

Combining Stories and Numbers: An Analysis of the Impact of the Domestic Violence Act (No.116 of 1998) on Women

by

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November 2001

Executive Summary

Domestic Violence is well described as being a pervasive problem, affecting women from all sectors of society. Levels of domestic violence reflect a problem that has been entrenched in society, perpetuated by tradition, culture and gender norms, and with it being exacerbated by the effects of apartheid. Due to the enormity of the problem, the South African government has committed itself to the eradication of violence against women through the ratification of international treaties and the reformulation of legislation to protect women.

The Human Rights Watch report of 1995 indicated that although legislation was in place, it was ineffective as women were not aware of it and the criminal justice system subjected women to secondary victimisation due to the attitudes of officials. The Domestic Violence Act No.116 of 1998 was developed through a process of civil society participation, taking into account the experiences of women. The Act was thus heralded as comprehensive in nature, aiming to provide women with “maximum protection”. The aim of this research study was to evaluate the impact of the Act by describing and examining the experiences of women a year before and a year after the implementation of the Act.

The study was conducted in an urban (Bellville) and a rural (Paarl) area in the Western Cape. The study combined both quantitative and qualitative research methodologies. The quantitative study reviewed court records by randomly sampling a ¼ of court records of applications for a Protection Order during the year before and the year after the implementation of the Act. A total of 1 044 court records were reviewed, made up by 284 (1999) and 465 (2000) cases at the Bellville court and 110 (1999) and 185 (2000) records reviewed at the Paarl court. The qualitative part of the study focussed on in-depth interviews with 23 women, 15 from Bellville magisterial district and 8 women from the Paarl magisterial district.

The research findings indicate that there has been an overall 37.6% increase in the number of applications for protection orders. This however does not necessarily indicate an increase in women applying for Protection Orders, as a shift in the gender of complainants is evident in 2000, with the figure for women applying for protection decreasing to 73% at Paarl and 70.5% at Bellville. The study found that the most common forms of violence reported by women were physical and psychological abuse, with an average of 81% of cases experiencing both forms of violence. Sexual abuse was least likely to be reported as the silence around sexual abuse was confirmed by this study. The study indicates that a large number of women suffered severe depression without it being adequately recognised and managed. Economic abuse was found to be enmeshed in the socio-economic circumstances of women, with many women remaining in violent relationships due to the housing crisis experienced in most communities. The study found that women who applied for a Protection Order were more likely to be employed, therefore less economically dependent on their intimate partners. A large number of children emerged as being affected by violence in their homes with it having a lasting impact.

The study has shown that although the Act provides the police with duties and responsibilities, women still experience the police as ineffective due to attitudes and perceptions of intimate violence. The increase in numbers of applications has significantly added to the workload of court officials. This results in the application process being lengthy,

as well as the superficial management of complaints. A large number of cases were not finalised as women reported the judicial process to be disempowering due to the lack of information and the complexity of application forms. The fee for the service of documents is still experienced as a major barrier in the application process by the majority of women, who are unable to afford the fee despite being employed.

The study has shown that the Protection Order has a limited impact as a tool to shelter women from domestic violence. The findings indicate that a Protection Order on its own cannot be expected to change women's experiences of intimate violence as it is compounded by women's socio-economic environment. An integrated, national strategy taking into account women's position in society is crucial to change women's realities.

Acknowledgements

GAP and the MRC wishes to thank the Department of Justice and its regional office who endorsed the research study, and the chief magistrates, Mr Cronje and Mr Verwey who facilitated our access at Paarl and Bellville Magistrate Courts.

Our warm appreciation goes to the Clerks of the Court, Ms Kearns and Mr Williams who assisted the fieldworkers with the data collection at the courts.

GAP and the MRC also wish to acknowledge the fieldworkers: Julia Cedras, Anton de Jongh, Michelle Lawrence and Noxolo Mbangeni for their time and dedication.

We also wish to thank the women who selflessly shared their stories, enabling us to gain greater insight.

Finally we would like to acknowledge Womankind Worldwide and Comic Relief for making this research study and publication possible.

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ISBN: 1-9-919809-19-8

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1. Background

Domestic Violence is described as a universal phenomenon cutting across cultures, religion, class and ethnicity. The World Health Report (1997) indicates that globally, a third of all women have experienced violence in intimate relationships at some point in their lives. South Africa mirrors the international experience, compounded by complexities innate to a society where the socio-political context resulted in gender violence being pronounced and permeated the fabric of our society. (Human Rights Watch/Africa, 1995, Vogel & Eagle, 1991, Dangor et al 1998)

A national representative study found that 1:4 women in South Africa have experienced physical violence by an intimate partner. (Jewkes et al 2000) Sexual violence has also been described as widespread within South Africa, with high numbers of rapes reported to police compared to the female population. Despite this research has found that reported rapes (to police and research studies) are but the tip of the “iceberg” with most cases going undetected. (Jewkes & Abrahams, 2001)

The demise of apartheid resulted in the transformation of the South African socio-political environment, with gender equality becoming a pivotal element for the building of a new democracy. The South African government has at the highest policy level made a commitment to eradicate violence against women (Dangor et al, 1998). This commitment is evident through the government’s ratification of international treaties such as CEDAW and the Beijing Platform of Action, the country’s Constitution and the reformulation of policies and legislation to protect women and advance gender equity.

This culture of working towards gender equity has resulted in the continued highlighting of the pervasive nature of domestic violence in South Africa by many gender activists. However, women are still being viewed as “second class” citizens, despite a clearly changing policy environment (Pillay 1997). Due to the ingrained nature of gender violence - in particular domestic violence - and the complexities of a country in transformation, women are still being inhibited to enjoy the rights and privileges they have been granted as citizens of South Africa.

The Prevention of Family Violence Act of 1993 was the first legislative step to address Domestic Violence as a public issue within South Africa. This Act made the process of acquiring an interdict to prevent family violence more accessible and attainable for women. However, Fedler (1995) claims that it was flawed in many aspects, with fundamental problems stemming from the lack of a legal definition for domestic violence, clarification of who qualified for an interdict and the vague definition of family violence. These clear weaknesses in the Act resulted in a concerted lobby effort by women’s organisations for a review of the legislation. With the aim of reviewing the Act, the SA Law Commission was tasked to draft a discussion document in 1997 for the comment of civil society. The result was the formulation of the Domestic Violence Act No 116 of November of 1998.

The Domestic Violence Act No 116 of 1998, defines domestic violence as:

“ physical abuse, sexual abuse, emotional, verbal & psychological abuse, economic abuse, intimidation, harassment, stalking, damage to property, entry into the complainant’s residence without consent, where they do not share the same residence or any other controlling or abusive behaviour towards a complainant where such conduct harms or may cause imminent harm to the safety, health or well being of the complainant.

The Act has thus broadened the scope of domestic violence significantly. The manner in which domestic violence is defined provides for a range of experiences to be taken into account. The legislation was heralded by many women’s organisations as being “progressive” in how it sets out to protect women. The preamble to the Act clearly underwrites the state’s intention to eliminate domestic violence by “providing victims with the maximum protection the law can provide”. Policy is however only the first step in the process of developing an appropriate response to reduce levels of domestic violence, as it requires political will (Dangor et al, 1998) and an understanding of the complexities of domestic violence.

The criminal justice system’s response to domestic violence has been described as “unsympathetic and hostile” and failing to uphold the rights of women due to a reluctance to intervene because of entrenched attitudes. (Human Rights Watch/Africa, 1995) The unsympathetic treatment of women by the criminal justice system has been considered to be “secondary victimisation”, with the police identified as the most problematic for women, as they continue to regard family-based violence as a “domestic problem”. (Fedler, 1995, Lochrenberg & Stanton, 1996, Jewkes & Abrahams, 2000, Human Right’s Watch/South Africa, 1997)

Issues discussed in the World Health report of 1999 indicated that there was growing agreement that domestic violence should be viewed as a pattern of abusive behaviour rooted in power, with direct links to culture, tradition and gender norms perpetuated by society. In South Africa, gender-based violence - particularly domestic violence - is deeply rooted in the patriarchal structures (Vogel & Eagle, 1991) of society, where both men and women have emerged out of an era where they were discriminated against on the basis of race and class (Simpson, 1993 & Dangor et al 1998). The nature and effects of apartheid and the patriarchal nature of the South African society clearly nurture the prevalence of domestic violence.

Jewkes et al (1999) supported the findings of NICRO as under-reporting has been confirmed to be a major barrier to establish accurate prevalence. Among women who had recent experiences of physical and sexual violence, as much as a third to half of them did not describe themselves as being abused. It is therefore evident that the magnitude of the problem is hidden, with prevalence data only reflecting the “tip of the iceberg”.

(Keen & Vale, 1997, Fedler & Dangor, 2000) suggest that poverty is a compounding factor in domestic violence cases, which places women at greater risk due to the associated stress factors affecting their home life. Women are often “trapped” in their situation and are less likely to overcome their position. The high levels of sexual violence within intimate relationships and women’s inability to negotiate sexual practises (Jewkes et al, 1999), compounded by the HIV/Aids epidemic in South Africa, place women at significant risk.

Shelters are experiencing the impact as they report an increase in HIV positive women seeking safety (Jung Park, Fedler & Dangor, 2000).

The high levels of domestic violence, its complex nature and impact on families require innovative responses from all sectors. The foundation to current responses is the effective implementation of the legislation. Lochrenberg and Stanton (1996) state that unless the human rights of women are “actively promoted, effectively monitored and consistently enforced”, they will remain mere paper rights. Research conducted by GAP (2000) into the Budget Allocation for the Implementation of the Domestic Violence Act clearly indicates that insufficient resources were made available for the adequate implementation of the Act. The need to monitor the effectiveness of the legislation is fundamental to achieve the aim of reducing levels of domestic violence in South Africa, and is a challenge facing both the state and civil society organisations.

