

# You & Rape



Rape Crisis  
Cape Town Trust

# You & Rape

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## Introduction

### A brief history of this book

In 1992, the Natal Midlands Black Sash, Rape Crisis, and a number of other women's organisations in Pietermaritzburg began a public rape-education programme. This programme was the result of the rising number of rapes, and the need for society to support men and women who have been raped in a way that restores their dignity. It was designed to support rape survivors in bringing their attackers to trial - if that is what the survivor chooses to do. Although rape is a difficult subject for many people to discuss, men and women need to share their experiences as rape survivors in order to help and strengthen each other.

This booklet is our contribution to sharing the information we've gathered from our experience over the years. The book has been updated several times. With this latest update, Rape Crisis has included the new sexual offences act and recent information regarding medical and social aspects of rape.

# Why you might find this book useful

## How to use this book

The *What is Rape* section of the book explains **how the law defines rape** and other sexual crimes. So if you want to know if what has happened to you or a loved one is rape or some other sexual crime, read through this section.

The *What to do if someone has raped you* section 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 *Reporting a rape to the police and laying a charge* section then lays out your rights and what to expect when either reporting a rape or laying a charge of rape against the perpetrator.

Read through the *If you don't wish to lay a charge* section, to find out what you can do to protect yourself and what your rights are.

The *Medical issues* section outlines what medical needs a rape survivor has whether or not she or he lays a charge of rape. The *Forensic Medical* section outlines what government hospitals should do if you are raped and want to gather evidence for a court case. This includes an overview of how evidence is collected from your body and clothes and the medication you have a right to receive. This section provides more details about PEPs or medication used to prevent HIV infection.

If you have laid a charge, the *Criminal Justice procedures* section outlines what to expect, what your rights are, what happens at bail hearings, in court, and outlines sentencing and compensation issues for both criminal courts and for civil court cases.

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

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

Others sections in the book that include important information include *Myths and facts about rape*, *Male Rape*, *Ideas about preventing rape*, *Child Sexual Abuse and Vulnerable adults*, *Some points for discussion*, *the complaints process (police, medical, and court)*, *a glossary of terms* and *a resource guide*.

*Note: In this booklet we will use the word "survivor" to indicate any person, man or woman, who survived rape. If we use the word "woman" please bear in mind that a similar process can take place if a man is raped. If not we will refer the reader to the section in this booklet on male rape.*

Rape is a violent crime that uses sexual acts to intentionally harm and hurt another. We cannot talk about rape in polite terms or hide the truth about it. The Sexual Offences Act has been in effect since 16 December 2007. This law states that it's a crime to intentionally commit a sexual act with another without that person's consent.

Thus, the 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 (survivor), without the consent of the complainant, is guilty of the offence of rape.** This means that the rapist has to prove that there was consent, or that no penetration took place to be found not guilty. To unpack this legal definition and put in language that is easier to understand, we need to explain how the law views "consent" and how it defines "penetration".

**Consent:** According to the law, there is no consent if

- a. you are forced by violence or the threat of violence to yourself, to a loved one, or to your property.
- b. you are drunk, drugged, asleep, or unconscious. So if you've been out drinking heavily or taking drugs, you are not able to consent to sex.
- c. you are younger than 12 years old or mental challenged.
- d. you are forced into consent by your boss or your teacher, when you think that not having sex will affect your position at work or at your learning institute.

e. you've been deceived by someone or by a professional or someone in authority to the effect that you need to submit to a sexual act for your physical, emotional, or spiritual health.

**Penetration:** According to the law, this could be one of three things, or any act which causes penetration to any extent by:

- a. the genital organs of one person into or beyond the genital organs, anus, or mouth of another person;
- b. any other part of the body of one person or, any object, including any part of the body of an animal, into or beyond the genital organs or anus of another person; or
- c. the genital organs of an animal, into or beyond the mouth of another person.

# What is rape?

# What is rape?

## Other sexual crimes include:

**Statutory rape:** Occurs when someone commits an act of penetration with a child between the ages of 12 and 16 whether or not they consent (if both people involved in this are under the age of 16 there may be a decision not to prosecute)

**Incest:** With or without consent, it's a crime to sexually penetrate blood relations (mother, sister, brother, father, first cousins, aunts, and uncles) or to penetrate adoptive relations.

**Compelled rape:** When someone compels a third person to commit an act of rape on another (compelled sexual assault, or compelled self-sexual assault are also crimes)

**Sexual assault:** Sexual acts that don't fit the definition of rape or the threat of sexual acts that occur without the survivor's consent. (Statutory sexual assault is also a crime)

## Some terms:

**Intentional:** deliberate, with purpose

**Unlawful:** illegal, against the law

**Sexual penetration:** Genital organs, body parts, objects penetrate to any extent the genitals of a survivor

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

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

**Date rape:** rape by someone that you are going out with

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

**Statutory rape:** When someone commits an act of penetration with a child between the ages of 12 and 16 whether or not they consent (if both people involved in this are below the age of 16 there may be a decision not to prosecute)

**Sexual assault:** forms of sexual acts or the threat of sexual acts without consent that do not fall within the legal definition of rape

**Vagina:** female sexual organ

**Penis:** male sexual organ

**Anus:** the small opening in your bottom

# What to do if someone has raped you



# What to do if someone has raped you

## Straight after the rape

Many women blame themselves after someone has raped or sexually assaulted them. Some of the people who you tell your story to might believe the same thing. However we believe that you are not to blame. It is the rapist who is wrong and who has in fact committed a violent crime. Male rape survivors don't tend to blame themselves as much but have other fears not shared by women – see the section in this booklet on male rape.

### Checklist of steps to take after being raped:

- a. Go to a safe place as soon as possible.
- b. Tell the first person you see and trust about what has happened. The first person you tell is sometimes asked to go to court to support your story - this person is referred to as the first contact witness. If the person you tell is a stranger, write down or try and remember their name and address. This is important if you decide to report the rape so that the police can find them and talk to them.
- c. If you are badly hurt go straight to a hospital or a doctor. They can call the police 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 you can summon an ambulance.
- d. **If you are not HIV+ and fear that you have been exposed to HIV, you need to receive medical attention within 72 hours (3 days) of exposure.** Some studies show that you are better

*protected if you receive PEPs (anti-retrovirals used to prevent HIV infection) within 6 to 8 hours of exposure, so the sooner you receive medical attention the better.*

- e. *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 if you're drunk.*
- f. *Decide whether you want to report the attack 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 chance there is that she or he will find strong proof like blood or semen on your body, or on your clothes, from the person who attacked you. Bruises and cuts will stay on your body for a while, but semen, hair and blood can be lost.*

Women often find it difficult to go to the police. Men find it even more difficult. Deciding whether to make a report to the police, or not, can affect you in many ways and you should consider it carefully.

## If you do wish to make a case

### You need to preserve evidence of the rape. To do this:

- a. *Do not throw away your clothes or wash yourself, no matter how much you want to. This is because there may be proof like hair, blood, or semen from the perpetrator and what he did to you on your body or clothes. This is important evidence if you decide to report the attack to the police.*

- b. *It's better not to drink anything, even water, or take any medicine before a doctor examines you. However, if you do, it's important to tell the doctor who examines you what you have taken.*
- c. *Put your clothes into a paper bag or wrap them in newspaper. Do not put them into a plastic packet because this can destroy the evidence.*
- d. *Keep any toilet paper and other sanitary material if you need to use the bathroom (these must be air dried and be placed in an envelope or brown paper packet)*
- e. *If the rapist drugged you in order to rape you, you should have a blood and urine test within 24 hours if you have decided to lay a charge or if you want to know what drug was used.*

**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 everything that you tell the police about what happened. This is written down, given to you to read and then sign if you agree that it's a true reflection of the event.

## Reporting to the police and/or laying a criminal charge

There is no time limit on reporting rape or laying a charge. However, the sooner this is done, the easier it is to get evidence needed for the court case. If the sexual crime was sexual assault rather than rape, you need to lay a charge within 20 years of it happening. Delays in reporting may no longer 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. It's preferable to go to the police station nearest to where the rape took place. **No survivor may be turned away simply because**

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

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

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

**FCSU:** Family Violence, Child Abuse and Sexual Offence Unit, this is the unit in the police that investigates rape cases

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

If you don't want to go to the police station, you can ask them to send a patrol car to your house or wherever you are, but 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 still tell the police – it's not for them to judge you for this and 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.

