

“JUSTICE AT A SNAIL’S PACE”: THE IMPLEMENTATION OF THE DOMESTIC VIOLENCE ACT (ACT 116 OF 1998) AT THE JOHANNESBURG FAMILY COURT

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ABSTRACT

The article focuses on the implementation of the Domestic Violence Act (Act 116 of 1998) at the Johannesburg Family Court for the period March to December 2004 by examining a sample of case files. The author examines who the parties are to an application for a protection order, the type of conduct complained of in the application, the appearance of the parties in court, the duration of the process and the type of relief granted by the court. In conclusion the author makes a number of recommendations that law and policy makers should take cognisance of.

INTRODUCTION

This article examines the implementation of the Domestic Violence Act (Act 116 of 1998 and hereinafter referred to as the ‘Act’) at the Johannesburg Family Court. The court is one of five Family Courts in the greater Johannesburg area (including Randburg, Roodepoort, Wynburg and Soweto) with jurisdiction to consider applications for protection orders under the Act. After paying a preliminary visit to the Johannesburg Family Court in June 2004¹ and inspecting a small sample of domestic violence case files, it was noted that the process of applying for a protection order² is long and protracted. It was also noted that the parties to the court process frequently defaulted at their first court appearance, that the conduct complained of in the application took a variety of forms and that numerous cases were still pending.

As early as 1999, a year after the Act came into effect, Rasool (1999:1) opined “...whether the police and courts will be able to implement the legislation remain to be seen”. In 2001 one of the first studies on the implementation of the Act was conducted in order to ensure that the legislation was “being applied diligently, equally and without prejudice (Parezee et al 2001:1)³. The researcher therefore decided to conduct a contemporary study on the implementation of the Act at the Johannesburg Family Court. The questions that the researcher intended to answer were:

- Who are the parties (applicant and respondent) to a domestic violence application?
- What type of conduct constitutes ‘domestic violence’ in practice?
- Do the parties actually appear at the court hearing?
- How long the process lasts - from the time an act of domestic violence is committed to the granting of relief, in the form of a protection order?
- What is the nature of the final order or relief granted by the court?

This study will examine the background to and an overview of the Act, the methodology employed in the study, the geographic locale of the study, findings, analysis of findings and finally, conclusions and recommendations.

BACKGROUND TO AND OVERVIEW OF THE DOMESTIC VIOLENCE ACT

The Act, which came into effect in December 1999, was intended to provide the victims of domestic violence with “the maximum protection from domestic abuse that the law can provide”⁴. It was also intended to improve on the protection provided by its predecessor, the Prevention of Family Violence Act (Act 133 of 1993). The latter statute, although innovative in the South African context in that it criminalised marital rape⁵ and was described as “an important first

step in the legal system's recognition of the serious nature of the problem of violence against women" (Jagwanth 1995:11) provided limited protection to the victims of domestic violence. Its definition of domestic violence was narrow and limited and it excluded from its ambit "non-traditional family relationships" (Fedler 1993: 239) such as those parties who had not lived together or who were simply in a dating relationship.

The protection afforded by the present Act is gender neutral since both women and men are protected. The Act presupposes the existence of a 'domestic relationship' between the parties to a domestic violence action. This relationship, as provided for in sections 1(a) to 1(f) of the Act, includes persons who are legally married, cohabiting, sharing the same residence, related by blood or who have been in a dating relationship. The 'domestic relationship' also covers both heterosexual and same sex relationships. It is submitted that this is another improvement on the extended protection afforded under the Act and that this meets the Constitutional requirement of equality.⁶

The definition of domestic violence has been described as more "comprehensive" (Rasool, 1999:1) and covers a wide range of conduct, inter alia, physical, emotional, sexual and economic abuse as well as stalking. The protection provided by the Act is referred to in Section 6 of the Act as a "protection order" and is a civil order of court that prevents a perpetrator of domestic violence from engaging in acts of domestic violence, entering the shared residence or a specific area thereof and entering the workplace of the victim. It also permits a court to include anything else in the order that could protect an abused person⁷.

According to the court personnel⁸, a complainant who is a victim of an act of domestic violence could first report the matter to a police station. This could occur when the conduct is accompanied by a criminal act such as assault, assault with the intent to commit grievous bodily harm or rape. The complainant would then lay a criminal charge with the police and be directed to the Family Court where an application for a protection order can be made. Alternatively, the applicant, or victim, could approach the Family Court directly in order to apply for a protection order. This is when the court process commences.

