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INTRODUCTION

There are many ways in which women are abused. This booklet is about rape and domestic violence, two forms of violence against women that are serious crimes.

If you have been abused you may feel alone. This is normal, especially since society often reacts to rape and domestic violence with silence. Victims everywhere are hesitant to report or; speak out about their experiences. There are many reasons for this. Some fear that they may not be believed; others fear that they may be blamed. And still others fear that they will be further threatened or harmed if they tell.

If you have been abused, you are not to blame. You are an important human being and a worthwhile person who deserves to be treated with respect. You have positive qualities and can find constructive ways to cope and deal with the situation. One way is to tell someone you trust. Help is available.

At the back of this booklet is a list of women's organisations that can help give you information and support, and who will refer you to the support services closest to where you live. Remember that you are not alone. There are many women who have suffered a similar experience, and many people who care.

RAPE OR SEXUAL ASSAULT

In this booklet we use the words **SEXUAL VIOLENCE** or **SEXUAL ASSAULT** to refer to all the ways in which a woman can be made to do anything sexual that she does not want to do. Sexual assault is often mistaken as a form of sexual seduction. But it is not. It is actually an act of extreme violence in which sex is used as a weapon to hurt and humiliate. Remember that a woman can be physically forced, or be threatened into doing something sexual that she does not want to do.

THE LAW IN SOUTH AFRICA

The law dealing with sexual violence or sexual assault is being changed to expand the definition of rape and to offer South Africans greater protection. The new law dealing with sexual offences is expected to improve the present system as it applies to sexual offence matters.

The changes are aimed at offering survivors the maximum and least traumatizing protection that the law can provide. The law also seeks to encourage survivors of sexual violence to work alongside the criminal justice system—and aims to focus more on the actions of the perpetrator rather than on the issue of consent.

The changes are aimed at consolidating and amending the law relating to sexual offences; providing for new procedures in respect of such offences; providing for the repeal and amendment of certain laws; and to provide for matters connected therewith.

The law is being changed in line with the Constitution. This includes ensuring that it applies equally to both women and men.

WHAT TO DO STRAIGHT AFTER A SEXUAL ASSAULT

Whatever happened is not your fault. You must believe this. Someone else raped or sexually assaulted you. It is their fault, not yours.

- **Go to a safe place as soon as possible.**
- **Tell the first person you see or trust what has happened.**

This may be very difficult for you, but it is very important. The first person you tell is likely to be asked to go to court to support your story. If the first person you tell is someone you don't know, write down or try to remember his or her name, telephone number and address. This is important if you decide to report the rape or sexual assault. It will enable the police to locate and talk to the person.

- **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 on your body or clothes. This will become important evidence if you decide to report the attack to the police.
- **Do not drink anything, even water, or take medicine before a doctor/health worker examines you.** This is very important. But if you do drink something before you see a doctor, tell the doctor what you have taken.
- **Put your clothes in a paper bag or wrap them in newspaper.** Do not put them into a plastic packet because this can mess up any evidence.
- **Decide whether you want to report the attack to the police.** You may not feel like making this decision so soon after being sexually assaulted. Women often find it difficult to go to the police. Deciding whether or not to report to the police can affect you in many ways and you should think about it carefully. Remember that trained people are available to speak with you and that they can be reached at the organisations listed at the back of this booklet.

If you want to report the sexual assault to the police, it is best to do so within 3 days of being assaulted. This is because evidence, such as blood or semen, is more likely to still be found in this time. If you find later that you are pregnant and decide you want to have an abortion, it helps if you have reported the sexual assault before deciding on this course of action.

You can report a sexual assault to the police many years after it happened. But generally you'll have a stronger case if it were possible to collect evidence as soon as possible after an assault.

- **If you are badly hurt go straight to a hospital or 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.**

The sooner a doctor/health worker 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 man or men who attacked you. Bruises and cuts will stay on your body for a while, but semen, hair and blood can be lost in a relatively short time.

