



THINGS THAT YOU SHOULD KNOW

# ECONOMIC ABUSE

as a form of DOMESTIC VIOLENCE



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**Disclaimer:** Although domestic violence is not gender-specific, according to crime statistics and research, we note that men are more likely to perpetrate it than women are to experience it. This is especially true when there is a pattern of repeated, severe physical assaults, when rape or sexual assault is involved, or when the assaults cause harm or death. Both in homosexual and straight relationships, males sometimes encounter violence from their partners; however, women's aggression toward men is frequently an attempt at self-defence, and it is hardly ever a regular pattern of dominating and coercive behaviour. In general, in this ebook we might refer to the abuser as "he" and the victim as "she" for this reason. It is not meant to generalise or discriminate.

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## INTRODUCTION AND SOMETHING ABOUT THE AUTHOR

***"In everything we do, we believe in challenging the status quo. We believe in thinking differently, out of the box. The way we challenge the status quo is by making our services evolve around you, the victim-survivor, being innovative in our thinking, supportive, fair and being part of the solution when the challenge of an economic abuse issue presents itself. We just happen to be great economic abuse attorneys as well. "***

Having been in legal practice for more than two decades, I have been confronted with numerous questions that clients usually ask during or even before a first consultation. This e-book is a result of those questions to shed some light on this journey you are about to embark.

The Domestic Violence Act and laws pertaining to economic or financial abuse in South Africa might be complex and difficult to understand at times, but rest assured that we will guide you through these challenges to ensure that your rights are protected, that you are treated fairly and to reach that win-win situation: after all, at one stage or another your (soon to be former) spouse or partner was exactly what you needed. But needs change and life goes on, so when the *"I do"* changes into *"I don't"*, we will be here for you every step of the way.

After reading this e-book, you will be familiar with among other things:

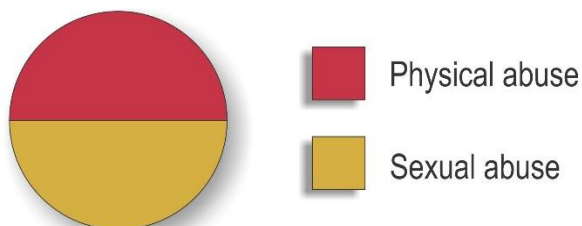
1. Become familiar with some of the stipulations of the **Domestic Violence Act** that deals with all issues regarding economic or financial abuse;
2. The road forward and the steps that you would need to take to obtain protection against economic abuse;
3. You will gain some insight into which courts to use and how long it would take;
4. You would have some understanding as to your rights as a victim-survivor and how to escape an abuse situation
5. You would have a deeper understanding of the domestic violence procedures and how to equip yourself with all the necessary information to make this journey as little challenging as possible.



About the author: **Eugene Opperman** is the founder of Oppermans Inc which was established in 2000. Prior to his admittance as attorney of the High Court he graduated at UFS obtaining a B.Proc. degree and subsequently his LL.B. degree through UNISA. Post graduate studies include an Advanced Diploma in *Medicina Forensis* and an Advanced Diploma in Business Rescue Management. He is a Commissioner of the Small Claims Court (Helderberg) and a Court Annexed Mediator (Civil- and Commercial). He has strong ties with the community doing *pro bono* work at the Rape Crisis Centre and many other NGO's. He is the co-founder of the first non-profit company called the Institute of Social Development & Justice, that advocates and creates awareness of economic abuse in South Africa.



## What people think abuse is:



## What is ALSO abuse:



(Domestic Violence Amendment Act 14/2021)

## MISCONCEPTION ABOUT WHAT PEOPLE THINK ABUSE IS

The majority of the time, when we discuss relationship abuse, we concentrate on physical and emotional mistreatment. However, up to 90% of domestic violence instances involve financial abuse, or the control of one's capacity for acquiring, using, and maintaining money by an intimate partner.

### So why isn't it being discussed?

For one thing, it might be challenging to identify this silent type of abuse. Small infractions are committed at first, but over time they get larger and more controlling. This can entail a partner requiring you to

stop working altogether or insisting they handle finances without consulting you. Although controlling partners don't just restrict your potential to earn money. Additionally, they might prevent you from using *"whatever you haven't paid for, like a car or other needs."*

Not only is ending a toxic relationship emotionally taxing, but it may also put your life in danger. In actuality, the recovery of an abusive relationship is the most dangerous moment. It can be challenging to think clearly in times of crisis, so making a safety plan in preparation will assist to keep you and your loved ones safe.

Economic abuse is frequently not acknowledged and, as a result, is not perceived to be a type of abuse. As a result, for some victim-survivors, financial abuse has been "normalized." Economic abuse behaviour and methods, such as "economic control," "economic exploitive behaviour," and "economic sabotage," have been utilized in home settings for generations and are considered "normal."

## DON'T TOLERATE ANY FORM OF ABUSE

Let's be honest: No one likes talking about money and they definitely don't enjoy talking about abuse. Unfortunately, that means many people don't even realize financial abuse is an issue we need to discuss. It also leaves victim-survivors feeling too ashamed to speak up about it. *"In a situation of financial abuse, there's a power imbalance in the relationship and somebody is leveraging money and resources to control the other person."*

You don't have to tolerate abuse since no one deserves it. If you are being subjected to violence and abuse by a spouse, partner or ex-partner, there are a variety of things you may do. None of these, however, will be simple or guarantee an instant or total halt to the abuse.



In the end, the goal of the abuser is always the same—to gain power and control in a relationship.

A lot of victim-survivors seek out different types of assistance, and before they can finally break away from violence, they may leave and come back multiple times.

*“Why didn’t you leave”,* for example, is a question that is frequently posed or an alternate question *like “Why did you remain so long?”* The easy solution could seem to be to leave if you haven’t been in this circumstance yourself. But there are many reasons why victim-survivors continue to live with their abusers, and it’s crucial to understand that leaving an abusive relationship does not necessarily put an end to the abuse (and sometimes, at least for a time, it may get worse).



Because they still love their abusers, or because they are afraid of the repercussions—the abuser may threaten to hurt or even kill his partner or the children if they leave— victim-survivors continue to live with their abusers.

Victim-survivors may be concerned about losing their kids, or they may believe that staying and attempting to save their marriage is better for the kids. *“Where can I go?”* can be one of their concerns. *“Will I become homeless as a result?”* and *“Where will I find the funds if I leave?”* are questions that we hear very often. If their partners have cut them off from friends and relatives, they can be concerned about loneliness. Perhaps their self-esteem has been so severely damaged that they don’t think they could handle things on their own and lack the courage to go.

## DON'T DO IT ALONE

Organisations such as the Department of Social Development’s [Gender-Based Violence Command Centre](#) and [People Opposing Women Abuse](#) (POWA) have social workers on standby to help support men and women in the middle of domestic abuse escape their relationships.



The best advice from a victim-survivor was: Do not be afraid to ask for help, and accept when it is given. Where possible, reach out to your family and friends. They are your ultimate support system. They may not be able to support you 100% financially, but they could help with small things, making your burden a little bit lighter while you go through these changes.

