



Information on Rape and Sexual Abuse in Remand & Correctional Facilities

What is Rape?

Rape is when:

- A person intentionally puts any body part or object into the anus or vagina of another person without that person's consent;
- A person intentionally puts their penis or the genitals of an animal into another person's mouth without that person's consent;
- A person with a vagina intentionally makes another person put their penis, or any other body part or an object, into their vagina without that person's consent.

Compelled rape is when:

- A person forces another person to rape someone else.

* The definition of rape now recognises that men, women, boys and girls can all be raped, and that women and girls can also rape.

What is Sexual Assault?

Sexual assault is when there is:

- Contact, without consent, between the genitals, anus or female breasts of one person and the body of another person, animal or object;
- Contact without consent, with the mouth of one person and:
 - the mouth of another person, or the genitals, anus or breasts of another person;
 - any other part of another person's body in a way that causes sexual arousal;
 - any object that resembles the genitals, anus or breasts;
 - the genital organs or anus of an animal;

Sexual assault also includes:

- Inserting an object that resembles human or animal genitals (for example a dildo) into a person's mouth; and
- Masturbating someone without their consent.

* Threatening to do any of these things to another person is also sexual assault.



What is Sexual Harassment?

- A person touches someone else in a sexual way, without their consent;
- A person gives someone unwanted sexual attention, like by making sexual jokes, and asking questions about their sex life;
- A person makes rude gestures, or stares at someone while they're changing, washing, or using the toilet.

It is also abuse to bother someone because of who they are attracted to, or how they look or behave.

What is Consent?

"Consent" means voluntary and unforced agreement. Sometimes people are pressured into agreeing to things that they actually don't want to do. This is not real consent. Agreement to sex needs to be given freely, willingly, and deliberately to count as consent.

A person has NOT consented if:

- They have been tricked, manipulated or forced to do something against their will;
- They have been pushed into doing something they don't want to do because another person has power over them and they're afraid of what will happen if they don't do it;
- They are threatened with their physical safety, the safety of others or loss or damage to property;
- They do not know what they are doing because of mental disability, or because they are drunk or drugged, asleep or unconscious;
- They are below the age of 16 and the person is 18 or older;
- They are below the age of 16 and more than 2 years younger than the person if that person is 16 or 17;
- They are below the age of 12; or
- They are an inmate and the other person is an official or member of staff or volunteer at the facility. Romantic and sexual relations between inmates and DCS staff and volunteers are NOT allowed and are considered sexual abuse against inmates even if the inmate "consents".



What to Do If You Have Been Sexually Abused

Getting medical attention is the first priority after rape or sexual assault. Victims of all forms of sexual abuse also need protection from further abuse or retaliation, and must be assisted to get counselling and justice. Officers have a duty to take all reports of sexual abuse seriously. Officers also need to treat reports of sexual abuse as confidentially as possible, while, at the same time, being honest with the victim about the need to inform certain other people who can also help with support.

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"Victims" and "Survivors"

The terms convey different parts of the rape experience. "Victim" emphasises the harm and suffering experienced by people who've been raped, as well as the power perpetrators use in rape. "Survivor" emphasises the strength and courage victims show in surviving rape and going through the hard work of recovery.

Cover Photo: Joanne Olivier
Captain My Captain "An Inside Job" series

YOU HAVE THE RIGHT

TO:



Health Care



Safety



Counselling Support



Justice

Everyone has the right to be free and safe from sexual abuse. If you have been raped or sexually assaulted, you have the right to protection, support and medical care. All staff members have a duty to help you. Please tell someone so that they can help you – like an official, unit manager, nurse, social worker, teacher etc.



ORGANISATIONS TO CONTACT FOR HELP

JDI-SA

Norwood Place, 2nd Floor, 66 Grant Avenue, Norwood,
Johannesburg 2192, South Africa

T: +27 (11) 483 0989 • E: umahlali@justdetention.org

Wits Justice Project

P. Bag X3, Wits 2050, Johannesburg, South Africa

T: +27 11 717 4087 • E: justiceproject.journalism@wits.ac.za

LEGAL HELP

Legal Aid South Africa: Advice Line (toll-free) – 0800 110 110
Communications2@legal-aid.co.za

Lawyers for Human Rights: 021 424 8561

Clare@lhr.org.za

EMOTIONAL & MENTAL HEALTH SUPPORT

NICRO: 021 462 0017 • info@nicro.co.za

Lifeline SA: 066 373 6371

connect@lifelinejhb.org.za

SAMSOSA: 071 280 9918 (only available to assist after release)

rees@samsosa.org



STEPS TO FOLLOW:



INMATE SURVIVORS/VICTIMS:

When you've been sexually abused, asking for help is often very difficult, but it's important to seek help as soon as possible. You can report what has happened to any official. All officials have a duty to help you. You can also tell an ICCV or anyone else you trust such as your lawyer, a friend or a family member.