If you're at a police station and the police don't allow you to report the rape, it's very important not to give up. Tell them that it's your right to report the rape and ask to speak to the station commissioner (the person in charge of a police station). If they still refuse, go to another police station and report the rape. You can make a complaint about this later on. (See the section on Procedures for making a Complaint in this book for more information)

### Reporting a rape without laying a charge

If you do not wish to lay a charge, you can simply 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 practise this is not always done at every police station. If you have made this decision, you still need to get medical help. Read through the medical section to find out what medication you need and what needs to be done. Even if you refuse to lay a charge, you should get to hospital as soon as possible for a forensic examination and PEP's. If you change your mind later, you will have the physical evidence that the rape occurred.

At some police stations there are police who are specially trained to deal with sexual assault but they may be based at another station and take a while to come to where you are. You also 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, but this means that you may have to wait for them to find a policewoman. The police will try to find a woman to help you but sometimes there may not be a woman available and a man will assist you.

Many police stations also have Victim Support Volunteers (ordinary people from the local community) who give their time freely to come and support and comfort

people who have been victims of violent crimes such as rape. They have been specially trained and will be able to tell you what to expect and they will help you in any way that they can. They will usually take you to a Victim Support Room, which is a safe, private and comfortable space in or near the police station where you can speak about what happened to you.

### Laying a charge

When you lay a charge of rape, it means that you want the police to investigate the case and arrest the perpetrator. A police official, irrespective of rank, is not allowed to tell you that you cannot lay a charge, or that you do not have enough proof. There's no time limit to laying a charge either.

Your statement should be taken down in a private room with a female officer. The statement should be translated into your own language and should be taken down as soon as possible. If you are badly hurt, drunk, or very upset, the police may decide to take a short statement from you at first and then take a longer statement from you later on, i.e. once you have had medical treatment. If you are not injured and have reported more than three days after the rape, then usually the police will try to obtain a very detailed story from you the first time they talk to you.

We would prefer that **the survivor is taken to hospital prior to the taking**

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**down of the full statement.** This means that the police take a skeleton statement, and then you go to give a full statement the following day or within 36 hours. The reason for this is that Post Exposure Prophylactics (PEPs) are most effective in preventing HIV infection when taken six hours after the rape. The maximum time period for (PEPs) to be administered is within 72 hours (three days). It is therefore necessary for you to go to hospital as quickly as possible if you're still within the 72 hour cut off period.

Also, when a survivor is taken to hospital first, it will give her time to either calm down, come out of shock, or to sober up before making her statement. Again allowing a more coherent statement to be taken down.

Note box: The police often tell the survivor to return in the morning and they will then take them to the hospital together with a box that contains the Rape Medical Kit. This is not allowed. They should take the survivor directly to the public health facility. Survivors should call Rape Crisis or another NGO and insist on going to a hospital immediately, so that further forensic evidence can be collected and so that they can receive their Post Exposure Prophylactics (PEPs) to prevent HIV infection.

*Note: **Survivors who were drugged by the rapist** have a short time to prove the presence of the drug in their bodies. In order to extract this evidence, drug tests need to*

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*be done almost immediately – or at least within 24 hours. This test is unfortunately quite expensive and some hospitals don't do these tests - they can be done at a private pharmacy or private hospital.*

### Giving a full statement

The police will ask you to tell them what happened to you. Everything you say is written down. This is referred to as a statement. This is so that the police can start trying to find the person who attacked you. Try and tell them everything that you can remember that was said and done to you by the perpetrator.

It's your right to give your statement to the police in a private place. It's your right to say who you want in the room while you make your statement provided that person is not a witness to the rape in which case he/she will also be asked to make a statement in a 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 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 as part of the court case. Many rape

survivors do not remember all the details of what happened to them because they are upset and shocked by what happened. If you remember something else 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 you later about why you made these changes but it's better to have the whole story clearly laid out in full for the court to hear.

When you report to the police, you will be given a case number. This should be kept so you can refer to it if you have questions about your case. You may also ask for a copy of your statement.

You must tell the police in detail 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 still contact you.

Keep the telephone number of the police station and the name of the person who took your statement. Later another officer will investigate your case; this will be your Investigating Officer who will be in charge of everything to do with investigating this crime and preparing the case for court. Your case number stays the same. You should be given the number of the investigating officer and a further back up number if you can't get hold of the investigating officer.

*Note: The police should ask you whether*

*you wish to have the rapist, once arrested or located, tested for HIV at State expense. You don't have to make this decision immediately. This test can be taken 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+ when he committed the rape. The down side is that it may be stressful for you. Also, even if the test comes up negative, you would still need to continue taking PEPs for 28 days because the rapist may be in the window period.*

### Arrest

Laying a charge and starting an investigation does not guarantee that the person who raped you will be caught,

kept in jail, 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.

Your investigating officer should inform you once the perpetrator has been arrested. A common practice amongst police is to take the survivor with them to point out the perpetrator. If this is done, the survivor should be made to feel safe as this is a traumatic experience for them. If possible this type of pointing out should be avoided owing to the trauma involved. If you don't know the person who raped you, you should then be allowed to check mug shots or describe the person for an identikit to be drawn.

**Morning-after pill:** *an oral contraceptive (pill) that prevents pregnancy if taken a few hours after sexual intercourse.*

**Abortion:** *terminating or ending a pregnancy*

**TOP:** *Termination of Pregnancy*

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

**HIV:** *Human Immunodeficiency Virus that can lead to AIDS*

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

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

**Acquired Immune Deficiency Syndrome (AIDS):** *a sexually transmitted, incurable disease caused by HIV*

**Post Exposure Prophylaxis (PEP):** *is taking medicine to ensure that you don't contract HIV as a result of the rape*

**Perpetrator:** *the person who committed a crime (e.g. the rapist)*

## Medical Attention

### The main reasons for getting medical attention after a rape are:

- **Infection** – you don't (often) 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 that will prevent STIs (Sexually Transmitted Infections) and the transmission of HIV. You need to receive HIV prevention medication as soon as possible after a rape – within six hours is preferable, but the maximum delay is 72 hours (three days) after which preventative medicine will not work.
- **Injuries** - because rape is a violent act, injuries often occur- even though you may not be hurt externally, or visibly, you may well be injured internally. Also, the way you've been treated may have caused spinal mis-adjustments, and you may also have cuts, bruises, and so on.
- **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.
- **Evidence** – if you lay a charge, the doctor's report is vital to your case. Even if you are unsure of whether you wish to lay a charge, you can use this opportunity to gather physical evidence that can be used if you decide to lay a charge later.

Note: Tablets such as Viagra are used increasingly with regard to male rape. These tablets bring on an erection. **Be aware of serious side effects.** An erection that is painful and/or lasts more than 4

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.

### If you decided not to report the rape or lay a charge

- You should go to your own doctor, or a State hospital or clinic. You should say you have been raped and want treatment and although some clinics will charge you a fee for treatment, if you can't afford it the State will provide a free service.
- If you are unsure of your HIV status ask for an immediate HIV test to ensure that you were not positive before the rape occurred. If your results are negative, ask for PEPs
- Ask for the Morning-After Pill (MAP) to stop you from getting pregnant if you see a doctor within three days of being raped. This is usually called Nolevel and should be taken within 72 hours of being raped. 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 from the rape and you decide you do not wish to continue with the pregnancy, then you can obtain an abortion or termination of pregnancy (TOP) from the State. 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. 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.

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- The rapist might have given you a sexually transmitted infection (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 are HIV-, make sure that your doctor gives you an HIV test and antiretroviral treatment within 72 hours to prevent you obtaining HIV infection. This treatment is called Post Exposure Prophylaxis (PEP). You have to take tablets every day for 28 days. These tablets have unpleasant side effects that can be difficult to live with for a whole month such as nausea, vomiting, feeling very tired all the time and some 'flu like symptoms. Don't suffer in silence – tell your doctor about it because you may very well be able to take something to relieve these side effects or let them disappear.
- If you need time off work or school to recover or to deal with these symptoms, ask your doctor to book you off with a sick leave certificate.
- You should also think about having another HIV test after three months, because the HIV virus can take three months to show up. The virus can take longer to show up in children so they should be tested up to 18 months after being raped

## If you have reported or laid a charge

Survivors should be taken to hospital immediately, even if they are not bleeding

they may still be hurt. Also, given the PEP requirements to prevent HIV infection, rape survivors should be seen as potentially fatally injured even when not bleeding due to possible infection. The sooner PEP's are administered, the less likely it is that infection will occur.

Hospitals sometimes refuse to see a survivor until she has spoken to the police. This practice is illegal and you may inform the hospitals of this. Speak to the person in charge and demand your rights.

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 police will take you to the nearest health facility that offers this service. This may take a long time and you might want someone you trust to be with you – the police will make these arrangements.

