

RAPE IN MARRIAGE

The Wedding

I now pronounce you man and wife.

They look so happy. They will have a wonderful life together.

ONE YEAR LATER ...

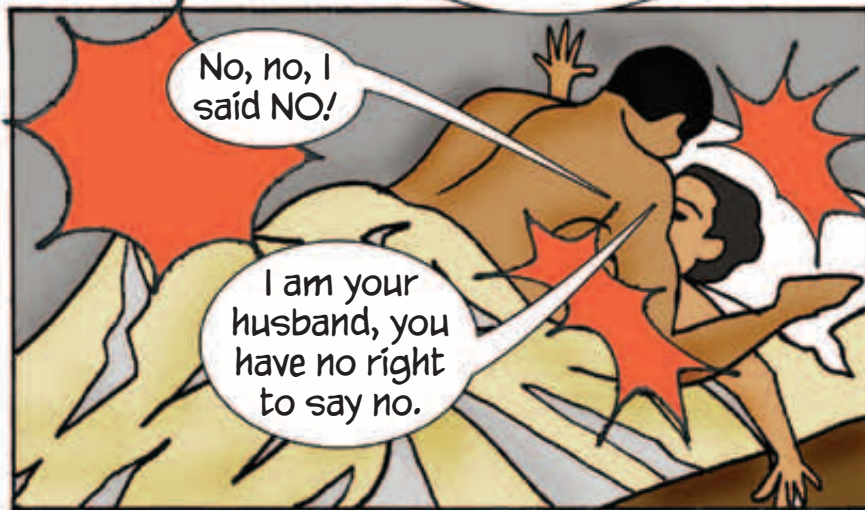
You are my wife. You have to do everything I want.

But when we got married we agreed to be equals.

FIVE YEARS LATER ...

Where have you been? I saw you talking to another man outside the house. You are my property, don't ever speak to him again.

I am so unhappy. My husband is very violent towards me. I feel unsafe in my own home.

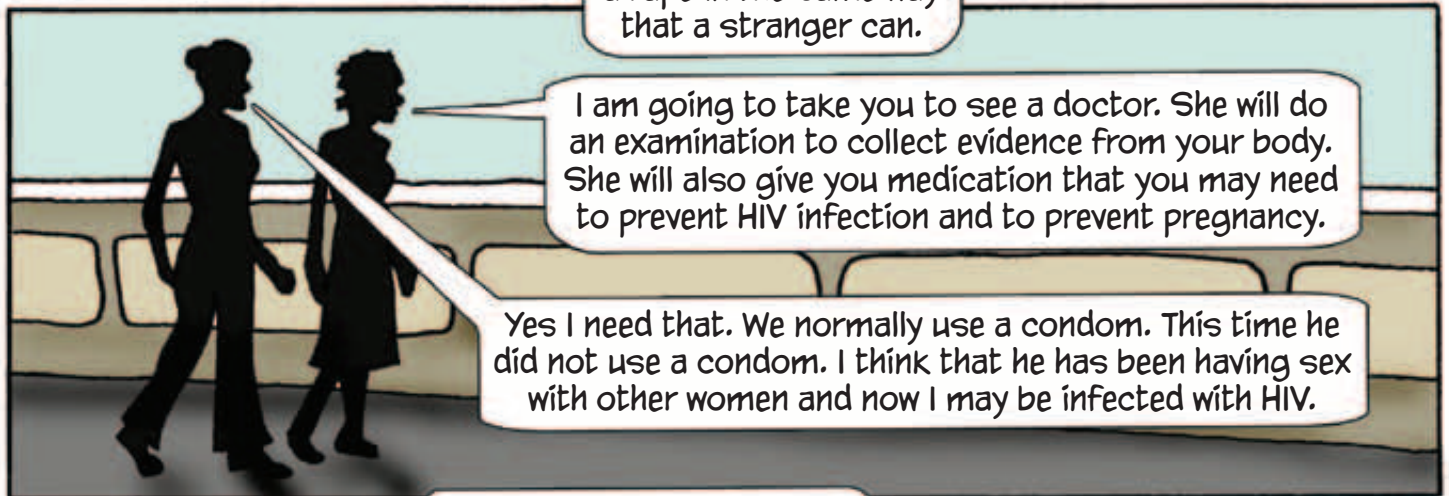




WOMAN AND CHILD PROTECTION UNIT

I am here to report a rape case. The rapist was my husband.

