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An Evaluation of Protection Orders around Thohoyandou Area:

A Sociological Approach.

By

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Thesis

Submitted in partial fulfillment of the requirements for the Doctoral Degree of Philosophy

In

Sociology

Department of Social Work

Supervisor: Dr P.T.S. Zikhali

2011

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Dedication

The study is dedicated to:

My husband: Tuwani Albert Tshifhumulo

My daughters: Rofhiwa, Thabelo, Mufhatutshedzwa and Aluwani

My parents: Selina and Mmbengeni Nengwekhulu

My mentor: Dr Retha Gaigher

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ACKNOWLEDGEMENTS

I extend my sincere gratitude to my supervisor Dr PTS Zikhali, who gave me professional guidance and the support I needed so much during the study. I am also thankful to my Co-supervisor, Dr M. Radzilani Makatu for instilling the importance of sound argument and the value of constructive critic for the completion of the study. Without the two this study would not have come to completion.

I am grateful to Prof. M. Mokhahlane who started this study with me and Prof. D. Thabethe for the effort they put in the preliminary part of the studies. I would also like to extend my gratitude to Dr G. Netswera for believing in me and National Research Fund for their financial assistance.

Many thanks goes to my family and friends for providing me with the emotional support throughout the years of my studies. My husband in particular, DR Tuwani Albert Tshifhumulo for the love he gave me all these years.

To my parents Mukondeleli and Mmbengeni Nengwekhulu for their care and the background they gave me which I call a strong foundation any child would be proud of. I want to thank my daughters Rofhiwa, Thabelo, Mufhatutshedzwa and Aluwani for being so tolerant and understanding when I was not around to mother them. Special thanks goes to Dr Gaigher and her lovely husband, this study is for you. I also give thanks to all survivors of domestic violence who participated in this study and those alive and those who never made it to see this day.

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To Tshifhiwa Nengwekhulu, Matevha Hangwani Paster Mashudu Mateletele, Nyamukamadi Tshifhumulo, Thizwlilondi Mudau, Tshilidzi Mulaudzi, Anna Mphaga, Azwidohwi Nengwekhulu, I Love you.

Lastly and most importantly my thanks and appreciation goes unto God the most merciful and the most high who gave me life and provided me with good mental and physical health throughout the turbulent years and I say let there be glory to Him in Jesus 's name.

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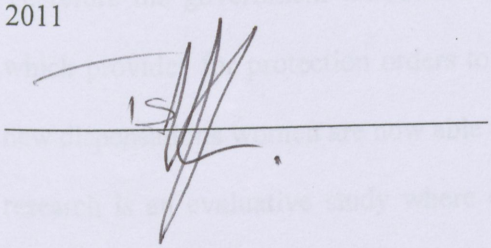
Declaration

I hereby declare that this research thesis submitted for the Doctoral degree in Sociology at the University of Venda is, apart from the assistance acknowledged, my own work and has not been formally submitted to any other university for any other degree.

Rendani Tshifhumulo

2011



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Abstract

The study evaluated the effects of protection orders in deterring the occurrences of women abuse. The research was conducted at Thohoyandou in the Limpopo Province of South Africa. Domestic violence is very high in South Africa and it affects all social groups. In the post – apartheid South Africa, violence against women and children in different forms was seen prominent. Therefore, the home environment was no longer a safe place where a person can stay. Estimates of the extent vary but high rates led the ANC government to recognize the problem as of importance.

Therefore the government introduced the clause in the Domestic Violence Act 116 of 1998 which provides for protection orders to help the victims of domestic violence. Because of the new dispensations women are now able to apply for protection orders against their abusers. The research is an evaluative study where qualitative interviews were conducted with 20 women aged between 20 to 45years who obtained protection orders from Thohoyandou magistrates during the years 2001-2005. Their experiences were analyzed using qualitative instruments.

The effectiveness of protection orders would have been measured in the study by the like hood of decreased risks of violence on the victims after receiving protection orders. Unfortunately results showed that women were abused with protection orders at hands, some losing their marriages and others even their lives. Results showed that protection orders increased the level of violence at home, breaks communication, and it can thus be said that it consistently failed to provide protection to the victims of domestic violence.