After completing the necessary forms which set out the nature of the abuse, the type of relationship between the parties and the date of the alleged offence, an interim protection order could be granted⁹ while a "notice to show cause"¹⁰ has to be served on the respondent¹¹. This notice enables the respondent to appear in court to show cause why the protection order should not be granted. It is submitted that this provision of the Act meets the requirements of Section 35 (3) (1) of the South African Constitution (Act 108 of 1996) which allows an accused person a fair trial and the right to adduce and challenge evidence.¹² According to section 5(5) of the Act, the applicant should be given ten days between the granting of an interim protection order and the return date, which is the date on which the applicant will appear in court.

The court can issue a final protection order if the respondent defaults but only if it is satisfied that proper service has been effected on the respondent and that the respondent is committing or has committed an act of domestic violence.¹³

METHODOLOGY

Content analysis was used to obtain the findings in the case files. This type of research method analyses "the contents of texts or documents" (Mouton, 2001:165). In the present study, the 'texts or documents' are represented by the court files that were perused. According to Neuman (1994:263), content analysis is useful when measuring "large amounts

of text". It is also useful to "reveal messages in a text that are difficult to see with casual observation... the creator of the text or those who read it may not be aware of all of its themes, biases or characteristics" (Neuman, 1994:263). The findings were obtained by the perusal of fifty case files¹⁴. Permission to access the case files was obtained beforehand from the Court Manager. The sampling frame consisted of all the domestic violence case files at the Johannesburg Family Court for the period March to December 2004. A random sample of 50 case files was selected and perused. Five files were randomly chosen from the boxes of files which represent each month of the year.

While the 50 selected files represent a small sample covering a limited period in 2004, the researcher noticed that similar results were frequently found in most of the selected files. In other words the sample became saturated. The sample is therefore a competent one from which conclusions can be drawn.

The case files were perused in order to determine the research questions that appear in the introduction of this article. A single face-to-face interview was conducted with a senior administrative clerk in the domestic violence section of the court in order to establish the number of domestic violence applications received by the Johannesburg Family Court.¹⁵ The information regarding the geographical locale was obtained by direct observations made by the researcher on visits to the Family Court. While this study is qualitative in nature, having been based on the perusal of information contained in case files, a single face-to-face interview and direct observations, the findings have been quantified in percentages.

GEOGRAPHIC LOCALE OF STUDY

The Johannesburg Family Court is situated in central Johannesburg. The court's area of jurisdiction includes central Johannesburg and the surrounding urban areas of Yeoville, Berea, Hillbrow, Mayfair, Brixton, Fordsburg, Braamfontein, Northcliff, Westbury, and Turffontein. Eldorado Park, a far-flung township is also included in this court's area of jurisdiction. The court thus serves a vast jurisdictional area. The population the court serves is also vast and economically, racially and culturally diverse.

The Johannesburg Family Court receives an average of 60 to 80 applications for protection orders per day¹⁶. Since the court is in operation from Monday to Friday, this amounts to between 300 to 400 applications per week. While the number of applications may seem excessive, the establishment of a Family Court in Orlando, Soweto in late 2004, has actually lessened the Johannesburg Family court's case load.¹⁷

At the time that the fieldwork in this study was being conducted, the section of the building normally used to receive applicants in domestic violence cases on the first floor of the Family Court was being renovated. The court personnel in the domestic violence section were housed on the fifth floor of the building. The researcher made the following observations:

- That there were no separate offices on this floor.
- That room dividers demarcate office areas for the clerks.
- That office spaces are shoddy and unkempt.
- That there are no telephones and computers.
- That files are handwritten by the personnel.

Apart from the applicants having to endure long waiting periods before they are attended to,¹⁸ there is also no privacy when they are being interviewed. The researcher's recorded observations echo the views of Parenzee et al (op cit:107)

that the “lack of infrastructure within the ... court system is a fatal flaw to the effective and efficient enforcement of rights of complainants”.

FINDINGS

The findings below have been clustered according to the ‘domestic relationship’ as per section 1 of the Act.

Husband and Wife

Parties:

A total of 11 cases (22% of the sample) fell into this category. This type of domestic relationship refers to parties who are legally married. The court files do not indicate whether the parties are married according to the civil law or, perhaps, customary law. Wives were applicants in 7 cases and husbands in 4 cases.