I am glad that you have reported this. The law says that it is rape whenever a person is forced to do a sexual act. This means that a husband can commit a rape in the same way that a stranger can.



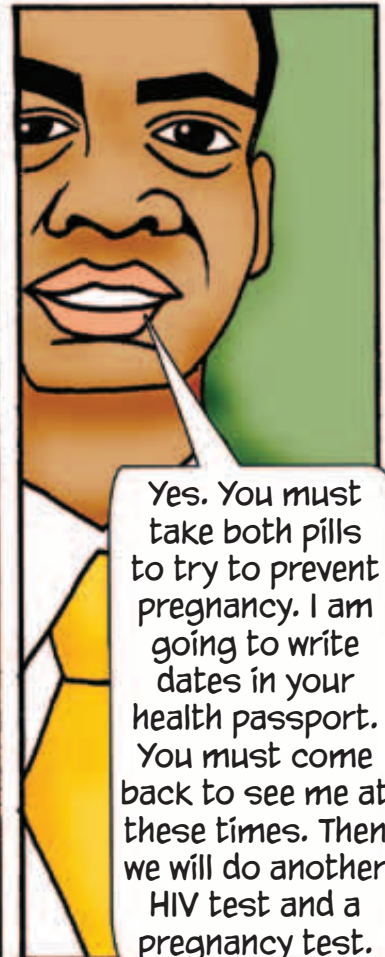
I am going to take you to see a doctor. She will do an examination to collect evidence from your body. She will also give you medication that you may need to prevent HIV infection and to prevent pregnancy.

Yes I need that. We normally use a condom. This time he did not use a condom. I think that he has been having sex with other women and now I may be infected with HIV.

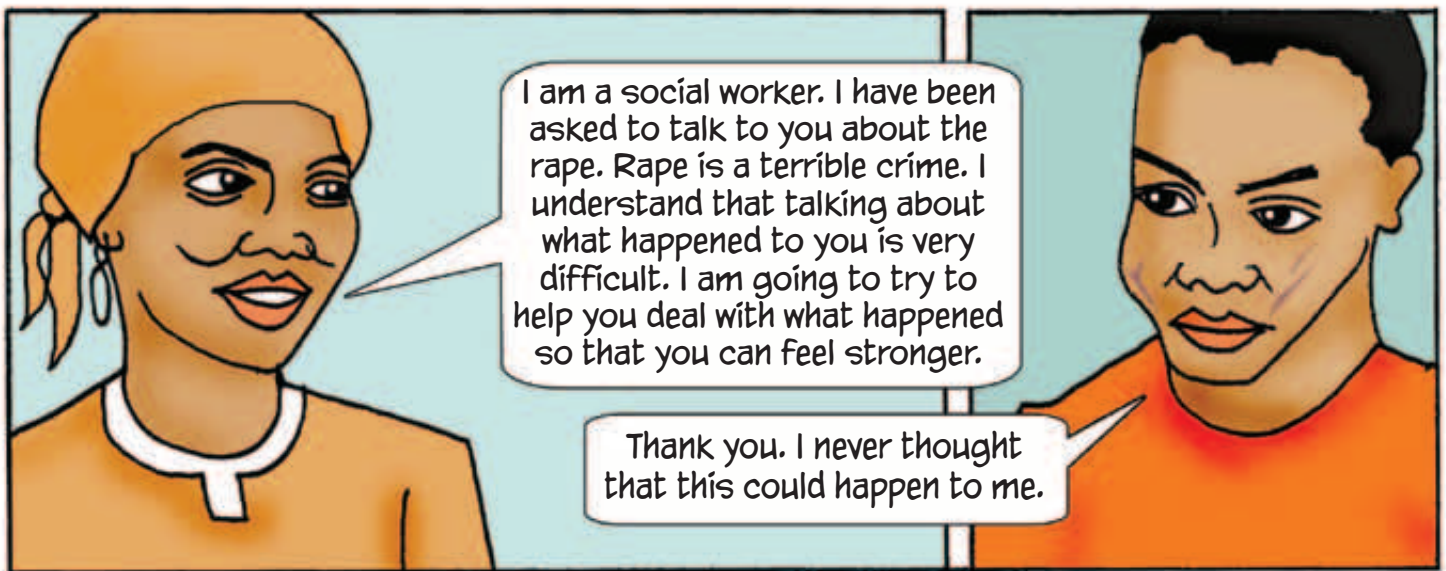


I am going to give you pills called post-exposure prophylaxis (PEP). These pills can help to prevent HIV infection. I am giving you pills for three days. This is because we need to check your HIV status. If the test is negative, you need to take these pills for one month. You must not forget to take the pills or they will not work.

