

SERVICE STANDARD

- In emergencies, the service is available 24 hours a day.
- A protection order may be obtained on the same day, but generally, this depends on the complexity of your case.
- The order is valid until the abused person cancels it.
- If the abuser lodges an appeal, the order continues to operate until it is cancelled by the Appeal Court.

COST

The service is free.

HELPFUL ORGANISATIONS

Lifeline	
Provides 24-hour counselling	0861 0322 0322
People Opposing Women Abuse (POWA)	
Emergency after hours	083 765 1235
Legal Aid South Africa	
Offers free legal assistance	0861 053 425
National Helpline	0800 150 150

EMERGENCY CONTACTS

Cape Town Metropolitan Police	107 or 021 480 7700
South African Police Service	10111



“BECOME A SURVIVOR”



DOMESTIC VIOLENCE



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

WHAT IS DOMESTIC VIOLENCE?

Domestic violence is a pattern of abusive behaviour that transgresses the rights of citizens. When one partner in a relationship harms the other to obtain or maintain power over them, regardless of whether they are married or unmarried, living together or apart, it is "domestic violence". The harm can take various forms according to the Domestic Violence Act No. 116 of 1998, namely:

- Any form of abuse, which includes physical, sexual, emotional, psychological or economic harassment
- Damage to property
- Stalking
- Entry into a person's property without their consent
- Any other abusive or controlling behaviour where such conduct causes harm or may cause harm to your health, safety, or well-being.

If these forms of abuse are happening to you or to anyone you know, you can apply for a protection order. A domestic violence protection order, also called a restraining order or domestic violence interdict, is a court order that prevents the abuser from:

- Committing an act of domestic violence
- Enlisting the help of another person to commit any such act
- Entering a residence shared by the complainant and the respondent
- Entering a specified part of such a shared residence
- Entering the complainant's residence
- Entering the complainant's place of employment
- Preventing the complainant who ordinarily lives or lived in a shared residence from entering or remaining in the shared residence or a specified part of the shared residence or
- Committing any other act as specified in the protection order.

WHO CAN APPLY FOR A PROTECTION ORDER?

- Anyone who is being or has been abused
- A minor, who may lodge an application unassisted
- Any person who has an interest in the life of the complainant

- The following persons can apply with the written consent of the complainant, unless the complainant is a minor, a mentally retarded person, unconscious or if the court is satisfied that he or she is unable to give the required consent:

- | | |
|--------------|-----------------|
| - Counsellor | - Health worker |
| - Policeman | - Social worker |
| - Teacher | |

STEPS TO FOLLOW

- Apply for a protection order at a Magistrate's Court nearest to where you live and work, at any time, during and outside court hours, as well as on public holidays or weekends.
- First, apply for the Interim Protection Order by completing Form 6: Interim Protection Order at your nearest Magistrate's Court or High Court.
- Once you have applied for the Interim Protection Order, complete Form 2: Application for Protection Order at your nearest Magistrate's Court or High Court.
- The application must be made by way of an affidavit that states:
 - The facts on which the application is based
 - The nature of the order applied for
 - The name of the police station where the complainant is likely to report any breach of the protection order applied for.
- If the application is brought on behalf of a complainant by another person, the affidavit must state:
 - The grounds on which the other person has a material interest in the well-being of the complainant.
 - The occupation of the other person and capacity in which such a person brings the application.
 - The written consent of the complainant, except in cases where the complainant is:
 - a minor
 - mentally retarded
 - unconscious
 - a person whom the court is satisfied is unable to provide the required consent.
- Certify the form with the clerk of court and submit it.
- On receipt of the form, the clerk will send your application to the magistrate who will then set a date for you to return to court, so that your application can be considered.
- The magistrate will also prepare a notice to inform the abuser about the protection order and when he or she should come to court.
- After the court appearance, the magistrate may grant the protection order.