## The forensic examination:

The Clinical Forensic Practitioner's job is to collect medical evidence in support of your statement to the police. Before this can happen, you will have to sign a police 308 form to say you agree, or give your consent, to be 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 the rapist's DNA on your body that links that perpetrator to the crime.

# What to do

## if someone has raped you

The doctor or nurse will ask for your medical history. This includes when, where, and what happened during the rape and he/she will ask when last you had consenting sex, whether you've had children, and when you last menstruated. This helps the doctor to know whether any tears occurred in the vagina result of the rape.

Once this is done, you'll be asked to remove your clothes and place them 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 perpetrator. **If the rapist did not kiss or orally rape you, tell the doctor immediately, and you can then drink water and take your tablets.** An immediate HIV test is run to determine if you're already HIV+. If you're HIV-, you'll be given tablets to prevent HIV infection as a result of the rape. These tablets include 3TC and Crixivan (if you were anally raped Kaletra is usually added to the mix). You will also be given Nolevel, which prevents pregnancy. These drugs cause nausea and you may throw up unless you're given a sandwich or some food to help keep the medication down. Later side effects include headaches and ongoing nausea – speak to your doctor about pain killers and anti-nausea medicine to help you deal with these side effects.

You will also be given antibiotics (Doxy Cycline, Cyproflax, and Flagyl). If you

suspect that you were drugged by the rapist, tell the doctor. However, currently the hospitals often don't run drug tests, and the evidence is lost very quickly. If you can afford it, try to get this done privately if possible.

After taking your tablets, you'll be asked to lie down on a 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" – questions and the collecting of samples are aimed at establishing that it was the rapist who attacked you.

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

*Note: You may choose to go to your own doctor instead of the Clinical Forensic Practitioner. Your own doctor must 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 able to do this examination.*

### Return Check up

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

### Criminal Procedures (bail, trial, sentencing)

**Identity parade.** If the rapist is arrested, there may be an identity parade. You'll have to point him out from a row of men who look similar to each other. You don't have to touch him or be in the same room as he is and one-way glass (you can see through it from your side but, from their side, the men can only see a mirror), where you are physically separated from the arrested suspect, should be used.

**Charge to public prosecutor.** The prosecutor will look at the available evidence and decide whether to prosecute or not. The prosecutor may also decide whether the case needs to be further investigated before a more informed decision to prosecute or not is made. If it's decided that the matter will

not go to court, doesn't mean that the police and the prosecutor don't believe you, it simply means that there is not enough evidence to take the case to court. If this happens, you have the right to civil court case, which requires less evidence. See the section on civil prosecution for more information.

#### **Note: Interdict or restraining order:**

*If the charges are dropped by yourself or by the prosecutor, you can still apply for a restraining order that clearly stipulates rapist should not contact you. If he or she does this once you have a protection order, the perpetrator can be arrested. You can set the terms of the interdict according to your own needs. A deadline should be set to serve the interdict on the accused person.*

**Bail Hearing.** Your investigating officer should inform you when a bail hearing will be held. However, because you are not expected to attend a bail hearing, some inspectors don't let you know. Ensure that you have the inspector's number and ask him to tell you whether or not the rapist is released on bail. Before bail can be granted and an amount set, the suspect has to appear in court before a magistrate who will make the decision. Although you don't have to be there, you have a right to attend this bail hearing. You can be asked to give supporting evidence on why you think the rapist should not be released, but 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.

You should have the choice to go to the hearing if you wish to. If the perpetrator is granted bail, you may wish to obtain a restraining order to ensure that the perpetrator doesn't contact you.

**If the police have served the perpetrator with a restraining order before the bail hearing, his chance of receiving bail is reduced.** So if this has been done, give this information to the prosecutor before the bail hearing.

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

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

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.

**Conditions where it must be very difficult for the court to release a rape accused include:**

- 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 made vulnerable by a physical disability
- if you are mentally ill or challenged
- if he inflicted grievous bodily harm during the rape
- if he or his family threaten you

**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 that a finger print is unique.

## What to do if someone has raped you

If you do not attend this hearing, you can phone the Investigating Officer and find out the results. When a person 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 any of these things have happened, you must let the police know about it straight away. If the police do nothing about it, you must report this to the Station Commissioner, an NGO such as Rape Crisis, or to the Independent Complaints Directorate (see the section on Procedure for Complaints in this book).

### The court case or trial

You cannot be represented by your own lawyer in court. 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. It's a good idea to meet with the State Prosecutor before the trial. She or he can give you information about how the trial will be conducted. You should find out what questions you may be asked.

When the matter first goes to court it will not go to trial immediately. Also the case is usually postponed a few times before it's trial ready. So you don't need to attend court at the start, your investigating officer will tell you when you need to come to the court. It may take many months before

the case comes to trial. It's a good idea to go with someone 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.

When you go to court, stay in a waiting room **separate from that of the perpetrator** (if possible), before testifying. Having to see the accused may cause you unnecessary stress and could affect the quality of your testimony. Rape Crisis has offices at some courts and you are welcome to use these. **The prosecutor should reimburse you for any travelling and waiting time spent in court.** The funds for this are limited.

### Postponements

Be prepared for postponement, where the case is delayed because either the Prosecutor or the accused's lawyer (who is called 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, or writing exams, and so on. Thus, there are many reasons, both good and bad, for delaying the court case. These postponements happen frequently, so try to prepare yourself. 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.

# What to do

## if someone has raped you

### In camera

If you are under 18, the court will 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. The court workers and the rapist 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 will have to remain outside until after they have testified and then they can join you.

### CCTV

Survivors may be allowed to use closed circuit television (CCTV) and give their evidence from a separate room that is

seen on a TV set in the courtroom. This is possible if it's thought it would be too traumatising to give testimony in the same room as the accused. Prosecutors must consider this option in all cases. If this option is denied for children under the age of 14, the court must give reasons for this refusal.

### Using an Intermediary

Children under the age of 18 and people who are mentally challenged, may be able to use an intermediary to testify. The questions asked in the courtroom are relayed to the intermediary via headphones. The intermediary sits with the vulnerable witness in a private room in the same building. The intermediary then asks the question to the witness and her questions and the witness's reply is relayed back to the courtroom through

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

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

**Witness:** the person present at an event 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 give verbal evidence to the court of a crime

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

**In camera:** this means that the general public will not be able 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.

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 puts their words on tape 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 they're not interpreting properly, you must tell the magistrate or the prosecutor this.

You have only one chance to tell the court what happened. You must do this in as much detail as possible. The truth is enough; you don't have to defend yourself even though the defence attorney will try and make out that you are lying. He or she will try and prove to the court that the rape didn't happen or that you agreed to have sex with the rapist, or that you aren't telling the truth in some other way. He or she 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. The first person you told about the rape may also be asked to give evidence. The Investigating Officer will give evidence uncovered by his or her investigation of the case. The doctor that examined you after the rape will give his or her evidence. The accused will then give his evidence and will be asked questions by the Prosecutor. The Prosecutor will try and get him to reveal any lies he may try to tell the court about what happened.

### Evidence no longer needed or allowed

1. *Previous consistent statements – the law previously expected survivors to tell someone what had happened shortly after the rape, and this "first report" was often key to a survivor's testimony. Now, earlier and consistent statements or first reports on the rape can be used but aren't necessary for her testimony to be believed.*
2. *Delays in reporting – the court may now not draw any conclusions from the delay between being raped and reporting the rape.*
3. *No cautionary rule – previously the survivor's testimony was to be viewed with caution in that she may be lying. Now your evidence should not be viewed with caution.*
4. *Character and previous sexual history – no evidence of your previous sexual history may be presented in court. However, the defence attorney may apply*

# What to do if someone has raped you

to include this evidence as long as it's not used to imply that because thereof, you were more likely to consent or are less believable. Prosecutors must oppose any questions about your previous sexual experiences.

## Sentencing

The magistrate then decides whether the rapist is guilty or not and will pass sentence if she or he finds him guilty. 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. Rape is the most difficult of all crimes to prove beyond a reasonable doubt.

The investigating officer has a duty to tell you when sentencing will take place so that you can decide for yourself whether you'd like to attend or not. Many survivors choose to attend as they need to be there for their own closure. If the accused is found not guilty, you may wish to apply for an interdict 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 these minimum sentences it is possible for a court to impose a lighter sentence in unusual circumstances.

