



**“Every person has the right to freedom and security of the person to be free from all forms of violence” – The South African Constitution**

# **RAPE AND ABUSE IMPORTANT INFORMATION**



# Rape Statistics SA

Is this  
my  
country?

**SOUTH AFRICA IS KNOWN AS  
THE RAPE CAPITAL OF THE WORLD WHERE:**

**IT IS ESTIMATED THAT:**

- a rape occurs every 17 SECONDS!
- 1 in 3 women are raped
- 1 in 6 men are raped
- 1 in 25 cases are reported to the police
- 45% of rapes reported to police in SA are child rapes



**50% OF SOUTH AFRICA'S CHILDREN WILL BE ABUSED BEFORE THE AGE OF 18  
SA HAS THE HIGHEST INCIDENCES OF CHILD AND BABY RAPE IN THE WORLD!  
A WOMAN BORN IN SA HAS A GREATER CHANCE OF BEING RAPED  
THAN LEARNING TO READ!!**



# Important Facts

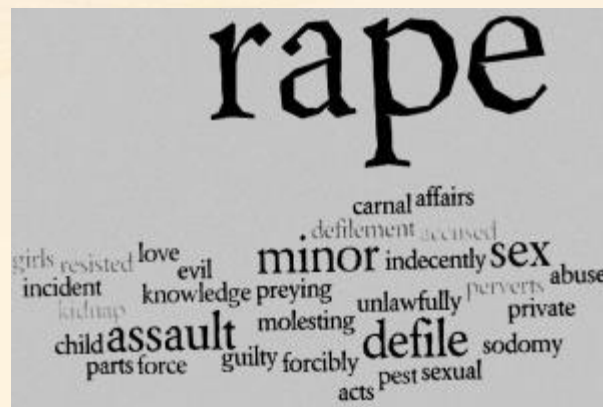
- **RAPE CAN HAPPEN TO ANYONE**
- No one asks to be raped
- **You can be raped by a stranger or someone you trust**
- Rape is about **power** and control, not sex
- Rape is a crime of **power** not passion
- Rape is **abuse of your human rights AND IT IS AGAINST THE LAW!**



# Definition of Rape

**According to the Sexual Offences Act of December 2007 it 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 an offence of rape.*



# *Definition of Rape ... cont.*

The law also states that **Penetration** is:

Any act that causes penetration by:

- *The general organs of one person into or beyond the genital organs, anus or mouth of another person*
- *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*
- *The genital organs of an animal, into or beyond the mouth of another person.*



# What to do During Rape

- As 85% of rapist in SA is armed with a knife or a gun it is best not to fight back.
- If you think you can fight him off, you need to be 100% sure so as not to endanger yourself further.

*It is important for Women to equip themselves with skills and techniques through self-defence training to assist them in possibly avoiding a dangerous situation and ultimately saving their lives*

At some point it is no longer about the rape, but about you staying alive. Some rapist act kindly, while others are violent.

- **Remain calm**
- Memorize what **he looks like** (not what he is wearing) – take special note of **scars, tatoos**, anything which will make him stand out and easier for the police to identify.
- If there is more than one attacker do not try to memorise all of them, try to **memorise only 1** – do not let them see you are doing this!
- If possible **scratch him** – for **DNA** evidence under your nails



# DNA

**DNA EVIDENCE CONVICTS RAPISTS and must be collected within 48 hours**

Types of DNA which may contain evidence:



Reporting cases of sexual assault and preserving DNA evidence could:

- Increase likelihood of identifying the perpetrator
- Increases likelihood of holding perpetrators accountable
  - Prevents future sexual assaults from occurring



# What to do After Rape

- **Go to a place of safety**
- Tell someone you trust – even if this is difficult so that you can get help and support
- If the first person you see is a stranger make sure you get their details
- DO NOT wash, shower or bath – you will wash away DNA evidence
- DO NOT brush your teeth
- DO NOT eat or drink anything
- DO NOT take medication – if you were drugged you would need to be tested for the type of drug
- DO NOT change your clothing
- If possible go to you nearest Netcare hospital, alternatively to your nearest police station
  - **Have a forensic examination to collect DNA evidence of the crime**





