

ENGLISH

How to deal with HIV after rape



TSHWARANANG
LEGAL ADVOCACY CENTRE
TO END VIOLENCE AGAINST WOMEN

This booklet

We want to help anyone who has been raped to try to reduce their risk of getting HIV.

This booklet guides you on what to do, and explains other medical things that you need to attend to after the rape.

This booklet also tells you what to do if you want to know the HIV status of your rapist. And it explains how to report rape.

Read and share the information in this booklet.



TSHWARANANG LEGAL ADVOCACY CENTRE TO END VIOLENCE AGAINST WOMEN

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RAPE CAN
HAPPEN TO
ANYONE!

1. Know the facts

- ➔ You need to get post-exposure prophylaxis (PEP) pills within 72 hours of being raped to try and reduce the risk of getting HIV. After that, the pills will not help.
- ➔ The law says you can apply for the person you accuse of raping you to be tested for HIV.
- ➔ Even if you apply for the person to be tested you must still start the medicines within 72 hours of being raped.
- ➔ Rape can happen to anyone: woman or man, girl or boy.
- ➔ If someone rapes you, it is never, ever your fault.
- ➔ Rape survivors need counselling, support from friends and family, and urgent medical attention from health workers, like nurses and doctors.

2. What is rape?

You have been raped when someone forces their penis, or their fingers or tongue, or another object into your vagina or anus against your will. It is also rape when someone forces their penis into your mouth against your will.

3. Rape is very traumatic

Rape shocks your mind, body and soul. Most people who survive rape experience Rape Trauma Syndrome (RTS). Not all rape survivors react in the same way. It is a very difficult time emotionally. It is also a time when you have to deal quickly with many important things to protect your health. It is normal to struggle to take in so much information after the traumatic experience of rape.

4.

Tell, talk and do

It is very important at this time to have support from other people. Their support can help you deal better with the trauma of rape. It can also help you with getting and taking all your medicines correctly. This section tells you where you can go to get help.

A **health care worker**, like a nurse or a doctor, helps you deal with the tests you need to have after being raped. If you have injuries they will treat them. Health workers also explain the different medicines you need to take, why you must take them, and how you must take them.

A trusted **friend, partner and/or family member** helps you to make sure you do all the things that are written about in this booklet. She or he can help you monitor taking your pills and make sure that you remember to go for your medical appointments.

A **police officer** helps you by taking a statement about the rape if you decide to report it. She or he gives you the form to apply for the person you say raped you to be tested for HIV. It is the police officer's duty to assist you with reporting the rape.

A **trauma counsellor** helps you understand your feelings, and helps you come to terms with, and recover from the trauma that has happened to you.

Helping organisations and government departments: These have the job of helping you in different ways. There are some contact details at the back of this booklet. You can also, together with other concerned people, try to find out what help is available in your community.

5. How to reduce the risk of being infected with HIV after rape

Anti-retroviral medicines (ARVs) help people who are HIV positive to stay healthy for longer before getting AIDS. ARVs can also help people who do not have HIV to reduce their chance of getting it after rape. When people are given ARVs to help reduce the risk of being infected with HIV after rape it is called post-exposure prophylaxis (PEP).

A health worker will give you the PEP pills if:

- ✓ You have been told about how these medicines might stop you from being infected with HIV.
- ✓ You have been told about the possible side effects of these medicines (*see page 12*).
- ✓ You agree to have an HIV test and are found to be HIV negative. (You will be asked to give your permission for the test by signing a consent form).
- ✓ You are able to start taking the PEP pills within 72 hours of the rape.
- ✓ You decide you want to take the PEP pills.

6. Getting the PEP pills

- Act fast because you have to **start taking the PEP pills within 72 hours** of being raped.
- The law says that you do not have to report the rape to the police first before you can get PEP. **A health facility may not refuse to provide you with PEP** if you have not opened a case of rape with the police.
- You can get the PEP pills for free at most health facilities, like a state hospital and some clinics.
- You can also get these medicines at a chemist, but you will need a prescription from a doctor and they may be expensive to buy. Many medical aid schemes now provide the pills so if you are on medical aid you can ask the medical aid to cover the cost.