**In certain circumstances, a life sentence of 25 years is the minimum sentence. This is the case if,**

- he raped you more than once
- there was more than one person who raped you and they were in it together
- he knew he had HIV/AIDS at the time
- you were under 16 at the time
- you are made vulnerable due to being physically challenged
- you are mentally ill or physically challenged
- he 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 as a result of the rape – these costs may include

- Medical expenses
- Alternate 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 these things and keep receipts of 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 is lower than in a criminal case; however, there is a time limit to when you may lay a charge. This limit is set at 20 years after you are in a position psychologically to make the case. In a civil case, a rapist can be found guilty on what the courts call "a balance of probabilities". This means that, taking all the evidence into account, the judge believes that it's more likely that the crime was committed than not – even if there is some doubt. If the rapist is found guilty on the balance of probabilities (which means the judge is convinced there was a good chance that he was guilty), the judge will order him to pay damages to you and you may receive compensation from him.

# Reactions to rape

We aren't trying to tell what you should feel if you have been raped. We can only tell you what we know from the stories of women who have been raped.

**There is also a section on male rape made up of the stories of men who have been raped. Read both, as many things are similar for both male and female survivors.** Each person copes in a different way depending on his or her circumstances. By describing some of these feelings we hope to give strength and understanding to those who are raped.

How long your journey to recovery takes will depend on your situation and how supportive the people around you are. If you are worried that the feelings are lasting a long time then you must get help. It's important to remember that there is someone who can help you, such as a rape counsellor or a social worker, a psychologist, clinic sister, or even a family member or a friend you can trust.

Sometimes partners, parents or other friends and family members may not know how to respond to you, and may even share some of your reactions to the rape. They should be encouraged to go for counselling so they can learn to understand their own reactions 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. People might also fail to be supportive because they live with men who rape or even because it has happened to them and they don't want you to remind them of their own painful memory. The truth is that not everyone around us will care about what happened and you may feel alone in dealing with some of the things that happen. Remember you don't have to be.

## Typical phases of recovery

There is a typical pattern to how people process or go 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

### **Acute phase**

Immediately after the rape most survivors experience shock, dismay, fear, panic and anger. They express this either in a numb or dazed fashion, or by being openly distressed. You would typically experience this kind of reaction 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 and is called the acute phase.

### **Outward adjustment phase (denial)**

The acute phase resolves naturally into the second phase called "outward adjustment". In this phase, survivors

usually aren't open to being helped. This is because most women try to carry on with their lives as normal and they need to do this to reassure themselves that they can cope. During this phase, you typically test your ability to survive the experience. Healthy psychological defences such as denial, suppression and rationalisation come in to play to allow you to do this. 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 are frustrated by your lack of engagement. You may find that they put pressure on you to behave differently. The fact is there is not much that anyone can do for you at this time, other than allowing you to "be," and that is appropriate.

### **Integration phase:**

When you enter the third phase, called integration, you begin to feel depressed or anxious and wish to talk. Many women in this phase may believe that their feelings are a signal that they have serious emotional problems or are going mad. This is a good time to go for counselling because you begin to need reassurance and support. During this phase, you may well find that your work or general ability to function in life is affected. You will also start to think about the rapist more and will need to deal with this aspect of the rape as well.

### **Renewal phase:**

Once you have acknowledged your feelings and worked through them successfully, you enter the renewal phase. You now begin to make sense of the trauma and regain your sense of safety in the world. Your symptoms will ease off or disappear; you'll be able to control or master your memories and will be more able to feel good about life again. You return to your previous level of functioning and the crisis can be said to be resolved – even if, at times, you still feel fragile. If the integration phase is not successfully worked through, you won't enter the renewal phase.

### **Common feelings and reactions during the acute and reintegration phases include:**

1. **Shock.** You might suffer from shock after being raped. Shock can make you shake, cry, laugh, twitch, become very calm, or not allow you to think clearly. It can also affect your concentration so, you might find it hard to focus on anything and it could affect your memory so that you don't remember things that you said or did and 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 happen later. If you are hurt, you should obtain medical treatment. Otherwise keep warm, and try to have a friend with you for support.

2. **Guilt.** Almost every person who is raped feels guilty and looks for things that she should have done to stop the rape, such as screaming, or 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, but it does take time. This feeling of guilt is often made worse by your contact with the police, doctors and the court who often bluntly request the rape survivor to distance themselves from what happened and not feel too deeply so that they can get on with their jobs. Other people may question what you did and make you feel to blame because of myths about rape in society. Myths are popular beliefs held by many people, but they are actually false. (See the chapter on myths.)

### **3. Powerlessness and loss of control.**

Being raped makes many people feel as if they have lost their 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 is nothing to him.

Thus people who have been raped 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 they even begin to feel as though their wishes,

feelings and bodies aren't really important when, in fact, they still are and always should be.

If you are finding it difficult to make decisions after a rape, you might let people you trust help you to make some decisions but 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.

4. **Fear.** Fear can make you freeze. You might not be able to do anything like scream, run or struggle during a rape because you are paralysed by fear. 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 car, 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.

# Reactions to rape

**5. Shame.** Sometimes women feel very ashamed of being raped, even though it is 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 just want to keep on cleaning the house, and this might help you to get back some of your control. Some women do the opposite and cannot clean their homes at all.

Many women's bodies respond sexually to being raped and the vagina becomes moist. Some women may even have an orgasm during the rape. This doesn't mean she enjoyed the experience, was sexually aroused or wished this to happen. It's a physical reaction, which comes from fear and adrenaline. It's a way that the body protects itself 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.

**6. Silence.** Many women 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 opinion and gossip in the community. 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 to you until you feel ready to do so. Try not to let other people, even those who do it because they care about you, pressurise you into speaking about it before you are ready.

**7. Nightmares.** Many women have nightmares after being raped. These include images of the rape itself, or frightening shapes and feelings. Nightmares can make you afraid to go to sleep. It can help if you talk to somebody about the nightmares and the feelings that they are conjuring up for you. 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 for medicines that can help you sleep better, but it's important not to rely too much on this and to rather obtain counselling if it goes on for any length of time.

**8. Fear of touching.** You might feel that you cannot touch anyone else, or let anyone touch you. Because your body has been abused, you 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 about, 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. You should talk to your partner about this so that you both understand and help each other.

After being raped some women feel tight and dry inside when they are having sex. This is called "vaginismus". This should go away after a while. In the meantime, rather than hurting yourself, you can use a

**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

lubricating lotion such as KY Jelly to ease this dryness.

Some women find that they wish to have sex with many partners after being raped. Try not to judge yourself too harshly for doing this if you're one of them and don't let anyone else do so. You have the right to do whatever you want with your body. Please do remember to practice safer sex!

**9. 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

**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

**Lubricant:** 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

# Reactions to rape

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. Sometimes medicine for depression can 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.

**10. 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 mother, the doctor or your counsellor. It's quite understandable to be very angry after a rape.

**11. Grief about loss.** You might experience grief and sadness as a result of being raped because of all the things you might have lost (mentioned below) or as an aftermath of the shock of your experience. Some of these are:

- *having lost your sense of safety*
- *having lost your sense of security*
- *having lost your sense of being in control after being in a situation you could not escape from*
- *having had your life threatened*
- *perhaps you also lost your virginity*
- *having lost the sense of being in control of your body and your sexuality*
- *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 you haven't lost everything. You can recover from a rape and become a stronger and wiser person.*

# Healing



# 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.

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.

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 mind, the body and the emotions; so you need to keep all three of these levels in mind when working through what has happened to you. Some ideas that many rape survivors have found useful are shown below. Please note that none of them are to replace treatment or care suggested by a doctor or counsellor but they can easily be used together with their suggestions to help with your recovery. They're all things that you can do for yourself if there's no one to help you.

## Taking care of your body

Take care of your body by trying to eat healthy foods; do some exercise every day and never omit to rest or sleep.

If you've lost your appetite and don't feel like eating, then try to eat small amounts at a time and then try to increase how often you eat. Try to eat foods that are good for your body, easy to eat and help the body cope with stress.

Rest as much as you can especially if you are not sleeping well at night. To help with sleep problems: take a half hour walk each day if you can; don't eat, drink, or smoke soon before going to bed; and don't panic if you can't sleep – get up and do something for a while, then try again later.

Talk to someone if you can or phone an all night service such as Life Line. If lack of sleep is making you feel very agitated or exhausted, try to obtain a prescription from a doctor for sleeping pills. These pills only start to be addictive if you are taking a 10mg tablet per day for longer than two weeks, so don't worry if you're taking them for shorter periods. They can be very useful in restoring a regular sleep pattern, but are dangerous if misused.

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 twenty minutes. A sprig of fresh rosemary or lavender in a bath is also helpful. If you wash in a basin or have a shower then

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.

For those that can afford it aromatherapy massage can be very beneficial. Otherwise ask a friend or family member to rub your back with vegetable oil, body lotion or baby powder. Hand and foot massages are also good for those who are not comfortable being touched too much.

