



EAP Educates: Protection Orders

Are you in an abusive relationship? Is a child in your care being abused? If you have answered “yes” to either of these questions, you can apply to the court to stop the violence by seeking a PROTECTION ORDER.

In 1998, the Domestic Violence Act 116 was introduced. Its aim; to afford victims of domestic violence the maximum protection that the law can provide.

Who can apply for a Protection Order?

Any person who can be defined as a “complainant” can apply to the court for protection

Definition of a complainant

A complainant is defined as any person who has been in a domestic relationship with a respondent (the person committing the violence) and who is or has been subjected to an act of domestic violence, including any child in care of the complainant.

What is domestic violence?

According to the Act, “domestic violence” means

- Physical abuse -- any act or threatened act of physical violence;
- Sexual abuse -- any conduct that humiliates, degrades or otherwise violates the sexual integrity of the complainant
- Emotional, verbal and psychological abuse -- a pattern of degrading or humiliating conduct towards a complainant. This can include name calling, insults or ridicules as well as repeated threats to cause emotional pain;
- Economic abuse -- such as the unreasonable deprivation of economic or financial resources to which a complainant is entitled under law;
- Intimidation -- uttering or conveying a threat which induces fear;
- Harassment -- engaging in a pattern of behaviour that induces fear of harm to the complainant. This includes repeatedly watching or loitering outside a building where the complainant works, studies or resides; and repeatedly making telephone calls to the complainant;
- Stalking -- repeatedly following, pursuing or accosting the complainant;
- Damage to property;
- Entry into the complainant's residence without consent, where the parties do not share the same residence;
- Any other controlling or abusive behaviour towards a complainant that may cause harm to the safety, health or wellbeing of the complainant.

What is the purpose of a protection order?

A protection order prohibits the person against whom the order is made from committing any acts of domestic violence or from getting any other person to commit such acts against you (the victim of the abuse).

The protection order can also offer protection to other members of the family who are affected by the violence. It can also make provision for a peace officer to accompany you to collect your personal property and/or for the police to seize any arms or dangerous weapons that may be in the possession of the abuser.

What do you need to do to apply for a protection order?

- Contact the EAP for a copy of the protection order form



- Write down as much information as you can about the violence you have experienced, including details of any weapons that may have been used.
- Write down any injuries you sustained, and details of all medical assistance that you received.
- It is essential to have contact details of the abuser and if not an address, an idea of where he/she may be found.
- Take this information with you for reference purposes when you fill in the application for the protection order. The more complete, the smoother the process will be.
- Go to the magistrate's court, either in the area where you live or where the abuser lives
- A clerk of the court will assist you in completing the "Application for Protection Order" form
- You will have to swear under oath that the information on the form is correct
- The clerk takes the application to the magistrate who then prepares a notice that the Sheriff of the court or a police officer will serve on the abuser. This is a temporary order. Both you and the abuser will have to appear in court on a specified date. There, you will have to motivate why the protection order should be made permanent.
- Once the protection order is in place, you can have the abuser arrested should he/she disobey that order. If any of the stipulations of the order are breached, the offender could receive a fine, prison time, or both.
- Teachers, counselors and healthcare providers can apply for protection orders on your behalf as long as you have given written consent. If the complainant is a minor, has a disability, is unconscious or is unable to provide such consent for any other reason, then the need for written consent falls away.

Get some support

1. It is important to share your experiences with people you trust. Let them help you to seek assistance.
2. Go for counselling
3. If you believe your life is in danger and you are afraid to approach the court to seek protection against your abuser, it is essential to get support from organisations such as POWA that will be able to advise you on what steps and precautions to take and provide you with assistance.

Helpful organisations

- People Opposing Women Abuse or POWA is based in Gauteng and provides telephonic, counselling and legal support to women experiencing abuse. Call the POWA helpline on 0800 150 150 or visit www.powa.co.za.
- FAMSA has offices nationwide and gives counselling to the abused and their families. To find your nearest FAMSA branch telephone 011 975 7106/7 (Gauteng) 031 202 8987 Durban) or 021 447 7951 (Cape Town).
- LifeLine provides 24 hour counselling services. Call the SA National Counselling Line on 0861 322 322.
- The Legal Aid Board offers legal assistance. To locate your nearest Justice Centre, call 0861 053 425 or visit www.legal-aid.co.za/.
- Campus law clinics also offer legal assistance.
- Rape Crisis offers free and confidential counselling to people who have been raped or sexually assaulted. Phone 011 642 4345/6.

CONTACT THE EAP FOR MORE INFORMATION, AN APPLICATION FOR PROTECTION ORDER FORM

OR CONFIDENTIAL ASSISTANCE