Nature of abuse:

In the 7 cases where wives were applicants the abuse consisted of verbal abuse (insults, swearing, death threats and threats of physical violence), physical abuse (assault), sexual abuse (forcing the wife to have sexual intercourse or to have sex without a condom) and destroying the wife’s clothing. In the 4 cases where husbands were applicants, the wives had verbally abused their husbands and refused them access to the shared home. A husband complained of physical abuse in one case only. However the file does not specify the nature of the abuse.

Appearance of parties in court:

In 6 cases both parties appeared at the court hearing and in 4 cases both parties were in default. The files do not indicate why the parties defaulted. In one case, the applicant, a husband, appeared and informed the court that he had resolved the matter by mutual consent with his wife and no longer wished to pursue the matter.

Duration of the process:

The process lasted a minimum of 1 month to a maximum of 4 months.

Nature of the final order/relief:

The final order was granted in 2 cases. In one of these cases the husband was the applicant and the protection order prohibited his wife from denying him access to the shared home and from verbally abusing him. The process lasted 3½ months before the order could be granted. In the second case where the wife was the applicant, the protection order prohibited the husband from verbally abusing her (swearing and death threats) and physically abusing her (assault). This process lasted 2 months. In the remaining 9 cases the final order was not granted because the parties defaulted.

Cohabiting Couple

Parties:

A total of 12 cases (24% of the sample) fell into this category. This domestic relationship refers to couples who live together, or cohabit, without being legally married. Female partners were applicants in 8 cases and male partners were applicants in 4 cases.

Nature of the abuse:

In the 8 cases where female partners were applicants the abuse consisted of physical abuse (assault), verbal abuse (insults and death threats), sexual abuse (the applicant was forced to have sex against her will) and in one case the applicant was stalked. In the 4 cases where the male partners were applicants, the men were verbally abused, physically abused (this occurred in one case, although the nature of the abuse was not specified), denial of access to personal belongings and a threat of eviction from the shared home.

Appearance of the parties in court:

In one case both parties appeared in court and in 8 cases both parties were absent. In the remaining 3 cases only one of the two parties appeared in court.

Duration of the process:

The process lasted from between 3 weeks to a maximum of 4 months.

Nature of the final order/relief:

The final order was not granted in any of the cases. While this was largely due to default of one or both of the parties, improper service of the interim protection order was evident in 2 case files. In one case the court received an affidavit stating that the parties had reconciled their differences and no longer wished to proceed with the matter.

Dating Relationship

Parties:

8 cases (16% of the sample) fell into this category. This type of domestic relationship refers to couples who were actually in a dating relationship when the application for a protection order was made or who were at some time in the past in a dating relationship. Females or girlfriends were complainants in 7 cases and a male or boyfriend in 1 case.

Nature of abuse:

In the 7 cases where girlfriends were applicants, the abuse consisted of physical abuse (assault), sexual abuse (conduct not specified) and verbal and emotional abuse (death threats in 2 of the cases). In the single case where the boyfriend

was the applicant, the abuse consisted of verbal abuse (swearing) and emotional abuse (conduct not specified).

Appearance of parties in court:

In 4 of the cases both parties were in default. In 2 cases only the respondent appeared in court and in 1 case both parties appeared in court. In 1 case it was not clear from the file if the parties defaulted or not.

Duration of the process:

The process lasted between 2 weeks to 6 months.

Nature of the final order/relief:

In 2 cases it was impossible to determine whether the final order had been granted due to the poorly recorded file. In the remaining 6 cases the final order was not granted due to default of one or both of the parties.

Blood Relationship

Parties:

15 cases (30% of the sample) fell into this category. The parties shared a blood relationship either as parents and children, siblings, grandparents and grandchildren, uncle and niece, and aunt and nephew.

Nature of abuse:

The abuse consisted of physical abuse (assault), verbal abuse (death threats, threats of assault, threats to sell the household contents and swearing the applicant), financial abuse (mother not buying food for her minor children) and preventing access to the shared home.

Appearance of parties in court:

In 8 cases both parties defaulted. In 6 cases both parties appeared in court. In 1 case only the applicant appeared.

Duration of the process:

The process lasted from 1 month to a maximum of 5 months.