## THE FACE OF FINANCIAL ABUSE

The following is an extract found from one of the leading insurance companies, Sanlam’s website (read the full article [here](https://bit.ly/3sHp1ni): <https://bit.ly/3sHp1ni>)

“Domestic violence has left an ugly, pain-ridden mark on South Africa’s past and present. The COVID-19 pandemic only worsened it, with thousands of people trapped at home with their abusers. For months, the headlines spoke to the skyrocket in reports of physical and sexual abuse women experienced at the hand of intimate partners. What stories seldom cover is how partners’ controlling behaviour seeps into a relationship’s

finances in the form of financial abuse. In 2008 Michigan State University referenced a study in their research brief, in which 103 survivors were interviewed about the various forms of abuse they experienced in their intimate partner relationships. 99% of them admitted to having experienced economic abuse at least once in their relationship.



How does this play out? *“If you think about the concept of abuse, it is about a form of control or a form of the one person being triumphant over the other in a way that is unhealthy, that disadvantages and often causes harm to the other person,”* says Charity Mkone, a Jo’burg clinical psychologist. *“With financial abuse, it’s a similar thing, but it has to do with depriving the partner who is being financially abused of significant means to survive or help themselves,”* she explains.”

“An abuser focuses on the control and power they can exert over their partner, but this can manifest in overt and less obvious ways.

For example, if the person in the relationship doesn’t earn an income, and relies solely on their partner to provide for their needs, the partner can take advantage of this situation and insist on making all financial decisions in the household, whether they suit the person or not. This can take various forms, says Mkone. “The abuser can dictate how the victim should spend or use money, or withhold certain basic needs from the other partner who does not have money,” she says. Carina\* experienced this in her own relationship: *“I was prescribed medicine for mental health problems, but my husband, who was the breadwinner, didn’t believe there was anything wrong with me or that I needed the medication, so he wouldn’t let me buy it.”*

An abusive partner may also try whatever means to disempower you in your own right, which is something Marusha Nadar, a financial planner at Ravi Naidoo’s Financial Services, has observed: *“The abuser prevents their partner from working or gaining any skills that can allow them to earn their own money,”* she shares. “Then, when the abuser gives them money, they expect proof of payment to know what their partner spends ‘their money’ on.”



The power can also be exerted in a way that humiliates the woman, as Mkone explains: “An abuser could make the financially reliant partner perform certain things that they’re not comfortable with, or exploitative acts within the relationship, in exchange for money. They could also withhold money if the victim refuses to do what they want them to do.”



Even if two partners are earning an income, a more covert way the financial abuse can manifest is through the abuser insisting on controlling the purse strings of the relationship without discussing the matter. “Having a partner that channels funds into things that only he is interested in is a prime example of a woman then feeling left out of the relationship,” says Hazel Pretorius, principal and financial planner at Sasolburg BlueStar, underwritten by Sanlam. In cases where the abusive partner is the higher earner, this sets a power dynamic that can be abused to perpetuate the mindset of belittlement the woman begins to adopt. Chandré\* shares how this dynamic was used to humiliate her in her own relationship: **“My husband constantly reminded me that he earned more than what I did. He would often throw it in my face that he was the one paying for everything, which gave him the ‘right’ to spend money on things he thought he deserved. He would belittle me in front of our friends with jokes about how ‘small’ a salary I earned.”** (\* Names changes to protect their identities)



## ECONOMIC ABUSE IS AN ASPECT OF 'COERCIVE CONTROL'

Economic or financial abuse is an aspect of 'coercive control' – a pattern of controlling, threatening and degrading behaviour that restricts a victims' freedom.

It's crucial to realize that financial abuse rarely occurs in a vacuum; rather, most of the time, those who commit it utilize other abusive behaviours as leverage and reinforcement.



Financial abuse refers to a perpetrator / abuser restricting and controlling their partner's present and future activities as well as their freedom of choice through the use or misuse of money. It may involve gambling with family resources, using credit cards without authorization, and signing contracts in their partner's name.

Financial abuse can prevent victim-survivors from having enough money for necessities like food and clothing. They may be left without access to their own bank accounts, without any means of independent support, and with debts incurred by violent partners filed against their names. Financial control over child maintenance might continue to be exercised by the abuser even after a victim has left the family.

Sadly, financial abuse affects the vast majority of survivors at some point.

## WHY IS IT IMPORTANT TO ADDRESS FINANCIAL ABUSE?

One of the most prevalent methods of coercive control is the manipulation of money and other economic resources, depriving victim-survivors of the resources they need for independence, resistance, and emancipation.

- **It prevents people from leaving:** Many victim-survivors believe they have no choice but to stay with an abuser because they lack access to economic resources.

- **Riskier situation for the survivor:** Victim-survivors who experience increased danger, injuries, and even homicide as a result of staying with an abuser for extended periods of time due to economic impediments to leaving can be identified.

- **A barrier to an independent life:** Economic abuse doesn't require physical contact and can continue even after a divorce. Victim-survivors are frequently left in debt, and their capacity to rebuild their lives after leaving is impacted by their lack of financial security.



## ECONOMIC ABUSE: A SILENT FORM OF ABUSE

#makingitvisible

Financial abuse can start out subtly and worsen with time, much like other types of abuse. Because abusers are skilled at manipulating others and can come off as quite charming, it might even seem like love at first. The abuser might say things like, *"I know you're under a lot of stress right now, why don't you simply let me take care of the finances and I'll give you money each week to take care of what you need,"* or *"I know you're under a lot of pressure right now, I'll handle the finances"*. In these situations, the victim-survivor might feel that they should or can trust their romantic partner and may voluntarily give over control over the money and its use. The financial abuse may be much more obvious in other situations. Violence, threats of violence, and intimidation are frequently used by abusers to prevent their victims from working or having access to family money. Abusers frequently employ certain techniques to take control of their partner's finances, whether they are covert or overt.

## CHALLENGING THE MYTHS OF DOMESTIC ABUSE

Domestic violence is not gender-specific, although according to crime statistics and research, we note that men are more likely to perpetrate it than women are to experience it. This is especially true when there is a pattern of repeated, severe physical assaults, when rape or sexual assault is involved, or when the assaults cause harm or death. Both in homosexual and straight relationships, males sometimes encounter violence from their partners; however, women's aggression toward men is frequently an attempt at self-defence, and it is hardly ever a regular pattern of dominating and coercive behaviour. In general, reference is made to the abuser as "he" and the victim as "she" for this reason.



### Myth 1: Abusers are more violent when they use drugs and alcohol

**Reality:** Substance abuse is not caused by alcohol or drugs, but they can exacerbate it or act as a trigger for an assault. It should never be used as an excuse for violent or domineering behaviour because many people use alcohol or drugs without abusing their partners. Only the offender is accountable for his conduct.

### Myth #2: The victim-survivor would leave if things were that horrible



**Reality:** There are a variety of reasons why victim-survivors stay in violent relationships, and it can be very challenging for a them to leave an abusive spouse or partner, even if they want to. No-one chooses abuse and in the beginning the beginning of a relationship one rarely notices the subtle signs of abuse begins, which could intensify over time. A victim-survivor can still be in love with their partner and believe them when they apologize and promises it won't happen again. They might also fear for their life or the safety of their children if they walk out of the relationship, have nowhere to go, or lack the means to support them financially. It is considerably harder for an abused victim-survivor to leave the relationship since abusers frequently cut off their partners from their families and friends in an effort to control them. Victim-survivors in violent relationships require empathy and support, not judgement.