The Consortium on Violence against Women has through research laid the foundation for efforts towards monitoring the implementation of the Domestic Violence Act by the criminal justice system. This research has clearly identified procedural problems experienced with the Act but has also once again highlighted the complex nature of domestic violence. This has resulted in questions being raised around a “legal remedy” for domestic violence (Parenee, Artz & Moul, 2001). They conclude that women should be the final “judge” as to whether the Act has changed their realities.

The aim of this study by GAP and the MRC was therefore not to duplicate the research of the Consortium but to compliment it through an analysis of the impact of the Act by focussing on the experiences of women. This research study therefore aims to provide women with a voice to document their experiences and insights.

2. Aim of the study

To evaluate the impact of the Domestic Violence Act No 116 of 1998 by describing and examining the differences between applications during 1999 and 2000 at one urban and one rural court in the Western Cape, as well as to explore women's experiences of the legal process.

The overall goal of this research was to:

- Utilise the research findings as an advocacy tool and recommend changes to the implementation of the Domestic Violence Act in order to enhance its effectiveness.
- Establish dialogue on strategies to reduce levels of domestic violence, taking into account the findings of this research study, coupled with the parameters of legislation.

2.1 Objectives

- To determine if there was a difference in the number of applications for a Protection Order between 1999 and 2000 at the two study sites.
- To describe the social and demographic profile of applicants who applied for Protection Orders during these two years.
- To describe the types of gender violence for which the applicants sought protection for.
- To describe the legal status of the cases at the time of study.
- To gain insight into women's perceptions and experiences of the process of the application.
- To explore the impact of the Protection Order as perceived by the women involved one month after initial application.

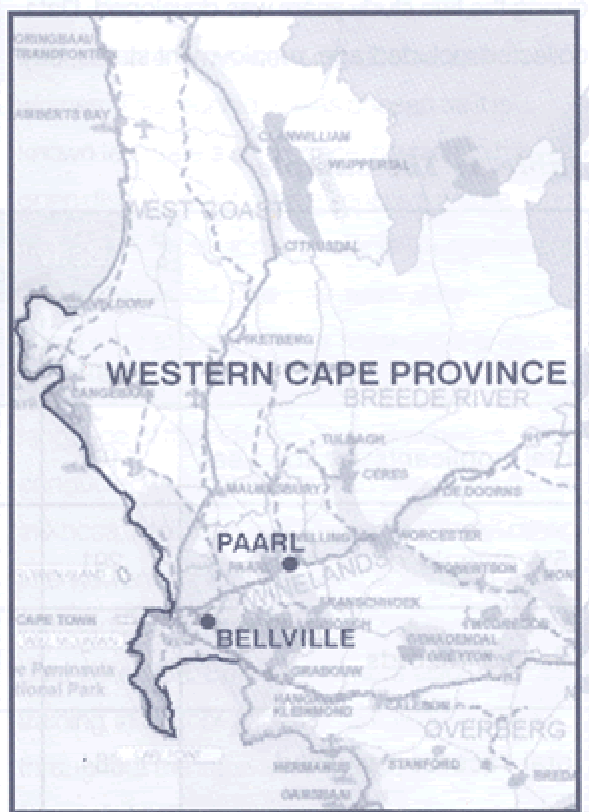
3. Methodology

The study combined quantitative and qualitative methodologies. The quantitative study was completed first and involved the review of court records for 1999 and 2000 at the two study sites. This was followed with qualitative, in-depth interviews with women who applied for Protection Orders during 2000.

3.1 The study settings

The study was conducted in an urban (Bellville) and a rural (Paarl) area in the Western Cape, which allowed for comparisons of the findings at these two courts, as well as a comparison of the yearly number of cases during the two years (see Figure 1). The two sites chosen had support services for victims of violence to whom women could be referred during the fieldwork if the need arose.

Figure 1 Map



3.2 Quantitative study

A two-year retrospective review of magistrate records was conducted by using a structured questionnaire. The first year's records included applications made between 15 December 1998 and 14 December 1999 - the year before the implementation of the Domestic Violence Act 116 of 1998 - and which is referred to as year 1999. The second year (2000) included applications made between 15 December 1999 and 15 December 2000 and is referred to as the year after the implementation of the Act.

Access to magistrate records was obtained through the Department of Justice and the local management of the magistrates courts of the two study sites. The data was collected anonymously. A data collection sheet which captured all the required variables for each applicant who applied for a Protection Order during the two study years was developed. Data collected included age, employment status, day of application, who processed the application, success of application, types of abuse identified in the Protection Order, who the perpetrators were e.g. husband, boyfriend, father, whether children were involved, and so forth.

The court case records for 1999 and 2000 formed the sample frame at each of the sites. A computer-generated, random 25% sample of court cases were drawn for each year. At the Bellville court a total of 1 162 applications were recorded during 1999, of which 291 was drawn for the sample, while 488 cases were drawn from a total of 1 951 applications recorded during 2000. At the Paarl court a sample of 111 cases was drawn from a total of 444 applications for 1999 and 187 from a total of 746 for the year 2000 (see Table 1).

Table 1: The sample

	Bellville		Paarl		Total
	1999	2000	1999	2000	1999&2000
Total applicants for the year	1162	1951	444	746	4303
25% sample drawn	291	488	111	187	1077
Missing records	7	23	1	2	33
Total records reviewed	284	465	110	185	1044

Assistance from court personnel allowed for the data to be collected at the court. Three fieldworkers with sociology degrees (unemployed social workers) were trained to collect the data. The data was coded and entered into the computer. Univariate and bi-variate analysis was performed using the Stata 6 statistical package. Some of the records could not be found. In Paarl, three records were missing, while a bigger number could not be found at the Bellville court. In most cases entire files were missing, while documents such as affidavits or Protection Order forms were missing from two files.

One of the reasons for the large amount of unaccounted files for 2000 could be that these cases were being investigated at the time and were with other justice personnel. The

fieldworkers tried to trace these files but were not successful. Another reason for the considerable number of missing records at Bellville court could be the higher caseload at this court, with the paperwork being misfiled in the process. However, it has previously been reported in studies which reviewed police records (CIAC, 1999) that files are on purpose lost or destroyed through the interference from perpetrators. This could not be established during this study.

The ease with which data could be found in the court records differed between the two sites. The fieldworkers collecting data in the Bellville court reported more problems. In general it was reported that affidavits from which many of the data was collected were poorly completed. In addition many of the affidavits were completed in Afrikaans and therefore had to be read and re-read to identify the variables. Reading these affidavits were also found to be extremely traumatic for the fieldworkers, who were given support to allow them to deal with their feelings.

At the time of data collection at the courts, the fieldworkers approached women applying for Protection Orders to assess whether they would participate in the qualitative study which would follow after 4 - 6 weeks. It was explained to them that if they gave consent they would be contacted to set up the time and place for the interviews. Since it was expected that some women would not be contactable after one month, consent was sought from 30 women at the Bellville court and 20 women from the Paarl court. More than one contact details were recorded.

3.3 Qualitative study

As explained above, women who applied for Protection Orders at the two study sites were recruited for the qualitative study. A total of 15 women from the Bellville court and eight women from the Paarl court were interviewed. These women were selected to broadly represent different races, ages, marital and social groups.

In-depth interviews were conducted with women. This technique was chosen as it is known to create a safe space in which to have an open discussion of such a sensitive nature. Once contacted, most women were still in agreement to be interviewed. The interviews were conducted at the women's homes in a private space at a time which suited them and in the language of their choice. Two fieldworkers conducted the interviews, with one being fluent in Xhosa, Afrikaans and English, while the other interviewer was fluent only in English and Afrikaans. Both were trained in this technique of data collection. Both interviewers also had training in counselling and remained vigilant throughout the interviews to assess if the interview further traumatised the women while revisiting their experiences.

The following questions served as a guide to the two fieldworkers during the interview:

- What were her experiences with and perceptions of the police and court officials.
- What were her expectations from the police and the justice system.
- What was the nature of violence experienced in the relationship.
- What was the pattern of violence in her relationship.
- Why she applied for a protection order.
- Whether the Protection Order delivered expected results.
- Whether the relationship with the abuser changed on the basis of the Protection Order.

- What support services were made available to her.

The interviews were audio-taped after the women gave consent for it to be used. The data was transcribed and translated into English in preparation for analysis. The transcripts and field notes were analysed for common themes, using the content analysis technique. Word Perfect computer software was used during this process.

The ethical guidelines developed by the World Health Organisation for studies on violence against women were followed (WHO, 1999) to ensure the safety of the women throughout the research process. At the end of interviews all the women were given an information sheet with contact details of services for abused women in their area, which they could access if wanted.

4. Findings

Both the qualitative and quantitative findings are presented together wherever it compliments the other. Due to the sampling methods used, the presented court data can be generalised but not the qualitative in-depth interviews with the women.

4.1 Terms

For the purpose of this report, the term applicant refers to the complainant, and perpetrator refers to the respondent. These terms have been used interchangeably through the report, although the Act uses the terms complainant and respondent.

4.2 Comparing Numbers

Figure 2 shows the number of applications made for the two years in question at the two study sites. Both courts showed a similar increase in the proportion of applications: the Bellville court showed a 37.9% increase in applications lodged (1 162 applications for 1999 and 1 951 for 2000), while the Paarl court recorded an increase of 37.3% in applications (444 for 1999 and 746 for 2000).