## Looking after your mind

Many rape survivors have found that positive thinking helped their healing process. This may require a deliberate effort to stop self criticism and negative or frightening thoughts. To transform your

thoughts, it can be helpful to list negative thoughts you are having and then try to rephrase them positively. This exercise does take sometime as it's difficult to reframe thoughts when you're feeling bad. Just keep trying until you find a way.

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 good beliefs about life, or your personal philosophy. No matter what it is; rape will challenge this faith. Go to those who have helped you keep faith in life, read the things that previously helped you and go to the places that help you with your faith.

You are not alone. Join or form a support group and meet other survivors. You'll be able to help them and obtain help from them. You are not the only one. In

### Negative thoughts:

No matter what I do, I'll never be able to overcome this

Things are always going to be this way, so there is no use in trying

I'm so scared of these things. It is impossible to feel differently.

### Positive thoughts:

Although this is difficult, I can find peace and be restored to my former self

Although I may not be able to change others, I can help to bring about change and trying is good for me and for others

What I think, do, and believe can and does change how I feel.

# Healing

this country, with its high rape statistics, someone you know may have been raped and knows exactly how you feel.

## 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 our healing even though they hurt so much that all we 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. Much of the pain rape survivors feel is from trying not to be angry, scared, or vulnerable and worrying about how they'll appear to others. In fact, we all have a right to these emotions and to freedom of expression.

Some feelings such as hurt, pain, anger and rage can be very frightening for us and those around us. Remember a few clear rules for yourself 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 have to regret something you have done. If you are worried that you might not be able to stick to these rules and could lose control of your emotions, then contact a counselling service or a doctor. You can even go to your local hospital emergency room for help. There's nothing to be ashamed of from experiencing a strong reaction to an extreme situation.

There are some herbal remedies that may help for stress, depression and anxiety. They are St John's Wort and Kava Kava. They can be bought at health shops and at certain pharmacies or supermarkets.

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 various ways to help you make your own best decisions.

And that's about all. Try to tell people what you're going through. They like to be needed even as a listener. 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, then laugh. There is nothing like laughter for healing. You can recover, you can even be stronger than you were now that you have survived being raped - and recovered.

*Note: There are further useful tips in the section of this booklet under the chapter called Male Rape: Survivor's Tools. They are useful for both men and women.*



## Myths & Facts about rape

# Myths and Facts about rape

**Myth: Many people believe that “nice girls” don’t get raped.**

The truth is that any woman, or girl-child, can be raped. Babies of six weeks old and women of 93 are raped. Rapists often look for someone who is an easy victim - someone who is trusting, and who does not fight back. In our society these are often “nice girls”.

**Myth: Many people believe that prostitutes cannot be raped.**

The truth is that prostitutes or sex workers do get raped. Prostitutes like any other women have the right to say no. They are being paid for sex, not for rape.

**Myth: Many people believe that wives cannot be raped by their husbands.**

The truth is that in South Africa, women can charge their husbands with rape. A woman has the right to say no to sex with her husband.

**Myth: Many people think that a woman can prevent being raped by a man if she tries hard enough.**

The truth is that most men are stronger than most women. Rapists need not use

a weapon. Physical force, or the threat of violence or emotional manipulation, is enough to scare most women into doing what they are told to do. To give in does not mean you agree. Rape is a life-and-death situation; if the person raped is still alive, she did something right.

**Myth: Many people believe that women fantasise or dream about being raped, and that they would enjoy it if it happened.**

The truth is that a woman can think about rape and imagine it happening to her. This thinking is under her control and she can stop it whenever she wants to. But when a woman is raped, her control is taken from her. Rape is a brutal attack. It’s humiliating and sometimes women are badly hurt. No woman enjoys being raped. No woman asks to be raped.

**Myth: Many people believe that when a woman says no to sex she means yes.**

The truth is that in many cultures a woman is expected to be shy and to resist when a man, even her husband, sexually approaches her. Women need to say no very firmly when they mean it. At the same time men need to heed even a hesitant no and fully respect it –

and they need to take no for an answer. Sometimes sexual communication can be ambiguous; in other words when a couple speaks about having sex they may not always be clear with each other and it becomes confusing. This is because we are not taught how to speak about such things openly and have to struggle to interpret body language and things like that. It’s always wise to try and be clear about this – rape is a very serious crime and it is not worth going to jail due to a misunderstanding.

**Myth: Many people believe that when men get excited about sex, they cannot stop.**

This is not true. Most of us know what it’s like to get excited to the point where there is nothing we want more than to complete the sexual act. But in fact, we can all choose to stop there and turn away to wait until the excitement goes away. Rapists are men who choose not to stop.

**Myth: Many people believe that rapists are strangers in dark streets.**

The truth is that a rapist is more often someone you have met before, rather than a stranger. He may be your boyfriend, a date, a member of the family, or a friend of the family, or someone you met at a party. Many rapes are planned beforehand. Many rapes happen in

people’s own homes. In South Africa, studies show that 1 in 4 men have committed rape.

**Myth: Many people think that rapists only rape once.**

The truth is that many rapists rape more than once. Many of those men in prison for rape say they would do it again, and that they have done it many times in the past.

**Myth: Women who get drunk in company are inviting rape.**

The fact is that being drunk does not excuse a rapist from his crime. Nor does being drunk make the victim responsible for the rape. Remember the law states that you can’t consent if you’re drunk. Being drunk is not a crime but rape is. No one deserves to be raped.

**Myth: Many people believe that women say they have been raped to get revenge on men or to get them into trouble.**

The truth is that reporting rape takes a lot of courage, because people often don’t believe a woman when she says she has been raped. Women are often made to feel ashamed and to feel as if they have been raped all over again. Very few women will lie about being raped – fewer, in fact, than people who lie about being robbed or being made the victim of another crime.

**Myth:** a story believed by many people, but which is not always true.

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

**Myth: Many women think that they are not the kind of women who get raped. They think it won't happen to them.**

The truth is that most women who are raped thought that it could not, or would never, happen to them. After someone rapes them, they almost can't believe that it happened. Sadly, it can and does happen to any kind of woman and there is no profile of the typical rape victim for us all to study and avoid.

**Myth: Some people think that rapists are sex-starved madmen or monsters.**

The truth is that many rapists are perfectly ordinary people and some of them are even married and sexually fulfilled. Rape is a crime of violence, rage and hate. It's not just about the need for sex. Rapists can be anyone – and the reasons why they rape vary. It's not easy to tell a rapist from another man.

**Myth: Many people believe that women dress and behave in a particular way, which causes men to become excited and rape them.**

The truth is that it doesn't matter how a woman is dressed. Tiny babies in nappies and women in drab, unrevealing clothes also get raped. Women in shorts and women in robes get raped. A woman may wear shorts or short skirts, because these are the clothes she likes to wear and never get raped at all. People do not think that men are asking to be raped because

of the clothes they wear. Women should have the same freedom to dress in the way they like.

**Myth: Many people think that white women are most likely to be raped by black men.**

The truth is that there are more white men who rape black women than there are black men who rape white women but even these rapes are fewer than those that occur in the same race group. Most rapists choose victims within their own race group.



# 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 in an effort to display his total control over the latter. 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. The fact that criminals are using rape in an effort to hide another crime must also be taken into consideration. A criminal stealing from a man, might rape the victim in an effort to stop him from reporting the initial crime. This is done based on the fact that men don't easily report rape... especially adult men.

The fact that men are being raped is an issue that's still surrounded by a great deal of silence. Men are, in most cases, more likely to become victims of violent crime than women and, the only exception is rape and domestic violence. This picture has most likely influenced the lack of research on and writing about male rape. Feminist writing about rape of women as an exercise of power started to lay the grounds 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 the 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 writing on rape as a power exercise rather than a sexual act. Most researchers in the field also believe that the number of men that report the rape to the police, or even look for any kind of help afterwards is largely unrepresentative of the actual number of male rapes taking place. The main reasons for rapes not being reported seem to be the response of the people around the rape survivor, expressing disbelief over the fact that a man can be raped at all and the feelings of guilt this response creates in the survivor. Another reason is the fact that there are still not that many organisations out there which deal with male rape survivors, which is likely to make them feel as if there is no point in even looking for help.

Many countries still don't legally recognise of the existence of male rape, which is another matter that complicates things when it is to be reported.

## Myths and Facts about Male Rape

**Myth: Only gay men are raped, and only gay men rape other men.**

The truth is that rape is about control, and not always or only about sex. The rapist doesn't consider the sexual preference of the victim. Studies show that most men,

who sexually assault or rape other men, are heterosexual. For a gay male rape survivor, the idea that he might be told he asked for it may stop him from reporting the crime. To a heterosexual man, the idea of being labelled gay might prevent him from speaking out.