REPORTING TO THE POLICE

You can report what happened to the police. You do not have to go to the police station in the area where you were assaulted. If you go to another police station, the police will pass the case to the police station in the area where you were assaulted for investigation. This means it will take a few days longer for the police to start investigating.

Police can also be asked to come to your house or wherever you are. If you are at the police station and the police do not allow you to report the assault, it is very important not to give up. Tell them it is your right to report the assault and ask to speak to the station commissioner (who is in charge of the police station). If they still refuse, go to another police station and report the assault, or contact one of the support services listed on the back of the booklet.

If you decide to go to the police station, you may want to take someone you trust with you.

It is your right to have a relative, friend or counselor with you when you report a sexual assault and when you are examined by a doctor. If you find it easier to talk to the police without friends or family listening to you, then ask to talk to the police in a separate and private space.

AT THE POLICE STATION

When you get to the police station, tell the police officer at the charge desk that you want to report a rape. **A police officer is not allowed to tell you that you cannot lay a charge, or that you do not have enough proof.**

At some police stations there are police who are specially trained to deal with sexual assault cases or have "comfort rooms" where you may give statements and get information in private. Some of these comfort rooms are staffed by specially trained community members who can help you. Ask if these services are available.

You can ask to speak to a woman police officer. If there is no woman on duty you can ask the police to call one. But it means that you have to wait for them to find a policewoman.

When you report a sexual assault to the police, they give you a special number. This number is also called an **OB number (Occurrence Book number)**. **This number is very important as it proves that you did report the sexual assault to the police.**

When you report the sexual assault you can do two things:

- 1. You can just put the sexual assault on record, or;**
- 2. You can lay a charge.**

The police will not investigate the case any further if you only put it on record. If you lay a charge, the police will investigate the case and you may have to go to court. It is important that you tell the police clearly if you want to put the sexual assault on record and do not want them to investigate the case further.

If you are over 18 you can make and sign a statement that says that you do not want the case to be investigated. This statement is called an affidavit and will be filed away as a record of sexual assault. It may be useful if you later find out that you are pregnant, or later change your mind and decide to lay a charge.

GIVING A STATEMENT

The police might take you to the hospital for a medical examination before they take your statement. This may be better for you because it will enable you to wash yourself and change your clothing once the medical examination has been completed. The police might wait until the next day before they take your statement. Generally, though, they will need to get some information from you as soon as possible so that they can register the case and give it a case number. They will also want to arrest the suspect as soon as possible, and will need information from you to do this. It is very important that you tell them as much as you can. Everything you say will be written down. This is called a statement. If you are badly hurt or very upset, the police may decide to take a short statement from you, followed later by a statement.

If you want to lay a charge, the police must take a statement from you and then open a file or criminal case docket for your case. This is called a CAS number (Criminal Administration System number). Make sure you write this number down and keep it with you.

You have the right to give your statement to the police in a private place. If the police want to take your statement in the charge office in front of other people, ask them to take it in a more private place. **You are also allowed to give your statement in your home language. If no-one at the police station speaks your language, ask the police to find a police officer or a court official who can speak your language.** You may have to wait while the police find someone.

The police may ask you questions that are embarrassing and which you may not like - such as whether the rapist's penis went into your vagina. But they may need this information for their investigation. However, a police officer is not allowed to ask you questions which are not connected to the attack, such as, "Did you enjoy it? Or "Did you have an orgasm?"

The police officer must write down everything you say. Alternatively, you can choose to write your statement yourself, or you can ask a friend to write it for you. Do not sign your statement until you are satisfied with the way it has been written. If there are mistakes, or if you are not happy with how it has been written, ask the officer to change it. If you remember something else which you did not say at first, tell the police and have it added to the statement. Your statement is very important because it is the main proof that the court will use to try to win your case.

You are entitled to a copy of your statement. Ask for a copy if you are not given one.

Even if you were drinking, or were on drugs when you were sexually assaulted, you still have the right to report the assault to the police. If you are unable to give a clear statement immediately, but still want to report the attack, the police must take a statement from you later on.