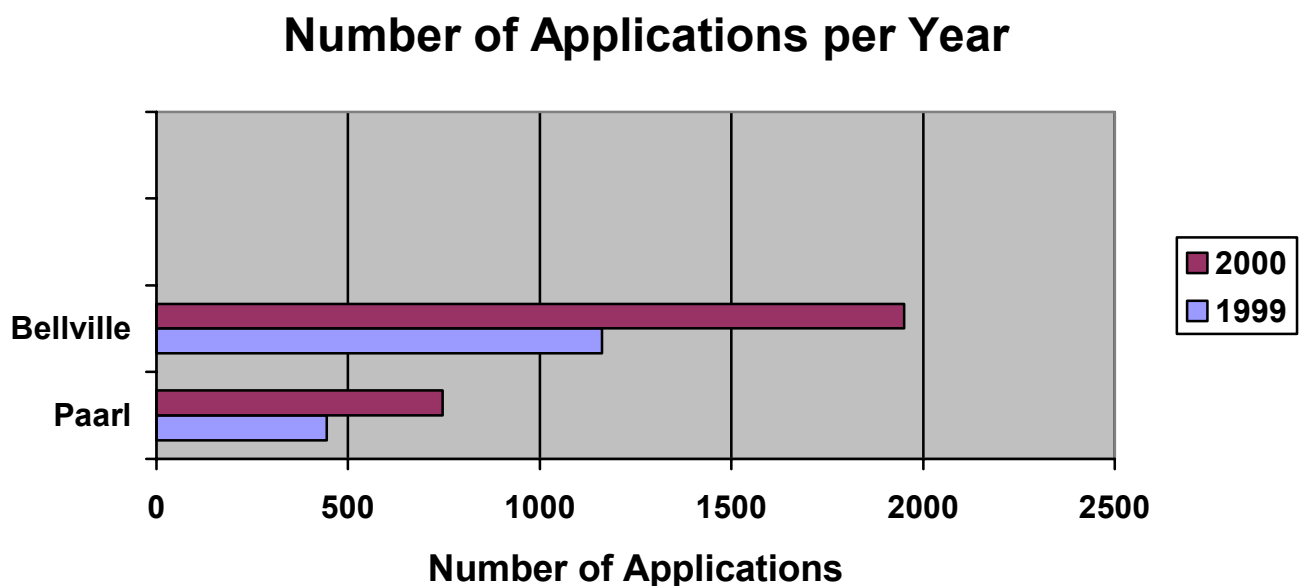


Figure 2:

4.3 Demographic Profile of Complainants

The sex and the age of the applicants are presented in Table 2. At the Bellville court 92% of the applicants were female during 1999 and this number decreased to 70.5% in 2000. A similar trend was found at Paarl, with 97.3% of complainants in 1999 being female and the number decreasing to 73% in 2000. This shift in the sex of complainants can be attributed to

the broadening of the scope of the Act since it has become gender neutral, allowing men to apply for a protection order as well. These results therefore suggest that men as well as women in other domestic relationships (e.g mother against son) are also making use of the Act. This in turn suggests that the increase in applicants does not necessary reflect an increase in the number of women applying for protection against their intimate partners.

The large proportion of missing data for the sex of the applicant during 2000 (Paarl 18.4% and Bellville 21%) may also suggest that application forms were not adequately completed.

There were some differences between the ages of the applicants between the two sites for the two years. Although applicants appeared to be in their mid-thirties at both sites, older applicants were seeking Protection Orders during 2000 and the biggest difference in the mean ages between the two years were recorded at Paarl. In general, Paarl applicants were older with a higher mean age compared to Bellville.

Table 2: The sex and age of the applicants

	Paarl		Bellville	
	1999 (n=110) %	2000 (n=185) %	1999 (n=284) %	2000 (n=465) %
Sex				
Female	97.3	73.0	91.9	70.5
Male	2.7	8.6	6.7	8.6
Unknown	-	18.4	1.4	20.9
Age (years)				
<20	-	-	0.7	2.8
20 – 29	21.8	20.0	17.2	20.7
30 – 39	38.2	42.2	36.6	40.4
40 – 49	21.8	20.5	18.7	18.9
50+	18.2	17.3	26.8	17.2
Mean age	35.9	38.1	35.6	36.8
Range (in years)	20 – 69	20 – 70	15 – 60	10 – 86

However, the age profile of the Bellville applicants showed a wider distribution with both younger and older persons applying during the year 2000. The youngest applicant in 2000 was 10 years old, while the oldest applicant was 86 years. Of interest however is that although older applicants were recorded at Bellville for 2000, the proportion of applicants over 50 years in general decreased since 1999 (from 26.8% in 1999 to 17.2% in 2000).

4.4 Relationship between complainant and respondent

The findings on the relationships between applicants and perpetrators are presented in Table 3. The overwhelming majority of applications were made against intimate male partners (i.e. husbands/partners/boyfriends and ex-boyfriends), with 71.9% of Paarl and 68.5% of Bellville applicants applying in 2000 for protection against this group.

However, a significant shift in the profile of relationships was found at both study sites, with an increase in applications against other forms of relationships evident during 2000. These included applications against sons, daughters, parents and other relatives. The increased spread of the relationship profile was more evident at Bellville, while at Paarl a significant increase in applications against boyfriends were found (1,8% in 1999 to 10.8% in 2000). This confirms that the Act was being applied to include a range of domestic relationships.

In the qualitative part of this study, two of the women who were interviewed had applied for a Protection Order against a son, while the other women had all applied for a Protection Order against an intimate partner.

Table 3: Relationship between complainant and respondent

Relationship	Paarl		Bellville	
	1999 n = 111	2000 n=184	1999 n=284	2000 n=465
	%	%	%	%
Husband/Partner	87.3	53.5	79.4	52.8
Boyfriend	1.8	10.8	7.4	6.4
Ex-husband/boyfriend	5.5	7.6	5.0	9.3
Total male intimate partners	94.6	71.9	91.8	68.5
Wife	2.7	4.9	5.7	6.8
Ex-wife/girlfriend	0.9	3.8	0.7	1.5
Son	-	7.0	0.4	4.0
Daughter	0.9	2.2		0.9
Father	0.9	-	0.4	1.6
Mother	-	-	-	1.3
Relative	-	9.7	-	9.0
Other	-	0.5	1.0	3.8
Unknown	-	-	-	2.6
Total other	1.8	19.4	1.8	23.2

4.5 Experiences of Violence

Forms of Violence: *“I don’t have a progressive husband”*

The proportion of physical, sexual, emotional and economic abuse reported in the court records are presented in Figure 2. A large overlap of reported psychological abuse and physical violence was recorded, with 81.5% of applicants at Paarl and 80.6% of applicants at Bellville reporting both forms of abuse for 1999/2000.

Experiences of Violence

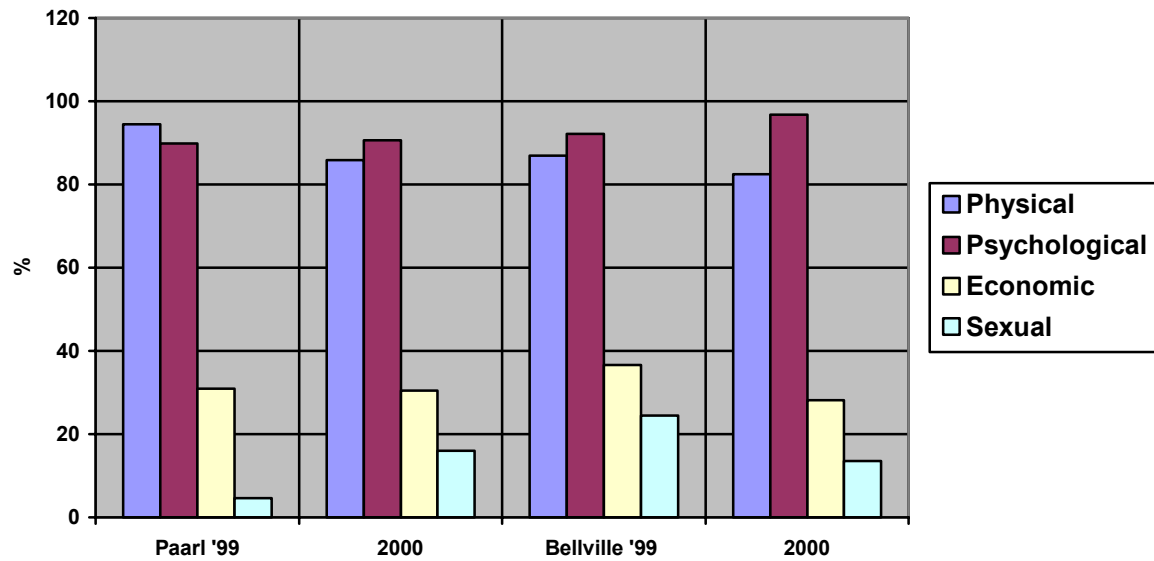


Figure 3:

4.5.1 Physical violence

The overwhelming majority of women reported physical violence in their applications. However, at both sites a decrease in the frequency of such reports were seen. A more than 10% decrease was found at the Paarl court (94.5% in 1999 and 85.9% in 2000), while Bellville showed a smaller decrease (86.9% in 1999 and 82.5% during 2000).

The majority of women during the interviews identified physical violence as a common occurrence in their intimate relations. Many described *“slapping, hitting and kicking”* as the most common forms of violence. Two women from Paarl described being *“kicked and tramped”* while they were pregnant. Many others described the use of objects and weapons such as *“a chair, grill of a door, iron, axes and knives”*.

