

# WHAT TO DO IF YOU ARE RAPED



LEGAL ASSISTANCE CENTRE

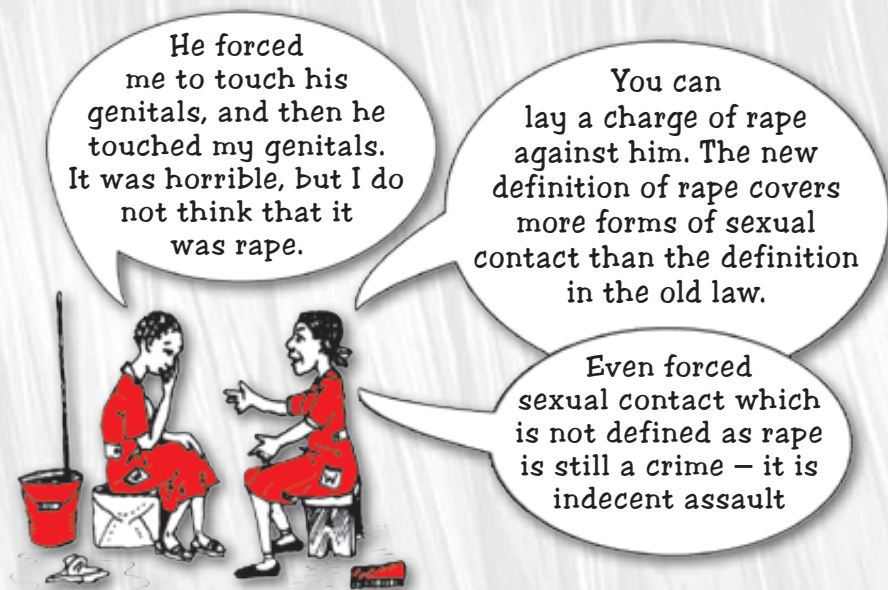
# What is rape?

Rape is a sexual act committed under coercive circumstances.

Rape is not just sexual intercourse; it covers a whole range of sexual acts.

It is rape if the sexual act took place as a result of force or threats, or in a situation where you had no free choice.

Men and boys can be raped as well as women.



**Marriage or any other relationship is NOT a defence to a charge of rape.**

# **Rape and the age of consent**

Rape is committed whenever a sexual act is committed with a boy or a girl under the age of 14 by someone who is more than three years older – even if no force or threats were involved.

It is also a crime (but not necessarily rape) where there is sexual contact with boys and girls under the age of 16 by someone more than three years older – even if no force or threats were involved.

The three-year age gap for these crimes is designed to limit them to situations where one person is taking advantage of another. If two young people of about the same age are engaged in sexual activities, it is not clear that one of them is taking advantage of the other's immaturity or inexperience.

## **Where to report a rape**

If you have been raped, you should immediately report the rape at a Woman and Child Protection Unit, or at any police station. Woman and Child Protection Units are open from 8 am to 5 pm, Monday to Friday. If it is the evening or a weekend, contact the nearest police station. They will locate a staff member of the Woman and Child Protection Unit for you. Someone from the Woman and Child Protection Unit should be "on call" 24 hours a day.

If you are unable to get in touch with a Woman and Child Protection Unit, ask someone from any police station to take you to a hospital. If they refuse, go to a hospital yourself. It is important that you be examined by a doctor as soon as possible. Tell the doctor that you have been raped.

Get in touch with the Woman and Child Protection Unit as soon as you can.



You should report the rape as soon as possible so that the investigating officer from the Woman and Child Protection Unit can collect the best evidence to catch and convict the person who raped you. Evidence is information and things that can later be used in court to show that you were raped. It can be things that you or other people say, photographs, medical reports or actual items like clothing. It can also be things like hair or bodily fluids that have been left on your body by the rapist.

To help save the best evidence:

- ▶ Do not wash yourself.
- ▶ Do not change clothing.
- ▶ Do not tidy up the place where the rape happened.
- ▶ Do not eat or drink anything.

The process of making a report to the police can be difficult. You may want to take along a friend or family member to support you. You can ask the police to have a social worker or counsellor there with you.



**MANY PEOPLE WHO ARE RAPED DO NOT  
REPORT THE CRIME TO THE POLICE.**

# Immediate health care

You should receive medical attention immediately after the rape to treat any injuries you have. This is the first priority.

