Termination of pregnancy.