

The impact of seeking Protection Orders for Severe Violence on the lives of female survivors in South Africa

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BACKGROUND

- South Africa has high rates of GBV, and one of the highest rates of femicide globally- five times the global rate.
- The **1998 Domestic Violence Act** provides the right to seek Protection Orders (PO)s, but the right is applied to **women and men**
- A PO is issued on an **interim** basis by a magistrate and is usually followed 4-8 weeks later by a hearing to determine whether to **finalize** the PO.
- POs issued with conditions and **suspended warrants of arrest**, However, they must be **served, acknowledged** and **signed** by partners to be legally effective
- Evidence on the effectiveness of POs in protecting women is almost entirely from high-income countries, and little is known about their impact on women's safety and lives.

RESEARCH QUESTIONS

This study addressed a critical research gap among PO seeking women in South Africa by exploring:

- What factors precipitate women seeking protection orders in South Africa?
- What are the IPV, psychological, relationship, and social **experiences** of women who have sought a PO?
- What is the social, emotional and economic **impact** of exposure to severe IPV, and of seeking a PO on women?

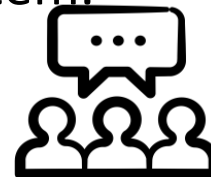
METHODS

DESIGN: Qualitative descriptive design using a combination of individual in-depth interviews and narrative group interviews with women.

SETTING & PARTICIPANTS: Twenty demographically diverse adult women were purposively sampled from the Domestic Violence and Sexual Offences Magistrate's court in Pretoria, South Africa

DATA COLLECTION :

- Individual in-depth interviews with women twice within a 6-month period to explore subjective views and experiences of severe violence and seeking a PO.
- Narrative group interviews in groups of 3-5 women to explore experiences with obtaining a PO, with the police and the criminal justice system.



TYPES OF SEVERE VIOLENCE EXPERIENCE

- Women seeking POs commonly reported experiencing multiple forms of IPV over a long period of time
 - **Emotional IPV**
 - Controlling behaviour, restriction on movement, verbal abuse, intimidation, threats to kill, stalking.
 - **Economic IPV**
 - Preventing her from working, controlling finances, monitoring bank accounts, fraudulently obtaining her money or assets/property damage,
 - **Physical IPV**
 - **Beating** with hands, fists, or objects (e.g., boots), dragging, strangulation /choking, kicking, burns, buried in a hole – commonly resulting in **severe injury or near femicide**.
 - **Sexual IPV** : Marital rape and coerced sex
- **NB All women in the study reported fearing for their lives**

PRECIPITATING FACTORS LEADING TO PO SEEKING

- PO seeking – a complex decision-making process PO-often cyclical – many reported the classical cycle of violence followed by “a peaceful time” , forgiveness and recurrence of violence
- PO-seeking precipitating factors included:
 - There was often a final incident of extreme physical/sexual violence
 - Realising the risks their partner posed to their children’s safety
 - **Fear of being killing** emerged as a major theme across the women’s reported experiences
 - Being in an untenable situation of controlling behaviour e.g.. being prevented from working, being locked up, paranoid jealousy, when no other source of household income was available.

WOMEN'S EXPERIENCES OF SEEKING A PO-POLICE

- Experience with police as first responders was variable, ranging from dismissive to very supportive
- Some of the women reported abuse by police officers – in one case an officer came to her house *“at 2am to take my statement, some days after the initial incident, and sexually harassed her”*
- Police could be helpful if they were convinced of the “severity” of the violence i.e. visibility of severe injuries
- Some women were sent from pillar to post by police claiming that they did not live within their jurisdiction, with lack of agreement on what was the jurisdiction
- Police did not take emotional IPV and threats to kill seriously and did not always investigate attempts on a woman's life

WOMEN'S EXPERIENCES OF SEEKING A PO – THE COURTS

- Women found seeking a PO at Court was often a frustrating and drawn-out process
- Many women had to attend Court on multiple days to get a PO and some gave up after failing to get a PO after attempting on 3-4 days
- Women were hampered by their lack of knowledge of the PO process, especially the difference between an IPO and final PO, language, length and level of evidence needed to grant the final PO
- Requirement for detailed accounts of abusive behaviour to be documented on forms, including dates of incidents and women often felt defeated by this
- Courts did not always grant POs with eviction of the abusive partner e.g.. when a house was owned by him, and this was frightening
- Postponements and complete withdrawal of cases with no consultation
- Delays in granting of PO often the result from cascading effect of CJS delays (insufficient magistrates, onus being on victim to hand over the PO, or unable to find perp). Some of the most dangerous perpetrators could not be located to be served the PO

COURTS AND CHILDREN

- Women were put at risk due to processes linked to access to and custody of children
- Women who fled with their children and went into hiding were viewed by the Children's Courts as obstructing men's parental rights
- Children's Courts did not always know that there was a PO and did not take it into account
- Access to children required women to disclose their address to their ex- and this undermined their ability to conceal their new places of residence.
- Men with resources could weaponise their children and the Children's Courts against their partner, who often had much less access to resources at this time

IMPACTS OF LEAVING

Interpersonal relationships

- Lack of support from his and/or her own family members & ostracization from extended family

“Remember, I'm not getting support from his family and my own family members who are supposed to support me. They sided with him (Group narrative)

Financial and household Impacts

- Loss of financial resources for the household (food, school fees, living expenses).
- Assuming complete financial responsibility to children and household, due to abandonment.
- Disruption of the family set up.

“For all the debts that he left me with... I [am] still behind with the car. I can't seem to keep up. Flats. Kids. Food, transport. I took another loan because we didn't have electricity, there was no food..... (Group narrative)

IMPACTS OF LEAVING

Lifestyle and coping

- Unhealthy coping mechanisms, (e.g. smoking, medicating, drinking, gambling, partying)- emotional dysregulation

Mental Health Impacts

- Hypervigilance and fear
- Very considerable stress, anxiety and frustration with the complex process
- Depressive and Post-traumatic stress symptoms and suicidality
- Sleep disturbances & appetite changes

“I don’t sleep at all....I don’t even get hungry. There’s no appetite” (Miriam 46).

- Guilt and Self Blame

“I could have just seen the signs and left. That one hits hard, and I would ask myself why did I let it get this far. I actually blame myself, as to why?” (Lesedi 28)

Positive impacts

- A sense of peace and relief from absence of the violent man
- Sense of freedom
- Less stress on children
- Resilience

CONCLUSIONS

- Women face huge personal, social and legal barriers in applying for, obtaining and finalizing POs against their partners.
- The police and legal systems are often slow and cumbersome, and present a huge barrier to applying for and finalising POs for very vulnerable women
- Childcare and visitation are extremely complex for women who seek POs, given fear for children's safety, including real/perceived threats of violence
- Economic pressures are huge when women try to leave abusive partners and, pose an almost insurmountable barrier for women who do not have jobs or external sources of support
- Women showed us through our research how much they valued a chance to meet and network with others in the same situation and help them feel that they were not alone, and that they were heard.

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The South African Medical Research Council

recognizes the catastrophic and persisting consequences of colonialism and apartheid, including land dispossession and the intentional imposition of educational and health inequities.

Acknowledging the SAMRC's historical role and silence during apartheid, we commit our capacities and resources to the continued promotion of justice and dignity in health research in South Africa.



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