# What to do

## Step 1

### REPORTING THE CASE

You can report irrespective of whether you want to lay a charge or not (laying a charge means you want the case to go to court). Go to the police station to open a case. The officer will take your statement. This means that they will ask you what happened and write down your story. You should ask the officer to read the story to you when he's finished to make sure that he understood you correctly. The officer should then take you to a hospital or clinic to get a medical exam or provide you with a J88 form. Police officers should always treat victims of sexual violence with respect. See here for the National Instructions on how police officers should behave and what their duties are. SAPS NATIPONAL INSTRUCTIONS

***It is your responsibility to report the case, to prevent the rapist from hurting someone else!***

- Take a friend or family member with you
- You have the RIGHT to speak to a female officer
- You have the RIGHT to be spoken to in a private room
- You have the RIGHT to speak to someone in your own language

### Giving a statement

- Telling in detail what happened
- Ask for a copy – during the trial it is important to remember what you said
- Can add to your statement later



# What to do

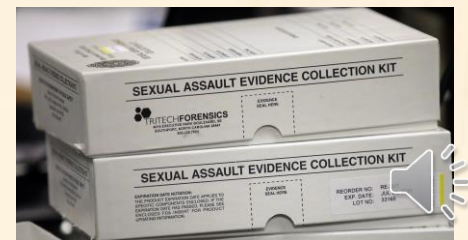
## Step 2

Go to the hospital or clinic to get a medical exam. Even if the police officer does not take you for a medical exam, you should go yourself. If you've been raped, you should go within **72 hours** and make sure you do not shower before you go as you will destroy DNA. The doctor will fill out a form called a J88. Ask the doctor for a copy of the J88 but **never take the original** because if you have the original, it cannot be used in court. The original will go to the police officer and be put in your file, called a docket.



# The Forensic Examination

- If you went to the police station first, they will take you to a Government hospital
- You will undergo a forensic examination by the district surgeon – you can insist on the examiner to be female
- The examiner will collect samples for DNA purposes i.e hair, blood or semen – this forms part of the Sexual Assault Evidence Collection Kit (SAECK)
- This gathering of evidence will form part of the police investigation
- Ensure you put your clothing which contains DNA in a paper bag or a newspaper – plastic destroys DNA
- **DNA needs to be collected within 48 hours after the incident**
- Take extra clothing as any clothing containing DNA will be kept



# Medication after Rape

Ensure you have been given the appropriate medication:

- **ARV's** – Anti-retrovirals (or PEP – post exposure prophylaxis) to prevent HIV/Aids – you need these within 72 hours of the incident (3 DAYS). It is best to get ARV's within 6 – 8 hours to better your chances of not getting HIV/Aids
  - Complete the 28 day course
  - Be aware of side effects
- **Morning After Pill** – to prevent pregnancy
- **Antibiotics** – to prevent sexually transmitted

Testing

- 3 months later



# What to do

## Step 3

Meet with the Prosecutor to talk about your statement. Once the police have opened a docket for you, it will be given to a prosecutor and you will be assigned an investigation officer, who is a police officer in charge of your case. A prosecutor is a lawyer for the state and their job is to make sure that people who commit crimes go to jail. The prosecutor will want to know exactly what happened to you and make sure that your statement to the police is correct. They will also prepare you for being a witness in court. Both prosecutors and investigating officers have certain responsibilities towards you.

More details can be found in the document called the **Department of Justice's Guidelines for Prosecutors in Sexual Offenses**



# *What to do*

## *Step 4*

Tell your story in court as a witness. When the case goes to trial, you will be asked to tell your story in court, which is called “giving evidence” in court. It is very important that you stay calm and tell the truth. The lawyer representing the person who hurt you will try to make it seem like you are lying. So it is very important that you do not panic and just remain calm while telling your story and answering questions.



# *What to do*

## *Step 5*

Go to court for the judgment and sentence. When the trial is finished, the judge or magistrate will read the judgment and sentence in court. This is very important because it will tell you whether the person who hurt you is found guilty and how they will be punished. Depending on the crime, they might go to jail or they might just have to pay the court a fine. Sometimes they get a “suspended sentence”, which means that they will not go to jail immediately but if they do anything to hurt you again, they can go to jail without another trial. If you cannot go to court for the judgment, the investigating officer should contact you to tell you the outcome.