More detailed descriptions and the frequency of the different forms of physical violence that were recorded in the court records are presented in Table 4. Other forms of violence recorded in the affidavits included:

- Spat in face
- Hit head against cement/ wall/ cupboard
- Broke shoulder blade
- Biting
- Throw against floor
- Twisting arm/hand
- Broke finger/arm/ribs/bones/nose/burst eardrum
- Gash on head
- Poke eyes

- Burn
- Scratching/pinching of arm/f ace
- Tramping on body
- Pulling hair/ears
- Violence towards children/relatives
- Attempted drowning /throw off bridge
- Hit while pregnant & miscarried
- Getting others to hit

Table 4: Forms of Physical Violence experienced by Complainants

Forms of Violence	Paarl		Bellville	
	1999 n = 110 %	2000 n=185 %	1999 n=284 %	2000 n=465 %
Hitting	50	49.7	66.9	51.8
Kicking	15.5	18.9	40.5	32.3
Slapping	24.5	16.8	37	35.1
Punching	25.5	38.4	15.5	26.7
Stabbing with a knife/ sharp object	4.5	7.6	6	6.2
Threatening with an object	36.4	33	8.1	8.4
Threatening with a knife/ gun/dangerous weapon	25.5	19.5	19.4	23.7
Damage to Property	26.4	21.6	13.4	21.7
Pushing around	1.8	3.2	0.7	3.4
Threatening to hit/kill	4.5	1.1	0.4	13.1
Assault	-	0.5	27.1	13.1
Choking/strangling/suffoca tion	5.5	4.9	8.8	3.7
Hit/ throw with an object	-	-	6.3	5.4

4.5.2 Psychological violence

The results indicate that psychological abuse was referred to as the most common form of violence experienced by applicants in both areas (see Figure 3). Psychological abuse was reported in 89.8% of cases during 1999, and in 90.6% of Paarl applications for 2000. Bellville reported very similar findings with 92.2% in 1999 and a significant increase of 96.7% of cases in 2000.

The women's stories supported the above findings. The majority described their experiences as being enmeshed with incidents of both verbal and psychological abuse. A woman from Paarl said: *"he starts to bug you... and if you say something he starts to hit you"*. Verbal abuse was reported as a common occurrence. A young woman from Franchhoek said: *"I feel*

like he hates me... the words hurt my feelings, the next day he tells me he doesn't mean it". Two women described being kept awake by their partners at night. One said: "I can't sleep at night because I know he will grab my arms, he has been doing this for 11 years, I can't take it anymore".

Jealousy was a common theme in the women's accounts of the violence they experienced. A woman from Klapmuts said: *"he told me if he can't have me, nobody will"*. Another young woman (17 years old) from Belhar related that her partner said *"he was going to cut me into pieces and there is no other man who is going to be with me"*. While another explained that her partner *"took all my clothes and put them in a bath for about two weeks and added water to it. What must I wear to work?"* The women also described the impact of the male partner having other girlfriends as a form of psychological abuse that they had to endure. A woman from Bellville said: *"he has girlfriends and every time he kicks me out they are in the house."*

4.5.3 Economic abuse

The review of the court records showed that the proportion of economic abuse reported at Paarl remained similar (30%) over the two years. However, at Bellville a significant decrease in economic abuse was recorded for 2000 (28.2%), compared to the previous year (36.5%).

During the interviews with the women, it became clear that they do not use the term "economic" abuse but referred to their economic position as a *"struggle"*. They related a myriad of experiences and described their partners as not having a sense of responsibility towards the family.

Their stories involve tales of partners withholding money, not giving enough money or not contributing financially. A woman from Delft explained that her husband did not want her to work but he *"didn't give her money"* either. Another said: *"he doesn't give me money for groceries, let alone for school fees"*. High levels of unemployment exacerbate economic abuse with many women who have resigned to the fact that *"he is not working"*. A woman - the only breadwinner in the house - explained that *"all my money is being spent on the house"*.

A number of women associated their financial position with their partners' use of alcohol and drugs. According to one: *"he just smoke out his money and entertain his friends"* while another woman described her partner giving money to his girlfriend *"forgetting about us in this house"*.

The women's economic burdens were most evident when they spoke about their children. Many linked economic abuse with their *"struggle"* to receive maintenance payments. Like one said: *"you can't tell the children that there is no bread for them"*.

Although these tales all refer to women's struggle to gain finances to maintain a basic living standard, others spoke about their partners' control of financial resources. Most did not associate this with economic abuse and referred to this when they spoke about his controlling behaviour.

4.5.4 Sexual abuse

The prevalence of sexual violence reported in the court records indicated a difference between the two study sites. At Paarl court, the reported increase in the number of sexual violence cases was three times greater, with 4.6% such cases reported in 1999 and 16.0% in 2000. Bellville applications showed a decrease in the number of sexual violence reported in 2000 (13.6%) compared to 1999 (24.4%). The low proportion of sexual violence reported could be associated to the sensitivity and the secrecy associated to sexual violence within intimate relations.

This secrecy became very clear during the interviews. Only one of the women interviewed talked about sexual abuse by her intimate partner, saying “*he has the tendency to tell me, I am ready now..... he will touch my private parts but his friends are sitting in the house. When I tell him not to do it he will fight with me.*”

4.5.5 Women’s Perception of Men are Abusive

During the interviews many of the women tried to make sense of their partners’ behaviour. Several spoke about their partners being “*jealous*” and “*possessive*”, perceiving these characteristics as the catalyst for a partner’s violent behaviour. A young woman from Belhar explained: “*it is not his thing to be violent but he just gets obsessed with me*”. Some women also perceived alcohol and drugs as a reason for their partners’ behaviour. One said “*every time he does this, he is drunk - he is normally a very calm person*”. Another reason that was mentioned was that partners are stressed from work, while one woman reported that “*he comes from an abusive family*”, citing this as the cause for his behaviour.

Women also identified domination and control by partners as reasons for their violent behaviour. A few women viewed their partners as wanting to show friends or family that they “*have power over*” them. A woman explained that “*he... wants to show them what he can do with me*”. Another said: “*he is the boss and do as he pleases... he thinks he has the right to my property and everything I call mine*”.

A number of women described events which they felt have triggered violent behaviour from their partners. These included: “*after the baby was born*”, “*the death of his mother*”, living in a particular place and infidelity by the partner. One woman explained it as “*when he had a girlfriend he started to beat me*”. It would appear that these explanations helped many women make sense of the violence and could have been a way of coping with their situations.

4.5 6 Strategies developed to prevent the abuse

A number of women related how they changed their behaviour in an attempt to prevent violent outbursts from their partners. A few described it as to “*rather keep quiet*”, while one woman said she was “*just busy in the house, like being a housewife*”.

Women also tried to get away from their violent environment. A woman from Delft said that “*most weekends we (she and her children) don’t sleep here because we fight*”. Another woman described how she moved to her mother’s to prevent the violence. Only one woman

recalled how she retaliated with violence: ***“he wanted to hit me... and I hit him with the stone”***.

4.6 The impact of the violence: *“I don’t feel like living”*

The impact of the violence on the women’s health was obvious during the interviews. Many reported having sustained physical injuries, of which most were injuries to the head and face. Many women appeared to undervalue and deny the seriousness of their injuries. One woman said ***“I just had a swelling, I think it was at my ear... I had only basic injuries”***, while another woman from Paarl required an ***“ear operation”*** as a result of a punctured ear-drum.

Through their stories many described the psychological effect of the violence. They described various forms of depression, having to take medication to cope and some even spoke about having suicidal thoughts. More than one woman talked about experiencing sleeping disorders, with one woman describing that she had ***“nightmares about the last week”*** (referring to the violence). The same woman said her biggest fear was being ***“killed”*** by her partner. While some women ***“considered suicide”*** and admitted that ***“I don’t feel like living”***, a Bellville woman remarked: ***“at this moment in time I am only living for the sake of living”***.

Many women in their accounts reported feeling intensely ***‘angry’, ‘sad’, “scared”*** and fearful, which caused a great deal of ***“confusion”***. Many appeared helpless as they posed the question: ***“what must I do?”***. This sense of vulnerability was usually part of their explanation that, despite the violence, they still ***“loved”*** their partners. One said: ***“I still do love him but I am afraid to take him back because he destroyed my life”***.

I never told!

A few women described how they hid the abuse from family and friends. A woman from Paarl described being scared to tell the doctor and now she ***“regrets not telling him”***, while another denied the problem to her employer.

4.7 Socio-economic Conditions

4.7.1 Alcohol & Drugs

In the interviews the majority of women linked the abuse of alcohol and drugs to their ‘partners’ abusive behaviour. They contributed the change in their partners personalities to substance abuse and reported ***“when he is sober he is not violent”***. They further justified his behaviour by saying ***“he just had a little too much to drink”*** or he was ***“taking out his anger”*** while under the influence of alcohol or drugs. The culture of alcohol and drug abuse in these two communities is such a common occurrence that many women perceived an ***“end”*** to substance abuse as the answer to an ***“end”*** the conflict in their relationships

Alcohol and drug abuse was also the root cause of the problem according to the mother of a 16-year old violent son. Her concern for her son was obvious when she remarked: ***“what kind of child would break into this own home?”*** She believed that environmental influences such as the culture of gangsterism, alcohol and drug abuse had a negative impact on her son’s

behaviour. She obtained a Protection Order against him and placed him with another family member to remove him from the environment. She expressed feeling forced to take action but remained uncertain of any expected results.

4.7.2 Living Arrangements

From the interviews it was evident that women constantly faced the struggle to find adequate accommodation and that it was precisely this struggle for a home of their own which prevented women from leaving a violent partner. Women described having “*fought*” for a home and being on long “*waiting lists*”. In the stories about their attempts to leave abusive relationships, many women spoke about living “*at a lot of places*” with living arrangements compounded by overcrowding. The housing problem was also the reason why a woman took her partner back into the home, as “*he has nowhere to go*”. A few women reported that their situation is complicated further in the case of a divorce, as the housing office viewed their home as joint property. A woman from Delft said: “*I contributed to the payment of this house but the receipts are signed under his name*”.

None of the women interviewed made use of a shelter. The reality is that neither Paarl nor Bellville has a shelter for abused women. The women reported using the homes of family as a place of safety, although they eventually returned to their partners because of overcrowding and lack of support.