The researcher recommended that there should be more family clinics for abused women, shelters, trained personnel especially police force who understands domestic violence, education provision, anger management classes for perpetrators and application of restorative justice system.

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LIST OF ACRONYMS

CPO-Civil Protection Orders

DNA- Deoxyribonucleic acid

DVA-Domestic Violence Act

HSRC- Human Sciences research Council

NGO- Non Government Institutions

NICRO-National Institute for Crime Prevention and the Reintegration of Offenders.

POWA-People Opposing Women Abuse

TVEP-Thohoyandou Victim Empowerment Programme

UK-United Kingdom

UN-United Nations

US- United States of America

ZCC- Zion Christian Church

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CHAPTER ONE

1 BACKGROUND OF THE STUDY

1.1 Introduction

> *"The drama and tragedy of women abuse will touch most of us at some time in our lives in a very personal way. This could happen directly as a result of our own intimate relationships with lovers or through the experience of other family members and or friends. Whether or not we have been raised in an abusive environment, we are almost certainly going to have close contact with, and be affected by, someone who has, and that someone, unless he/she gets help, will carry the legacy of violence with him/her into his/her intimate relationship. Our understanding of battering becomes a significantly relevant issue when it is applied to our own personal experience" (Barnett and LaViolette, 1993: xvi).*

Domestic abuse, spousal abuse or wife battering is a serious global problem. It affects all societies and social groups irrespective of race, social status and educational level. Domestic violence is as old as human history and pervades all societies. Gelles and Loseke (1993: 43) maintained that violence within the family is as complex as it is disturbing. Compressed into one assault are our deepest human emotions, our sense of self, our power, and our hopes and fears about love and intimacy, as well as the social construction of marriage and its place within the larger society.

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1.1.1 Complications in understanding domestic violence

Abusive relationships have been observed in many cultures throughout history. Domestic violence is rooted in our history. As Dobash and Dobash (1999:427) asserted, "history is replete with laws, customs and legends that show that women have been beaten, tortured and killed by their spouses. If abusers were not commended for their actions, their acts were at the least ignored".

Women in South Africa, irrespective of race and class, have been victims of a patriarchal system that teaches men to view women as possessions. Prevailing stereotypes encourage male domination from an early age. As a rule, patriarchal societies promote economic and legal conditions that legitimise wife battering. For example, women are, most often, dependent on men economically. This is because men have been, historically speaking, more privileged in the area of employment and women continued to be afforded fewer opportunities. In most cases, educating women was not encouraged as it was assumed that a woman's place is in the domestic domain or more precisely, in the kitchen. Abusive behaviour hence has to be understood against the background of gendered inequalities and power imbalances (Tshifhumulo, 2005:2).

1.1.2 Establishing the prevalence of domestic violence

It is extremely difficult to measure the extent of wife battering, although many scholars agree that it is very extensive. Gelles and Loseke (1993: ix) recorded that domestic violence has been seen as "dirty laundry" - not to be hung outside for the public to see, which makes it very difficult to establish reliable statistics.

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In addition to under-reporting, the way in which domestic violence is recorded when is reported also makes it impossible to have its statistics. For example, in South Africa, domestic violence cases are reported under cases of minor assault, assault with grievous bodily harm and murder. In other words, because the various types of abuse are not recorded separately, the police records are not a useful indication of degrees of domestic abuse, even though they ought to represent a good source for establishing prevalence in a given area.

As it has been noted earlier, this social illness is not limited to African countries and a look at international statistics reveals that women in developed countries experience battering too. Women in the United Kingdom (UK) do not fare any better as statistics indicate that one in four women have been abused by her partner at some point in her life. McLeod (1987:6) reported that twenty five percent (25 %) of all reported assaults in the UK are by men on their female partners and as reported forty five thousands (45 000) marriages are ended annually as a result of husband violence.