### Myth #3: Physical violence is a necessary component of domestic abuse.

**Reality:** Physical violence is not a requirement for domestic abuse. Domestic abuse, according to some recent international research, is any instance or pattern of instances in which a partner or ex-partner engages in coercive, coercive, threatening, demeaning, violent, or sexually violent behaviour. Coercive control, psychological and/or emotional abuse, physical abuse, sexual abuse, financial abuse, harassment, stalking, and/or online or digital abuse are some examples of these situations.

### Myth #4: The abuser can be a good parent even if he mistreats his partner; it need not have an impact on the kids.

**Reality:** Some stats indicate that 90% of children whose parent is mistreated reportedly witness the abuse first hand. The results are devastating and protracted. It is child abuse when a youngster observes marital violence. Further stats indicate that between 40 and 70 percent of these kids are directly harmed by domestic violence.

### Myth #5: The victim-survivor provoked the abuser into the abuse.



**Reality:** This notion is pervasive and well ingrained. It is frequently predicated on the idea that one parent is the family's head and that it is their duty to discipline their partner or kids if they behave in a manner that displeases them.

The myth is harmful because any mention of "provocation" implies that we are placing the blame on the victim and absolving the abuser of accountability for their deeds.

Violence of any form, including abuse, is never the victim's responsibility. Always and solely the offender is accountable for their actions.

### Myth #6: Domestic violence is not a communal problem, but rather a private family matter.

**Reality:** Violence and abuse against men, women and children have a significant financial impact on society. These expenditures include medical care, prescription drugs, court charges, attorney fees, and incarceration, not to mention the emotional and physical toll it has on the victim-survivors.

When a victim-survivors reports being abused, people frequently don't listen to them or ask what they would like to happen next. Domestic violence affects men and women of all ages, socioeconomic groups, and backgrounds every single day throughout the world and is alarmingly increasing in South Africa. It is a severe, pervasive crime. Despite this, organizations continue their advocacy efforts to make sure survivors' voices are heard. When we minimize, excuse, and accept domestic violence, we are referring to it as a "private family affair."

**Myth #7: Women abusers are no different from males.**



**Reality:** Court statistics indicate that acts of domestic violence are mostly committed by men and experienced by women, although this might be construed as generalisation. In many instances, reports by males being abused by females are not reported in fear of ridicule or shame and these types of statistics might not reflect the true reports.

Domestic violence should be seen as gender-neutral, as it could happen in straight and gay relationships.

**Myth #8: Victim-survivors frequently exaggerate abuse.**

**Reality:** False accusations of domestic violence are uncommon, although they do happen. The fear of being labelled a liar can and does sometimes prevent victim-survivors from reporting the abuse they have experienced, which makes this myth incredibly harmful.

**Myth #9: Abusers are mentally ill.**

**Reality:** No research has been done to back up this myth. Violence and abuse are choices, and they are never acceptable. No matter one's gender, sexual orientation, health, income, or place in society, domestic abuse occurs frequently.

**Myth #10: Victim-survivors are drawn to violent abusers.**

**Reality:** Domestic violence is pervasive in society, and it's typical for a victim-survivor to endure it in multiple relationships. It is victim-blaming to imply that some victim-survivors are particularly drawn to violent abuser. When they initially meet a new partner, a domestic abuser can be charming and captivating, and frequently neither of them when they have just met would guess the other person would ever be abusive in a relationship.



**Myth #11: Abusers who abuse their spouses witnessed one parent abusing the other**

**Reality:** Domestic violence is widespread in society, and many people have grown up with first-hand knowledge of it. It is never an excuse because the majority of these people will never mistreat domestic partners in their own relationships; in fact, some of our most ardent supporters are adult survivors of domestic violence.

**Myth #12:** Domestic violence is a "crime of passion," an uncontrollable act that occurs briefly.

**Reality:** Most often, domestic abuse involves taking control rather than losing it. When enraged, abusers rarely act on impulse. When they are alone and there are no witnesses is when they deliberately mistreat their lover (if there is a witness, then usually they are a child). The abuser is in charge of who they abuse.

**Myth #14:** All relationships struggle at times; this is not domestic violence; it's just a sign of normalcy.

**Reality:** Disagreement and abuse are not synonymous. In a relationship that is healthy, having different perspectives is normal and totally appropriate. Abuse is the use of physical, sexual, emotional, or psychological force or threats to direct and control another person's thoughts, beliefs, feelings, and behaviour. Abuse is not a disagreement. There cannot be an equitable conversation while abuse is present. There is a worry that one will say or do the "wrong" thing.

**Myth #15:** A loving abuser is less likely to harm you than a stranger.

**Reality:** The exact opposite is the case. Abusers they know are much more likely than strangers to assault, rape, and kill a victim-survivor. Only 10% of rapes, according to Rape Crisis, are carried out by a perpetrator the victim does not know.



## WHY DO SOME VICTIM-SURVIVORS STAY IN AN ABUSE RELATIONSHIP?

*"It can't be that bad"*, is a common assumption concerning mistreated victim-survivors who choose to stay. The truth is that they are unable to leave an abusive relationship due to a variety of reasons.

- dependence on the abuser for money.
- they were unaware of their rights.
- a conviction that the police are powerless to assist them.
- thinks they deserve to be abused.
- the conviction that, with enough effort, they can stop the abuse or that the abuser would change.
- they might be forbidden from seeing other people, or the abuser might threaten to hurt those they love.
- those that the victim-survivor seeks assistance from might not accept it or hold them accountable.
- embarrassment and shame about the maltreatment.
- the idea that the kids need the other parent.



## WHAT TO DO IF YOU ARE IN AN ECONOMICALLY ABUSIVE RELATIONSHIP



- Don't use credit or debit cards, which might be used to trace your whereabouts by an abuser.
- Maintain your financial and personal records in a secure area. Leave copies with a dependable friend, family member, or in a bank safety deposit box that is out of your abuser's reach.
- Create a box of crucial paperwork and papers for your family's emergency evacuation.
- Maintain duplicates of your house and car keys, extra cash, and emergency phone numbers in a secure location.
- Make sure your abuser cannot track your online activities if you use the internet to investigate domestic violence concerns or learn how to recover financial independence.
- Make a list of your financial assets and liabilities.
- If your partner is in charge of the finances, try to learn more about his or her earnings, assets, real estate, and obligations.
- If you're thinking about ending the relationship, figure out how much it would cost you to live alone and start saving some of your own money, even if it's only a few rands, in a secure location.
- Take a look at the data in your credit report, order a copy from one of the three major credit agencies, and report any fraud, contested claims, or identity theft.