7. The PEP pills and being HIV positive before the rape

- The PEP pills will not help you if you were already living with HIV before the rape. The full course will harm you. That is why you will be asked to have an HIV test.
- Before taking an HIV test you will be counselled and given information about the test. If it is a rapid test you will get the results straightaway.
- You will also be counselled when you get your test results. If you are HIV positive the health worker will explain what it means and discuss how to live positively.

8. The PEP pills treatment

- The PEP pills **do not guarantee** protection against getting HIV from the rapist. But we do know that if you take them properly, they can help reduce your risk of getting HIV from the rape.
- The health worker may decide to give you PEP pills for only three days if you are not able to have an HIV test straightaway. This is called a starter pack.
 - If you get a starter pack, you must go back to the health worker to get tested and get the results of your HIV test. If you are HIV negative you will be given the rest of the pills so that you take the full course for 28 days. If your results show that you are HIV positive you will not be given the rest of the pills.
- The starter pack of 3 days' medicine alone will not protect you from HIV. You **must take the full course** for all 28 days.
- If you live far away, or there are other reasons that will make it impossible for you to go back to the health worker to get the rest of the PEP pills, ask to be given the 28-day PEP pill course at once. The full 28-day supply will only be given if you are tested and found to be HIV negative. This is very important.
- Even if you are given the full 28-day supply of PEP you will be asked to return after 6 weeks, 3 months and again after 6 months to be tested for HIV.
- Ask the health worker to explain about the PEP pills and other pills they give you.

If there is anything you do not understand, ask the health worker to explain. It is their job to care about you and to explain things to you in a way that you understand. It is difficult to remember everything so soon after being raped.

Ask the health worker to write down a list of the things they say, and dates for further appointments. Then you will have it on a piece of paper to take away and read again later. You can discuss your treatment and health care with a support person at home.



Children and the PEP pills

- Children **can** take PEP. They get it as syrup, not pills.
- If you are older than 12 years old you do not need your parent or guardian's permission to have an HIV test. You also do not need their permission to take these medicines.
- If you are younger than 12 years, your parent or guardian or the hospital superintendent will have to give consent.
- In an emergency situation where a child under 12 years has been raped and needs urgent assistance the doctors must be guided by what is in the best interests of the child. The law says it is their duty to give emergency medical treatment.

9. Tips to take the PEP pills properly

Important!

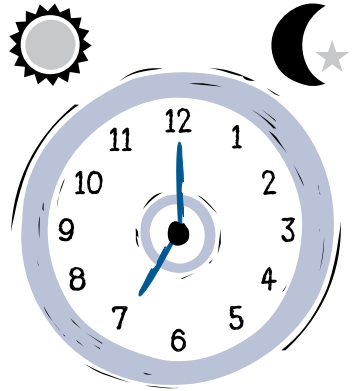
- You must take the pills twice a day for 28 days.
- Make a chart and tick off when you take them.
- You **must not miss** any of the pills. If you do, they will not work properly.



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| 14. ___ 7am, ___ 7pm | 28. ___ 7am, ___ 7pm |

Tips

- ✓ Take your pills at the same time every day. Take your pills when you do other things at a specific time so that it is easier to remember. For example, take your pills after breakfast or brushing your teeth in the morning. Take them again with your evening meal, or brushing your teeth at night. Try to take your pills 12 hours apart.
- ✓ If you have a mobile phone, you can set the alarm to remind you to take your pills.
- ✓ ALWAYS take your pills with a meal.
- ✓ If you feel nauseous, try eating yogurt. It can help. You can also take a medicine like Valoid to help you with the nausea.
- ✓ Drink lots of water.
- ✓ Avoid drinking alcohol.
- ✓ If you forgot to take your pills, take them as soon as you do remember. But you must not take a double dose at one time. If you forget to take your pills for 2 days or more then you must speak to a nurse or a doctor for advice about what to do.



10. Side effects of the pills

These medicines are strong and may have unpleasant side effects. The side effects are usually only bad in the first few days of taking the pills and then they go away.

Some people have side effects when they start taking the PEP pills and others get side effects after a while. The side effects will stop when your 28-day course of PEP pills is finished.