BEFORE LEAVING THE POLICE STATION

Before you leave the police station, make sure you have the following information:

1. The **OB and CAS numbers** of your case. If, at a later stage, you want to find out anything about your case from the police or the court you will need these numbers.
2. A copy of your statement or the time you can fetch one.
3. The telephone number of the police station.
4. The name and identification number of the officer who took your statement.
5. The name and serial number of the officer who will investigate your case.
6. A letter from the police which you can hand to any police officer if you see the person who assaulted you. They will then arrest him.
7. The name and the phone number of the CID (Criminal Investigating Division) Branch Commander. This person is the head of all investigating police officers, and should be able to assist you if you are not happy about the way you are being treated. If you want to make a complaint, you can get help from one of the organisations listed at the back of this booklet.

MEDICAL EXAMINATION

The police will make arrangements for you to be examined by a doctor or health care worker as soon as possible. The medical examination may take place before or after a statement has been taken, depending on the extent of your injuries.

You will have to sign a police 308 form giving your permission to be examined. The doctor must also fill in his results on another special form called a J88 form. Then he/she has to sign it and enter the date on which you were examined. Once the examination has been completed, the form will be given to the police for use as evidence in your case.

You may choose to be examined by your own doctor, but it is better to go to a district surgeon as you will be seen to quicker. In any event most private doctors do not want to go to court if there is to be a trial.

Being examined by a district surgeon after you have been raped can be a frightening experience. Sometimes survivors can be even more traumatized by the procedure if they don't know what is happening to them. Ask questions if you are unsure of what the doctor is doing to you. Also think about taking someone that you trust with you for support during the examination.

Most district surgeons speak only English or Afrikaans. If you do not understand what the doctor is saying to you, ask to speak to someone who speaks your language.

TREATMENT AFTER RAPE

Because rape is an act that involves sexual behaviour, one of its results could be pregnancy. When you are at the healthcare facility, ask for emergency contraception tablets. This medicine will reduce the risk of you getting pregnant as a result of the rape.

There is also a risk that you might get one or more sexually transmitted infections (STIs). There are antibiotics to treat STIs, and you should get treatment for this as soon as possible. If it is not offered at the hospital where you are examined, ask the doctor or health worker for it.

There is also a risk that you might contract HIV, if the person who assaulted you was carrying the virus. HIV causes Aids; it is also an STI. Ask for an anti-retroviral at the hospital.

These medicines are called "post-exposure prophylaxis". This means that if you have been exposed to the virus, the medicine seeks to reduce the risk of you getting it. **Treatment must begin within 72 hours (3 days) of the rape. Anytime after that is too late.**

The drugs are called AZT and 3TC, and you will be given what is called a "starter pack". This will contain the anti-retrovirals and instructions for taking the drugs. Regular visits to the doctor is also necessary, to ensure the proper use of the medicines.

Once you have started taking the medicine, you should ask for an HIV test. Even if your results show that you are HIV negative, continue taking the medicine for the full 28 days. If the results show positive you should stop taking the medicine immediately and seek the necessary treatment.

If you are HIV-positive, ask the doctor about what you can do to look after yourself when you have HIV.

Find out about: organisations and people that can help you **live positively** - and taking anti-retrovirals that will help you manage HIV.

You can get the necessary medicines at **state hospitals** and **some clinics** for free. If the hospital cannot give them to you, call the **AIDS Helpline (Tel: 0800-012-322)** and ask where you can get these medicines. **This is a free call.**

CHECK LIST FOR MEDICAL TREATMENTS

Make sure you get:

- Medical treatment for physical injuries
- Medical treatment for STIs (but not HIV/AIDS)
- AZT and 3TC for HIV/AIDS
- Emergency contraception tablets to avoid pregnancy.

Don't be afraid to ask for these treatments. You have the right to protect yourself against what can happen to you because you were raped.