## IDENTIFYING ECONOMIC ABUSE

Many different types of economic abuse exist. Any of the following could be done by an abuser:



### Sabotage your income and access to money:

- prevent you from being in education or employment
- interfering with attempts to further their education or doing courses
- limit your working hours
- take your pay or salary
- refuse to let you claim benefits such as SASSA
- take children's savings or birthday money
- refuse to let you access a bank account or keeps your bank card
- hiding required documentation that you need for work such as your ID
- stalking you at your place of work

### Restrict how you use money and the things that you own:

- control when and how money is spent
- dictate what you can buy and what you may not buy
- make you ask for money every time or provide you a small allowance
- check your receipts and insist that you keep receipts of everything you buy
- make you keep a spending diary
- make you justify and explain every purchase made
- control the use of property, such as your mobile phone or car
- insist all economic assets (e.g. savings, house) are in their name
- keep financial information secret



### Exploit your economic situation:

- steal your money or property
- cause damage to your property
- refuse to contribute to household costs
- forcing you to sign financial documents, or forging your signature
- spend money needed for household items and bills
- misuse money in joint bank accounts
- insist all bills, credit cards and loans are in your name and make you pay them
- build up debt in your name, sometimes without your knowledge
- lies about the cost of things like rent and groceries that they buy
- keeping all assets in the abuser's name, while forcing you to keep all debt in your name only

## ECONOMIC ABUSE AND THE LAW



Economic exploitation can have far-reaching consequences. The Domestic Abuse Act 116/1998 includes economic abuse and has the potential to bring about real change for victims and survivors. Economic exploitation may also be prosecuted as controlling or coercive behaviour. The [Domestic Violence Act 116/1998](#) is the law that deals with domestic violence in South Africa. This law exists to give people who are experiencing domestic violence the best possible protection that the law can, and it commits the government to stopping domestic violence.

Note: The [Domestic Violence Amendment Act 14/2021](#) has been legislated but is not yet in force. With the amendments certain definitions have been extended and new definition have been included; further provide for the manner in which acts of domestic violence and matters related thereto, must be dealt with; further regulate protection orders in response to acts of domestic violence; amend provisions of certain laws; and provide for matters connected therewith.

Below is a comparison between the current Domestic Violence Act and the Amendment Act:

<a href="#">Domestic Violence Act 116/1998</a>	<a href="#">Domestic Violence Amendment Act 14/2021</a>
<p><b>'economic abuse'</b> includes-</p> <p>(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, and mortgage bond repayments or payment of rent in respect of the shared residence;</p> <p>(b) the unreasonable disposal of household effects or other property in which the complainant has an interest;</p>	<p><b>'economic abuse'</b> includes—</p> <p>(a) the deprivation of economic or financial resources to which a complainant is entitled under law or which the complainant requires out of necessity, including education expenses, household necessities for the complainant, and mortgage bond repayments or payment of rent in respect of the shared residence or accommodation;</p> <p>(b) the disposal of household effects or other property in which the complainant has an interest without the complainant's permission;</p> <p>(c) the use of financial resources of a complainant, without the complainant's permission; or</p> <p>(d) the coercing of the complainant to—</p> <p>(i) relinquish control over assets or income; or</p> <p>(ii) sign a legal document that would enable the complainant's finances to be managed by another person;</p>
<p><b>'domestic violence'</b> means-</p> <p>(a) physical abuse;</p> <p>(b) sexual abuse;</p> <p>(c) emotional, verbal and psychological abuse;</p> <p>(d) <b>economic abuse</b>;</p> <p>(e) intimidation;</p> <p>(f) harassment;</p> <p>(g) stalking;</p> <p>(h) damage to property;</p> <p>(i) entry into the complainant's residence without consent, where the parties do not share the same residence; or</p> <p>(j) <b>any other controlling or abusive behaviour towards a complainant</b>, where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the complainant;</p>	<p><b>'domestic violence'</b> means—</p> <p>(a) physical abuse;</p> <p>(b) sexual abuse;</p> <p>(c) emotional, verbal [and] or psychological abuse;</p> <p>(d) <b>economic abuse</b>;</p> <p>(e) intimidation;</p> <p>(f) harassment;</p> <p>(fA) sexual harassment;</p> <p>(fB) related person abuse;</p> <p>(g) [stalking] spiritual abuse;</p> <p>(h) damage to property;</p> <p>(hA) elder abuse;</p> <p>(hB) <b>coercive behaviour</b>;</p> <p>(hC) <b>controlling behaviour</b>;</p> <p>(hD) to expose a child to domestic violence;</p> <p>(i) entry into the complainant's—</p> <p>(i) permanent or temporary residence without their consent, where the parties do not share the same residence; or</p>

	(ii) workplace or place of study, without their consent, where the parties do not share the same workplace or place of study; or (j) <b>any other behaviour of an intimidating, threatening, abusive, degrading, offensive or humiliating nature towards a complainant</b> , where such conduct harms, inspires the reasonable belief that harm may be caused to the complainant;
<b>'coercive behaviour'</b> is not clearly defined	<b>'coercive behaviour'</b> means to compel or force a complainant to abstain from doing anything that they have a lawful right to do, or to do anything that they have a lawful right to abstain from doing;
<b>'controlling behaviour'</b> is not clearly defined	<b>'controlling behaviour'</b> means behaviour towards a complainant that has the effect of making the complainant dependent on, or subservient to, the respondent and includes— (a) isolating them from sources of support; (b) exploiting their resources or capacities for personal gain; (c) depriving them of the means needed for independence, resistance or escape; or (d) regulating their everyday behaviour;

## WHAT IS CONTROLLING OR COERCIVE BEHAVIOUR?

One person using power or influence over another, or forcing them to act against their will, is known as controlling or coercive behaviour. Controlling behaviour encompasses a variety of activities intended to make a victim-survivor subservient and/or reliant by:

- depriving them of the tools necessary for independence, resistance, and escape;
- cutting off their access to sources of assistance;
- taking use of their resources and capacities for personal gain.



Coercive behaviour is a pattern of assault, threats, humiliation, intimidation, or other abuse that is designed to hurt, punish, or intimidate the victim-survivor. People typically need money and economic resources, such as access to transportation and housing, to confront controlling or coercive behaviour. It is challenging to leave an abuser without these. Economic abuse is a tactic used by those who engage in coercive or controlling behaviour to restrict their victim's options.

## WHEN IS CONTROLLING OR COERCIVE BEHAVIOUR A CRIME?

Controlling or coercive behaviour is a crime mentioned specifically in the Domestic Violence Amendment Act if the following circumstances apply:

- The behaviour might take place repeatedly or continuously over time,
- Such conduct harms, or inspires the reasonable belief that harm may be caused to the complainant;
- It takes place in intimate or family relationships. The victim and perpetrator must be 'personally connected' or 'in a domestic relationship' at the time, meaning:
  - they are or were married to each other, including marriage according to any law, custom or religion;
  - they (whether they are of the same 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 are persons in a close relationship that share or shared the same residence;

A 'substantial adverse effect' on the victim could include:

- not being able to socialise, or a change in the way they socialise
- a deterioration in physical or mental health
- needing to make a change to routines at home, including routines associated with mealtimes or household chores
- effects on school attendance record
- putting in place measures at home to safeguard themselves or their children
- changes to work patterns, employment status or routes to work

## COERCED DEBT



Coerced debt refers to non-consensual, credit-related transactions in the context of an abusive relationship. Coerced debt destroys the victim's credit rating, making it difficult for her/him to obtain future loans, rent an apartment and even get a job.