Nature of the final order/relief:

The final order was granted in 2 cases. In the first of these cases, an elderly father obtained a protection order against his daughter and son in law which forbade them from verbally abusing him, demanding financial support and threatening to kill him. Both parties appeared in court and the process lasted 2½ months. In the second case a grandfather obtained a protection order against his grandson that prevented the grandson from verbally abusing him

(death threats), damaging his property and preventing other family member's access to the shared home. Both parties appeared in court and the process lasted 2 months.

Related by Marriage (in laws)

Parties:

3 cases (6% of the sample) fell into this category. The parties were related by marriage as follows: husband and wife (applicants) and father in law (respondent), daughter in law (applicant) and mother in law (respondent) and sister in law (applicant) and brother in law (respondent).

Nature of abuse:

The conduct consisted of verbal abuse (death threats, threats to sell the household goods to pay off debts) and damage to property (conduct not specified in file).

Appearance of parties in court:

In all three cases the parties defaulted.

Duration of the process:

The process lasted from 1 to 3 months.

Nature of the final order/relief:

The final order was not granted in any of the three cases due to default of the parties.

Parties who are sharing or who have shared a residence

Parties:

1 case (2% of the sample) fell into this category. The case referred to a female student living in a university hostel (applicant) and a male security guard at the hostel (respondent).

Nature of abuse:

The conduct consisted of verbal abuse (insults and death threats).

Appearance of parties in court:

Only the respondent appeared in court.

Duration of the process:

3 weeks.

Nature of the final order/relief:

The final order was not granted due to default of the complainant.

ANALYSIS OF FINDINGS

The Parties:

Most of the cases in this study (30% of the sample) fell into the 'blood relationship' category. This finding confirms the view expressed in an earlier study that there is "an increase in the other category which includes mothers applying for orders against sons and daughters or girls against their fathers or other male relatives" (Matthews & Abrahams, 2002:20). The findings also indicated that all the more 'intimate' domestic relationships (parties who are married, cohabiting or in a dating relationship) refer to heterosexual relationships.

Women were applicants in 35 of the cases (or 70% of the total sample). These female applicants were related to the respondents in a variety of roles (as wives, partners, girlfriends, mothers and sisters). It can therefore be concluded from this study that women are most likely to be the applicants in cases of domestic violence. A possible reason for this is offered by Parenzee and others (op cit:103) who state that in South Africa "violence against women is still regarded as the norm, and in many contexts, legitimate".

Men were applicants in 15 (30%) of the cases. In these domestic relationships, 5 men were husbands, 4 were male partners in a cohabiting relationship, 1 was a boyfriend in a dating relationship and 5 applicants were related by blood to the respondents either as grandfathers, a grandson, a father and a brother. According to Parenzee et al (op cit:89) "there are definitely more men applying for protection orders". However in the latter study it was found that men often obtained protection orders as a counter measure. This finding can however not be confirmed in the present study since it was not indicated in the case files. An earlier study also found that the profile of applicants had changed "with an increase in men applying against women as their intimate partners" (Matthews and Abrahams, op cit:89). The percentage of male complainants, it is submitted, does give effect to the spirit of the Act which was not intended to discriminate against the victims of domestic violence on the basis of gender.

Conduct:

According to the findings, the conduct that constituted domestic violence covered a wide spectrum of behaviour. Ostensibly there is more likelihood of physical violence (assault and forcing a female to have sex¹⁹) in the intimate domestic relationships. This seems to occur more frequently when the husband, male partner or boyfriend, is the aggressor. One theory which can explain a 'small percentage' of male violence in the domestic domain is Toby's "masculinity hypothesis" which "views all violence on the part of men as expressing a universal masculine ideal of physical force and violence" (Toby as cited in Padayachee & Morar, 1997:94). In terms of this theory then, a man can express himself by a show of force or violence. It is submitted that in a patriarchal society such as South Africa, this

explanation is plausible.

In cases where males were the applicants, the females are more likely to resort to verbal abuse (swearing and insulting), denying the male partner access to the shared home or destroying personal belongings. There is thus less likelihood of physical violence when the female is the perpetrator of domestic violence.

In the other domestic relationships (related by blood, by marriage and those that share a residence) the conduct was more likely to consist of verbal abuse, financial abuse and damage to property.