# What to do

## Step 6

**Go for counselling!** Even if you think you are fine, being attacked by someone is a very difficult and traumatising experience and it's always a good idea to go speak to someone about what happened to you. Talking about what happened to you is vital in your healing process and will support you to move on.

Ensure you ask to be referred to someone for **legal advice.**





# *Your Responsibility*

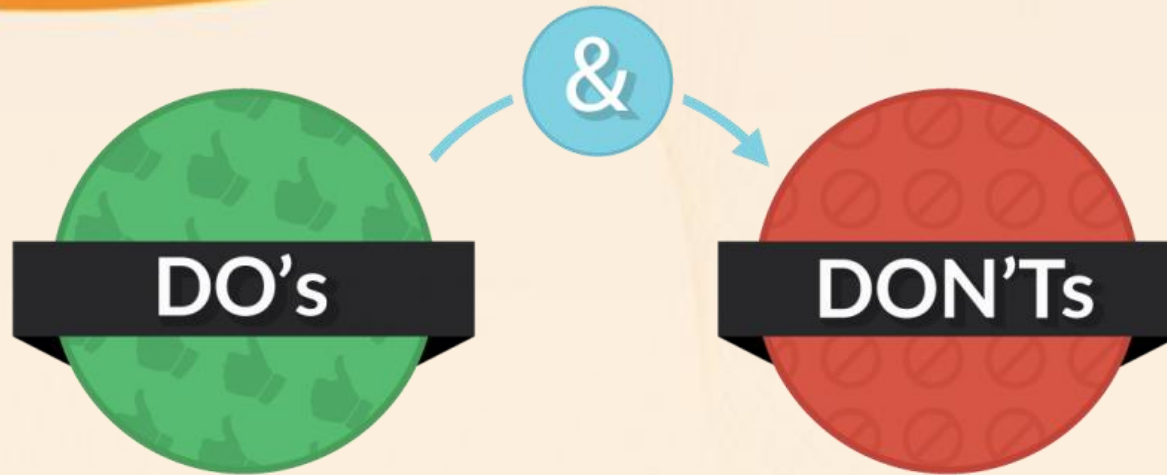
**IT IS YOUR RESPONSIBILITY TO REPORT A RAPE  
AND SEE TO IT THAT THE RAPIST IS ARRESTED  
IF YOU DO NOT, YOU WILL BE RESPONSIBLE  
FOR HIM RAPING OTHERS.**

**It is reported that by the time a rapist is caught, on average he  
already raped 29 others. If you are the first and you did not  
report – you are responsible for him raping 28 others.**

**LETS STAND TOGETHER AND REPORT  
AND GET THE RAPISTS CONVICTED.**



# How to help a Survivor



## What to say to a survivor:

- “I’m sorry this has happened to you”
- “It was not your fault”
- “You survived – you obviously did the right things”
- “Thank you for telling me”
- “I am always here for you if you want to talk”
- “Can I do anything for you”

## What not to say to a survivor:

- “It was your fault”
- “You could have avoided it had you...”
- “It’s been so long”! Get over it!”
- “You wanted it”
- “It’s not that big of a deal; it happens to lots of people”
- And the very worst thing you can say “I don’t believe you”.



# How to help a Survivor

## Do's:

- Respect her and not pity her
- Make sure that physical injuries have been taken care of
- Comfort her – make the atmosphere comfortable
- Accompany her to her first therapy session
- Allow her to tell you as much or as little as she wants to – being silent and allowing her to talk is giving her the opportunity to claim back some power by being able to talk.
- Remain consistent and patient. Recovery can take a long time. The survivor might go through lots of changes, good days, bad days – it is therefore important for you to remain consistent.

## Don't's:

- Assume a hug or being physically close is helpful - let her make the decision. Some people might not want to be touched while others do
- Try to resolve all her problems for her – leave her to be in control – let her make her own decisions. Her control was taken away from her with the rape – this is the most fundamental right of any human being. Allowing her control will allow her to take back some of the power which was taken away from her.
- Demand to know everything in detail of what has happened.
- Create an atmosphere of more violence by wanting to go after the rapist yourself. Your actions must be those of ending male violence.