## **You may have been exposed to HIV as a result of the rape.**

- ▶ There is medicine that can reduce your chances of becoming infected with HIV. It is called PEP. It will work only if you start taking it very soon after the rape. It is best to start taking PEP within 72 hours after the rape if possible. It works best if you start it even sooner.
- ▶ You must take PEP for 28 days. If you stop taking it too soon, it will not work. Government will provide PEP for free if you cannot pay.
- ▶ If the hospital or clinic where you are treated does not have a full course of PEP on hand, they should have a starter pack with enough pills for 3-7 days. Ask for this starter pack as a temporary measure until you can get the full 28-day supply.

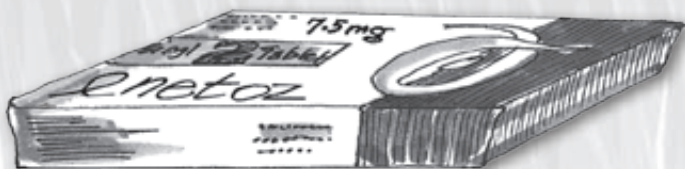
## **You may have been exposed to another sexually-transmitted disease as a result of the rape.**

- ▶ There is medicine that can reduce your chances of becoming infected with other sexually transmitted diseases such as syphilis or hepatitis.
- ▶ It is best to start taking this medication as soon as possible after the rape.

## **If you are a woman, you may be in danger of becoming pregnant from the rape.**

- ▶ There is medicine that can prevent pregnancy if it is taken right away. This medicine is sometimes called the 'morning-after pill'.
- ▶ There are 2 types of morning-after pill: One type is just 1 tablet that you must take within 72 hours of the rape. The second type is 2 tablets that you must also take within 72 hours of the rape.
- ▶ Make sure that you know which type of morning-after pill you have been given! If the pills are not taken correctly, they will not work. Be sure that you ask the doctor how to take the pills.

**Remember to ask the doctor to explain the side effects you may experience from this medication.**



## **Follow-up health care**

**In the weeks and months after the rape you should receive follow-up health care.**

- ▶ The dates for your next tests will be put into your health passport.
- ▶ It is important to be tested at the right times for HIV and other diseases that could result from the rape.
- ▶ You should be tested for pregnancy even if you took the morning-after pill.

### **If you become pregnant from the rape:**

- ▶ If you did not get the morning-after pill or it did not work for some reason, you can get a legal abortion.
- ▶ If you want an abortion you must tell your doctor.
- ▶ The doctor will explain the procedure to you.
- ▶ You will have to see a second doctor and get a certificate from a magistrate.
- ▶ You can get a legal abortion for a pregnancy resulting from a rape even if the perpetrator has not been caught yet or has not been brought to court. You do not have to wait for the court case.
- ▶ You can get a legal abortion for a pregnancy resulting from a rape even if you have not laid a charge with the police. But this is possible only if you have a good reason for failing to lay a charge.

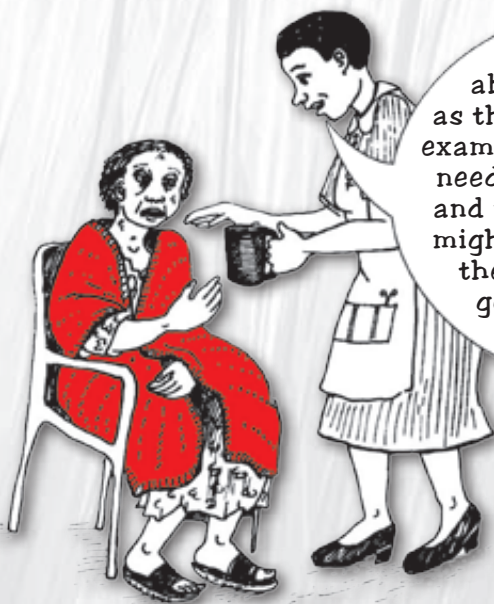


# Evidence

The doctor will also examine you to see if there is any medical evidence. The doctor will look at your entire body, including your mouth and genital area. The doctor will use a swab to collect substances that may be left on your body and take clippings of your fingernails and hair. The doctor will also take a sample of your blood. The examination may be a little uncomfortable, but it is very important for the doctor to collect these items and make a note of everything that may be important. This examination will take 1½ to 2 hours.