OFFICERS:

You have a duty to take all reports of sexual abuse seriously. Remember that it is very, very difficult for inmates to ask for help when they have been sexually abused. Be as sensitive and supportive as possible. While helping them to get the necessary services, you may also need to stand up for them against discrimination from others – like health staff, other officers, and other inmates. NB: Do not call or interrogate the perpetrator about the accusation in front of the victim as this puts the victim in danger.

1. Health Care

INMATE SURVIVORS/VICTIMS:

If you have been raped or sexually assaulted, it is very important that you get medical attention as soon as possible. Getting immediate medical care is important because:

- You may have injuries that need treatment;
- You might need to receive Post Exposure Prophylaxis (PEP) to prevent you from contracting HIV; and
- You might need treatment for other sexually transmitted infections.

Remember that treatment to prevent HIV needs to be taken as soon as possible, but within 72 hours of rape. It is really important to get help quickly as PEP works best the sooner it is taken, and does not work at all if taken after 72 hours.

Please do not wash before getting medical assistance. This is difficult, but very important as washing removes evidence that can be helpful in the investigation. (Even if you don't want to press charges, you may change your mind later).

OFFICERS:

It is your duty to ensure that inmates who have been raped or sexually assaulted have immediate access to medical attention regardless of whether or not you think they need it. At this stage, it is not your role to establish whether or not the rape (or another form of sexual abuse) took place.

Your role is to facilitate access to medical care, safety, counselling, and justice.

It is critical that inmates who have been raped or sexually assaulted receive immediate medical attention. This is because medication to prevent HIV transmission (PEP) needs to be taken as soon as possible and no later than 72hrs after the incident. The effectiveness of PEP decreases with time after exposure and will not work at all if taken after 72 hours. The victim may also need treatment for injuries and other sexually transmitted diseases

Please advise the inmate not to wash before a medical examination – this is important for evidence collection that may be needed for the investigation.

3. Counselling Support

INMATE SURVIVORS/VICTIMS:

There are many possible responses to sexual abuse - you may feel confused, numb, afraid, guilty, ashamed, angry, unable to concentrate on anything, be near others, or be alone - as well as many other reactions. As painful as it is, you should know that your response is normal; what is not normal or acceptable is what happened to you. Please always remember that IT'S NOT YOUR FAULT. Everybody who's been through what you have been through needs emotional support and care. If counselling is not offered to you, please ask an official to help you see a counsellor.

OFFICERS:

There is no one way that people respond to sexual abuse, and inmates may respond in ways that are unexpected to you. Not all victims show their feelings outwardly. Some may appear unaffected by their assault and seem calm, or they may become difficult and "act out". Be prepared to accept however inmates behave and help them to cope. Please link them to counselling and support services of their choice, like a social worker or psychologist or priest or imam or sangoma etc.

2. Safety

INMATE SURVIVORS/VICTIMS:

Officials have a duty to ensure that you are safe following sexual abuse. They must make sure that the perpetrator(s) are moved so that they cannot hurt you or other inmates. Tell the official if there are other inmates in your cell that you are also afraid of, and if you would like to be moved.

OFFICERS:

You have a duty to ensure that the victim is safe from further abuse; and that the (alleged) perpetrator(s) cannot harm him or other inmates. Victims' needs are the most important thing to consider:

- The victim may prefer to stay in a communal cell rather than being moved to a single cell. Also, be aware of which other inmates in the cell may pose a risk to the victim, and take steps to address such risks.
- (Alleged) perpetrators should be moved so that they cannot harm other inmates.
- Identify which other staff members need to know about the incident and can provide the victim with further support and protection. Tell them about the incident so they can play a role, but take care to keep the incident as confidential as possible. One of victim's biggest fears is that others will humiliate him, or also try to rape them if they know what happened.

NB: Take care that no one else can hear what you are talking about when you discuss the case with relevant parties.

4. Justice

INMATE SURVIVORS/VICTIMS:

You have the right to report the crime to the police and to also get a lawyer. (If you do not already have a lawyer or can't afford one, see back cover for some free legal services.)

Always remember that this is a decision only you can make. The officers should offer to help you open a case with the police.

OFFICERS:

Enter a record of the incident in the official journal and report it to the Head of Centre.

Assist the victim to report the abuse to the police but remember that if the victim is 18 or older, the decision to report lies with them alone. However, if the victim is a child (under 18) or mentally disabled, you have an obligation to report the sexual abuse. It is your duty to report to the police all sexual offences committed against children or mentally disabled persons.

