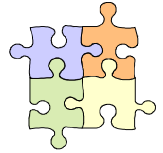


## **REACHING OUT**

*Domestic Violence Support Desk  
& Community Empowerment Programme*

*Working together to break the cycle of domestic violence*



Cell: 083 7808 207

Office 035 789 9111

Fax: 086 550 1946

E-mail: [reachingout@telkomsa.net](mailto:reachingout@telkomsa.net)

Rupee Riff , Shop 5 , The Corner Spot, CBD , Richards Bay, 3900.

P.O Box 80243, Richards Bay,3900

NPO 047-553

### **DOMESTIC VIOLENCE ACT - SIMPLE VERSION**

**BE EDUCATED, BE INFORMED BREAK THE CYCLE OF DOMESTIC VIOLENCE.**

**Domestic violence is on the increase all over the world, and Richards Bay is no exception. This serious social evil has debilitating effects on Society.**

**Anyone can become a victim irrespective of gender, race, creed, socio economic group, education, qualification or status in society.**

**A male can be a victim of domestic violence and a female can be an abuser.**

#### **DOMESTIC VIOLENCE ACT – KNOW YOUR RIGHTS!**

In 1998, the South African government established the Domestic Violence Act in an attempt to offer protection, outlaw and eradicate domestic violence via the issue of a protection order, to victims and survivors of domestic violence and abuse. The new Domestic Violence Act came into force on 15 December 1999 and replaces the old *Prevention of Family Violence Act*. The Domestic Violence Act offers victims/survivors of domestic violence an effective remedy against abuse.

Some of the important provisions in the Act, which will alleviate the plight of victims of domestic violence, include the following:

- It applies to any victim who is in a "domestic relationship", and not only to "parties to a marriage".
- It places a duty on a member of the SAPS to inform a victim of his or her rights at the scene of an incident of domestic violence.

- The Act provides that a peace officer may, without warrant, arrest any person at the scene of an incident of domestic violence whom he or she reasonably suspects of having committed an offence containing an element of violence.
- An application for a protection order may be brought on behalf of the complainant by any other person, including a member of the SAPS, who has a material interest in the well-being of the complainant.
- The Act makes provision for the granting of a protection order, which will be confirmed if the respondent (the alleged perpetrator) does not appear in court on the return date.
- Many victims do not make use of a protection order due to, amongst other things, financial concerns. The Act clearly indicates the terms which may be contained in a protection order, such as an obligation on the respondent to make rent or mortgage payments and to pay emergency monetary relief. Children are often used to regain control over the complainant, therefore contact with any child by the respondent may be refused, or structured contact may be ordered.
- In terms of the Act, firearms and other dangerous weapons may be seized in domestic violence situations.
- In terms of the Act a court, in granting a protection order, also issues a suspended warrant for the arrest of the respondent. It remains in force unless the protection order is set aside. If the respondent breaches the protection order, he/she will be arrested by the police. The Act also provides that the respondent be criminally charged for breaching the protection order and also with any other offence resulting from a complaint lodged by the applicant against the respondent.
- The Act allows for the complainant or respondent to apply for the amendment or setting aside of the protection order.
- The Act makes it clear that any party to proceedings may be assisted by a legal representative.
- In terms of this Act perpetrators of domestic violence may be sentenced to five year's imprisonment, thereby emphasizing the view that domestic violence is a serious crime.

- The Act now provides for a simple, quick and cost effective procedure in order to obtain protection from domestic violence.

The Act issues clear, directives to the South African Police Service, to peace officers, health, Welfare and justice officials on how to deal with the issue of domestic violence. It requires them to provide a protective and supportive environment for the victims/survivors of domestic violence.

The Domestic Violence Act is an effective and appropriate instrument that deals with abuse and violence wherever it occurs.

### **HOW DOES THE DOMESTIC VIOLENCE ACT 116 of 1998 DEFINE A DOMESTIC RELATIONSHIP?**

“Domestic relationship” means a relationship between a complainant (VICTIM) and the respondent (ABUSER) in any of the following ways;

- ✓ They are or were married to each other , including marriage according to any law, custom or religion;
- ✓ They (whether same sex or of the opposite sex) live or lived together in a relationship in the nature of marriage , although they are not or were not, married to each other, or are not able to be married to each other;
- ✓ They are the parents of a child or are persons who have or had parental responsibility for that child ( whether or not at the same time)
- ✓ they are family members related by consanguinity, affinity or adoption;
- ✓ They are or were in an engagement , dating or customary relationship including an actual or perceived romantic, intimate or sexual relationship of any duration ; or
- ✓ They share or recently shared the same residence