The doctor examining you and a nurse are the only people who need to be present for the examination. You may have a support person there as well if you wish. The police officer who is investigating the case does not need to be present.

Do not wash yourself before you are seen by a doctor. You might wash away blood, semen or other substances that the doctor will be looking for.



You will be able to wash as soon as the doctor has finished examining you. We will also need to keep your clothes and your underwear. They might be good evidence in the rape case. You will get them back when the case is over.

The police will ask you to give a statement about what happened. It is important to tell the police as much detail about the rape as you can, including what happened before and after the rape. The police will write down your statement for you. When it is finished, you should read through the statement to make sure that it is correct, or ask the police to read it back to you. The police will then ask you to sign the statement to show that it is correct. You can ask the police to add more information before you sign the statement if you do not feel that it is complete.



The police must write down your statement in English. If you are speaking to the police in a language other than English, try to make sure that the statement records everything you said correctly. If something sounds different when the police translate the statement back to you in your own language, try to clarify this before you sign the statement.

This statement should be taken from you in a private place where no one else can hear what you are saying.



If you are injured or too upset to tell the police your story immediately, ask if you can come back on another day when you are feeling better.

If you know the person who raped you, tell the police who it was and how you know him.

You should tell the police the names and contact information of any other people who might be witnesses. A person does not have to have seen the rape to be a witness. A witness might be someone who saw you with the person who raped you, someone who heard what was happening or someone you told about the rape right after it happened.

You can help the police collect other evidence by giving them the clothes you were wearing when the rape happened. Do not wash your clothes before giving them to the police. You may want to take a clean change of clothing with you to the police station.

The police may want to collect other items related to the rape, like bedding or a weapon used. This kind of evidence should be wrapped in paper and not put in a plastic bag.



The police may want to see the area where the rape happened. Do not clean up the area before showing the police.

The police may take photographs of your injuries. There is no reason to be embarrassed. This is important evidence.

The police should refer you to a social worker or some other counsellor, so you can speak with someone about your feelings about the rape. You will probably be feeling many different and difficult emotions. You may not want to talk to a counsellor about the rape immediately, but you should know where to go if you do.

Make sure that you get the name of the police officer who took your statement and the case number, so that you can follow up on your case. It is also important to make sure that the police know how to contact you. Tell them your phone number or where you are staying.

# Complaints about your treatment

- ▶ Police and medical staff should be sympathetic and treat you with respect at all times.



- ▶ If you feel that you have not been given the treatment you deserve or the correct information, you should report the person in question.
- ▶ All police are required to wear an official nametag. This helps you identify them if you need to make a complaint. If they are not wearing a nametag, ask for their name. If they are unwilling to give you their name, you can give a description of the police officer and the time you were at the police station when you made your complaint.

**All complaints about staff at Woman and Child Protection Units should be reported to:**

Chief Inspector Shatilweh, National Coordinator  
Telephone: 061-2093494 or 061-2094111 (Regional Office)  
Cell phone: 081-1289751

**Complaints about police at other police stations should be reported to:**

NAMPOL Complaints & Discipline Division  
Attention: The Commanding Officer  
3rd Floor, National Police Headquarters, Windhoek  
Private Bag 12024, Ausspannplatz, Windhoek  
Tel: 061-2093266 (direct line) or 209-3111 (main switchboard)  
Fax: 061-2093358

**Complaints about medical staff:**

- ▶ *For a doctor:*  
Registrar of Medical and Dental Council of Namibia  
Private Bag 13387  
Windhoek West
- ▶ *For a nurse:*  
Registrar of Nursing Council of Namibia  
Private Bag 13387  
Windhoek West

Or telephone the Council for Health and Social Services: 061-245586



**REMEMBER:**  
**WHATEVER HAPPENED AND**  
**HOWEVER IT HAPPENED,**  
**RAPE IS THE FAULT OF THE RAPIST.**



# Why you should report a rape

It takes a lot of courage to report a rape. If you do not report the rape, the rapist cannot be punished. The rapist will go free and perhaps rape someone else.

The law protects your privacy as a rape victim. It is illegal for newspapers, radio or television to publish information that will reveal your identity.



Text: Allison De Smet & Dianne Hubbard  
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