



EAP Educates: Domestic Violence

All about Domestic Violence

Domestic violence refers to the aggression and brutality that happens within families and relationships among people who are supposed to love and care for each other, and to have a social and moral responsibility to protect and provide for each other.

Domestic violence is a grievous evil that shatters lives and disintegrates families and communities. The Domestic Violence Act 116 of 1998 is one of several tools that the government is using to eradicate domestic violence in South Africa.

Many people view domestic violence as exclusively part of certain ethnic or racial communities, or as unique to certain classes, within their societies. This myth conflicts with research that shows domestic violence occurs in all social, economic, religious and cultural groups. (The Advocates for Human Rights research)

According to the [Family Violence Prevention Fund \(FVPPF\)](#), one in every three women in the world has experienced sexual, physical, emotional or other abuse in her lifetime. South Africa is reported to have the highest statistics of gender based violence in the world, including rape and domestic violence (IRIN Jhb May 2002).

The definition of domestic violence includes the following:

Physical abuse, sexual abuse, emotional, verbal and psychological abuse; economic abuse, intimidation, harassment, stalking; and damage to property. Entry into the complainant's residence without consent, where the parties do not share the same residence is also included as well as and any other controlling or abusive behaviour towards a complainant which harms, or may harm the safety, health or wellbeing of the complainant.

Domestic violence is not confined to physical abuse or harm but extends to economic abuse. For example, one spouse may withhold money for the payment of household necessities. The Act makes provision for emergency monetary relief, that is compensation for monetary losses suffered by a complainant at the time of the issue of a protection order as a result of the domestic violence, including loss of earnings; medical and dental expenses; relocation and accommodation expenses; or household necessities;

Economic abuse is also widely defined in the Act. It includes the following:

(a) The unreasonable deprivation of economic or financial resources, including household necessities for the complainant, and mortgage bond repayments or payment of rent in respect of the shared residence;

(b) The unreasonable disposal of household effects or other property in which the complainant has an interest.

Emotional, verbal and psychological abuse means a pattern of degrading or humiliating conduct towards a complainant such as insults, ridicule or name calling, threats to cause emotional pain, repeated obsessive possessiveness or jealousy.

Harassment means engaging in a pattern of conduct that induces the fear of harm to a complainant. Intimidation means uttering or conveying a threat, or causing a complainant to receive a threat, which induces fear.

What procedure must be followed by a victim of domestic violence?

A person who is a victim of domestic violence may apply to any magistrate's court for Family violence Protection order (an interdict). An application for the order may also be brought on behalf of a complainant by any other person. A counsellor, health service provider, member of the South African Police Service, social worker or teacher may also apply for a protection order, provided he or she has a material interest in the wellbeing of the complainant.

If any of these persons applies for a protection order, the complainant must give his or her written consent. However, consent is not required where the application is made by a minor; a person who has a mental disability; a person who is unconscious; or a person who is unable to provide the required consent.

A minor, or any person acting on behalf of a minor, may apply to the court for a protection order without the assistance of a parent, guardian or any other person.

An application for a protection order must be heard by the court as soon as reasonably possible. The court may instruct the Family Advocate to investigate the situation regarding the welfare of any minor or dependent child.

If the court is satisfied that there is evidence of domestic violence; and that undue hardship may be suffered by the complainant if a protection order is not issued immediately, the court may issue an interim protection order.

A Protection Order may take various forms and can offer the following protection to the applicant. The respondent (the person against whom the order is in place) may not

- Assault or threaten the applicant or a child living with them
- Enter the home or residence of the applicant (and sometimes a specified area around the residence is included in the order)
- Prevent the applicant who normally lives at home from entering or remaining in the home
- Commit any other act specified by the protection order.
- If the court is satisfied that it is in the best interests of any child it may refuse the respondent contact with the child, or order contact with the child on such conditions as it may consider appropriate.

(Protection of Family Violence Act 1993)



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