4.7.3 Employment

Table 5 presents the employment status of both complainants and respondents. These findings indicate that unemployment figures for both complainants and respondents at both sites were relatively high, with more than half being employed at the time. At the Bellville court the employment status of respondents and applicants appeared to have decreased in 2000, while at Paarl no such difference was found. However, the finding may be associated with the large proportion of unknown data recorded at Paarl (21.2%) for 2000.

Table 5: The employment status of both complainants and respondents

Variable		Paarl		Bellville	
		1999 n = 110	2000 n=185	1999 n=284	2000 n=465
		%	%	%	%
Complainant	Employed	60.5	60.8	60.9	55.1
	Unemployed	39.5	30.4	38.4	42.0
	Unknown	-	8.8	0.7	2.9
Respondent	Employed	58.3	59.8	65.8	58.5
	Unemployed	41.7	19.0	30.9	37.2
	Unknown	-	21.2	3.3	4.3

During the interviews women however spoke about how the unemployment status of their partners impacted on their relationships. The despondency was evident when women described partners as losing interest in seeking employment. Another woman’s position was

even further exacerbated when she described feeling “*scared*” because she was financially dependent on her brother, who was being retrenched.

A number of women through their stories related how they found themselves trapped in poverty. A young woman from Klapmuts said: “*I have always dreamt of doing police work, I don’t know how I’ll ever get there*”. Some spoke about being trapped in the same job for years with very little gains.

A number of women described how their economic situation impacted on their children’s educational opportunities. Women reported that they often had to make the difficult decision not to send their children to school because of their inability to pay school fees, while two women described not having money for children’s transport to school and they “*now have to stay home*”.

4.8 Impact of Violence on Children

The findings related to the involvement of children are shown in Table 6. At the Bellville court nearly 70% of applicants reported their children being affected by the violence, with very little difference in numbers recorded in the two comparing years. On the other hand, Paarl court cases showed nearly a 20% decrease in applicants who reported their children being affected in the year 2000, compared to 1999.

However, the number of children reported per respondent was the lowest at Paarl during the year before the implementation of the Act (1.2 children per applicant), with the highest ratio for 2000 found at the Bellville court (2.4 children per applicant). This increase in the number of children reportedly involved is encouraging since it indicates that during 2000 some improvement in the recording of children’s involvement have occurred in the court records. The age distribution of the children was broad, i.e. women also reported the involvement of sons and daughters over the age of 21. More than 25% of the children were under the age of six years and 75% of the children were under the age of 18 years.

Table 6: Children affected by Violence within the Home

Variable	Paarl		Bellville	
	1999 n = 110 n (%)	2000 n=185 n (%)	1999 n=284 n (%)	2000 n=465 n (%)
Number of applicants reporting children affected by the violence	96 (87.3)	128 (69.2)	197 (69.7)	324 (69.4)
Number of children affected	115	281	382	772
Ratio of number of children per applicant	1.2:1	2.2:1	1.9:1	2.4:1

4.8.1 How children experience violence

The majority of women described their children’s involvement in a range of violent experiences, with many women relating how children would try to protect them and end up

being **“caught-up”** in the middle. Children were thus both witnessing the abuse and became victims as well. A woman from Delft described the abuse of her adult daughter by her partner: **“she was pregnant and he beat her up”**. In another story a mother explained the reason for her husband beating their daughter was because **“she wet her pants”**, although she was still being potty trained.

A number of women also described **“fearing for their children’s lives”**. Women frequently perceived their children’s safety as their responsibility, which often acted as the trigger to apply for a Protection Order or to seek assistance from outside the family. Often women had to send their children to live with grandparents or other relatives. A few women reported feeling depressed by this **“forced”** separation and one woman from Paarl remarked: **“I can’t sleep, I miss my children... now they are gone because of him”**.

4.8.2 Physical & Psychological Effect

When women described the effect of violence on their children it was easier for them to focus on behavioural changes and the problems children experienced. In a number of their stories it appeared that the impact of the violence was of an intense and long-term nature. A few women described their children being **“aggressive”** or having difficulty sleeping because they were **“on their nerves and wide awake”** at night. A woman from Paarl related that her daughter was **“scared”** of her father and **“did not speak”** to him. A teenage daughter of a Belhar woman (who joined the interview at its end), described how **“often when they fight at night (parents), I would not want to go to school the next day”**.

4.8.3 Coping Mechanisms/Strategies developed by Children

In the interviews women described that the impact on some children left deeper scars which influenced their ability to function both within the home, at school and within the community. A woman from Delft reported that her elder son truanted from school and did not **“communicate”** with people. She further said: **“I’m afraid he is going to do something to himself”**, referring to his suicidal tendencies.

A few women related how children adapted their behaviour to cope with the violence in the home. A woman described how her young daughter would **“stand closer to the door”** every time they had an argument – ensuring her escape route. It was apparent from the women’s stories that their children have learnt to escape the violence by finding a safe place to escape to. In the case of boys it appeared that they would start adopting the role of **“protecting”** their mother from an early age.

The difficult position that parents placed their in children during the conflicts were apparent from the women’s accounts. One woman emphatically indicated that now that they are divorced **“he has no right to see these children”**. This compounds the effect of the violence, as children often need to choose between parents.

4.9 Support Systems

4.9.1 Family & Friends

Many of the women related how family and friends featured as major sources of support.

Women related that they used this support structure as a safe-haven when the violence at home became uncontained. They also reported that although families are an important support structure, it placed an *“extra strain”* on family members. One woman from Franschoek described how, after her brother intervened, her husband laid a charge of assault against him. Her family resolved to *“not give attention”* to her problem, as her brother ran the risk of being imprisoned.

Some women also described the difficult role a perpetrator’s family members found themselves in. Their responses would range from being overtly hostile to that of being understanding and offering advise and support. A young woman from Paarl described how, while living with her partner’s family, the violence escalated in their presence. She related that *“they didn’t even try to stop him”* and that she often perceived their actions as *“encouraging”* him to be abusive. Two women from Paarl spoke about the conflictual position their partners’ mothers found themselves in. One of them described that on the one level she felt supported by his mother but that her actions would be contradictory: *“what bothers me is when he performs, then she gives him food... how is he going to learn he must suffer!”*

4.9.2 Neighbours

Neighbours on the other hand have emerged as a support system that fulfils a peripheral function since domestic violence is still viewed as a private affair. From the accounts of women it would appear that neighbours do not often get involved in an immediate response but would only intervene when, for example, approached for the use of a telephone during a crisis. A woman from Delft described her neighbours’ response as *“the people’s doors were locked, nobody came out because he performed like a mad person”*. A woman from Paarl described being chased down the road by her partner and how only her shouting made the neighbours *“come out”*. But they remained *“to stand at the gate”*.

4.9.3 Support Services

The stories of women reflected that support services are not viewed as an important service to access. From the accounts of women it appeared that the effective utilisation of services is indirectly linked to a woman’s socio-economic status. A woman from Tygervalley was able to access psychological assistance due to her economic position, while a less privileged woman from Klappmuts stopped seeing her psychologist as the public health service was suspended in that area.

A few women questioned the *“use for counselling”* as they did not perceive it as resolving the problems which they were experiencing. One woman described counselling as *“talk and talk without a resolution”*, while another woman felt that she did not want to see a social worker as *“they will try to get us back together”*. A number of women indicated that they felt that their partners needed the counselling because *they* had the problem. Many women also felt disillusioned by support services, as there was an apparent lack to follow through with their cases.

4.10 Police Experience

The responsibilities of the police in their assistance to women seeking help as outlined by the Act are attached as Appendix I. These indicators and related regulations provide the procedures by which the performance of police services could be monitored. Should a police official not comply with outlined duties and responsibilities set out by the Act, the relevant station commissioner must initiate disciplinary proceedings for misconduct.

A limitation to this study is based on the timing of interviews with women. Women were, as indicated, interviewed a month to six weeks after their application for a Protection Order and police experiences were therefore limited to women needing assistance before an application for a Protection Order, or just shortly thereafter. Breaches of the terms of Protection Orders were therefore not assessed by this study.

4.10.1 Responding to Women's Calls

The majority of women's stories depicted experiences of contact with the police as being fraught with frustration, claiming they have lost all "**confidence**" in the ability of the police service to provide adequate assistance. Many spoke about the police with a sense of helplessness and despair, describing police officials as being "**careless and corrupt**". Women described either being "**ignored**" or being given the run around by police officials.

An overwhelming majority of stories related experiences of "**waiting for the police to come**". A woman from Ravensmead recalled: "**I stood outside the gate from 9 pm that evening until 1 o'clock in the morning, waiting for the police to come, but they didn't**". Another woman from Delft related that the police arrived "**when everything was over and the lights were off already**". Women recalled having to return to their homes feeling unsafe and let down by the police.

4.10.2 "They can't help me, I must go for an interdict"

A number of women in their accounts reported a lack of interest from police officials to become involved in cases of intimate violence. A woman from Paarl reported being told by the police that "**they can actually do nothing, as it is a house problem**". Another woman from Delft remembered that "**a police official told her that unless this Protection Order is finalised, there is nothing they can do**". A different police official informed yet another woman that "**they can't help me, I must go and apply for an interdict**". Police officials appeared to advise women to apply for an interdict without reflecting on their roles and responsibilities within the application process.

However, not all experiences with the police were negative. Most women indicated that the police fulfilled their responsibility to inform them of their rights to a Protection Order but however failed to assist women with their right to lay a concurrent criminal charge. Three women from Paarl described positive experiences with the police. One woman was provided with "**a lift**" to court, another was assisted to "**fetch her clothes**", and another felt that the attitude of the police officer was helpful and reassuring.

Very few of the court records had J88 forms¹ completed. In total Paarl had two cases with completed forms for 1999, while Bellville court had five completed forms for 1999 and seven for 2000. This finding indicates the lack of understanding of the importance of collecting medical-legal evidence in the application process.