Some of the side effects are:

- Flu-like symptoms
- headaches
- tiredness
- skin rash
- muscle pain
- stomach pain
- a running stomach
- nausea
- vomiting
- dizziness.

If you have pains or flu-like symptoms, a simple pain killer may help you to get through it.

For help with nausea or vomiting you can ask for pills like Valoid from the clinic or a pharmacy.

If you vomit your pills up straightaway then take another dose and tell your healthcare worker what happened.

If the side effects are very unpleasant, go back to the doctor to discuss it. **But do not stop taking your pills.**

11. Other health risks from rape

**You will also be given these pills
by the health care worker:**



Antibiotic medicines to stop you getting other **sexually transmitted infections** from the rapist.

You must follow the instructions for taking the medicines and also make sure you finish the pills.



The **morning after pill** to prevent you from becoming **pregnant** from the rape.



Medicine to prevent you from getting **tetanus and hepatitis B** from the rapist.

12. Pregnancy and rape

- ➔ If you are pregnant at the time of the rape, find out how to prevent your baby becoming infected with HIV and about other health risks.
- ➔ If you become pregnant from the rape, you can discuss terminating (ending) the pregnancy with your doctor or a health care worker.
- ➔ If you become pregnant from the rape and decide you do not want to end the pregnancy, speak to a social worker who can help you to work through your options. These include: keeping the baby in your family, asking for foster parents for the baby, and adoption.

13. Sex: always use a condom

If you are involved in a sexual relationship, always use a condom. Use a new condom every round and every time you have sex. This helps to prevent HIV and other infections. Even if your HIV test shows that you are HIV negative, keep using condoms until you are out of the window period and have had your last HIV test six months after the rape. Read about the window period on page 16.

Whether your test is positive or negative, it is **always** best to use condoms.

After being raped, your feelings about having sex may change. Your partner needs to learn why and support you through the difficult times.

If you have negative feelings, they need not last forever. It is possible to gain back your life again. Counselling helps with this and so does having caring and supportive friends and family.

Everyone benefits when friends, family and work colleagues find out more about Rape Trauma Syndrome (RTS) and the effects of rape.

14. How will I know my HIV status?

It will take 6 months, and 4 tests in total before you can finally know whether you contracted HIV from the rape. This is because of the time called 'the window period' with HIV infection.

HIV's window period

The window period is when a person is first infected with HIV. During this time you are highly infectious and can pass on the HI virus to others. But an HIV test done during the window period will not show an HIV positive result even though the person has contracted the HI virus.

How the HIV test works

The HIV test checks for antibodies to the HIV in your blood. But your body only produces antibodies to the HIV around 3 to 4 weeks after you have been infected with HIV. The test will only show an HIV positive result about 6 to 8 weeks (or even longer) after the person has first been infected. →

A person could get raped by someone who is in the HIV window period and the alleged rapist's HIV test result could come back as HIV negative. This is why a rape survivor must continue to take the PEP pills while waiting for the test results. It is also why you have to have 4 tests to know your HIV status: the first test at the time of the medical examination and the last test 6 months after the rape.

**Make a note of the date you were raped.
You must have these HIV tests:**

Test	When to have the test	Date
1 st	When you go for PEP pills, within 72 hours of the rape	
2 nd	6 weeks after the rape	
3 rd	3 months after the rape	
4 th	6 months after the rape	

It is very important for you to find out the results of your HIV tests so that you can know your HIV status.

If you test HIV negative each time, it means that you did not contract HIV from the rape. If you have sex in this period you must use a condom to prevent getting or passing on HIV. It is always best to use a condom whenever you have sex.

15. You have a right to know if your rapist is HIV positive



The Sexual Offences Act of 2007 says that if you have been raped you can apply to court to find out the HIV status of the person who raped you. The test to find out the alleged perpetrator's HIV status can only be done if he is found and arrested within 90 days of the rape having taken place.

It will take time to get to know the HIV status of the rapist because:

- an HIV test can take time if it is not a rapid test
 - the rape needs to be reported to the police first
 - the rapist still needs to be found and then go for testing
 - the rapist could be in the window period for HIV.
-

You must not wait to find out the HIV status of the rapist. You must start the PEP pills anyway. You don't have time to wait to find out the HIV status of your rapist. You will only get that information after some time.