And to prevent pregnancy, I should take one pill within 72 hours of the rape and the other 72 hours later?

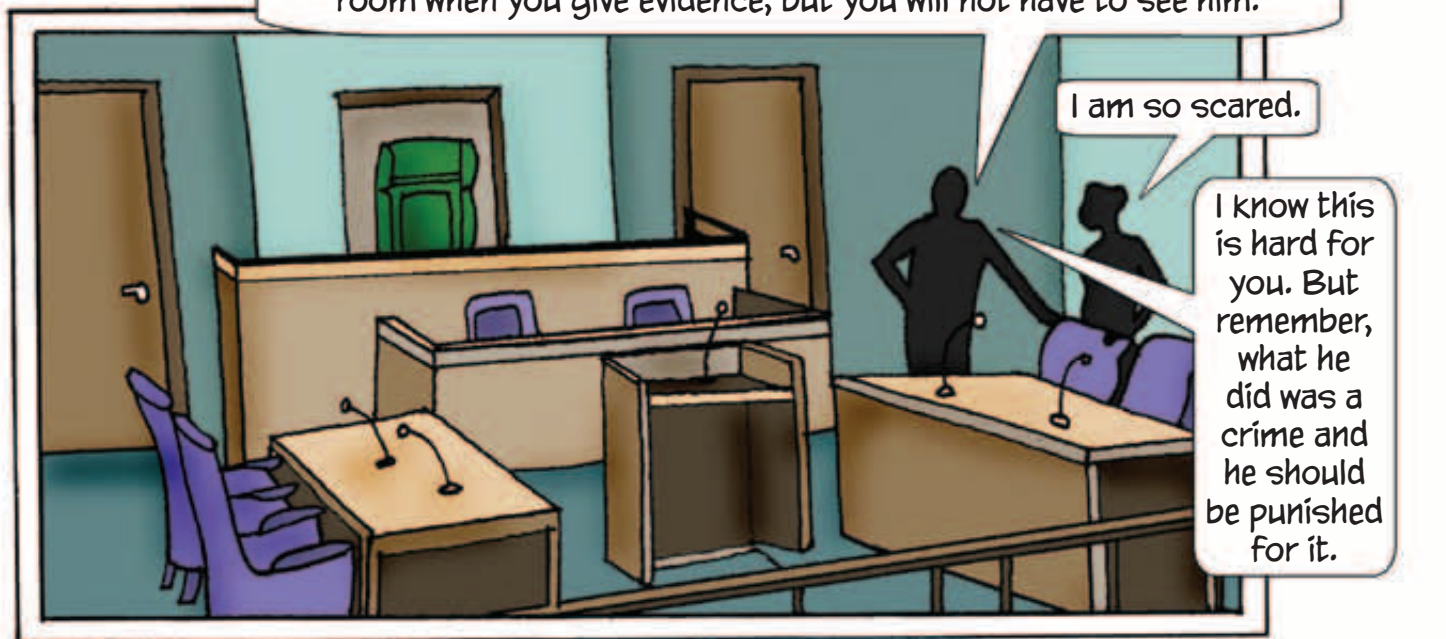


Yes. You must take both pills to try to prevent pregnancy. I am going to write dates in your health passport. You must come back to see me at these times. Then we will do another HIV test and a pregnancy test.



ONE
YEAR
LATER ...