Other statistics revealed that one in four women seeking care in an emergency department for any reason is a domestic survivor; one in six pregnant women is abused during pregnancy, and of all women who attempt suicide, one in four is being abused. In addition, women in the United States of America (US) are more likely to have been injured, raped or murdered by a male partner than any other type of attacker. Acts of physical aggression between domestic partners occur in one in six US homes. Every year, two to four million (2-4 000 000) women are assaulted by male partners in the US. Again, twice as many women report sexual assault by their husbands than by strangers.

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A brief look at Canada also revealed that at least seven percent (7%) of women who are married or in a common law relationship are physically assaulted by their mates and that one in every five Canadian women will be sexually assaulted in her life. In Canada again, sixty two percent (62%) of women murdered in 1987 died at the hands of an intimate male partner (Canadian Centre for Justice Statistics: 1988).

In Zimbabwe domestic violence is also reported to be very high. More than sixty percent (60%) of the murder cases that goes through the high court's in Zimbabwe are related to domestic violence. It has been found that in India alone up to forty five percent(45%) of married men had acknowledged that they physically abused their wives, according to a 1996 survey of six thousands nine hundred and two men (6 902) in the State of Utter (Pradesh).

As already indicated, police statistics in South Africa do not distinguish between domestic violence and other assaults and this makes it difficult to quantify the extent of abuse accurately. However, South African organizations that work with battered women have attempted to estimate the scope of such violence by extrapolating statistics from their case loads and surveys (Vetten, 2002:2).

Statistical claims from other sources confirm the grim picture. The study by (Maconanchie and van Zyl: 1994) showed that forty three percent (43%) of one hundred and fifty nine (159) women surveyed had experienced battering and marital rape. The Human Sciences Research Council (HSRC) found that forty-three percent (43%) of one hundred and fifty-nine (159) married women surveyed in the Cape Town metropolitan area had been subjected to marital rape or assault. The Women's Bureau estimates that approximately one in four women is abused by her partner. Research carried out in Soweto in 1994 found that one in three women attending a clinic

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had been battered by her husband or boyfriend at some point. Thirty eight percent(38%) of women who responded to a questionnaire which was issued by the Women's National Coalition agreed that they know a woman who has been battered.

From the research that was carried out at the Cape Town metropolitan area and adjacent rural areas in 1991/92, it was found that violence in the home – not necessarily between spouses and partners represented one third of all interpersonal violence. The Women's Bureau estimates that approximately one in four women is abused by her partner. In the Gauteng (Johannesburg) area, People Opposing Women Abuse (POWA) estimates that one in six women is abused by her partner (http:/ www.Feminista.com/antiviolnce.html: assessed on the 2/02/2006).

The Bambanani Centre for Abused Women indicated that six out of ten women fall victims of abuse. The Department of Justice estimates that one out of four South African women is a survivor of domestic violence. It has been found that 450,311 domestic violence cases were submitted to the South African Law Commission in the light of International and Constitutional HumanRightsJurisprudencePart on the1st May 1997. Other estimation on violence directed towards women in South Africa is that one in four women is subjected to violence from their intimate partners…the very people who should protect them. Motsei 1993 as quoted by Angless and Machonichie (1996) said an estimated of one in six women have been abused by a partner. Battering is clearly believed to take place across cultural, class, racial and socioeconomic lines(Angless and Maconachie,1996:151).

The statistics for Thohoyandou Victim Empowerment Programme (TVEP) indicates that four to six women report incidences of assault or battering every day in one of their trauma centres. From 2001 when they opened, they have helped 14 000 victims in a very small area of Venda.

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Their statistics are attached as appendix 3. Apparently, increase over weekends and public holidays.

1.2 Statement of the problem

Police statistics in South Africa do not distinguish between domestic violence and other assaults and so it is difficult to quantify the extent of abuse accurately. However, South African organizations that work with battered women have attempted to estimate the scope of such violence by extrapolating statistics from their case loads and surveys. In a research survey conducted by the Institute of Security Studies in 1999 on domestic abuse, the findings revealed the following: Ninety percent (90%) of the women interviewed had experienced emotional abuse, being humiliated in front of others; ninety percent (90%) had also experienced physical abuse, being pushed, shoved, slapped or hit; seventy one (71%) percent had experienced sexual abuse - unwelcome attempts to kiss, touch or forced sexual intercourse; fifty eight percent(58%) experienced economic abuse - money taken without consent was common. Forty two point five percent (42.5%) of women had experienced all forms of abuse. Sixty percent (60%) of all these cases were committed by partners, lovers or spouses (Vetten, 2002:3). This is an indication that the incidences of domestic violence are still very high.