# *Who to contact if you are a witness or a victim*

## Emergency Numbers



- SAPS Emergency Number – 10111
- Stop Gender Violence Helpline – 0800 150 150
- Childline – 0800 055 555
- Aids Helpline – 08000 123 22
- Crime Line – sms anonymous tipoff to 32211
- People Opposed to Woman Abuse – POWA - 011 642 4345
- SAPS Family Violence, Child Protection and Sexual Offences Unit 011 871 5178
- SAPS Crime Stop 08600 10111
- Women Abuse Helpline 0800 150 150
- Childline 0800 055 555
- AIDS Helpline 0800 012 322 or (011) 725 6710



# Types of abuse

## Types of Domestic Abuse



- Sexual abuse
- Physical abuse
- Economic abuse
- Emotional abuse
- Any other controlling or abusive behavior which poses a threat to your safety, health or wellbeing.



# *What you can do when you are being abused*

You have the right to:

- Lay a criminal charge at the nearest police station and then apply for a protection order at the police station or magistrate's court.

## **What is a protection order?**

- An order issued by a court at your request, ordering a person with whom you have had a domestic relationship, to stop the abuse.
- It may also prevent the person from getting help from any other person to commit such acts
- An interim protection order can also be issued at any time of the day or night for your protection.

## **Who can apply for a protection order?**

- Any victim of domestic violence
- Children, if they are too young, a parent or guardian, or any person acting on behalf of someone who is responsible for them, but with their permission
- A police official



# How to apply for a Protection order

Before applying for a protection order, make sure that you are in a safe place where the person who is abusing you cannot easily hurt you anymore. If you are still living with the person who is hurting you, you should start to make a plan to leave and find a safe place to live.

Protection Order Form and a Safety Planning Tip Sheet can be provided to you by the Epic Foundation

2006

REPUBLIC OF SOUTH AFRICA

**FORM 2**  
[Regulation 4]  
**APPLICATION FOR PROTECTION ORDER**  
SECTION 4(1) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)

**PART A : APPLICATION** (To be completed by applicant)

**1. PARTICULARS OF COMPLAINANT (Victim of domestic violence)**

Surname :	
Full names :	
Id.No / Date of birth :	
Home or temporary address :	
Home/contact telephone number :	
Work address :	
Work telephone number :	
Nature of domestic relationship with person who committed the act of domestic violence (Respondent):	
Occupation :	

**2. PARTICULARS OF PERSON MAKING THE APPLICATION ON BEHALF OF THE COMPLAINANT (if applicable)**

Surname :	
Full names :	
Id.No / Date of birth :	
Home address :	
Home/contact telephone number :	

Department of Justice and Constitutional Development



# *How to Apply for a Protection Order*

## *Step 1*

Complete the application. Go to the court nearest you and ask to apply for a protection order. The clerk of the court will give you an application form (Form 2). The application gives you space to write down your story but you can attach extra pages if you need to. If you have access to a printer, you can download the application form before you go to Court so that you can think about exactly what you want to write. Download an application form below.





# *How to Apply for a Protection Order*

## *Step 2*

Submit your application at the court. Try to arrive in the morning if you can, because then you might receive an interim protection order on the same day. If you arrive late and do not get the order on the same day, you can pick it up the next morning.



# *How to Apply for a Protection Order*

## *Step 3*

Receive an interim protection order. The clerk of the court will give your application to the Magistrate who will decide whether or not to give you an interim protection order. An interim protection order is a temporary protection order that is only in place until your “return date,” which is the date you come back to court for your final hearing. The return date will be given in your interim order.



# *How to Apply for a Protection Order*

## *Step 4*

Serve the interim protection order. Take the interim protection order to the police station nearest you. The police will take the interim order to the person who has been hurting you (i.e. the respondent). The interim order only becomes effective after the respondent has been given a copy so this is a very important step!



# *How to Apply for a Protection Order*

## *Step 5*

Attend the final hearing. Go back to court on the return date. On this day, you and the respondent will both be given an opportunity to tell your side of the story to a Magistrate who will decide whether or not to give you a final protection order. Remember to be calm and tell the truth.



# *How to Apply for a Protection Order*

## *Step 6*

Enforcing your protection order. When you receive a final protection order, you should also receive a warrant of arrest. If the respondent ever does anything that violates the protection order, you can immediately call the police and the respondent will be arrested. If the warrant of arrest is ever lost or destroyed, you can go back to court and apply for a new one.