This next section of this booklet will explain how to find out the HIV status of the alleged rapist.

If the rape survivor is a child or a person with a mental disability, then someone else can apply for the test on their behalf. In certain circumstances a parent, guardian or partner of someone who has been raped can also apply.

You can only apply for the alleged rapist to have an HIV test if:

- The rape is reported to the police.
 - You have been in contact with the body fluids (like blood and semen) of the person who has raped you.
 - No more than 90 days have passed since the rape.
-

16. How to find out an alleged rapist's HIV status

1. Ask a police officer or a health facility for the forms to apply for HIV testing of an alleged rapist. Ask them to explain the forms, how the testing will take place, and how you will get the results. Try to have a friend with you so that someone else is there to understand things with you.
2. You will fill in the forms and give them to the police officer who will handle the application. Get the name and contact details of the police officer so you can follow up if you need to.
3. The police officer must take the forms to the clerk of the court. This must be done within two days of receiving the forms from you.
4. The clerk of the court must give the forms to the magistrate.
5. The magistrate reads the application. If the magistrate wants more information she or he can call:
 - you
 - the person you accuse of raping you, or
 - any other witness to give evidence.
6. The magistrate can say 'yes' to an alleged rapist getting tested for HIV if:
 - there is evidence that a rape took place
 - the rape survivor was likely to have been in contact with the alleged rapist's body fluids
 - no more than 90 days have passed since the rape took place.

If the test is granted: the steps

If the magistrate says that the test can go ahead then:

- 1.** The police officer must hand a notice to the alleged rapist telling him that the magistrate says he has to have an HIV test.
- 2.** If the alleged rapist has already been arrested and is being kept in custody, the police officer must arrange to have him taken to a health facility which does compulsory HIV testing.
- 3.** If the alleged rapist is not in custody, then the police officer must find him and take him to a health facility which does compulsory HIV testing.

After the test: the steps

- 1.** The alleged rapist's test results must be put into an envelope and sealed. The police officer isn't allowed to look at the results. She or he must take the envelope and give it to you.
- 2.** If you need help to understand what the test results mean, please go to a health facility to discuss the results.
- 3.** You should also seek counselling and medical advice after receiving the alleged rapist's HIV test results.
- 4.** You are not allowed to tell other people the HIV status of the person you say raped you. The alleged rapist's HIV status is confidential.



Things to know

- ➔ A police officer can also apply for an alleged rapist to be tested for HIV. She or he can do this before or after arresting the alleged rapist. (It can also be done after a person has been found guilty of rape by a court).
 - ➔ If the person is found guilty of rape and is HIV positive the magistrate has to take this into account and give a longer prison sentence. It has to be shown that the rapist was aware that he was HIV positive at the time of the rape.
-
- ➔ If the suspect is found guilty of rape, you can go to a civil court and use the information that he has HIV to try to get compensation for your pain and suffering as well as any expenses you may have. You will have to pay for the lawyers unless you get help from the Legal Aid Board (see the end section for contact details), or from a Legal Aid Clinic (some of these are at universities).
 - ➔ If the alleged rapist's test result is HIV positive, it does not necessarily mean that you have contracted HIV. Only a proper testing process (*see pages 16-17*) will prove your HIV status.

17. How to report rape

You must report the rape to the police if you decide to press charges against the person who raped you.

Special units in the police investigate rape cases. They are called Family Violence, Child Protection and Sexual Offences (FCS) Units.

You may go to the police station to open a case. You may also go directly to a health care facility to access health care. If you inform the health worker that you wish to report the case, the police will then be called to take your statement.

Some police stations can put you in touch with a counsellor to help you deal with the trauma of the rape.

When you report rape

1. A police officer must take your statement in private. Each police station is meant to have a trauma room for this.
2. The police are meant to call a local FCS officer to take your statements and the statements of other witnesses.
3. You can ask for a woman police officer to take your statement.
4. Ask for a copy of your statement.
5. You can make a second statement later if you remember more details about the rape or rapist.
6. Ask for the name and contact details of the police officer handling your case.
7. Give them your contact details and remember to inform them if your details change while the case is being investigated, or during the court case. If the police can't get hold of you, your case will be dropped.
8. If anyone threatens you, or tries to harm you in any way because you have reported the rape, you must report it to the police. You have a right to ask the police to protect you.