Coerced debt includes:

- Applying for credit cards, obtaining loans, or opening other financial accounts in a victim's name
- Forcing victim to obtain loans
- Forcing victim to sign financial documents
- Use of threats or physical force to convince victims to make credit-related transactions
- Refinancing a home mortgage or car loan without a victim's knowledge

Other forms of economic abuse include:

- Intentionally withholding necessities such as food, clothing, shelter, personal hygiene products and/or medication
- Refusing to pay court-ordered child or spousal support
- Stealing and/or destroying the victim's belongings
- Requiring justification for any money spent and punishing the victim with physical, sexual or emotional abuse
- Repeatedly filing costly lawsuits

## REPORTING ECONOMIC ABUSE TO THE POLICE

Abuse that doesn't leave bruises can be harder to prove. Proving that abuse took place will require evidence.

The following may help prove economic abuse:

- copies of emails, phone records or text messages
- evidence of abuse over the internet and social media platforms
- photographs of the household
- records of interaction with support services, such as debt counselling
- witness testimonies from family, friends and neighbours
- bank records to show financial control
- records from housing services, such as complaints from other tenants or records of damage to the property, such as holes in walls
- an account given to the police as evidence of isolation



## TYPICAL ECONOMIC ABUSE SITUATIONS:

### Controlling how you access or earn your money:

Your ability to access money might be blocked by an abuser. They may have advised you to cut back on your work hours or suggested that you stop working altogether. They can claim you don't need a separate bank account and that your salary should be deposited into their joint or personal account. They may have advised you not to file for any benefits if you are unemployed.

“

*“I stayed at home to look after the children. It made sense, I felt like he could earn a lot more than me. But nothing was in my name. I hated having to ask for my allowance every week.”*

*“I’m always being offered extra shifts at work and chances to go on training, but my partner always stops me.”*

### Controlling what you spend money on:

You might be told by an abuser what you can and cannot buy with your money. They can demand to see your weekly grocery store receipts or give you money. It’s possible that you’ll need to defend every buy. An abuser could seize control of your belongings, including your car and phone. Or perhaps they asked that all assets, including the house and funds, be registered in their names. They could be quite secretive about their personal finances while asking for this from you.

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*“If I bought anything, anything at all - like one time I needed something to wear to an interview — he’d demand to see exactly how much it cost, then tell me I was wasteful.”*

*“We had a joint account but he never paid anything into it. All the bills came out, even the repayments for the car. But it was in his name, not mine. And he wouldn’t let me drive it without begging.”*

### Destroying your resources and economic security:

Your finances or any existing financial resources could be weakened or sabotaged by an abuser. This could entail taking your money or belongings, as well as causing damage to your home. It may also refer to using the funds set aside for bills, savings, or other expenses. To prevent them from incurring debt in their name, they can also insist that all credit cards and other obligations be paid in your name.

“

*“When I found out his new girlfriend was buying big things for him on her credit card the way I had, that sowed the seed of actually, is this a deliberate thing?”*

*“He’d walk out of jobs, I was having to work more and more, and he continued to spend as if he was a millionaire. So, I was buying from charity shops, even though I had a really good wage.”*

### Taking advantage of your money and your economic resources:

An abuser might try to use the financial resources you do have. They can object to paying for home expenses like the cellphone or the utilities. They might take your pay or benefits, rack up debt in your name, or both.

“

*“My salary had gone into his business account, of which he had sole sign-off on. I suddenly had very limited access to money, and would have to have a very specific need for him to grant me any.”*

*“He applied for multiple loans in my name by using the app on my phone. Loans for over R50,000 in total.”*

### Threatening you:

Abuse of all kinds frequently coexists with economic abuse. If you disagree with their demands, an abuser could use violence or make threats of it.

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*“My ex made me run up debts on them which are now unaffordable for me to repay. He would push me against a wall, put his hands around my throat if I didn't give him money.”*

*“If I didn't have enough cash to pay for what he wanted, he would give me an ultimatum - what would cost more: to buy him what he wanted or the cost of the damage he would do when he smashed everything in sight. So, I got my credit card out and ended up with R3,000 worth of debt.”*

### Manipulating or coercing you:

Economic abuse can be difficult to detect and frequently occurs without your knowledge. It may begin with behaviour that appears protective or compassionate, such as offering to handle all the finances or urging you to stay home with the kids instead of working. Spending too much money and accruing debt in your name can also happen gradually and may not be immediately apparent. It's possible that some women experienced economic abuse for a long time without realizing it. It may carry on even after a breakup or divorce.

“

*Even after I fled the home and a charity helped me, I don't think it clicked that it wasn't half my fault anyway. Because I think it takes a long time to get over that kind of, “Well, you must be just crap with managing money.”*

*“I often wonder how I got here. I got married to this charming man in the legal profession and we had children. But it was after I got married that I was systematically and unwittingly socially isolated, psychologically, emotionally, financially abused and controlled.”*

## HOW TO PLAN YOUR EXIT STRATEGY FROM AN ABUSE RELATIONSHIP

### First things first



Economic abuse often occurs alongside other forms of abuse. It is commonly part of a pattern of behaviour called coercive control or controlling behaviour. If you are in immediate danger, call the police on 10111 or the report the matter on the GBV Command Centre on their website: <https://gbv.org.za/> or contact them in one of the following ways:

The Centre operates an Emergency Line number – 0800 428 428. This is supported by a USSD, “please call me” facility: \*120\*7867#. A Skype Line ‘Helpme GBV’ for members of the deaf community also exists. (Add ‘Helpme GBV’ to your Skype contacts). An SMS Based Line 31531 for persons with disabilities (SMS ‘help’ to 31531) also exists. The Centre is able to refer calls directly to SAPS (10111) and field Social Workers who respond to victims of GBV.

### Gather documents

Make an effort to understand your current financial status clearly. Find out what assets, accounts, and debts are in your name if you can. The abuser may have hidden this information from you.

You may want to start by asking yourself:

- Do you possess assets like a house, a car, or savings?
- Are you personally (or jointly) liable for any debts, such as credit card, mortgage, or loan obligations?
- Is the lease, if you are renting, in your name?
- Are the accounts your responsibility and do you have to pay them monthly?
- Do you have a cheque or savings account?

Gather as much documents that you can. Do this only if you can do it safely. You could require copies of these records to receive SASSA benefits, open a bank account, or begin a new employment, among other things. Important paperwork to look out for includes:

- passport and ID documents (and your children’s)
- driving licence
- birth certificate (and your children’s)
- bank statements
- documents related to your home ownership or rental agreement
- utility bills in your name, including municipal accounts, electricity, water and TV licence
- details of any credit cards in both your names
- pay slips, SARS documents
- details of any benefits you are receiving (pension etc)
- account details or savings accounts for your children’s accounts



If the abuser also resides in your house, you might choose to keep these documents there rather than with a trusted friend or family member. Scan copies, a photo, or a screenshot of the documents may also be helpful if you can't bring the originals with you safely.

