



NOTICE CONTAINING INFORMATION ON CONFIDENTIALITY OF AND HOW TO DEAL WITH HIV TEST RESULTS

Section 33(1)(e) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007)

Note:

- (1) The Notice must be handed to —
- (a) the victim or interested person who acts on behalf of the victim and who applied to have the alleged offender tested for HIV; and
 - (b) the alleged offender who has been tested for HIV.
- (2) The purpose of the Notice is to provide the parties set out in (1) above, with information on the confidentiality and how to deal with information about the outcome of a compulsory HIV test.

How will I be informed of the HIV test result of the alleged offender?

The results of the HIV test of the alleged offender will be made available to you in a sealed envelope, marked “Confidential / Vertroulik”.

What will be contained in the sealed envelope?

The sealed envelope will contain a document completed by a person attached to the health establishment that performed the HIV testing on the blood samples of the alleged offender. The form will state whether the alleged offender tested:

- positive for HIV; or
- negative for HIV.

If I am the victim, may I disclose the HIV status of the alleged offender to other people?

You may not disclose the HIV test results with malicious intent or in a grossly negligent manner to any person other than the alleged offender, the investigating officer, the prosecutor or any other person who needs to know the test results for purposes of any civil proceedings or an order of the court.

What should I do with the HIV test result?

You should obtain assistance from an expert to understand the implications of the result and on how to deal with the result, regardless of whether the test result was positive or negative. Expert assistance will help you to —

- understand the test result;
- deal with immediate emotional reactions and concerns;
- understand how the result will affect your health and the health of others (eg your sexual partner);
- identify the need for social and medical care; and
- discuss the need to disclose the test result to others.

Service organisations which can provide counselling and support

There are a number of private and public facilities that will assist you to deal with the implications of the HIV test results. Some of these services are free of charge, while others may require the payment of a fee. These include:

- Private medical and social facilities (eg a general medical practitioner or psychologist);
- Public medical and social facilities, including —
 - Life Line
 - Child Line
 - Child protection organizations
 - Local State Hospitals and Clinics
 - Rape Crisis
 - FAMSA
 - Departments of Social Welfare
 - Local AIDS Service Organizations

Contact details of these service providers are available in the telephone directory and from the investigating officer.

If, after you have read the Notice, there is anything you do not understand, you may contact the investigating official, one of the service providers mentioned above or a social worker of the Department of Correctional Services for assistance.