Both these fears will only subside if all survivors are treated with dignity and respect.

**Myth: Erection or ejaculation while being raped indicates that the victim wanted it and enjoyed what happened.**

The truth is that erections or ejaculations during rape or sexual abuse are physical responses. They can be as a result of extreme stress or of physical contact. Rapists are aware of this "automatic" response of your body, and use it to further their display of control over you and to discourage the crime being reported. It doesn't mean that you enjoyed what happened and, in fact, it could make the entire experience more traumatic for you. Additionally, tablets such as Viagra are used increasingly with male rape. These tablets cause you to have an erection. Be aware of serious side effects. 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.

**Myth: Men are able to protect themselves and thus they cannot 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 they don'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!

**Myth: Men who were raped will become abusers themselves.**

The truth is that research shows that a male survivor who talks about the rape, or finds support from people close to him, will not become an abuser. Those men who keep the attack secret or do not obtain any form of support, will more often than not turn the abuse on themselves in the form of alcohol or drug abuse. To say that a raped man will consequently go out and rape other people is wrong.

**Myth: Heterosexual men who were sexually abused or raped will become homosexual.**

The truth is that, as mentioned before, rapists do not consider the victim's sexuality. Although there are many theories on why someone would identify himself as heterosexual, homosexual or bi-sexual, it's unlikely that one person can cause another to become homosexual or heterosexual. Most homosexuals believe that they were born that way and that it's not something they can change (or would wish to change) at will.

## Reactions to Male Rape

After a rape, men experience many of the same symptoms as women.

One of the greatest differences between male and female rape though, seems to be the way that other people respond to it. While women are sometimes told the rape was their fault because they were wearing revealing clothes and

were therefore asking for it, men are often questioned about their manliness. Questions such as "What kind of man are you to let someone do that to you?" and "Why didn't you defend yourself?" are asked.

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. They could possibly 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 something that is likely to make you doubt whether it could really have been rape and thus, prevents you from reporting the crime. In this way, many of the male rapes that are happening are never discussed, which then leads to people thinking that it doesn't really happen. The silence creates a circle, and

the majority of perpetrators mostly get away without punishment.

As a man, you are mostly taught not to show your emotion since this is considered being unmanly, which means that you often don't know how to handle your feelings. It also means that many men don't obtain any kind of counselling and therefore end up with all the feelings connected to the rape hoarded inside for a long time without having an outlet for them. You might try to put everything behind you as quickly as possible, believing that you can go on with your life as if nothing has happened. This means that you may experience psychosomatic symptoms (physical symptoms such as illness, headaches and backaches) and the emotional "crash" is often greater when it finally comes.

This also means that when you actually decides to come for counselling, it's something that you've given a lot of thought, and quite likely, tried to resist as long as possible. Your motivation for obtaining help is also 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.

Men who have been raped often go through a stage of doubt with regard to their own sexuality. 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. If you're heterosexual, 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 – the odds are that he was a heterosexual man. Alternatively, you might make seek homosexual contacts to test your attraction.

If you're a homosexual man, you might blame yourself even more for the rape, since it might be harder for you to see where the line runs between non-consensual and consensual sex. In addition, you might be asked questions about your homosexuality by the police, making you further doubt whether it was actually rape. There is evidence suggesting that gay men are more likely to get raped than straight men. The fact that gay men have male sexual partners and are in the dating game would probably be a reason for this, considering that women are more likely to be raped by someone they know.

## Denial

*"Did I imagine it? Was it rape? Why me?"*  
Your brain is trying to protect you. You've often heard people who witnessed an accident describing it as "unreal".

**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:** the moments 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 (can also mean awakening)

# Male Rape

Our brain tries to convince us it never happened so that we can avoid some of the pain of facing the reality that it did happen. Sometimes this is only for a short time to help us to prepare to face up to it, but if it goes on for too long then it can be unhealthy. If this is the case with you, you should seek help from a counsellor as denying it can actually prevent you from getting on with your life.

## 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 elaborate as much as you feel comfortable with. Explain to them how difficult it is for you.

## 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 any one else for that matter, if you're dead. Fighting back may well have caused your death. Here you are reading this, you survived, you did something right.

## Powerlessness

*"I am not in control. I am less of a man."* But you are 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 from now on. Give your body, your mind and your emotions time to heal, you will be in control again.

## 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 your downs. Hang in there when the tough times come around and enjoy the ups when you can.

## Disorientation

*"What day is it? I forget things."* This is a symptom of shock. You have so many questions that you don't know where to begin. 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 any thing else."*

Write down things you remember from the attack and didn't put in your statement. 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 seriously consider obtaining professional help.

## Fear

*"I'm afraid to go out. I'm afraid to be alone."* Naturally you have experienced every man and woman's worst nightmare. Stick to basic security precautions. The fact that you have survived trauma will make you more alert. Don't let your daily routine be influenced too much by your fear. 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."* Shallow breathing normally triggers panic attacks. As you think of what happened to you, you breathe more rapidly and thus greatly decrease the oxygen intake you require. The result is uncontrollable shivers, irregular heartbeat and excessive perspiring. When you experience a panic attack, 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, the panes in the window and the attack will end soon. When it comes to eating, take supplements if you have to. When you do have an appetite, eat healthy, nutritious foods that will fuel your body. You are going to need all the strength you can muster.

## Anger

*"I hate them. I want to kill them."* Of course you do, you want to pay them back. Just think what that will achieve. Nothing. In fact, you are giving them the control, because all you do is think of them. Killing or getting even is not going to change the fact that you were raped, neither is hating them. Rather try to concentrate on things that will help you cope during this time and help you feel better about yourself, not things that will add to your misery.

## Sexuality

*"Am I gay? Will I ever have sex again?"* Remember that rape is not only about sex. If you were heterosexual before the rape, you'll remain that way. Don't pressure yourself to be sexual before you are ready. Perhaps, when it feels safe to do so, begin with sensual touch – where there is no pressure to perform.

## Survivor's Tools

**Talking about rape:** To many, the most difficult task of all is to talk about the rape. Because male rape is such an unspoken crime, people are often too stunned to reply constructively when you speak to them about it. 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 be sympathetic, so be prepared. Talking about it remains one of the fundamentals of coping. Tell those that you think will listen. When a person does listen, thank them, especially if it is someone close to you. Remember that your family and loved ones will be going through their own feelings of guilt and helplessness and this might affect their responses.

**Take some time out:** As you have read before, your body will experience natural reactions to the trauma of what happened to you. To give yourself some space to heal, remove some of your responsibility. If this had been a car accident rather than a rape, you'd take things easy to allow your bones to heal. The same thing 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 thoughts you had in earlier days. As you progress through the normal after effects of trauma, you will soon learn that things do get better. Keep it as a journal to map your progress.

**Anger:** You will find yourself venting your anger towards 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 as any person would do 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. Workout, 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 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 aren't worth the temporary high you might experience. It's commonly known that you must face your fears in order to overcome them. By abusing alcohol and drugs you will never face your fear and subsequently never lead a "normal" life. You have survived the rape; don't cause yourself more pain.

**Counselling:** You might feel guilty because those around you are also suffering because of the attack. 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 help lines, or go to your nearest Rape Crisis centre. You'll find that talking to a perfect stranger allows you to say things without the constant fear of hurting or burdening someone. 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:** The last thing on your mind is physical fitness but certainly one of the most important things is to keep healthy. Mentally you have enough to battle with. The stress of the rape can play havoc with your body. A loss of appetite and sleeplessness is common to many survivors. Add to that the fact that you are going through an extremely tough time and you are bound not to have any energy to go on. Take nutritional supplements if you can't eat and ask your doctor to prescribe medication to help you sleep if necessary. It's important to realise that you will not be able to stay on the medication forever so experiment with natural ways of helping you sleep. Try reading or taking long walks; anything you think might work.

*Note: Read the chapter on Healing for more hints and tips about recovery. They can be read by both men and women.*

# Ideas about Preventing Rape



Many people believe that rapes are committed by strange men outside of the home. This is not always true. Many rapes occur in the home, and are committed by a man known to the rape survivor.

Although we give some suggestions here to help you to protect yourself against rape, each person can only behave in a way that seems best to her in the situation. What helps one person might not help another. There are no right or wrong responses; often acting on a gut feel is best. In many cases, victims are so terrified that they “freeze” and are unable to do anything, and should not feel guilty about this. This response may even save your life.

A good self defence course will coach you in the right attitude, a swift response and some useful techniques to resist attack. If you sense trouble, trust your instinct.