Appearance of the parties in court:

Both parties appeared in court in 15 cases (30% of the sample). In 6 cases (12% of the sample) only one party appeared. In 27 cases (54% of the sample) both parties were in default. While none of the case files indicated why the parties defaulted, in 3 (6%) cases it was evident from the file that the parties agreed by mutual consent to discontinue the process. It is submitted that default could indicate, amongst other factors, intimidation by one partner in the domestic relationship to not pursue the matter further.

Default by the respondent could also indicate improper service or no service of the interim protection order. This was mentioned in 4 (8%) of the court files. It is submitted that the high percentage of default could also indicate a loss of interest in a long, protracted process where immediate relief is not in sight. In the remaining 2 cases (4%) it was impossible to determine from the case files whether the parties did in fact appear in court.

As stated earlier, women were applicants in 35 cases (70%). Of this total number of female applicants, 24 (48%) did not appear in court on the return date. According to Parenzee et al (2001:49), womens activists predicted that forcing a female complainant to appear in court on the return date is a form of "secondary victimisation". While this could be a reason for their default, another possible reason is that parties abuse the Act by making false claims of domestic abuse to scare or intimidate the other party (Liebovitch, 2005:25). When the parties have reconciled, they default at their court hearing. Research has cautioned that such abuse of the Act is most likely to occur in divorce proceedings (Liebovitch, op cit.26)

Duration of the process:

The process lasted a minimum of 2 weeks, although this was in one case only, to a maximum of six months. The process is thus far too protracted and fails to meet the ten day requirement²⁰ in the Act between the issuing of an interim protection order and the issuing of the final order. One reason for this long process is the excessive case load and limited infrastructure of the Johannesburg Family Court.²¹ According to the administrative clerk that was interviewed, it is impossible to adhere to the ten day period in the Act because of the large numbers of applications. There is generally a two to three month delay between the issuing of an interim order and the return date²².

The nature of the final order:

The final protection order was granted in only 4 cases (or 8% of the sample). In 3 of these cases, final protection orders were granted to male applicants (a husband, an elderly father and a grandfather). A female applicant was a beneficiary

of a protection order in only one case. While it has been noted earlier that the Act is gender neutral, given the high level of violence against women in South Africa, it is rather ironic that men were the beneficiaries of protection orders in this study.

RECOMMENDATIONS AND CONCLUSIONS

Training of Family Court personnel:

In this study it was found that numerous case files were poorly recorded. A few files were so poorly recorded that it was impossible to ascertain whether the parties defaulted, whether proper service was affected or if the final order was granted. It is recommended that the Department of Justice implement a training programme for administrative personnel at Family Courts on how to record domestic violence case files more systematically. The training should emphasise, inter alia, how to assist applicants in writing statements, completing forms in a coherent manner and filing forms and documents in chronological order. It is also recommended that the documents be filed as follows: the first application for a protection order, the interim protection order, supporting affidavits, the notice to show cause, proof of service and the final order. This could facilitate both research and effective monitoring of the implementation of the Act.

Training on effective service of the interim order:

As stated earlier (see endnotes 10 and 11), according to section 13 of the Act, either a peace officer, the clerk of the court or the sheriff is allowed to effect service of documents on the respondent. In practice it is either a police official or the sheriff who serves the interim protection order and the notice to show cause on the respondent. This amounts to “fragmented service provision” (Parenee et al, op cit:79) where effective implementation of the Act depends upon several service providers within the criminal justice system. If there is no good working relationship between these service providers, the Act cannot be implemented effectively. In fact, in a number of cases in this study, the case files indicated improper or no service on the respondent (as the findings in this study have illustrated).

It is recommended that either the Department of Justice or the Department of Safety and Security implement a training programme on how to affect proper service of documents on the respondent. The training should stress the importance of proper, effective service. Alternatively, it is recommended that the Act should be amended to limit the role players who are responsible for the service of documents on the respondent to either the police or officials of the court.

Public education:

Since members of the public benefit from the protection offered by the Act, it is recommended that the Department of Justice should undertake public education and awareness campaigns on the serious nature of domestic violence and the consequences of abusing the Act.

Criminal sanction for default of perpetrator:

It is recommended that in cases where an interim protection order has been duly issued, properly served on the respondent (the perpetrator of domestic violence) and the respondent defaults, default by the respondent should be

criminalised. According to Parenzee et al (op cit:22) in such cases, the final protection order would “more than likely be granted”.