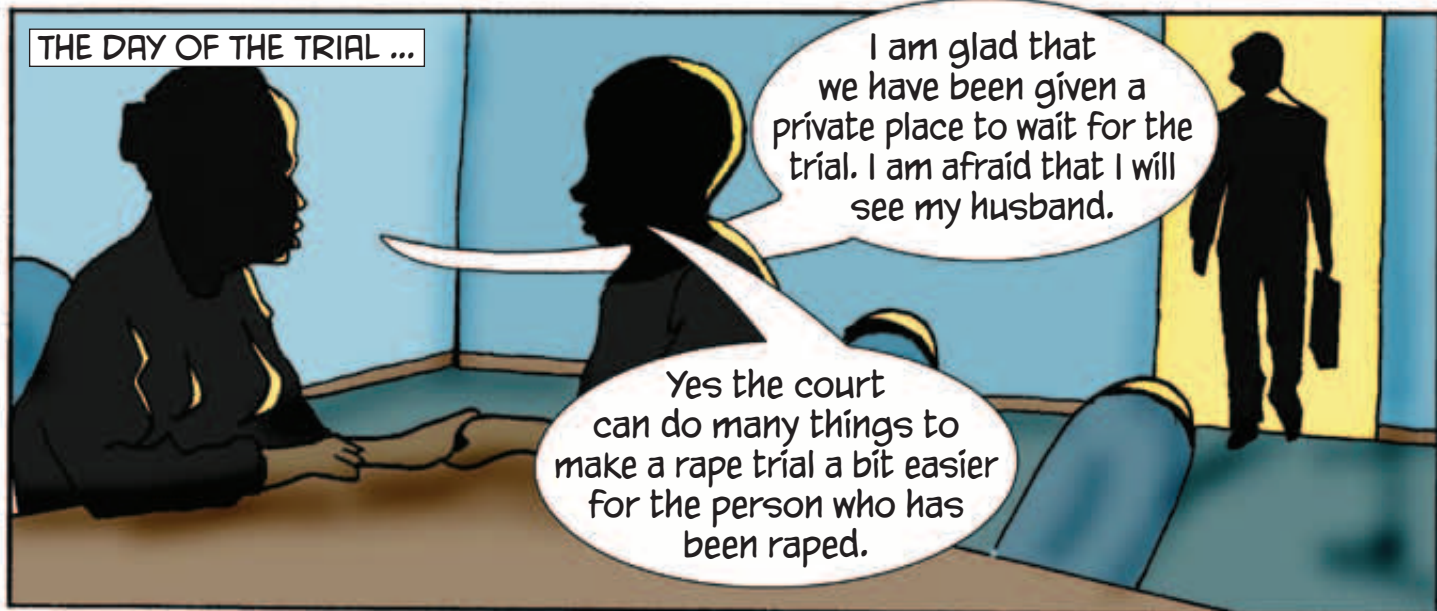
I am a prosecutor. Tomorrow I will be arguing that your husband is guilty of raping you. I am meeting with you today to show you what a courtroom is like and to explain what to expect in court. Because you asked for **special arrangements** in your trial, there will be a screen between you and your husband. This means that he will be in the same room when you give evidence, but you will not have to see him.



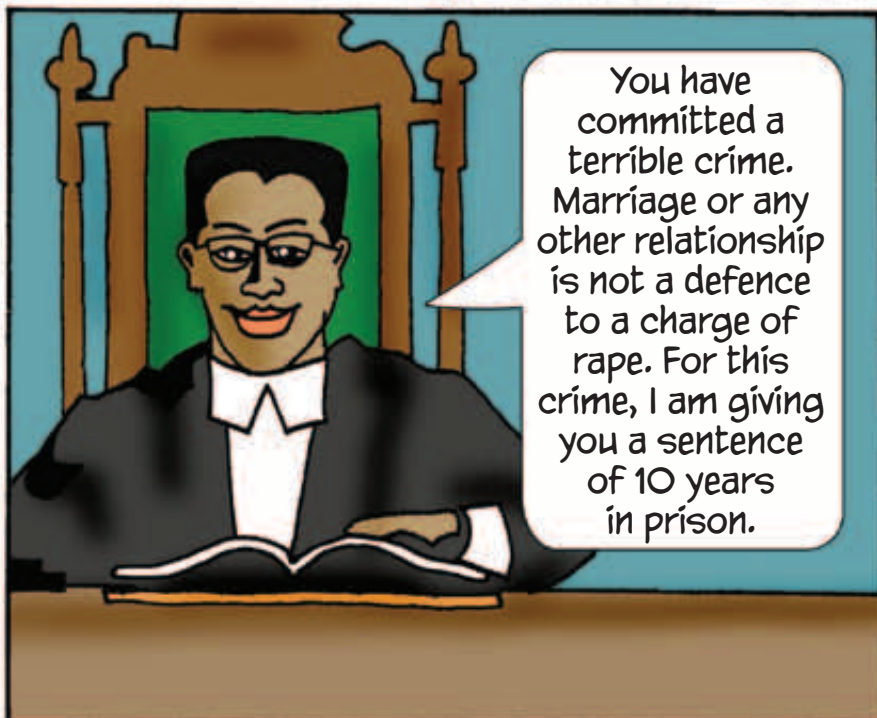
You can contact your prosecutor to ask for a meeting if he or she does not contact you. You can find out who the prosecutor is by contacting the police officer who is investigating your case.