Women's experience of not receiving adequate assistance from the police was compounded by the attitudes of police officials involved. A few women reported being made to feel accountable for the abuse by police officials. A young woman said: ***the police also told me that it is partly my fault... because I went to drink with them***. Women also perceived that the police officials were reluctant to accept a charge, as they questioned the seriousness of women to follow through with it. Police told a woman from Mbekweni that they could not assist her as ***"I will stop the case because he is my boyfriend"***. Another woman reported that a police officer questioned her story and phoned her home ***"to hear his side of the story"***.

Women also described a general apathy from officials, regardless of gender. A woman from Delft was assisted by a female police officer and related: ***"what surprised me was that, as a woman, she was supposed to understand"***.

4.10.3 Assistance to obtain Safety

Many women related feeling dissatisfied with the assistance provided by the police. A number of them described the burden police placed on them to decide whether to arrest the perpetrator. A woman from Paarl was asked by police ***"whether they should take him"***. This woman had to weight up her safety against the decision to have him imprisoned, which could result in him losing his job.

In terms of their immediate safety women questioned the effectiveness of short-term arrests. One related how ***"he was locked-up that Friday and came back on Monday morning"***. Another woman from Paarl reported how ***"they picked him up and put him off at his father's house, he just walked down again"***. While questioning the effectiveness of the application, a woman said: ***"I dropped the charge against him for beating me and also his sister... because he will be in jail for 24 hours and then he will be out"***.

Only one women from Klapmuts related that the police advised her to obtain a Protection Order and offered her further assistance through ***"a lift"*** with them to court. Only one woman from Delft reported being referred to a counselling service operating from one of the Delft police stations.

4.10.4 Racism

Three of the women interviewed referred to race as impacting on the service they received by police officials. One woman from Paarl described being accompanied to the police station by her ***"white"*** employer and viewed his presence as influential, saying that ***"if he was not with me they would not have cared"***. In another incident an ***"African"*** woman living in a predominantly ***"coloured"*** community reported that a police officer told her ***"this is a coloured community... the van went to Belhar"***, indicating that her case would not be considered as important.

¹ J88 Form: A medico-legal form completed by a district surgeon as supporting medical evidence in a legal proceeding.

4.11 Court Experiences

Table 7 shows the proportion of applications that were considered urgent, and those cases where Interim Protection Orders were granted. The findings show a close overlap between these two instances. Very little difference was found at Bellville court, while a significant decrease was found at Paarl in 2000. This resulted in just under half of all the applications at Paarl being considered urgent or being granted on an interim basis.

Table 7: Proportion of Urgent Application and granting of an Interim Protection Order

Variable	Paarl		Bellville	
	1999 n = 110	2000 n=185	1999 n=284	2000 n=465
	%	%	%	%
Urgency of Application	79.8	54.9	84.3	85.5
Granting of an Interim PO	77.8	54.3	87.2	85.3

4.11.1 Application Process: *“It took so long”*

The majority of women talked about a lengthy application process with many applications stretching over at least two days. Some women described feeling that they had *“wasted”* their time and *“energy”*. Even a woman who could afford to have her own lawyer accompany her to court had a similar experience, saying *“I waited for five hours for just three pieces of paper to be filled in, my lawyer read it to see if it was correct... I went back to court again (the next day)”*.

For most women the waiting process continued until the Protection Order was finalised. They described at least a two-month period for a return date to have the Protection Order finalised. This waiting period created additional stress and placed them at greater risk of further abuse. Women felt that their cases were not considered *“urgent”*. A Paarl woman said: *“the long period works on you, it drains you”*, another was clearly dispirited as she exclaimed: *“I was tired of going to court all the time but... I wanted to put a stop to it”*. For a few women it was this waiting period that resulted in them withdrawing their applications. One indicated that *“I have wasted my time... I will not go there any longer”*. Other reasons for abandoning their applications were their perception that the process was too overwhelming, while one woman commented on the court as being *“chaos there”*.

Case Study

Mrs X has been in a violent relationship for the past eight years. The abuse emerged at the start of their relationship but became progressively worse. Mrs X has approached the police on a number of occasions for assistance. During a violent incident at the end of 2000, the police was called. They informed her of her right to a Protection Order and "picked him up", only to drop him off at his father's house a few hours later. During a recent incident she was badly beaten and could not go to work. Her employer's son assisted her to lay a criminal charge at the local police station. The attending police officer also advised her to apply for a Protection Order at the local magistrates court. At the court the clerk of the court provided her with an application form, which she struggled to complete adequately. The clerk assisted her in completing the areas she battled with and Mrs X paid R44 for the service of the documents. She was granted an Interim Protection Order with a return date for the order to be finalised. Mrs X arrived at court at 8.15 am on the day of the hearing, only to be told that she was too late and that her case has been scraped off the court role. She was not provided with an explanation and was not aware of this stipulation. Mrs X reapplied for a Protection Order only after a few weeks again, as she did not have the money to immediately reapply.

Table 8: The Outcome of Applications

Variable	Paarl		Bellville	
	1999 n = 110	2000 n=185	1999 n=284	2000 n=465
	%(n)	%(n)	%(n)	%(n)
Cases Withdrawn	3.7	3.8	5.5	3.5
Cases Scraped off the Role	30	35	36.2	32.7
Orders Finalised	54.1	54.6	46.6	40.3
Unknown	12.2	6.6	11.7	23.5

Table 8 shows the profile of the final outcome of the applications studied. A large proportion of the outcome of cases was unknown, which is worrisome since it suggests either a large number of unfinished cases or a poor recording of information. In general, between 3 – 6% of all the applications were withdrawn at both sites. This indicates that a low percentage of women return to court to apply for a withdrawal of charges. However, a third of cases were

scraped, with the most scraped cases reported at Bellville during 1999. This indicates that the proportion of cases scraped by the court is much higher than withdrawals initiated by women.

In addition, just more than half of all the applications at Paarl were finalised, with a lower number of finalised cases reported at Bellville. There was very little difference in the number of withdrawn cases compared between the two years, with Bellville showing a slight decrease in such numbers. The biggest decrease in the proportion of finalised protection orders was recorded at Bellville, where it dropped from 46.6% in 1999 to 40.3% in 2000.

4.11.2 Information: “I did not know!”

Many women through their stories related that the application process was complicated by a lack of information. Two women from Paarl described having their cases scraped because they arrived at court just after 8 am, which was too late. Both these women reported continued violence in their relationships, with one reapplying for a Protection Order at a later date. In another case a woman reported waiting for hours before she was informed that she was finding herself at court on the “*wrong date*”. Meanwhile, a woman from Mbekweni related that she waited for six hours only to be told she had to appear on “*another date*”.

Women perceived that the lack of information regarding the need for all forms to be completed in triplicate as “*complicate*” and which “*lengthened*” the application process. The lack of photocopiers at the courts resulted in many women having to find facilities somewhere else to have their own copies done privately.

Although both courts had facilities providing support services to women, few were referred. In the case of volunteers assisting women it was reported that they were only “*helped with the forms*”.

4.11.3 Application Form: “Difficult”

A few women reported on the complex nature of the application form and how “*difficult*” it was to complete. A woman from Bellville reported to have “*struggled with the wording, not knowing exactly what it means*”, while another woman said “*in those areas I wouldn’t understand, I would just leave blank*”. Two women from Paarl reported that the clerk of the court assisted with the “*difficult*” parts of the form. It would appear that the complexity of the form resulted in poorly completed forms. This was evident during the data collection when the fieldworkers commented on the incompleteness of the forms.

4.11.4 Clerks of the court: “No time to help”

Few women reported being “*helped*” by a clerk of the court. A woman from Delft described the clerk of the court as being “*straight to the point*” by only providing the application form and information regarding the service fee. Another woman reported that the clerk of the court “*did not actually explain... how it works*”. One woman from Paarl indicated that the clerk “*looked very rude.... she doesn’t know how to talk*”. The majority described the courts to be very busy with the clerk “*not having time to help*”. It would appear that given all the responsibilities the clerk of the court had been assigned, coupled with the increase in the

number of applicants, that this might mean that clerks are unable to meet their obligations to clients.

Table 9: Terms of the Protection Orders

Variable	Paarl		Bellville	
	1999 n = 110	2000 n=185	1999 n=284	2000 n=465
	%(n)	%(n)	%(n)	%(n)
Not to commit any act of domestic violence	97.3(107)	98.4(182)	80.2 (227)	89.7(408)
Not to get help from another person to commit any act of domestic violence	0.9(1)	17.3(32)	3.9(11)	67.5(307)
Not enter the shared residence		8.1(15)	10.3(29)	27.5(125)
Not to enter a specified part of the residence	0.9(1)	6(11)	11(31)	17.4(79)
Not to enter the complainant's residence	29.1(32)	41.1(76)	30.4(86)	60.9(277)
Not to enter the complainants place of employment	6.4(7)	19.5(36)	6.4(18)	32.8(149)
Not to prevent the complainant or any other person who lives/lived in the shared residence from entering or remaining in the residence or part thereof	34.6(38)	31.9(59)	33.9(96)	24.4(111)
Not to commit any other act	27.3(30)	58.4(108)	73.5(208)	73.4(334)

4.11.5 Magistrates

Women reported feeling left out of the court hearings, as one woman from Paarl explained: *“they must give you a chance to explain the piece properly”*, referring to the affidavit. A number of women recalled that their partners *“lied”* at the court hearing and *“denied”* the incidents outlined in the affidavits. Some women perceived that the magistrate had *“written out”* the terms of the Protection Order before the hearing, and viewed the court process as a mere formality.

A few women expressed positive experiences at the court. These were women who felt they were provided with adequate information regarding the Protection Order. In another account the magistrate referred the parents who applied for a Protection Order against their adolescent son to a social worker for further assistance.

