

**CHOICE ON
TERMINATION
OF PREGNANCY
(TOP)
ACT 92 OF 1996
(as amended)**

The aim of the Act is to give women with unwanted pregnancies access to free and safe TOP, with the state having an obligation to deliver the service. TOP is not a family planning method, but a last resort for managing unwanted pregnancy.

CIRCUMSTANCES UNDER WHICH TERMINATION OF PREGNANCY (TOP) MAY TAKE PLACE

- I. Upon the request of a woman during the first 12 weeks of pregnancy
- II. From the 13th week up to the 20th week if the doctor, with the woman is of the opinion that the pregnancy will affect the woman; if there is a risk of foetal abnormality; if rape or incest occurred; if the pregnancy would socially or economically affect the woman.
- III. After the 20th week, if 2 doctors or a doctor and a trained professional, is of the opinion that the pregnancy could endanger the woman's life, it could result in abnormalities of the foetus, or pose a risk of injury to the foetus.

Only a trained Healthcare professional may perform the TOP in a designated facility up to 12 weeks of pregnancy. Only doctors may perform terminations from the 13th week onwards. Untrained persons performing a TOP and any person obstructing access to a facility is guilty of an offence.

COUNSELLING

Counselling and information about her rights must be offered to the client before and after the termination. If the client refuses counselling, the TOP cannot be refused.

CONSENT

Only the informed consent of the pregnant woman is required, regardless of her age, marital state, culture or religion. A minor must be advised to consult with her parents or guardian, family or friends, but access to a TOP cannot be denied. A mentally challenged or unconscious woman's pregnancy may be terminated under special conditions.



THE DOMESTIC VIOLENCE ACT 116 OF 1998

If you are abused you may seek a Protection Order from a Magistrate's Court against an abusive person who is committing the abuse or domestic violence. This could be:

- Physical abuse
- Verbal and emotional/psychological abuse
- Sexual abuse
- Economical abuse
- Intimidation
- Harassment
- Stalking
- Damage to property

HOW CAN YOU GET A PROTECTION ORDER?

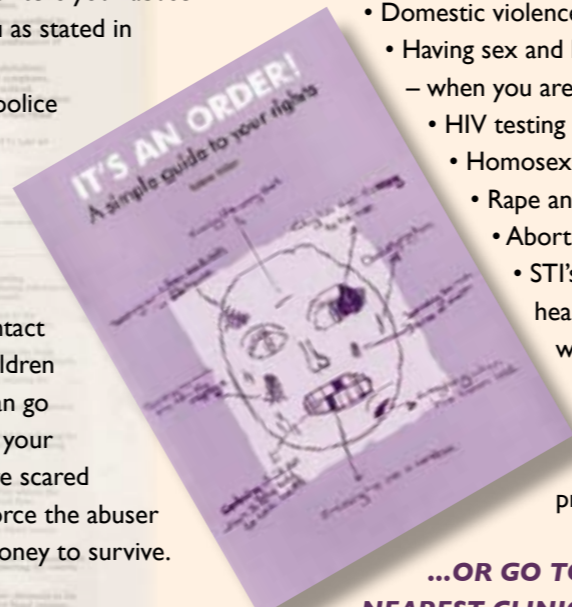
- You have a right to lay a charge at your police station
- Go to a doctor/clinic if you were hurt and ask for a J-88 report
- Go to the Domestic Violence section of the court closest to where you or your abuser lives or works
- Contact Mosaic for personal assistance and a copy of our booklet that gives much more detail and information for example.

WARRANT OF ARREST

With your Protection Order, you receive a Warrant of Arrest. If the abuser fails to comply with the Protection Order, you may call the police, who have to arrest the abuser, on receiving the Warrant of Arrest. The abuser stays in jail, until going to court.

COME TALK TO MOSAIC ABOUT...

- Contraception
- Domestic violence
- Having sex and having babies – when you are HIV positive
- HIV testing and treatment
- Homosexuality
- Rape and Incest
- Abortion
- STI's and other sexual health problems – we can help
- Teenage pregnancy
- Youth programmes.



...OR GO TO THE NEAREST CLINIC.

CRIMINAL LAW (SEXUAL OFFENCES) AMENDMENT BILL 2006

This Bill will hopefully become an act during 2006, and will make amended provisions for offences with regard to:

- Sexual offences including,
 - Rape
 - Sexual assault
 - Display of sexual acts, genital organs and pornography
 - Incest (sexual act with blood relation)
 - Bestiality (sexual act with animal)
 - Sexual act with a corpse

• Sexual offences against children, including sexual exploitation and sexual grooming of children, engaging in sexual acts, in the presence of children and exposing genital organs/anus/female breasts or pornography to children. The age of consent for sex is 16 which means that any sexual act with a child below the age of 16, is unlawful.

- Sexual offences against mentally disabled persons
 - Services for victims of sexual offences
 - Compulsory HIV testing of sexual offenders
 - Register for sex offenders
- Once the Bill becomes an Act, victims of sexual offences will have more protection than before. SAPS, social workers, legal experts and organisations dealing with sexual offences will be there to provide you, the maximum and least traumatising protection according to the law.

WHAT TO DO IF YOU HAVE BEEN RAPED OR SEXUALLY VIOLATED:

- **Speak to someone you trust**
- **Keep your clothes on and do not bath**
- **Get to a doctor, a hospital or a clinic urgently, for forensic evidence and to get treatment**
- **Write down everything you can remember about the rape**
- **Report the offence at the nearest police station, or phone a counsellor, to help you through the process**
- **If you lay a charge, your case may go to court**
- **You have the right to see a woman police officer**
- **You have the right to tell your story in a private room**
- **Get tested for HIV/AIDS and get treatment.**

USEFUL NUMBERS

- Abuse Helpline
0800 150 150
- WC Network on Violence Against Women
021-633 5287
- Rape Crisis 24hr line
021-447 9762
- Lifeline
0800 05 55 55
- Thuthuzela Rape Centre
021 – 690 1103
- Flying Squad SAPS
1 0111
- Emergency Contraception Hotline
0800 24 64 32
- Human Trafficking Hotline
0800 55 59 99

MOSAIC NUMBERS

YOU MAY CALL ANY ONE OF THE MOSAIC STAFF MEMBERS FOR HELP

- Office, Wynberg
021- 761 7585
- Caroline, The Leagues
076 179 5292
- Nosiseko, Fishhoek
072 851 7166
- Leonarah, Tafelsig
083 533 4668
- Dawn, Grassy Park
072 250 6872
- Lulu, Guguletu
082 952 0491
- Lungiswa, Nyanga
072 853 4737
- Noxolo, Langa
082 387 1431
- Nomvuzo, Macassar
082 952 7369
- Primrose, Khayelitsha
082 953 9369
- Sheilla, Philippi
082 953 0997
- Zoleka, Mfuleni
082 816 9054
- Mia, Belhar
072 851 7108
- Charmaine, Mitchells Plain
072 853 4814
- Zandile, Plumstead
073 165 7509
- Nomangesi, Dunoon
073 420 2948