## **WHAT TYPE OF VIOLENCE DOES THE DOMESTIC VIOLENCE ACT COVER ?**

Although domestic violence comes in many forms, and the behaviour that constitute domestic violence vary in nature and frequency the law only recognizes the following as domestic violence: acts that cause physical injury, make you fear physical injury, confine you, damage property to upset you, or force you to do something that you can legally refuse to do

### **DEFINITION**

The definition of domestic violence within the Act encompasses eleven specific types of controlling or abusive behaviour, and makes provisions for protection from any other actions not listed that have the potential to harm the complainant. These behaviours include the act, as well as the threat, of:

Definition of "domestic violence" as set out in the Act:

"Domestic Violence" means-

- (a) physical abuse
- (b) Sexual abuse
- (c) emotional, verbal and psychological abuse
- (d) economic abuse
- (e) intimidation
- (f) harassment
- (g) stalking
- (h) damage to property
- (i) entry into the complainant's residence without consent, where the parties do not share the same residence; or
- (j) any other controlling or abusive behaviour towards a complainant.

"physical abuse" means any act or threatened act of physical violence towards the person bringing the complaint.

"Sexual abuse" means any conduct that abuses, humiliates, degrades or otherwise violates the sexual integrity of the complainant.

"Emotional, verbal and psychological abuse" means any pattern of degrading or humiliating conduct towards a complainant, including-

- (a) Repeated insults, ridicule or name calling;
- (b) repeated threats to cause emotional pain; or
- (c) repeated exhibition of obsessive possessiveness or jealousy, which is such that it constitutes a serious invasion of the complainant's privacy, liberty, integrity or security.

"Economic abuse" includes:-

(a) the unreasonable deprivation of economic or financial resources to which a complainant is entitled under law or which the complainant requires out of necessity, including household necessities for the complainant, mortgage bond repayments or payment of rent in respect of the shared residence; or

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

"Intimidation" means uttering or conveying a threat, or causing a complainant to receive a threat, which includes fear.

"Harassment" means engaging in a pattern of conduct that induces the fear of harm to a complainant including-

(a) repeat watching, or loitering outside of or near the building or place where the complainant resides, works, carries on business, studies or happens to be;

(b) Repeatedly making telephone calls or introducing another person to make telephone calls to the complainant, whether or not conversation ensues;

(c) Repeatedly sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant.

"Stalking": means repeatedly following, pursuing, or accosting the complainant.

"Damage to property" means the willful damaging or destruction of property belonging to a complainant or in which the complainant has vested interest.

Entry to your place of residence without your permission – this can only be domestic violence if you no longer live with the person.

## **WARNING SIGNS YOU ARE IN AN ABUSIVE RELATIONSHIP**

Your partner is

- ✓ Jealous or possessive towards you.
- ✓ Your partner physically assaults you (Punch, slap, burn, choke, kick or squeeze you hard enough to leave bruises, hit you with objects; belt or dishes)?
- ✓ Your partner has held you at knife or gun point and threatened to kill you, your children or himself /herself?
- ✓ Is your partner in the habit of destroying items belonging to you or which you hold dear whenever he/she is angry?
- ✓ Follows you, or shows up at your work, school or friends' homes?
- ✓ Monitors your actions and forces you to account for your time?
- ✓ Does your partner insist on making the decisions as to what you will wear and how you may and may not dress?
- ✓ Controls your every move. Bosses you or is very demanding
- ✓ Wants everything done his or her way believes it's the correct way.
- ✓ Isolates you from family and friends
- ✓ Forces sex .
- ✓ Forces you into performing sexual acts that you may not be comfortable with
- ✓ Is violent and/or loses his/her temper quickly
- ✓ Blames you for his/ her actions e.g you made me hit you.
- ✓ Does not allow you any independence , e.g cannot have a bank account , not allowed to work , controls your finances
- ✓ Tends to humiliate or embarrass you, says demeaning things about you be it privately or in public.
- ✓ Constantly accuses you of having an affair.
- ✓ Gets angry if you both are at a function be it with friends or family and you are chatting with other people or just having fun.
- ✓ Your friends and family have warned you about the dangers of your partner's behaviour and expressed their concern for your safety.
- ✓ You regularly walk on egg shells to avoid making your partner angry.
- ✓ You are not happy, you feel afraid and uncomfortable in the relationship, and you know the right thing to do is leave but you are afraid of how your partner would react.

### **WHAT YOU AS AN ABUSED CANNOT DO**

- ❖ **You can not stay in an abusive relationship and be safe. Don't for one second believe that without intervention things are going to get better and the violence will not become worse and more severe.**
- ❖ You alone cannot change your partner's behaviour.
- ❖ Do not blame yourself for the abuse. It is not your fault that your partner chooses to abuse you, each person is in control of and responsible for his/her own behaviour.
- ❖ You cannot shield your partner from the consequences of abusive behaviour if he/she does not want to change his/her ways, no matter how much he/she pleads or threatens in order not to face the consequences. Abusers will make many promises and promise anything to be shielded from facing the consequences of their abuse.
- ❖ You should not respond to violence with violence. Violence never resolves anything. The best practice is to avoid violent, explosive situations as far as possible.