### Sort out your accounts that you pay monthly

Take the following actions to organize your accounts, if you can:

- Get in touch with the utility companies: Try to inform the utility company of your departure. Water, municipal accounts, cellphone, internet, and TV are examples of utilities. By letting them know when you depart, you can contest any further charges.



- Get in touch with your landlord or bank: Inform your landlord if you share a rental unit with the abuser and have already left or intend to do so. It could be able to talk to them about your position and describe the abuse you've endured. Ask your landlord if they can be flexible if your lease specifies that you and the abuser are jointly responsible for paying the rent.

### Secure your bank accounts

Try to, if it's safe to do so:

- Establish a new bank account

This is a crucial step to take if you do not already have a bank account in your own name so that you can get benefits or income and pay bills. Open an account with a different bank if you previously shared an account with the abuser and/or you are aware of their banking information. By doing this, the chance that the abuser may link accounts and gain access to your new address will be reduced.

- Put joint accounts on hold

You can ask the bank to freeze the joint account you have with the person abusing you if you have one. This can be a crucial step in preventing the abuser from taking all the money out or running up an account overdraft. Before the account is frozen, you might want to make a withdrawal since you won't be able to after it is. All identified account holders must agree to the account being unfrozen.

Think carefully about whether freezing your account could cause additional damage. Keep in mind that if you use a joint account after you've left, the abuser may be able to find you (e.g., through cash machine locations or on bank statements).

- Change PINs

Change your online banking PIN number and password if you believe the abuser has access to them or could figure them out. Use PINs and passwords that they wouldn't think of since they will know things like the year



you were born, your mother's maiden name, and the name of your pet. It is also advisable to change the passwords of your cellphone (very important) as well as all your email accounts.

### Get financial help

Consider setting up an escape fund that would enable you to flee if the abuser restricts your access to money. Ask yourself if you can do this safely and avoid the abuser's knowledge.



You could:

- Request a loan from friends or family
- Sell unwanted goods for cash that won't be missed
- If you get a monthly allowance, try putting aside a little sum of money each time as an emergency fund, such as change from grocery purchases

### Decide beforehand what do you want to take with you

Consider the goods that, in addition to whatever money you may have, you might want to take with you if you decide to leave. You might maintain an emergency bag in a place that is away from the abuser, if it is safe to do so. Before leaving, you may hand it off to a dependable friend or relative.

Remember to take these things with you if you decide to leave:

- Identification, such as birth certificates and passports (for yourself and your children)
- Documents related to your financial situation and your housing (such as mortgage details or rental agreements).
- Phone numbers of people you can contact, including family, friends and support services
- A list of services you will need to update with your new contact details so the abuser can't access your accounts
- Any medication for you and your children
- Clothing and toiletries for you and your children
- Cards and keys
- Documentation relating to the abuse, including any police reports or crime reference numbers and court orders (such as injunctions and restraining orders). Messages, emails, diaries and photos may also be useful
- Small items of sentimental value

## Find somewhere safe to stay



### Family and friends

Do you have any friends or relatives you could temporarily stay with? Consider whether it would be safe for you to stay with them and whether you would need to contribute financially.

### Keep to your secure house

You might be able to obtain a Protection Order that stipulates that the abuser might not enter certain rooms of the home (such as your bedroom) or the property if you do not want to leave or feel unable to do so. You could also ask the court to issue an order compelling the abuser to leave the house

## HOW WILL MY CHILDREN BE AFFECTED BY THE VIOLENCE?

If you have kids, you've undoubtedly done everything you can to protect them from domestic violence. Maybe you're hoping they're unaware of what's going on. However, the majority of homes with children where abuse is occurring will have children who are aware of it and frequently hear or see it happening.

There are many different ways that kids can experience domestic violence. For instance, kids might hear the abuse or witness one parent's physical injuries after an act of violence while they are in another room, or they might be made to participate in verbally attacking the victim if they are present in the same room as the incident and try to stop it. Children are entirely dependent on the adults in their lives, and if they don't feel safe at home, this can have a variety of detrimental medical and emotional impacts.

All children witnessing domestic violence or being exposed to any act of domestic violence are being emotionally abused, and this is now recognised as a form of domestic abuse in the [Domestic Violence Amendment Act 14/2021](#) (although the Act is not yet in force).



Domestic abuse can have the following effects on kids:

- They might experience anxiety or depression.
- They may have difficulties sleeping.
- They can experience flashbacks or nightmares.
- They might express physical complaints like stomachaches.
- They can begin to wet the bed.
- They might exhibit tantrum behaviour.
- They could act much more immaturely than they actually are.
- They can experience issues at school or begin skipping class.
- They might get hostile.
- They could internalize their suffering and isolate themselves from other people.
- They could feel less valuable than they should.
- Older kids might start using alcohol or drugs.

- They might start overdosing or cutting themselves to start self-harming.
- They might start to have eating disorders.

## HOW DOES THE LAW PROTECT A VICTIM OF DOMESTIC VIOLENCE?

### Getting a protection order



A complainant (victim-survivor) may ask the court for a protection order under the [Domestic Violence Act 116 of 1998](#) to shield them from further abuse. A protection order is a court order that prohibits an abuser from acting violently or that commands them to do things like leave the house or stop communicating with the complainant. The application form to be completed to apply at your closest Magistrate Court is called a [Form 2](#) which can be downloaded here: [https://www.justice.gov.za/forms/dva/dva\\_form%2002.pdf](https://www.justice.gov.za/forms/dva/dva_form%2002.pdf)

### The purpose of the protection order

The main purpose of the protection order is to prevent future abuse or violence. The protection order cannot solve domestic problems but it provides a breathing space so that possible solutions can be found. The respondent will be prohibited from committing certain types of abusive behaviour and may be ordered to do certain acts e.g., pay the mortgage bond or not have any contact with the complainant.

The overall goals are to safeguard domestic abuse victims, uphold the rule of law, and demonstrate that society will not stand by while domestic abuse occurs.

### Will the protection order stop domestic violence?

In certain instances, the abuse won't stop. The underlying issues in a relationship are not dealt with by the protection order. However, if the respondent disregards the protection order, the complainant may contact the police to have him or her detained. The possibility of arrest works as a deterrent to abuse rather frequently. However, if the abusive situation is likely to persist, the complaint needs to be made aware of other available housing options. The complainant will have the chance to consider the future if the cycle of violence is broken, even temporarily.

### A complainant does not have to lay a criminal charge to be able to apply for a protection order.

The police may not refuse to register a complaint of domestic violence. The complainant also has a right to lay criminal charges at any stage and this right does not fall away when application is made for a protection order.



The complainant is entitled to use three processes at the same time: a criminal charge, a civil claim and a domestic violence enquiry (protection order). This is possible because each of these processes has a different purpose. A criminal charge may result in a fine or

imprisonment and a criminal record. A civil claim is used when the complainant wishes to obtain compensation for the injuries she suffered (such as medical expenses) as well as to damage to property. The protection order is to ensure protection against future harm.