4.11.6 Service of Documents

A number of women reported the service fee as a significant barrier for them in the application process. Some women in their accounts related having to *“borrow”* money to pay

for the service fee. A young woman from Belhar said: *“I didn’t have money to go to the sheriff, so it took me a while, about three weeks and I got the money”*. Even employed women were *“unable”* to pay the service fee. A woman from Bellville said *“being employed does not mean that you will always have money”*.

Many women described the service of the documents as having *“taken a while”*, with most women reporting that it took two weeks for the documents to be serviced. A reasons for this was that they were not being able to pay the fee immediately, and those whose fees were carried by the court explained that as the reason *“why it took so long”*.

4.12 The Protection Order

Table 10 shows the spread of days when applications were made at the two courts. The results indicate that the highest number of applications was made on a Monday at both courts, while the number of applications on a Friday decreased for both courts during 2000. Both courts had no applications made over weekends, although the Act makes provision for an urgent application to be brought to court after-hours. In discussions with the clerks of the respective courts, Paarl indicated that there is no magistrate available after-hours, while Bellville indicated that a magistrate is available after-hours for emergencies but will only be called at the discretion of the police. The clerk of the court maintained that *“after-hours applications are not encouraged.”*

Table 10: Day of Application

Variable	Paarl		Bellville	
	1999 n = 110	2000 n=185	1999 n=284	2000 n=465
	%(n)	%(n)	%(n)	%(n)
Monday	24.8(27)	28.8(53)	25.7(70)	27.9(124)
Tuesday	16.5(18)	22.3(41)	19.9(54)	22.9(102)
Wednesday	21.1(23)	25(46)	16.2(44)	25.6(114)
Thursday	16.5(18)	13(24)	18.8(51)	13.9(62)
Friday	21.1(23)	10.9(20)	19.5(53)	9.7(43)
Saturday	-	-	-	-
Sunday	-	-	-	-

4.12.1 Reason for Application: *“I decided to go to Court”*

All the women described a history of violence in their intimate relationships, with a significant event prompting in an application for a Protection Order. More than one woman reported that the precipitating incident was related to the safety of their children. Several of the informants also described the violence spilling over into a public space as a reason for

their application. A woman from Paarl related that *“to tell me he’s going to cut me in front of his friends was just too much”* while another described that her intimate partner *“threw me out of the house at night and tore my clothes off”*. A number of women also described their discovery of the partners’ infidelity as being the catalyst in applying for a Protection Order.

4.12.2 Women’s Expectations: *“It will protect me!”*

The majority of women reported that they expected the Protection Order to *“protect”* them from the violence in their relationships. Women described that they anticipated the Protection Order to act as a deterrent to the abusive behaviour. A woman from Paarl said: *“I hope it will make him realise what he has done”*. The majority of women through their stories expressed the wish to see their intimate partners’ behaviour *“changing”*. Some women reported expecting the Protection Order to *“scare”* their partners and have the desired effect. A woman explained that *“I thought it would frighten him, he wasn’t in jail yet”*. Very few of the women described wanting their intimate partners *“punished”*. A woman who applied for a Protection Order against her 16-year old son explained her decision to not finalise the order, as she felt very ambivalent about the value of the Protection Order. She perceived her son to be *“under the wrong influence”*, and her application being a plea for assistance.

4.12.3 What women understand about the Protection Order

Most women understood that the Protection Order once when finalised will act as a suspended warrant of arrest. One woman said *“when you have an interdict you must first wait until he does something”*. For most women this was the extent of their insight into the function of the Protection Order. Women report to have gathered their information from a variety of sources, with court officials not featuring prominently on the list. From their accounts it was clear that they lacked an understanding about the additional relief provided by the Act, with the arrest of their partners described as not being the outcome they would want.

4.12.4 Perpetrators’ response to the Protection Order: *“Everything is fine now!”*

Many women described their intimate partners as being *“angry”* and *“furious”* when they were informed about the application for a Protection Order. A number of the women spoke of how *“everything is fine now”*. However, on further probing into their relationships many women reported continued verbal and psychological abuse, such as: *“everything is fine now... he still swears at me”*. A few women described the Protection Order as *“meaning nothing”* to their partners. A woman from Delft said: *“to that man the interdict is just a piece of paper”*. This resulted in many women questioning the worth of the Protection Order since it did not stop the violence.

Many of the stories told by women described their intimate partners making them feel *“guilty”* about taking action. A woman reported that her husband called her *“gemors”* (rubbish), while another woman related that her husband said *“I am bad luck to him”*. More than one woman described their partners’ as *“pleading with me”* or *“looking for sympathy”*.

Some of the women described how they responded to this emotional blackmail, with one saying *“so he pretended and I fell for it”*. Others also described feeling helpless as they expressed feeling emotionally trapped in their relationships. A woman from Belhar explained

that *“the moment I didn’t have it finalised he started to be rude again”*. These women through their accounts described feeling *“cheated”*, as one woman reported that *“the situation returned to what it was”*. All the women described that the violence started again as *“he discovered he had survived”*.

4.12.5 Women’s experiences after the Protection Order

The continued violence after the Protection Order resulted in a large number of the informants feeling very despondent by their continued sense of vulnerability. One woman remarked: *“what is the next step... I give up”*. A number of women in their stories described continued being *“frightened”* and *“nervous”*, despite having applied for a Protection Order. Weekends were described as times of heightened anxiety, with women claiming to be particularly nervous over this period. A young woman from Franchhoek explained that *“I am frightened of him, especially in this time (over weekends)”*, while another woman explained that *“on Fridays my stomach pulled together and over weekends as well”*.

Most women described how they employed coping mechanisms to prevent the abuse, like a young woman from Klapmuts: *“I keep my distance from him”*. The majority of women questioned the value of the Protection Order, as they experienced no tangible gains, with only one saying that *“there is a big difference in him”*. Only a few women described a change in their partners’ behaviours and an end to the violence.

5. Discussion

5.1 Applications for Protection Orders vs Finalisation of Orders

The study results clearly indicate that there has been a significant increase in the number of applications for Protection Orders at both study sites. This would suggest that more individuals have knowledge about the Domestic Violence Act and as a result are accessing the criminal justice system. This however does not mean that more women are accessing the service since about 20% of the applications in 2000 were from individuals in other domestic relationships. Only follow-up studies that look at trends over years will determine whether the real increase in the numbers of applications is as a result of an increase in applications by women against their intimate partners.

Despite this increase in the number of applications, between 30% and 35% of applications were scraped off the court role, leaving only 54.6% of cases being finalised at Paarl court and 40.3% of cases at Bellville court. The critical question is thus: why are applications being scraped off the court role? Some of the reasons cited by women are that they have arrived at court too late or arrived at court on the wrong day, with both reasons suggesting that women were not provided with adequate information about the court process. On a personal level some women decided to withdraw the application as their partners had “*changed*” their behavior or have manipulated the women into withdrawing the application, while some women did not see the “*worth*” of a Protection Order.

5.2 Experiences of Violence

This study confirms the pervasive nature of intimate partner violence with the experiences of women indicating that there is a close correlation between experiences of physical and psychological abuse. The results indicate that the most common form of violence experienced by applicants is psychological abuse, with experiences of sexual abuse very rarely being reported. The difficulty to report sexual abuse in an intimate relationship is well documented and it is thus important to acknowledge the silence that exists in most communities around this form of violence.

Economic abuse emerged as being enmeshed in the socio-economic climate of most communities. Many women described economic abuse but were unable to identify it as such. The health and psychological impact of violence is intense, with it being misdiagnosed by many, resulting in acute depression. The burden on the health system is undoubtedly underestimated. Many women referred to physical injuries and although they described receiving medication for their depression, it appeared to have had limited impact on their emotional well-being.

5.3 Impact on Children

Children have emerged as the silent party in this study. The findings indicate that a large number of children are affected by the violence within their homes, not only as witnesses to this violence but often caught up in the middle, being abused themselves and displaced from their homes to a safer environment. In addition children were reported to have developed elaborate coping mechanisms to deal with the violence they have been subjected to, with this having lasting effects. Many children were described as displaying behavioral problems

ranging from bed-wetting, truanting, aggressive behavior and substance abuse. It was also obvious that many parents were unable to deal effectively with the symptoms of the crisis that their children displayed due to having endured their own pain and suffering.

5.4 Socio-economic Conditions

The high levels of unemployment enmeshed with the culture of alcohol and drug abuse in communities have a major impact on the nature of violence experienced by the women. The financial position of women impacted negatively on their ability to end these violent relationships. Although an increasing number of women are financially supporting their households, men still hold economic power within these relationships. Many perceived the reason for the violence as the abuse of alcohol and drugs. Men excused their violence through the use alcohol and drugs, while bought into this idea and made excuses for their partners.

Living arrangements due to severe housing shortages also have an adverse effect on the position that women found themselves in. The continued housing crisis in South Africa has resulted in long waiting lists and severe overcrowding. When faced with the prospect of being without a house, a number of women were forced to continue living with the abuser, or take him back. Living at a shelter is often not possible for all women; neither does it provide a long-term solution.

5.5 Support Services

Family and friends were identified as an important source of support for women in violent relationships. The homes of family and friends are used as places of safety when the violence becomes uncontained within the home. This placed a burden on many extended families, with them not only at risk of being abused but also placing an emotional strain on them. The value of support services have been questioned, as many women have had negative experiences with services due to a lack to follow cases through and the poor level of insight into the dynamics of domestic violence. Supportive services are however an important component of the healing process for survivors of intimate violence in order for both women and children to afterwards function effectively within communities.

5.6 Police Experience

Women's experiences at the hands of the police have not dramatically shifted, although the police have been provided with duties and obligations in terms of the Act. The attitude of police officers still suggests that domestic violence is viewed as a private matter. Police officials are perceived by women as being "careless and corrupt", with many having lost faith in their ability to offer assistance. Many women reported that police officers would not assist them unless they were in possession of a Protection Order. This result in many women being vulnerable to continued violence. Where police responded, the women were often left to make the difficult decision on whether to their partners should be arrested. A number of women questioned the worth of short-term arrests, as it often compromised their long-term safety. The police have an important role to assist women to obtain safety when they are at their most vulnerable. Many reports suggest that it is not a responsibility willingly accepted by many police officers, with some women being made to feel responsible for the abuse.