It is submitted that the prospect of a criminal sanction would compel a respondent to appear in court on the return date. It is further submitted that default in this instance amounts not only to wasted time and resources in a strained system, but also to the offence of contempt of court where a party fails to comply with an order of court²³.

Establishment of a specialised court:

The Johannesburg Family Court presently has jurisdiction to adjudicate on several matters namely, deceased estates, maintenance and domestic violence. It is recommended that a specialised domestic violence court should be established. This court, which would focus only on domestic violence, should be managed by a dedicated team of administrative personnel, social workers, police officers and legal personnel. A specialised domestic violence court process could alleviate the problem of delays, backlogs, a large case load and improper service of documents under the Act. This is already the practice in the United States of America (USA) where ‘problem-solving’ courts have been established outside the normal court system to deal with social problems such as drug dependency, domestic violence and delinquency (Berman & Feinblatt 2001).

Factors that have contributed to the development of “problem-solving courts” in the USA are “rising caseloads and increasing frustration – both among the public and among system players with the standard approach to case processing and case outcomes in state courts” (Berman & Feinblatt 2001). This could indeed apply to the problem of applications for protection orders in cases of domestic violence within the context of the Johannesburg Family Court.

While “problem-solving courts” in the USA work in collaboration with government departments and non-governmental organisations, the courts are unique in that judges play a more active role in the court process by working out “sanctions and rewards for offenders” thereby shifting the “focus of the courts from simply processing cases to achieving tangible results... like stronger families.” (Berman & Feinblatt 2001). This judicial activism, it is submitted, would be a deviation from the normal adversarial court process in South African Family Courts.

Since domestic violence is a serious social problem in South Africa, a holistic, results-driven court process which protects the victim and reduces recidivism is recommended. On paper, the Domestic Violence Act meets many of the Constitutional obligations of our fledgling democracy. While one cannot doubt the intentions of its drafters or those of the legislature, it is impossible to give complete effect to these noble intentions in a tardy system that is poorly resourced, overburdened and desperately in need of training.

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STATUTES

The Domestic Violence Act (Act 116 of 1998)
The Prevention of Family Violence Act (Act 133 of 1993)
The South African Constitution (Act 108 of 1996)

ENDNOTES:

- ¹ Preliminary visit by the researcher to the Johannesburg Family Court on 30 June 2004
- ² According to section 4 of Act
- ³ The study by Parenzee et al is a much more exhaustive one, based on a larger sample of case files drawn from several courts in the Western Cape region of South Africa
- ⁴ According to the preamble of the Act
- ⁵ As per section 5
- ⁶ Section 9(3) of the South African Constitution, Act 108 of 1996, prohibits discrimination on the basis of sexual orientation
- ⁷ For example, the court could order the perpetrator of domestic violence to pay the victim's rent or mortgage payments as per section 7 (3) of the Act
- ⁸ Interview conducted with a senior administrative clerk of the court on 16 March 2005
- ⁹ As per section 5 of the Act
- ¹⁰ As per section 5 (3) of the Act
- ¹¹ According to Section 13 of the Act, either the clerk of the court, a peace officer or the sheriff can serve the notice to show cause on the respondent
- ¹² It is also in keeping with the 'audi alteram partem' rule which allows the 'other side' to be heard in legal proceedings
- ¹³ As per section 6 of the Act
- ¹⁴ The researcher's initial plan to conduct a study based on interviews with a group of magistrates and prosecutors at the Family Court was abandoned since a lengthy process has to be followed to obtain permission to conduct interviews with these court personnel. It was therefore decided to conduct a study based on the perusal of court files.
- ¹⁵ Interview conducted with clerk on 16 March 2005
- ¹⁶ Information obtained from interview - *ibid*
- ¹⁷ Prior to the opening of the Family Court in Soweto, the Johannesburg Family Court received between 100 to 200 applications for protection orders per day
- ¹⁸ On a more positive note however, the premises being renovated on the first floor are more user-friendly, neatly painted and conducive to privacy since they are divided into separate cubicles
- ¹⁹ Which in South African law constitutes the common law crime of rape
- ²⁰ In section 5 (5) of the Act
- ²¹ This is discussed in the Geographical Locale of the Study
- ²² Interview conducted with administrative clerk of the court – *op cit*
- ²³ According to Snyman (1995:317) "a party to a civil case against whom a court has given an order, and who intentionally refuses to comply with it, commits contempt".