## **Some suggestions to help protect yourself against rape:**

### **1. Outside the home:**

- Always try to walk with confidence as though you know where you are going, and observe people who are near you or who are approaching you.
- Try to wear flat shoes that allow you to run if you need to walk somewhere. It's a good idea to wear clothes that allow for freedom of movement.
- Try to walk in the company of friends if you are able to.

- Avoid groups of men if you can.
- Be cautious when using public transport, try to travel with people you know and trust or try to ensure you are not isolated in a taxi, bus or train carriage.
- If you do not like the way someone is looking at you, speaking to you or speaking about you, be assertive and tell them to stop. Let someone else know about what the person is doing that is making you feel uncomfortable.
- If you are in company, watch who pours your drinks so that they don't drug your drink.
- Know how much you can drink before it's too much. You are vulnerable when your judgment is impaired by drink or drugs.
- Don't accept a lift home from a party by a stranger or people who you don't know very well – even if he knows a friend of yours.
- Lobby your local council for good streetlights and safe public transport.
- If you think you are being followed, trust your instinct and don't try to tell yourself you're imagining it. Walk faster, change direction and if necessary, go to the nearest house or shop for help.
- If you think you are in danger, try to scream as loudly as possible. Many attackers are scared off by a loud noise. If you are desperate, you could break a window to draw attention to what's happening.
- If you are in a lift and feel threatened, press the alarm and buttons to other floors, and get out as soon as possible.
- There are some things that you can

# Ideas about Preventing Rape

carry to protect yourself, such as pepper and aerosol sprays, keys, or a whistle – but make sure you know how to use them effectively under attack.

## 2. In the home:

- Remember always to lock your outside doors, even during the day. (Security gates are an added protection).
- Try to have burglar guards or burglar bars on all your windows.
- At night, close curtains so that people cannot see in.
- Try to have a system where you can alert your neighbour to trouble and arrange with them to look out for you in your home.
- Have a watchdog
- Don't indicate by the title Ms, Miss or Mrs. on the post box, or in the telephone directory, that you are women, rather keep it hidden, e.g. Dlamini, S.F.
- Do not open your door before checking whether you know who is outside.
- Try always to ask for some form of identification from any stranger wishing to enter your home.
- If an intruder enters your house, pretend that you are not alone by calling out or speaking to someone.
- If you can, leave a light on inside the house at night and make sure all entrances are well lit.
- On returning home, always have your keys ready to open the door. If you think someone is watching you, don't go into your house, but go to a neighbour or

try to summon some help. Remember you can use your keys, your bag or even a shoe as a weapon to help to protect yourself.

- If you have a telephone, keep the police toll-free number (10111) close by.
- If someone in your family or living in your home approaches you in a way that makes you feel uncomfortable, tell them so and also tell someone else about it immediately. Again trust your instincts even if the person tells you that you are being 'paranoid'.

## 3. On the roads

- When you are driving a car, make sure that all doors are locked.
- Don't offer lifts to strangers.
- It's best never to accept lifts from strangers. If a motorist stops to ask for directions, keep a safe distance.

### **If you are in a situation where you have to hitchhike:**

- Remember that hitchhiking is very dangerous and you should not do it unless you have no other choice.
- Try not to hitch alone or in very deserted places.
- It's usually safer only to accept lifts from women or from older couples or families.
- Before getting in, ask where the driver is going before saying where it is that you want to go.
- Never accept a lift from someone who changes direction to pick you up.
- Keep your hand on the door handle and if

you are threatened try to jump out, or grab the steering wheel, press the hooter and generally try to attract attention.

### **If you are attacked:**

- Try to get away from your attacker.
- Sometimes if you talk to, or reason with, your attacker it might make him change his mind.
- Try to shout, bite, kick, pull his hair and use other forms of attack, but be realistic about your own strength and your ability to defend yourself, because active resistance might lead to further anger and harm. Passive resistance may be advisable if your life is in danger.
- Remember sensitive parts of the body are eyes, ears, penis, balls, groin, neck and armpits.

### **Ways that men can prevent 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, disregard their rights and ignore 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 make sex safer for themselves and others.

**Speak up.** You will probably never see a rape in progress but you will see and hear attitudes and behaviours that degrade women and gay people 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.** Rape will not be taken seriously until everyone knows how common it is. In South Africa in 2009, there were 71 500 sexual offenses reported to the police – these numbers are increasing gradually. Research estimates that only 1 in 6 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 and 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. Rape Crisis centres, domestic violence agencies and men's anti-rape groups count on donations for their survival and always need volunteers to share the workload.

**Talk with 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 much from women about the impact of rape and how to stop it.

**Talk with 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 of men focused on stopping sexual violence. Men's 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 other 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.

Anyone who has knowledge that a sexual offence has been committed against a child or a person with a mental disability must report it to a police official. Failure to do so is illegal, and a person convicted of this, may be sentenced to five years' imprisonment. If you suspect any other form of abuse, you are required by law to tell a police officer, a social worker, or an organisation that deals with child abuse. Failure to do this is considered a crime and you may be jailed or fined.



# Sexual Abuse

of children and mentally challenged adults

# Sexual Abuse

## of children and mentally disabled adults

Anyone who has knowledge that a sexual offence has been committed against a child or a person with a mental disability must report it to a police official. Failure to do so is illegal, and a person convicted of this, may be sentenced to five years' imprisonment. If you suspect any other form of abuse, you are required by law to tell a police officer, a social worker, or an organisation that deals with child abuse. Failure to do this is considered a crime and you may be jailed or fined.

Many girls, boys and young women are raped by their stepfathers, mother's boyfriends, fathers, grandfathers, or neighbours. Sometimes the mother knows what is happening but feels powerless to help her child because she is afraid the father will go to prison and lose his job and then the family will be without any material support. If you need help in such a situation, obtain a list of organizations that work to help children from your nearest police station, or call one of the national numbers which appear at the back of this book. Many girls, boys and people with intellectual disabilities are sexually abused over a number of years by male relatives other than their fathers, neighbours, or by trusted men in their community

**Incest:** Sexual intercourse between two people commonly regarded as being too closely related to marry, e.g. parents, or grandparents, and children; uncles and nieces; brothers and sisters; step-parents and step children.

**Child Sexual Abuse:** The use of a child for sexual acts or gratification by an adult or older child. This includes making

### How sexual abuse can affect children:

There are various ways in which sexual abuse can affect children and people with intellectual disabilities, just as men and women are affected in different ways by rape. The effect on this group depends on a number of factors including the mental age of the survivor and his or her ability to understand what has happened. Other factors are:

- The relationship between the child and the abuser and how much the abuser has exploited his own authority and the child's trust
- How long the abuse has lasted
- Whether the abuser, for example, undermined other relationships involving the child, by saying things like, "Don't tell mommy, she doesn't love me enough and that's why I do this to you."
- How people close to the child respond when the abuse is revealed

pornography using children, touching or fondling children's genitals or penetrative sexual acts such as vaginal, oral or anal penetration with a child. Making a child watch sex or watching children is also child sexual abuse.

**Vulnerable Adults:** Adults with mental disabilities that prevent them from being able to give legal consent.

### Effects on the child can vary but could include:

- Nightmares, disturbed sleep and bed wetting.
- Changes in behaviour such as inappropriately sexualised activities or frequent outbursts of anger and losing control.
- Increasingly poor self-esteem and feelings of guilt and shame.
- Repeated vaginal infections or injury.
- Changes in levels of concentration, doing badly at school, and fear around certain people.
- Becoming very withdrawn and depressed.
- Becoming afraid of relationships or having many sexual partners as teenagers.
- Becoming depressed, suicidal or hurting themselves deliberately.

If a child hints about sexual worries to any family members or teacher, it's essential to follow it up. Remember you could be fined or jailed if you suspect something bad has happened and you don't notify authorities. You can help to protect children and vulnerable adults from incest and other sexual abuse by teaching them not to accept any form of touching or talk that feels uncomfortable, and to talk about it openly to someone they trust if it does happen. If a child or vulnerable adult tells you about being abused always believe them and offer your support.