5.7 Court Experience

The length of the application process was found to be disempowering for a number of women. The increase in the number of applications has resulted in long queues, with many applicants having to return a second day to complete their applications. The lack of adequate resources allocated for the implementation of the legislation had resulted in court personnel not coping with the volume of applications. The clerks have been assigned duties and obligations, although this is not adequately met due to their inability to deal effectively with the number of applications. Many women therefore described the application process as “complicated” due to their lack of adequate information. Many women are still expected to pay the fee although the Act makes provision for the service of documents to be carried by the court. The employment status of a woman does not necessarily imply that she is financial able to afford this fee, as a large proportion of women are supporting extended families.

The study indicates that application forms are not adequately completed, resulting in an unknown factor on certain variables. A number of women reported on the difficulties they experienced with the completion of the application form, with only a few being referred to support services available at the court. Magistrates were found to provide complainants with the necessary information regarding the Protection Order. Many women reported that they felt isolated from the court hearing, as they were not active participants. In some instances women felt that it was merely a formality as the Protection Order had already been completed.

5.8 Protection Order

The study findings indicate that women apply for a Protection Order after being subjected to abuse for many years. Many women described a significant event leading to the application for a Protection Order, with the safety of their children emerging as a significant precipitating factor. Women reported that they expected the Protection Order to act as a deterrent and which would change their partners’ violent behavior. For many women the physical violence may stop but the psychological abuse continues. Women reported that men merely perceived the Protection Order as a “piece of paper”. This raises questions around the effectiveness of the solution they sought. From the accounts of women it became clear that the complex problem of intimate violence cannot be solved by a Protection Order. The Protection Order should be used as a tool to complement other strategies to address domestic violence.

6. Conclusion

This study has been the first to document the impact of the Domestic Violence Act by conducting an analysis of women's experiences. The most important findings from this study are:

The number of Protection Order applications has with the introduction of the Domestic Violence Act significantly increased by 37.9% at Bellville court and 37.3% at Paarl court. However, it is not known if this reflects an increase in applications by women against their intimate partners. A shift in the gender of complainants is visible since the implementation of the Act. During 1999, women made up the majority of applications, with this figure decreasing to 73% for Paarl and 70.5% for Bellville in 2000.

The most common forms of violence reported by women were psychological and physical violence, with an average of 81% of cases experiencing both forms of violence. Sexual abuse was found to be least likely to be reported by women as the silence around sexual violence in intimate relationships was confirmed by this study.

It was also found that economic violence is enmeshed in the socio-economic circumstances of women. Although, approximately 30% of women who reported economic abuse attributed the high levels of unemployment in South Africa as a perpetuating factor to their experiences of economic abuse. The study found that women who applied for a Protection Order were more likely to be employed and therefore less dependent on a male partner. Yet, the housing crisis within South Africa often result in women remaining locked in violent relationships, as alternative housing is not available to the majority of women.

The impact of violence is long-term, with major health and psychological ramifications. The study found that many women suffer severe depression without it being adequately diagnosed and treated. This study has also shown that a large number of children are affected by violence in their homes, with figures for 2000 reflecting an increase in the number of children affected (2.2 children reported per applicant in Paarl and 2.4 children per applicant in Bellville). The impact of violence on children is shown to be lasting with many children developing behavioural problems. Family and friends have been identified by women as an important support system. The findings also highlight the fact that women have become disillusioned with community-based support services, as they are seen as not delivering an effective supportive service.

The Act provides the police services with clear duties to assist in cases of domestic violence. Women's experiences indicate that police officials do not respond effectively due to their attitudes towards and perceptions of intimate violence. J88 forms, as medico-legal evidence was used in 1.5% of cases for Bellville and not used at all in Paarl for the year 2000. This support the perception of women that police officials largely advice them to apply for a Protection Order without offering adequate assistance.

40.3% of applications at Bellville and 54.6% of cases at Paarl were not finalised for the year 2000. Women reported that the judicial process is disempowering due to a lack of adequate information provided by the clerk of the court, the complexity of forms and the long waiting period for the order to be finalised. It would appear that many women opted not to continue with applications as they experienced the process as disillusioning.

The study indicated that women experienced the fee for the service of documents as a major barrier in the application process. Many women reported being unable to afford this fee although they were employed. The socio-economic position of women therefore results in the application process being lengthened, as many women have to return when they have money. The increase in the number of applications has added significantly to the workload of court personnel. This has also resulted in the application process being longer, as well as superficial management of cases.

The study had found that that the Protection Order has a limited impact on the experience of violence in intimate relationships. A few women reported major changes in the pattern of violence, with the majority of women reporting an end to physical violence but a continuation of psychological abuse, with some women claiming no change in patterns of violence. The study further showed that the limitations of the Protection Order are compounded by the women's socio-economic environment. A Protection Order on its own can therefore not change a women's experience of violence in an intimate relationship.

These findings have supported the outcomes of the Consortium on Violence against Women. (Parnzee et al. 2001), with it complimenting their research by providing women with a voice, enabling them to impact on an effective strategy to reduce domestic violence. An integrated strategy taking into account women's position within society is thus imperative if it is hoped that levels of intimate violence will be reduced.

7. Recommendations

7.1 Criminal Justice System

- This study has shown an increase in the number of applications for Protection Orders, placing an increased burden on the judicial system. It is imperative that sufficient financial and human resources are allocated in order for the Act to be adequately implemented.
- The complexity of the application form poses a major barrier for women in the application process. High illiteracy and semi-literacy rates amongst women impact on their ability to fully understand the requirements of the application form. The application form should be simplified and translated into the first language of applicants.
- The attitudes of police officials in the management of cases of domestic violence perpetuate secondary victimisation. Resources should be allocated for the ongoing training of police officials to understand the domestic violence legislation and gender sensitivity within police forces should be prioritised.

7.2 Health & Welfare

- The pervasive nature of domestic violence has a long-term health and psychological impact effects on women's health. It is imperative that the health sector develops an appropriate response to domestic violence. Health workers require adequate training to identify with and appropriately manage survivors of intimate violence.
- The impact of domestic violence on children has been highlighted by this study. An integrated strategy is essential for both women and children to deal with the effects of domestic violence. Support services to assist women and children should be linked to the court to provide families with a holistic service.
- The socio-economic position of women within South African society does not enable women to break free from violence in their homes. The South African government has committed itself to gender equality in the Constitution. A national strategy to address violence against women is imperative, including provision for second stage housing and employment opportunities for women as a vulnerable group.

7.3 National Policy

- A national strategy to address gender-based violence is imperative if violence in intimate relationships are to be managed effectively. The strategy of using the Protection Order as a tool to provide women with protection in cases of intimate violence requires further research. This legal tool should be incorporated into a broader strategy of addressing violence against women, which requires an inter-sectoral coordinated response. A national strategy linking both the state and civil society is a crucial blue print to reduce gender- based violence.

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Appendix One

The Domestic Violence Act No. 116 of 1998, its regulations and the national instructions (1999) issued by the South African Police Service (SAPS), provides SAPS with specific duties in assisting a complainant (applicant):

- to provide information regarding the Act and their right to lodge a criminal charge
- to assist in finding suitable shelter
- to obtain medical treatment
- to arrest any respondent(abuser) at the scene of an incident of domestic violence
- to seize any arms or dangerous weapon in the possession or owned by the respondent (abuser) should it pose a threat to the person's safety
- to serve notices on the respondent to appear in court
- to serve a Protection Order on the respondent
- to accompany complainants to collect their personal belongings, as ordered by the court
- to arrest respondents who have breached the conditions of the Protection Order

Appendix Two

The Domestic Violence Act No. 116 of 1998 and its regulations provide clerks of the court and magistrates with specific duties and responsibilities in assisting a complainant (applicant) in the application process.

The clerk of the court is viewed as the entry point into the court system and has been provided with the following responsibilities:

- To provide the complainant with information on the relief the Act makes available
- To inform the complainant about the right to lodge a criminal charge against the respondent
- To provide the complainant with form three, in the language of choice and read it to her should this be required
- To inform the complainant of the cost for the service of documents and to determine whether the state should be responsible for these costs
- To ensure that all forms are completed with the relevant supporting documentation and for it to be submitted to the magistrate
- To ensure that the complainant and the police receive the Protection Order and the warrant of arrest

The duties of the magistrate are as follows:

- To determine whether there is sufficient grounds to issue a Protection Order
- To consider the application as soon as possible and may be brought to court after hours if the court is satisfied that the complainant may suffer “undue hardship”
- To consider additional evidence as the magistrate deems fit, including oral evidence or affidavits.
- To decide based on the evidence that a respondent is committing or has committed an act of domestic violence
- To determine based on the evidence that “undue hardship” may be suffered by a complainant, then an Interim Protection Order must be issued with a suspended warrant of arrest
- To set a return date for a hearing and for the respondent to be served with this information
- To issue a final Protection Order on the return date if the court is satisfied that the respondent is committing or has committed an act of domestic violence

The magistrate is also responsible for determining the terms of the Protection Order, which may include the following:

- To prohibit the respondent from committing any act of Domestic Violence as set out by the Act
- To order the respondent to pay rent, bond repayments, and emergency monetary relief

The court may also impose additional conditions, which include:

- To seize weapons or arms in the possession of the respondent
- For a peace officer to accompany the complainant to collect personal possessions
- To omit the physical address of the complainant from the Protection Order
- To prohibit contact with the respondent or set conditions for visitation with any child if the court considers it to be in the best interest of the child