18. Your rights with rape



Everyone, including people who do not have the proper papers to be in the country, has a right to health care services.



You have the right to medical treatment for rape. You do not have to report the rape to the police before you can be treated for injuries, pregnancy and sexually transmitted infections like HIV.



You have the right to be treated with respect and dignity at all times by doctors, nurses, police officers, prosecutors and social workers who help you after the rape.



You have the right to emergency medical treatment if you are seriously injured, even if you can't pay for it.



You have the right to the medical treatment spoken about in this booklet.



You have the right to get explanations about all the medical tests you are asked to have, and about the pills you need to take.



You have the right to ask for all the information to be written down for you.



You have the right to refuse treatment.



You are allowed to know the HIV status of the rapist – but only if you report the rape to the police and the person you say raped you is arrested within 90 days of the rape.



Health care workers are not allowed to tell others about your HIV status without your permission.
Information about your health is confidential.

19. You can do something

As a member of your community, you can do something to make people aware of the information in this booklet. You can also find out what organisations there are to support rape survivors. Visit health facilities and your local police station.

What to ask the **health facility**:

1. Do you keep the PEP pills?
2. What other services do you offer rape survivors?
3. Do you have spare, clean clothing for rape survivors? Sometimes underwear and other items need to be taken for evidence.
4. Do you keep the forms to apply to find out the HIV status of rapists?
5. Do you have the details of organisations which provide counselling and legal advice to rape survivors?

What to find out from the **police station**:

- 1.** Do you keep all the forms to do with rape required by law? These include the National Instructions, as well as the forms to apply to find out the HIV status of rapists and the information forms about PEP.
- 2.** Do you have the details of organisations which provide counselling and legal advice to rape survivors?
- 3.** Does your police station have a private room where rape survivors can speak in private?
- 4.** Do you have a police officer who is competent to take statements from rape survivors?
- 5.** Does your police station have access to specialised detectives from the FCS Unit?
- 6.** Do you take rape survivors home after they have been examined at the hospital?

You can organise with others in your community – both women and men – to make sure that rape survivors get their rights.

Explanation of words

AIDS

AIDS is the acronym for **A**cquired **I**mmune **D**eficiency **S**yndrome. This is when your body cannot fight infections because HIV has weakened your immune system.

Alleged rapist

The person you accuse of the rape.

Anti-retroviral medicines (ARVs)

These medicines are given to help people who are HIV positive to stay healthy. They can also be used to reduce the risk of becoming infected with HIV after rape.

Counsellor

Is someone who supports you through your trauma. They listen to you, understand your feelings and problems and help you to help yourself become emotionally strong again.

Health facility

This is a place where you can have an appointment with a nurse or a doctor, like a doctor's rooms, clinic or hospital (government or private).

Hepatitis B

This is a virus that damages your liver.

HIV

This is the acronym for the **H**uman **I**mmunodeficiency **V**irus: the virus that causes AIDS.

PEP pills

This is the acronym for **P**ost **e**xposure **p**rophylaxis (**PEP**)

- **Post** means after
- **Exposure** means a situation where the HI virus has had a chance to get into your body (you have been exposed to HIV)
- **Prophylaxis** is the name given to the pills that you take to try to reduce the risk of HIV infection happening.

Rape

You have been raped when someone forces their penis, or their fingers or tongue, or another object into your vagina or anus against your will. It is also rape when someone forces their penis into your mouth against your will.

Side effect

It is an unpleasant reaction from taking a medicine.

Organisations that help

- ✓ South African Police Service emergency number: 10111
- ✓ Crime Stop (to report a crime without having to give your name): 08600 10111
- ✓ Thuthuzela Care Centres (TCCs) are special centres set up to assist rape survivors with counselling, medical treatment and reporting rape to the police in a caring and friendly environment.

Ask your local police station if there is a TCC nearby. Or go onto the Shukumisa website: www.shukumisa.org.za and click on Dealing with Rape.