### Adults who experienced abuse as a child

may experience a wide range of difficulties in their life. Sometimes these can affect so many parts of your life that it becomes hard to pinpoint exactly how the abuse affected you. But it's important to try and recognise some of the damage including:

- Extremely poor self-esteem and feelings of powerlessness
- Difficulties nurturing yourself and others, including your children
- Trouble setting goals or feeling motivated in life
- Feelings of inadequacy and a need to be perfect
- Finding it difficult to feel or express different emotions
- Being prone to depression, nightmares or panic attacks
- A persistent feeling of being out of touch with your body, sometimes even feeling as though you've left your body completely
- Using alcohol, drugs or food in a way that worries you
- Not responding to your body's messages of pain, tiredness, hunger and so on.
- Feeling distant or even hateful towards your body
- Intentionally hurting or abusing your body
- Finding it hard to establish or sustain intimate relationships or trusting others
- Feeling worried that many of your relationships feel unhealthy

- *Feeling afraid that other people will harm or betray you*
- *Feeling a sense of panic when someone gets too close to you in a relationship*
- *Do you expect people close to you to leave you?*
- *Are you able to say no to people?*
- *Do you experience your sexual desires as frightening or shameful?*
- *Trying to use sex to meet other needs*
- *Avoiding sex or on the other hand going after sex in an almost addictive way*
- *Finding it difficult to experience sexual pleasure*
- *Having a history of abusive relationships*
- *Being aroused by sadistic, violent or incestuous fantasies*
- *Doing everything in your power to remain in control of everything to do with sex*

*If on reading this you are reminded of something that has happened in your own life, obtain help and speak to someone you can trust.*



## Some points for Discussion

Although at times you may feel alone after you have been raped, you are not alone. Many South Africans have been raped and you can learn from one another. Join a group or organisation, or start your own. Show others this booklet.

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, union, stokvel or student's organisation) ask the group to demand that the organisation takes rape more seriously.

There are many issues to think about. Some have been raised in this book. 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?*

- *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 support this campaign?*
- *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

### **Complaints and gaps in Service delivery**

The Sexual Offences Act is relatively new. For it to really benefit rape survivors, we need to monitor how it's being followed by the police, the medical services, and the courts. So if your rights weren't respected or you did not receive the attention you needed, you can make a complaint.

# Some points for Discussion

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, hospital, or court, you can let us do this for you. Call our Advocacy Department at our Observatory branch in Cape Town for help – 021 447 1467 and ask for the Advocacy Department.

## Procedure for complaints

### 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 Commissioner of the police station in question. Write down the exact nature of the complaint giving all the details about the incident i.e. date, names of people, places, time etc. If you don't receive a reply, you could try contacting the Provisional Commissioner of police in your area.

If the matter is still not dealt with, you can contact the **Independent Complaints Directorate** (<http://www.icd.gov.za/>). This is a government department established to investigate complaints against

members of the South African Police Service (SAPS) and the Municipal Police Service (MPS). The ICD can't deal with complaints of incidents which occurred before April 1997 and those which took place more than a year before they were reported to the ICD, unless there are exceptional circumstances.

### Complaints about hospital services

If you wish to complain about a particular health institution, write a letter to the Medical Superintendent of the hospital stating your name and other details, information on what has happened, the

names of the health officials involved, and all the other details regarding the incident that you can remember. If the matter isn't dealt with, you can contact the Director General of the Health Department or the Public Protector.

### Complaints about court services

If you want to complain about a prosecutor, you can speak or write to the Senior Prosecutor of the court where your case is heard. If this doesn't work, you can write to the Regional Director of Public Prosecutor. If you are still unsure of who to complain to, call the Public Protector for advice.

### The address and telephone and fax numbers of the ICD in your area are:

OFFICE	POSTAL ADDRESS	TEL NUMBER	FAX NUMBER
<b>National Office Gauteng</b>	P/Bag X 941, Pretoria, 0001	012 392 0400	012 320 3116/7
<b>Cape Town Western Cape</b>	P/Bag X 43, Bellville, 7530	021 941 4800	021 949 3196
<b>Durban KwaZulu-Natal</b>	P/Bag X 54303, Durban, 4000	031 310 1300	031 305 8214
<b>Johannesburg Gauteng</b>	P/Bag X 25, Johannesburg, 2000	011 220 1500	011 333 2705
<b>Polokwane Limpopo Province</b>	P/Bag X 9525, Polokwane, 0700	015 291 9800	015 295 3409
<b>Nelspruit Mpumalanga</b>	P/Bag X 11325, Nelspruit, 1200	013 754 1000	013 752 2602
<b>Bisho Eastern Cape</b>	P/Bag X 7491, King Williams Town, 5600	043 706 6500	043 706 6526
<b>Mafikeng North West Province</b>	P/Bag X 2017, Mafikeng, 2745	018 397 2500	018 381 1495
<b>Bloemfontein Free State</b>	P/Bag X 20708, Bloemfontein, 9300	051 406 6800	051 430 8852
<b>Kimberley Northern Cape</b>	P/Bag X 6105, Kimberley, 8301	053 807 5100	053 832 5615

<http://www.icd.gov.za/contact/index.html>

### The address and telephone numbers of the ICD in your area follow:

OFFICE	POSTAL ADDRESS	TEL NUMBER	FAX NUMBER
<b>National Office Gauteng</b>	P/Bag X 941, Pretoria, 0001	012 366 7000	012 362 3473
<b>Eastern Cape</b>	P O Box 1400, Bisho, 5605	040 635	
<b>Free State</b>	P O Box 383, Bloemfontein, 9300	051 448 6172 051 448 6185	051 448 6070
<b>Gauteng</b>	P O Box 32738, Braamfontein, 2017	011 339 3737 011 339 2047	011 333 2705
<b>KwaZulu-Natal</b>	P O Box 4267, Durban, 4000	031 307 5300 031 307 5250 031 307 5251	031 307 2424
<b>Limpopo</b>	P O Box 4533, Polokwane, 0700	015 295 5712 015 295 5699 015 295 5956	015 295 2870
<b>Mpumalanga</b>	P O Box 3373, Nelspruit, 1200	013 752 8543	013 752 7883
<b>Northern Cape</b>	P O Box 1505, Kimberley, 8300	053 831 7766 053 831 8325381/2	018 381 1495
<b>North West</b>	P O Box 512, Mafikeng, 2745	018 381 1060/1/2	018 381 2066
<b>Western Cape</b>	P O Box 712, Cape Town, 8000	021 423 8644	021 423 8708

### **The public protector**

The Public Protector can investigate anyone that performs a public function. This includes any official duty which affects all of us. So, bad behaviour when treating a rape survivor at a government hospital or bad conduct by the police

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 phone the Public Protector's office. The staff at these offices will listen to your complaint, try to help you, and will let you know where you should send your complaint if they can't help you. Their toll free hotline number is 0800 11 20 40. Their website address is <http://www.pprotect.org/>

### **What can the Public Protector investigate?**

- *Prejudice, abuse of power, unfairness, rudeness, or other improper conduct*
- *Undue delay*
- *The violation of a human right*
- *Maladministration.*

# Glossary

**Abortion:** terminating or ending a pregnancy

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

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

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

**Anus:** the opening between the buttocks

**Arousal:** sexual stimulation (can also mean awakening)

**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

**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

**Child Sexual Abuse:** The use of a child for sexual acts or gratification by an adult or older child.

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

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

**Consent:** To agree to, or give permission, to say yes

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

**Date rape:** A rape of a woman by the man she's going out with

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

**Clinical Forensic Practitioner:** These doctors and nurses are trained to gather evidence of a rape for courts. They are employed by the Department of Health's Forensic Services.

**DNA:** Deoxyribonucleic acid is 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.

**Ejaculation:** the moments when semen suddenly ejects 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 men.

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

**Grievous bodily harm:** serious physical injury

**Guilt:** 1. the feeling that you have done something wrong, or 2. being proved to have committed a specific crime

**HIV:** Human Immunodeficiency Virus, the virus that causes AIDS

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

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

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

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

**Incest:** sexual intercourse between two people legally regarded as being too closely related to marry e.g. parents, guardians, or grandparents;

# Glossary

uncles and nieces; brothers and sisters; step-parents and step children

**Intentional:** deliberate, on purpose

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

**Investigating Officer (IO):** the police officer that gathers all the evidence relating to a crime and 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

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

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

**Morning-after-pill (MAP):** a tablet that prevents pregnancy if taken within 72 hours of 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

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

**Penis:** the male sexual organ

**Post Exposure Prophylaxis (PEP):** medicine used to ensure that you don't contract HIV as a result of the rape

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

**Promiscuity:** casual sex with many partners

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

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

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

**Rape survivor:** a person who was raped, but was not killed by the rapist/s

**Rape victim:** a person who is raped and killed by the rapist/s

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

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

**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. This is written down, given to you to read and then if you agree that it's a true reflection of the event you have to sign it.

**Station Commissioner:** 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 they consent (if both people involved in this are below the age of 16 there may be a decision not to prosecute)

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

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

**TOP:** Termination of Pregnancy

**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:** Typically this refers to a person who is intellectually challenged and who is 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 Telephone support:

**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)

Readers are encouraged to copy any section of this booklet, but please acknowledge the Rape Crisis Cape Town Trust.

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