### **WHAT CAN YOU DO IF YOU ARE BEING ABUSED**

Recognize the abuse for what it is and that you and your children are not safe in the current situation.

#### **Remember**

- You are not alone.
- The situation will never change for the better over time it only gets worse.
- You can only change the situation by getting help.
- No one deserves to be beaten.
- You are not to blame for the violence.
- No matter what you do you cannot take responsibility for the actions of another person.
- There are many people who are concerned about you and want to help you.
- The law has ways of assisting you and protecting you.
- You can only protect yourself and your children if you seek help.

- Your situation can be put on the path of change only if you take the first step and get help.
- Taking action is never easy but slow, planned steps towards getting help are the best option.
  - ❖ If you can and you think it is safe to do so, talk to your partner and explain how you want to be treated.
  - ❖ Make plans to leave either temporarily if your partner is not willing to get help and work through the problem or permanently if your partner is not willing to get help and the situation is the same or worsening.
  - ❖ Know that there are laws concerning domestic violence and they are there to help and protect you
  - ❖ Go for counselling. There are trained people who can help you find ways to deal with your problem. Your discussion with them is confidential and you will not be forced to do anything that you are not ready to do. You will be assisted even if you have been there before and have gone back to or stayed in the abusive relationship.

#### Counselling for yourself;

Exposure to domestic violence has debilitating effects on a person; it breaks down one's confidence and has other negative effects.

Counseling helps you deal with all the negative effects of the abuse. Leaving a domestic, violent relationship is never easy; counseling supports you emotionally.

#### Counselling for your partner:

Should your partner agree, counseling can help teach your partner new ways to deal with anger, frustration and other negative tendencies. Couple counseling can be done to help the both of you work through problems in a controlled and safe environment.

#### Counselling for your children:

Exposure to domestic violence has serious negative effects on children. Even if they were not abused, merely by being able to watch or hear the abuse, enough damage may be caused for children to become victims or perpetrators themselves. Children exposed to domestic violence have been known to suffer post traumatic stress, have

behaviour problems and perform poorly at school, among other things. Intervention by a counselor will help them learn techniques to deal with their emotions and feelings, and to speak out about the abuse.

- ❖ Talk to your family doctor or any other doctor or nurse, they can tell you how to get help in your area. The doctor will make notes which can be used as evidence should you decide to lay a criminal charge.
- ❖ Talk to a victim support volunteer at the local Police Station
- ❖ Talk to your religious leader at your place of worship.
- ❖ Equip yourself with knowledge on the subject of domestic violence and the resources available to you as a victim. The more you learn the easier it will be for you to find courage to take action and free yourself from the violence.
- ❖ Lay a criminal charge at the Police Station, i.e. open a case docket.

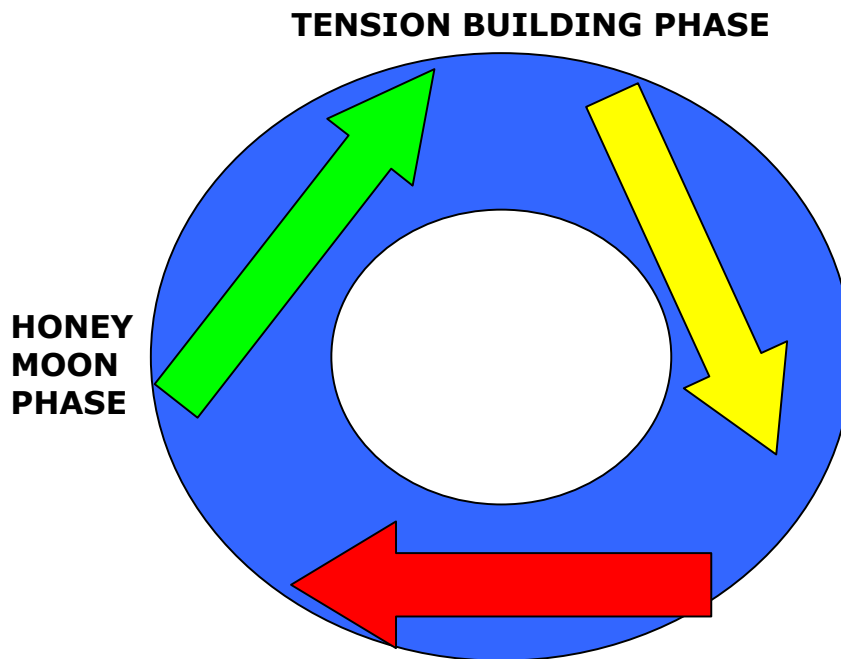
And / or

- ❖ Apply for a Protection Order at the Magistrate Court close to where the abuser lives and works or where the abuse occurred.