THE DOMESTIC VIOLENCE ACT

If someone (like your husband, boyfriend, brother or child-minders) is abusing you, you should get help. Speak to family members or friends that you trust. Use the support services listed at the back of this booklet.

Abuse, as with rape, is not your fault. You do NOT "deserve" abuse. No-one has the right to hurt you.

A new law came into effect in November 1999, called the Domestic Violence Act.

The Domestic Violence Act says that these things are abuse:

- When a person hurts your body or your feelings.
- When a person insults you, calls you names or threatens you.
- When a person harasses you (bothers you too much),
- When someone tries to control what you do, or controls how you use your money.
- When someone follows you or visits you without your permission. This is called stalking.
- When someone does anything to you that can damage you health or wellbeing.

The Domestic Violence Act can help you get protection from the police and the courts against abuse.

WHAT IS A PROTECTION ORDER?

A Protection Order is an order from the court telling your abuser to stop abusing you. It can order the police to take away any dangerous weapons from your abuser. It can also order the police to go with you to collect your belongings if you are scared. The protection order can force the abuser to provide you with money to survive.

Women's organisations, listed at the back of this booklet, can help you get a Protection Order. Ask them for advice. They may recommend a safe house where abused women and children can stay when they have nowhere else to go. Remember that you are not alone, and that help is available.

WHO DOES THE PROTECTION ORDER PROTECT YOU AGAINST?

You can get a Protection Order against anyone who is abusing you. It can be your husband or boyfriend. You do not have to be living together. It can be someone you went out with—even if it was for a very short time—or someone with whom you had sex. It can be someone who thinks you are having a relationship with him even if you know that you are not.

WHO CAN APPLY FOR A PROTECTION ORDER?

Anyone who is being abused can apply for a Protection Order. Someone else can also get it for you, but you must first write a letter to give permission for that person to act on your behalf. Permission is not needed if the victim is under 21 years of age, has mental disabilities or is unconscious. Under these circumstances, anyone can apply for the Protection Order on his or her behalf.

WHERE TO GET A PROTECTION ORDER?

You can get a Protection Order from a Magistrate's court or High Court. This court must be close to where you or your abuser live or work.

WHAT HAPPENS WHEN YOU GET A PROTECTION ORDER

- You will be given a date when you must go to court.
- You can ask for an "Interim Protection Order". This will protect you until the court date.
- The abuser must also go to court on this day. He will get a chance to say if he thinks the Order is unfair. The court will decide if you should get a Protection Order.
- If the abuser does not come to court, and the magistrate thinks that you are being abused, you will get a "Final Protection Order".
- You will also be given a Suspended Warrant for Arrest, to protect you from the abuser.

WHAT HAPPENS AFTER YOU GET THE PROTECTION ORDER

Remember to keep a copy of your Protection Order in a safe place. Give copies to friends and family who you trust.

- The court or police must give a copy of the Protection Order to your abuser.
- They will also send a copy to the police station that you choose. Choose one closest to the place where you are most likely to be abused.
- The Order is free, but a small fee will be charged to deliver it to the abuser. If you cannot afford the fee, say so. The magistrate can order that it be delivered for free.
- The clerk of the court must explain what your rights are under the Domestic Violence Act. He or she must explain your right to lay a charge against the abuser if he has committed a crime.

IF THE ABUSER DOES NOT OBEY THE PROTECTION ORDER

- Go to any police officer with the Suspended Warrant for Arrest.
- Tell the police how the abuser has broken the conditions of the Protection Order.
- The police will charge him with breaking the Protection Order.
- The police must arrest the abuser if you are in danger. They can even do this without your warrant

WHAT HAPPENS TO THE ABUSER?

If arrested, the abuser will be kept in jail until he goes to court. If he is found guilty he will be fined or sent to jail. The abuser can be charged with any other criminal offence that he committed while abusing you – for example, assault or pointing a firearm.

HOW MUST THE POLICE HELP?