The law says that **special arrangements** may be made for vulnerable witnesses. A vulnerable witness includes anyone who is a victim of a sexual offence. Special arrangements can include relocating of the trial to a less formal setting while you are giving evidence, rearranging furniture in the courtroom/ adjusting where people stand, or allowing a support person to accompany you. Some courts even have closed circuit television. If there is television equipment, you might not even have to be in the same room as the accused. If you would like to have special arrangements in your trial, it is best to discuss this with the prosecutor as early as possible.

THE DAY OF THE TRIAL ...



You will give your evidence soon. When you give evidence, your friend can sit by your side. She cannot talk to you whilst you are giving evidence but she can give you moral support.




THE DAY AFTER THE TRIAL ...

You were very brave in court. I was proud of you. What is more, our whole community is proud of you. Come and see.

The trial was very emotional for me but I am glad that I did not withdraw my testimony. Going through with the court case convinced me that I was doing the right thing. What my husband did was a terrible crime.

Many people are afraid to speak out about things like domestic violence and rape. This case has been an example to us all that it is important to report crimes when they happen.

Many people are afraid to speak out about these problems because they are afraid of what people in the community will say. But we want to show our support for our friend. Rape is a terrible crime and should be punished.



Men are often bigger and stronger than their wives. They should not use their power to take advantage of women.

The Bible does not say that a man can rape his wife. If people use the Bible to justify such violence, they do not understand its teachings.

Even if you have paid lobola for your wife, it doesn't make her your property.

I am glad that people are starting to speak out about violence in the home. I feel that I am growing up in a safer community because of it.

Namibia has good laws but it has taken time for people to learn about them and to understand them. I am glad that the laws are working.

WHAT IS RAPE?

Rape is the "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.

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

WHAT TO DO IF YOU HAVE BEEN RAPED

If you have been raped, you should immediately report the rape at a Women and Child Protection Unit, or at any police station. Women and Child Protection Units are open from 8am to 5pm, 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 Women and Child Protection Unit should be "on call" 24 hours a day.

If you are unable to get in touch with a Women 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.

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.

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.

DO YOU

... HAVE A QUESTION?

... HAVE A COMMENT?

... NEED MORE INFORMATION?

CONTACT US!

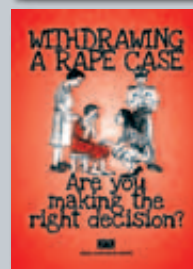
SMS: 081-6000098

Email: comic@lac.org.na

Fax: 088-613693

Post: P.O. Box 604 Windhoek

We would like to hear your feedback about this comic.



For more information about the Combating of Rape Act, withdrawing a rape case, or to obtain copies of our publications, please contact the Legal Assistance Centre.

Text:
RACHEL COOMER

Illustrations, design and layout:
DUDLEY VIALI and PERRI CAPLAN

Project supervision:
RACHEL COOMER and
DIANNE HUBBARD

Funding:
DUTCH MINISTRY OF FOREIGN
AFFAIRS, MDG3 FUND

Printing:
JOHN MEINERT PRINTING (PTY) LTD

Publisher:
GENDER RESEARCH &
ADVOCACY PROJECT,
LEGAL ASSISTANCE
CENTRE,
2010



This comic may be freely copied for educational purposes, as long as the source is acknowledged.



An electronic version of this publication is available on the LAC website: www.lacorg.na