Remember:

You do not have to lay a criminal charge in order to apply for a Protection order. You may choose to lay a charge and/ or apply for a Protection order. You can choose one option or do both. The choice is yours.

## THE CYCLE OF DOMESTIC VIOLENCE



### **ACUTE BATTERING PHASE OR EXPLOSIVE PHASE**

The phases of Domestic Violence are best explained as following a cyclical pattern.

In fact it is the sequence of events in the cyclical pattern that makes it difficult for a victim to leave.

The pattern starts with an incident of violence, then a period of repentance by the abuser (the abuser is sorry for what he/she has done and promises to not do it again or promises to change his/her ways) It is also during this time the abuser buys the victim gifts, is loving towards the victim and may even beg forgiveness, at all times trying hard to convince the victim that things will be different in the future.

The victim accepts that the abuser is genuinely sorry and stays in the relationship; the relationship is at its best during this period.

During this time some women even fall pregnant in light of starting afresh in the relationship with the husband. This phase is called the "**honeymoon phase**"

However, as time goes on tension once again builds and then there is another violent incident.

This cycle can happen on a daily basis; even more than once a day.

To other individuals who have not experienced domestic violence it would be clear that after a violent incident, it would be the best time for a victim to leave since the violent incident is strong in his/her mind and the desire to get away from the violence will be at its highest but it is also during this time the debilitating effects of the abuse is at its strongest as well. The victim has poor confidence in himself/herself, the victim feels he/she is to blame, "he/ she deserves to be treated this way", it is his/her fault, he/she is nothing, he/ she, has nothing, he/she has no where to go".

Sometimes even before the victim can master up the courage to try and leave or seek remedy to the situation the abuser starts to repent again.

At this stage it is easy for the victim to become roped into believing that there is hope for the relationship and the abuser will keep his/her promise to change.

Once again the victim falls further into the depths of the abyss of Domestic Violence with the debilitating effects scarring his/her emotionally deeper and deeper.

Many victims do eventually pluck up the courage to leave. Some are not fortunate to have proper structures in place in their area to assist and protect them.

Some victims are unaware how to obtain a Protection Order, do not understand their legal rights or have not planned their route to remedy their situation.

The whole process becomes more frustrating and frightening for the victim.

The abusers behavior becomes unpredictable once the victim has plucked up the courage to leave.

The abuser threatens to find the victim and kill him/her or take the children away from him/her, even threatens to kill the family so that they will never be apart.

In some cases the abuser finds the victim and in fear of the abusers threats which are sometimes carried out, some victims become fatal statistics while some go back in order that they would not have to deal with the abusers threats and unpredictable behavior.

Many victims feel that they can cope better with the abuser if they were in their own home since they understand the pattern of abuse better and the abuser is not unpredictable anymore.

### **ARTICLES IN OUR NEXT EDITION**

- **DOMESTIC VIOLENCE IS A THREAT TO ALL**
- **EFFECTS OF DOMESTIC VIOLENCE ON CHILDREN**
- **HOW TO APPLY FOR A PROTECTION ORDER**
- **HOW TO SUPPORT A FRIEND WHO IS BEING ABUSED**
- **APPLYING FOR MAINTENANCE.**

Reaching Out is a non profit, non governmental, non religious, non political organisations that focuses on domestic violence prevention, victim support and community empowerment. Our services are free of charge and all matters are treated with utmost confidentiality

#### **Disclaimer**

**All information contained in REACHING OUTS DOMESTIC VIOLENCE PREVENTION SPACE is for informational and educational purposes only and is not intended to replace , and should not be interpreted or relied upon as medical, psychological, legal or professional advise or otherwise .You may download one copy of all information contained in the REACHING OUT DOMESTIC VIOLENCE PREVENTION SPACE for your own personal, non-commercial use.**

**REACHING OUT reserves the right to modify this Disclaimer, or any information contained in the REACHING OUT DOMESTIC**

**VIOLENCE PREVENTION Space at any time without notice and you assume responsibility to apprise yourself of the most current information.**

This section of the site will be updated bi monthly. Should you have any questions, need advice or assistance please feel free to contact the Reaching Out Domestic Violence Support Desk & Community Empowerment Programme.

Office hours: 789 9111

To receive our monthly news letter, get advice or make a comment : email us on [reachingout@telkomsa.net](mailto:reachingout@telkomsa.net)