### Who can a complainant obtain a protection order against?

The complainant must be in a domestic relationship with the respondent before a protection order can be granted. The complainant is in a domestic relationship with the following:



- A person to whom the complainant is or was married. The marriage may be according to any law, custom or religion.
- The complainant currently lives or lived with the respondent as a couple. This includes the same or opposite sex couples.
- The complainant lives or lived in the same household with the respondent such as a commune or flat share.
- The complainant and respondent are the parents of a child.
- The complainant has or had parental responsibility for the same child, either at the same time or at a different time e.g. foster parents of a child.
- The complainant and respondent are family members related by blood i.e. they have a common ancestor such as children of siblings.
- The complainant and respondent are family members related by a legal relationship e.g. brother-in-law
- The complainant and respondent are family members due to adoption.
- The complainant and respondent are or were engaged, dating or in a customary relationship with each other
- The complainant and respondent are or were in a romantic, intimate or sexual relationship of any duration with each other.
- The complainant or respondent believes that there is or was a romantic, intimate or sexual relationship of any duration with the other party.
- The complainant and respondent live or recently lived together in the same institution for children.
- The complainant and respondent live or recently lived together in the same institution for the elderly.
- The complainant and respondent live or recently lived together in the same institution for the disabled.

### Which court does the complainant approach for a protection order?

The application is made at the court within the area in which:

- The complainant permanently or temporarily resides (even for one night)
- The complainant carries on a business or is employed
- The respondent resides or carries on a business or is employed
- The cause of action (the incident) arose



The forms that need to be completed for an Protect Order is attached at the back of the ebook or can be downloaded [here](#)

## HOW TO APPLY FOR A PROTECTION ORDER

The complainant can approach the police station or the court for assistance. In most cases the complainant first seeks help from the police.

### The police station

- A criminal charge can be laid against the respondent for criminal offences such as assault, attempted murder, crimen iniuria etc.
- The police will provide the complainant with an INFORMATION NOTICE setting out all the information required to apply for a protection order at the court.
- If the complainant requires medical attention or a safe place to go to then the police are obliged to assist the complainant.

### The court

- If the complainant wishes to obtain a protection order, then the clerk of the domestic violence court must be approached.
- The clerk of the court will provide the complainant with an INFORMATION NOTICE.
- The clerk of the court will also establish whether the complainant or anyone else:
  - Is in immediate serious physical danger.
  - Is in need of a place of safety.
  - Is in need of medical attention.
  - Is in need of counselling.
- The clerk of the court will also provide the complainant with the application form ([FORM 2](#)) which is in the form of an affidavit (a sworn statement).
- In the application form the complainant will need to give details of the current domestic violence plus any past history of violence and the events which led to the application.
- Any medical records, photos, witness statements or other evidence can be attached to the application form.
- If the matter is urgent then the clerk of the court will mention this to the magistrate who can then make an interim protection order without notice to the respondent. This means that the court can consider the application without the respondent being present. There must be good reasons to make the order on an urgent basis and this must be explained in the application.
- Although the application may be without notice, the court is likely to arrange another hearing to give the respondent an opportunity to put forward his side of the story.
- The complainant will have to attend this hearing and may have to give evidence.





- If the matter is not urgent then a date for a hearing (notice to show cause) will be set for the complainant and respondent to attend at court.
- The court will consider all the evidence and decide whether to grant a further and final order. If the order is granted, there are various remedies available to the complainant. These remedies will be set out in the protection order.

(<https://www.justice.gov.za/juscol/docs/article-02.html>)

**The forms that need to be completed for an Protect Order is attached at the back of the ebook or could be downloaded [here](#)**

## Remedies available to a complainant

### Main orders prohibiting the respondent from:

- Committing certain specified acts of domestic violence, such as physical abuse.
- Enlisting the help of another person to commit the specified acts of domestic violence.
- Entering the shared residence.
- Entering certain specified parts of the shared residence.
- Entering the complainant's residence.
- Entering the complainant's place of employment.
- Preventing the complainant or any child who ordinarily lives or lived in the shared residence from entering or remaining in the shared residence.
- Committing any other controlling or abusive behaviour towards a complainant.



### Main orders ordering the respondent to:

- Make rent or mortgage payments in a specified sum on a monthly or annual basis.
- Pay the complainant a sum of money as emergency monetary relief.

### Additional Orders:

- An order instructing a peace officer to accompany the complainant to the respondent's residence to assist with arrangements regarding the collection of personal property.
- An order obligating the SAPS to seize dangerous weapons.
- An order preventing disclosure of complainant's address.
- An order prohibiting the respondent from having contact with the children.
- An order governing the contact of the respondent with the children

## WHAT HAPPENS IF THE RESPONDENT (ABUSER) BREACHES THE PROTECTION ORDER?

The interim and final protection orders contain the details of the conduct that the respondent is prohibited from doing or conduct that he/she is obliged to do. A respondent who breaches a protection order may be arrested and sentenced to a fine and/or imprisonment or both.

In the event that a respondent contravenes a prohibition, condition, obligation or order contained in a protection order the complainant may also:

- Institute criminal proceedings (i.e. lay a criminal charge) ; and/or
- Institute civil proceedings (i.e. for damages)



If the complainant alleges that the respondent has breached the terms of the protection order, then the complainant makes an affidavit at the police station. If any member of the SAPS is of the opinion that there are reasonable grounds to suspect that the complainant will suffer imminent harm due to the alleged breach, the respondent must be arrested. The harm suffered need not be physical harm. It can also be psychological, sexual, emotional, stalking, intimidation or economic.

If the SAPS are of the opinion that the complainant will not suffer imminent harm as a result of an alleged breach, then the SAPS must serve a Notice on the respondent. This Notice instructs the respondent to appear in court on the next court day on a charge of contravening the protection order.

(<https://www.justice.gov.za/juscol/docs/article-02.html>)

## SOME OF THE VICTIM SURVIVOR'S LIVED EXPERIENCES:



*"Often the partner denies you access to finances. Maybe you are a woman and you are not employed and the man is in a position to accessing funds from his employment and he doesn't provide you with necessary things that are required to be maintained, let's say the school fees, the clothing, the food, etc."*

*"The withholding money is the most common. Because it's not maybe that he hasn't got money. He's got money but he doesn't want to give it out. For his own reasons, you know..."*

*"My husband does receive a salary and can support the family but give money but not enough for basic food and basic clothing and decent shelter"*

"So, when she says 'remember you gave me this for food' and whatever, then he'll say 'it's my money, I worked for it'... I think it's control. It's a control tool. The reason that she gives that money back again is to prevent the beatings. It's a circle of violence..."

*"...And also, when the husband is having an affair with someone else and is living with that person outside. So now he is supporting the mistress and he's not supporting the wife and the children and he gives all the money away..."*

"And he's manipulating the money situation in order for her to listen to him and if she don't want to listen to him, he's punishing her and the children because the children stood with their mother. Now he doesn't want to give her any money because they are mos now like they're punished or feel what it is to go without"

*"But most of the times, even the maintenance they receive for the kids (SASSA or child grant), he is not working or he is working and he expects her because it's his child, I think they receive now R280, he wants part of that money because it's his child and not understanding he must also pay maintenance despite of the government giving that money."*

"Or the grant money, he expects must cover everything. But that has not been seen because there's starving taking place. School fees are not being paid. When I unpack economic abuse, it gets to all those things."