# *Process at the Police Station*

- we will ask victims to sign the Occurrence Book at the police station;
- provide victims with a notice in a language they understand, and explain how they should proceed;
- make an effort to find someone to speak to the victim in the language he/she understands;
- take a victim's statement in privacy and not in the presence of the abuser or the public;
- decide on the basis of your statement, whether to arrest the abuser and take his/her firearm, as well as determine the victim's needs and how to assist him/her;
- serve a protection order on the person against whom it was made, as directed by the court;
- keep a copy of the protection order and record every arrest made as proof for victims; and
- note your complaint in the Incident Register at the station as further proof that you reported the matter. This will also enable us to give a report on the progress in your case.



# *What to do if the abuser disobeys a protection order*

- Phone the SA Police Services – a statement will be taken from you.
- Provide the police with the warrant of arrest you received together with the protection order
- If you are in immediate danger the abuser will be arrested, otherwise the abuser will be given a notice to appear in court the next day

Lawyers Against Abuse – can assist with answering questions about legal processes for protection orders and criminal cases.



# *Have a Crisis Plan Ready*

- Identify places where you can use a phone quickly and easily.
- Always carry a list of emergency numbers with you.
- Make sure that the people you usually visit, have a copy of the protection order and/or warrant of arrest
- Put some money in a safe place so that can take a uber/taxi/bus etc in case of an emergency
- Have an extra set of keys for the house and car
- If possible have a set of clothes for yourself (and your children) packed in a bag and keep it in a safe place. If you are planning to leave when your partner is not around, and that your children with you.
- Make sure you are in possession of essential documents like, ID's, your medical aid card, your bank cards, etc.





# *Myths and Truths*

**What is a rape myth: “It is a prejudicial, stereotyped, or false belief about rape, rape victims, and rapists”**

One of the big problems we face in our society is myths and stereotypes about rape. These false beliefs have serious effects on the community, on victims not getting healing and justice and allowing rapists to get away with the crime they committed. It is therefore important to know the difference between a myth and the truth and to reject the myths to enable victims to get healing and justice.



# Myths and Truths

MYTH	TRUTH
A woman who has been drinking and is drugged asked to be raped	If there was no consent, it is rape! The law states that consent must be fully and freely given by someone with the capability to do so. If incapacitated due to alcohol, the person is not able to consent.
A woman wearing provocative clothing asked to be raped	The sight of a woman's body and what she is wearing does not create desire or lust to the rapist. Rape is about anger, hatred, power and control – so nothing to do with what she is wearing!
Rapists are always strangers	In most cases the rapist was known to the victim. Rape Crisis reports that 10% of cases it is a stranger and 90% someone known to the victim
Rape cannot happen if you are married or in a sexual relationship	Even in a relationship, you have the right to say no. If after saying no, if sex is forced, it is rape.



# Myths and Truths

MYTH	TRUTH
If a person consented before it is ok to do it again	One cannot presume that it will always be ok if it was the first time. Consent must be given EVERY TIME!
Sex workers cannot be raped	If there is no consent – it is rape. Everyone has the right to say “no”, even a sex worker
Women can prevent rape if she tries hard enough	Men are stronger than women, and if a weapon is used or she is threatened, she has no power to stop it.
Respectable women do not get raped	It can happen to anyone
Boys and men can't be raped	Boys and men DO get raped
All perpetrators are men	Although the majority of cases are males, females are also perpetrators of sexual violence
A women is not really raped if she did not fight back	As 85% of rapists in South Africa in South Africa is armed with a gun or a knife, the focus is on survival and not fighting back. Shock of the attack can also leave the victim feeling paralysed.



# Myths and Truths

MYTH	TRUTH
Rape only happens outside in the dark – so women should not go out alone at night.	It happens everywhere at any time of day or night – in your own home, place of work, or places you might have felt safe at before
Only young attractive girls are raped	Rape happens to everyone – men, women, children from all walks of life. Perceived attractiveness has nothing to do with it.
Women lie about rape to get revenge on a man	Rape Crisis reports that 98% of reported cases are true. Due to the stigma attached to rape and the shame victims often feel, it makes it difficult for women to report.
Sex with a bay (virgin) will cure HIV/Aids	This is not true. THERE IS NO CURE FOR AIDS



# QUESTIONS





# Contact Details



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www.epicfoundation.org.za