In terms of the Domestic Violence Act, the police must help you. They must explain your rights to you in a language that you understand. and they must tell you what protection you can get. The police must help you find a safe place to stay, and must take you to a health worker if you need one.

WHAT TO DO IF THE POLICE DO NOT HELP

If the police do not help, they can get into trouble with the law. You can report bad treatment to these people.

- The Police Station Commander (the head of the police station).
- The South African Police Service: Provincial Management, phone (021) 483-3871
- The Independent Complaints Directorate, phone (021) 426-0700
- The Commissioner on Gender Equality, phone (021) 426-4080/1/2/3

You can also speak to your member of parliament, your local councillor, or one of the women's organisations listed at the back of the booklet.

IMPORTANT TELEPHONE NUMBERS

24 HOUR EMERGENCY NUMBERS

Rape Crisis	Cape Town	083 222 5158
	Khayelitsha	083 222 5161
	Somerset West	083 484 9409
	Stellenbosch	083 484 9409
National Women Abuse		0800 150 150
Childline		0800 055 555
Safeline		0800 035 553
Carehaven		082 990 4579
PATCH	Somerset West	021 852 6110

COUNCELLING SERVICES FOR RAPE

Rape Crisis	Cape Town	021 447- 9762 / 447-1467
	Khayelitsha	021 361-9085 / 361-9228
	Somerset West	021 852 1334
	Stellenbosch	021 887 1844
	Gugulethu	021 633 2383
Lifeline	Cape Town	021 461 1111
Safeline	Cape Town	021 426 1102
Ilitha Labantu	Khayelitsha	021 364-1946
	Phillipi	021 371-5110
	Langa	021 694-5770
Mosaic Training, Service		
Et Healing for Women	Wynberg	021 761 7585
Kuilsriver Support Group	Kuils River	021 903 4262
Kraaifontein Support Group	Kraaifontein	021 988 4869

Trauma Centre for victims of Violence and Torture	Woodstock	021 465-7373
Thuthuzela Rape Care Centre	Manenberg	021 690-1011/1000
Mitchell's Plain Crisis Line	Mitchell's Plain	021 392-2000
United Sanctuary for Battered Women	Atlantis	021 572-5256
SAFE (South African Female Empowerment)	Strand	021 845 8759
NICRO Women's Support Centre	Cape Town	021 422-1690
NICRO Women's Support Centre	Mitchell's Plain	021 397-6060/1/2
NICRO Women's Support Centre	Bellville	021 949-2110/1
NICRO Women's Support Centre	Khayelitsha	021 361-1393
NICRO Saartjie Baartman Women's Centre	Athlone	021 633-5287
CWD Domestic Violence Project	Elsies River	021 931 3725
	Gugulethu	021 637 4420
FAMSA (Family and Marriage Society of SA)	Cape Town	021 461 7360
	Observatory	021 447 7951
	Gugulethu	021 637 6706
	Goodwood	021 592 2063
	Khayelitsha	021 361 9098
Triangle Project (Gay Relationships)	Mowbray	021 448 3812
New World Foundation	Lavender Hill	021 701 1150
PATCH	Somerset West	021 852 7599

SERVICES WITH FOCUS ON MEN

Embizweni	Khayelitsha	021 364-1195
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SHELTERS FOR ABUSED WOMEN AND CHILDREN

Saartjie Baartman Shelter	Athlone	021 633-5287
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Carehaven	Athlone	021 633 5287
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Sisters Incorporated	Clareinch	021 797 4190
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St Anne's Homes	Woodstock	021 448 6792
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LEGAL SUPPORT AND SERVICE

Women's Legal Centre	Cape Town	021 424 0870
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Legal Aid Board	Cape Town	021 426 4126
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Legal Aid Board	Mitchell's Plain	021 374-1171
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Legal Aid Board:	Bellville	021 948-3921
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Legal Aid: University of Cape Town	Rondebosch	021 650 3551
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Law Clinic University of Western Cape	Bellville	021 959-2756
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