*"Like also, some other force to go and borrow money from the dads and all that stuff, and then the husband promises to help them pay or whatever, and a contract form and all that stuff. But at the end of the day the money doesn't come. Then he says: 'No, it not my name on the paper it's your name'. So, I have to go and pay."*

"And sometimes the husband tells the woman 'you don't have to work, I will provide' for everything in the house. And when it comes to that time that he refuses to give the woman money and refuses her to go to work"

*"Most of the, the African women, they must first go to the elders to talk about the problem then they will decide if the woman can go to court or apply for maintenance or an interdict. You have to consult your family first on most topics. My family and his family. Then they sit down and take time to negotiate. Then it will depend there, or they are going to ask me to give them some time, maybe two weeks to go to the headman and after that they will decide and then I'll have to consult the family again. Because if I just go to court, the inlaws are going to resent me because I did a wrong thing to their son in court."*

“Economic abuse means a lot of things but then coming to apply, when they go and apply and you say yes, it’s abuse... write down your statement It’s been seen that all this, it’s not, it’s not ... how can I say? It’s not acknowledged as it’s an abuse by the courts.”

*“Because once a client applies for a protection order and there’s written too much about money, the first thing that they do is refer, whether, the abuse is taking place, then she won’t get the protection order. It won’t be granted because ... there’s too much about money. Money issues have to go to maintenance. That’s how they see it. But actually, there’s a lot of ways to abuse a person economically.”*

(All victim stories from the minor dissertation from Susannah Clarke for completion of her Masters in Philosophy: Social Justice CLRSUS006 in 2014)



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REPUBLIC OF SOUTH AFRICA

**FORM 2**

[Regulation 4]

**APPLICATION FOR PROTECTION ORDER**

**SECTION 4(1) OF THE DOMESTIC VIOLENCE ACT, 1998 (ACT NO. 116 OF 1998)**

**PART A : APPLICATION**

**(To be completed by applicant)**

**1. PARTICULARS OF COMPLAINANT (Victim of domestic violence)**

Surname :	
Full names :	
Id.No / Date of birth	
Home or temporary address :	
Home/contact telephone number :	
Work address :	
Work telephone number :	
Nature of domestic relationship with person who committed the act of domestic violence (Respondent):	
Occupation :	

**2. PARTICULARS OF PERSON MAKING THE APPLICATION ON BEHALF OF THE COMPLAINANT (if applicable)**

Surname :	
Full names :	
Id.No / Date of birth	
Home address :	
Home/contact telephone number :	

Work address :	
Work telephone number :	
Occupation :	
Capacity in which application is made :	
Nature of relationship with the complainant :	
State reason(s) why application is made on behalf of the complainant:	
Indicate whether written consent of complainant has been obtained : (Delete whichever is not applicable)	<p>Written consent *has been obtained and is attached/is not necessary since the complainant is-</p> <p>a minor (under the age of 21 years);</p> <p>mentally retarded;</p> <p>unconscious;</p> <p>unable to provide consent because</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

**3. PARTICULARS OF PERSON WHO COMMITTED ACT OF DOMESTIC VIOLENCE (hereafter called the Respondent) - in so far as such particulars are available**

Surname :	
Full names :	
Id.No / Date of birth	
Home address :	



Home/contact telephone number :	
Work address :	
Work telephone number :	
Occupation :	

#### **4.PERSONS AFFECTED BY DOMESTIC VIOLENCE**

##### **4.1 Particulars of children and adults sharing the residence :**

<b>Name :</b>	<b>Age :</b>	<b>Relationship to complainant</b>

##### **4.2 How are these persons affected ?**

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##### **4.3 Do any of these persons suffer disabilities? If so give details :**

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#### **5. INFORMATION REGARDING ACTS OF DOMESTIC VIOLENCE**

***Give full details regarding all incidents of domestic violence and also indicate whether firearms or other dangerous weapons were used, what injuries have been sustained and whether medical treatment was obtained :***

**6. INFORMATION REGARDING URGENCY OF APPLICATION**

***Submit the reasons why the Court has to consider the application as a matter of urgency and why undue hardship may be suffered if the application is not dealt with immediately***

**7. TERMS OF PROTECTION ORDER**

***It is requested that the Respondent must be ordered (Mark appropriate box and***

***complete where necessary) :***

(a)	Not to commit any act of domestic violence	
(b)	Not to get the help of another person to commit any act of domestic violence	
(c)	Not to enter the shared residence, situated at .....	
(d)	Not to enter a specified part of the shared residence, namely .....	
(e)	Not to enter the Complainant's residence, situated at .....	
(f)	Not to enter the Complainant's place of employment, namely .....	
(g)	Not to prevent the Complainant or any child who ordinarily live(s) or lived in the shared residence from entering or remaining in the shared residence or any part thereof, to wit .....	
(h)	Not to commit any other act, namely .....	

### **8.ADDITIONAL CONDITIONS**

***It is also requested that the Court must order that (mark appropriate box and complete where necessary) :***

(a)	A peace officer, namely, ..... ..... is to accompany the Complainant to assist with arrangements regarding the collection of the Complainant's personal property set out in paragraph 9, below.	
(b)	A member of the South African Police Service is to seize the following arm(s) or dangerous weapon(s) in the possession of the Respondent: ..... ..... .....	
(c)	The Respondent is to pay the following rent or mortgage payments: ..... ..... .....	

(d)	The Respondent is to pay the following emergency monetary relief: ..... ..... .....	
(e)	The Respondent is refused any contact with the following child or children: ..... ..... .....	
(f)	The Respondent is granted the following contact with the above-mentioned child or children: ..... ..... .....	
(g)	The physical address of the Complainant's residence not be disclosed to the Respondent	
(i)	Other conditions requested : ..... ..... .....	

**9.PERSONAL PROPERTY**

<b><i>Property description:</i></b>	<b><i>Grounds on which property is considered to be personal property :</i></b>	<b><i>Address where property is kept:</i></b>

**10.** I am likely to report a breach of the Protection Order at the \_\_\_\_\_  
Police Station.

\_\_\_\_\_  
**DEPONENT**

(Person who applies for order)

\_\_\_\_\_  
**DATE**

<b>PART B : CERTIFICATION</b> (for official use)
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11. I hereby certify that before administering the \*oath / taking the affirmation I asked the Deponent the following questions and noted \*her/his answers in \*her/his presence as indicated below:-

- (a) Do you know and understand the contents of the above declaration?  
Answer \_\_\_\_\_.
- (b) Do you have any objection to taking the prescribed oath?  
Answer \_\_\_\_\_.
- (c) Do you consider the prescribed oath to be binding on your conscience?  
Answer \_\_\_\_\_.

I hereby certify that the Deponent has acknowledged that \*she/he knows and understands the contents of this declaration which was \*sworn to / affirmed before me, and the Deponent's \*signature / thumb print / mark was placed thereon in my presence.

Dated at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ year \_\_\_\_.

\_\_\_\_\_  
**Justice of the Peace / Commissioner of Oaths**

Full Names \_\_\_\_\_

Designation \_\_\_\_\_

Area for which appointed \_\_\_\_\_

Business Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_