

# BASIC FACTS ON THE COMBATING OF RAPE ACT



## FACT SHEET

Gender Research & Advocacy Project  
LEGAL ASSISTANCE CENTRE  
Windhoek, Namibia

### What is rape?

Rape is when a person carries out a "sexual act" under "coercive circumstances."

Both men and women can be raped.

A "sexual act" can be:

- the insertion of the penis into the vagina, mouth, or anus of another person
- the insertion of any part of the body of a human or animal into the vagina or anus
- the insertion of any object into the vagina or anus
- oral stimulation of the male or female sexual parts
- any other form of stimulation of the male or female sexual parts.



"Coercive circumstances" means that a person is forced or threatened by:

- physical force or threats
- threats to cause another type of harm
- being unable to escape from a situation
- being unable to understand or prevent the situation, because of being drunk/drugged/asleep/disabled
- the person pretends to be someone else or pretends that what is happening is not actually a sexual act
- more than one person is used to intimidate the person into having sex
- one person is under the age of 14 and the other person is more than 3 years older.

### Post-exposure prophylaxis (PEP)

You may need to be tested for HIV and you may be given PEP. This medicine can help prevent HIV infection. PEP is free if you cannot afford to pay.

### Rape within marriage

Marriage does not prevent rape. If a husband forces his wife or a wife forces her husband, it is rape. Rape is rape whenever a person says no or is coerced into sex.



A rape is a rape... even within a marriage!

### What to do if you are raped

**Keep the evidence:**

- Do not wash yourself.
- Do not change your clothes.
- Do not tidy up the place where the rape happened.
- Wrap any evidence in paper. Do not put it in a plastic bag.

**Go to the police or a Woman and Child Protection Unit**

You should report the rape to the police so that the person who raped you can be caught. Your information will be kept private. Even the trial is private.

**Go to a doctor, clinic or hospital**

You should see a doctor or nurse as soon as possible. The doctor can give you medication to prevent HIV infection and sexually transmitted infections, and medication to prevent you from becoming pregnant from the rape.



### If you become pregnant from rape

If you become pregnant from rape, you can get a legal abortion. You should get a pregnancy test right away if your next period is late, and you should tell your doctor if you want an abortion.

See the Legal Assistance Centre's **A Guide to the Combating of Rape Act** for more details.



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