Information about the following TCCs was received in August 2012. The situation may change over time. We hope that more centres will be opened and working well.

Gauteng

- **Mamelodi TCC** at Mamelodi Hospital, Tel: 012 841 4504 and 012 841 8413
- **Nthabiseng TCC** at Chris Hani Baragwanath Hospital, Diepkloof, Soweto, Tel: 011 933 1206
- **Kopanong TCC** at Kopanong Hospital, Duncanville, Vereeniging, Tel: 016 428 5959
- **Masakhane TCC** at Tembisa Hospital Corner, Olifantsfontein, Tel: 011 923 2106

Eastern Cape

- **Libode TCC** at St Barnabas Hospital, Umtata, Tel: 047 568 6274
- **Mdantsane TCC** at Cecilia Makiwane Hospital, East London, Tel: 043 708 2632
- **Port Elizabeth TCC** at Dora Nginza Hospital, Tel: 041 406 4112/4370/4371

Western Cape

- **Mannenberg TCC** at GF Jooste Hospital, Tel: 021 691 6194

North West

- **Mafikeng TCC** at Mafikeng Provincial Hospital, Tel: 018 383 7000

Kwazulu-Natal

- **Umlazi TCC** at Prince Mshiyeni Hospital, Tel: 031 907 8496
- **Stanger Hospital TCC**, Tel: 032 551 6632

Northern Cape

- **Galeshewe TCC** at Kimberly Hospital, Tel: 053 830 8900
- **Kakamas TCC** at Kakmas Hospital, Tel: 054 431 0057

Free State

- **Tshepong TCC** at National District Hospital, Bloemfontein, Tel: 051 448 5028
- **Welkom TCC** at Bongani Hospital, Tel: 057 916 8154
- **Tshepong TCC**, Tel: 051 403 9936

Mpumalanga

- **KaNyemazane TCC** at Themba Hospital, KaNyemazane, Tel: 013 796 9412

Limpopo

- **Mangkweng TCC** at Mangkweng Hospital, Polokwane, Tel: 082 042 6002
- **Tshilidzini TCC** at Tshilidzini Hospital, Thohoyandou, Tel: 015 964 3257

Other organisations

- ✓ Gender-Based Violence Helpline: 0800 150 150
- ✓ Lifeline (for phone or face-to-face counselling service): 0861 322 322
- ✓ Childline: 0800 055 555
- ✓ AIDS Helpline: 0800 012 322
- ✓ Legal Aid Advice Line: 0800 110 110

Thank you

We'd like to acknowledge these helpful resources that we used when writing this booklet.

- ✓ *A guide for survivors of rape and sexual assault* – Department of Health
- ✓ *Health and Hope in Our Hands – addressing HIV and AIDS in the aftermath of rape and woman abuse* – Published by Jacana Media
- ✓ *Preventing HIV after Rape* – pamphlet produced by CSVR, Equality for All and AIDS Law Project
- ✓ *A summary of the criminal law sexual offences amendment act 32 of 2007* – published by Centre for Applied Legal Studies and Tshwaranang Legal Advocacy Centre to End Violence Against Women
- ✓ www.shukumisa.org.za

Helpful websites:

Go onto this website to learn more about sexual violence and how to deal with it, and to join the campaign against sexual violence.

www.shukumisa.org.za

For a pamphlet that explains what the Thuthuzela Care Centres do.

www.npa.gov.za/UploadedFiles/THUTHUZELA%20Brochure%20New.pdf

Remember:



You have the right to be treated with respect and dignity.



You have the right to have your needs dealt with properly.



There are advice offices and community organisations to help women, men and children with rape.



If you find that you are not the only woman, man or child who experiences problems with certain hospitals, police stations and court officials, consider making a joint complaint or raising the problem with an organisation.

TSHWARANANG
LEGAL ADVOCACY CENTRE
TO END VIOLENCE AGAINST WOMEN



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LEGAL ADVOCACY CENTRE
TO END VIOLENCE AGAINST WOMEN

**“How to deal with
HIV after rape”
helps anyone who has been
raped to try to reduce their
risk of getting HIV and
explains medical things that
need to be done after the rape.**



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