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At the highest level of policy–making, the government of South Africa has expressed a commitment to address wife battering. Non-Governmental Organizations (NGOs) have also made efforts to try and eradicate the problem and there are a number of encouraging initiatives that address women abuse. However, efforts by the State to address the problem are inadequate and the State's responses to domestic violence and rape have been hampered by limited resources as well as race, class, and divisions within women groups.

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In addition to inadequate enforcement of criminal laws, efforts to reduce violence against women are also confounded by structural and cultural issues. Government agencies, such as hospitals, social service agencies and the police, have not been adequately cooperated towards eradicating the problem, which has prompted further steps (Vetten, 2002:3).

On the 1st of December 1998, the prevention of the Domestic Violence Act no. 166 of 1998 was promulgated. Research on domestic violence concurs that domestic violence is still the order of the day. Many women including children still lose their lives with protection orders at hand.

1.3 Rationale

In the Thohoyandou area the prevalence and incidence of partner violence is still very high thou women have the privilege of applying for a protection order if staying in abusive relationships. In an attempt to address this, the study will focus on developing a sociological understanding of protection orders, their social effects and their effectiveness in deterring abuse for those who received them.

The researcher sees this as the neglected aspect of the study of domestic violence which needs to be addressed.

1.4 Aims and objectives of the study

1.4.1 Aims

The main aim of the study was to evaluate, explore and analyse 'protection orders' in deterring future occurrences of women abuse.

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1.4.2 Objectives

This study was guided by the following objectives:

- The study identified the incidences that lead women to apply for protection orders.
- It investigated challenges that women faces from officials while applying for protection orders.
- The study measured the effectiveness of protection orders by looking at the effects of receiving these protection orders.
- The study also verified if there were future possibilities for applying protection orders.

These allowed the researcher to ascertain whether the Domestic Violence Act promulgated on 1st of December 1998, which made provision for protection orders should not be amended or supported to make it more effective.

1.5 Research questions

The study was guided by the following research questions:

- What is the profile of women who are mostly abused by their partners?
- What are the incidences that lead women to apply for protection orders?
- What are the different types of abuse that women suffer from and their triggers?
- What are the challenges that women experience from officials while applying for protection orders?

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- What are the effects of receiving protection orders?
- Will women opt to apply for protection orders again if they find themselves in similar situations?

1.6 Significance of the study

The reviewed literature reveals that:

- Domestic violence is still the order of the day for many families.
- Women can now receive protection orders.
- Women and children are still dying with protection orders at hand.

This study attempts to fill the gap by evaluating the effectiveness of protection orders in deterring future occurrences of abuse. The data collected in the study is useful for policy recommendations. If the Domestic Violence Act is beneficial it would have been appreciated as it stands but as not, it is suggested that it should be amended or support services should be rendered to make it more effective. In the Thohoyandou area the prevalence and incidence of domestic violence is very high thou women have the privilege of applying for protection orders if staying in abusive relationships. The Thohoyandou Victim Empowerment Project (TVEP) also highlighted that after receiving the order, the relationships become worse between the victim and the receiver of the protection order. Statistic of women and children who died in domestic violence is also very high within the area. Recent cases around the area include the death of children and wives who are brutally killed and then some husbands commit suicide.

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1.7 Delimitation

The study was delimited in the following manner:

1.7.1 Women who have received protection orders from the year 2001 up to 2005 from Thohoyandou Police Station.

1.7.2 The Venda speaking women of the Limpopo Province of South Africa.

1.8 Limitations of the study

1.8.1 This study was expensive in administration. As the study was complex, it did require more funds for travelling costs, food, compensation for interviewees, etc. In the absence of the funds the researcher used very few respondents.

1.8.2 The Interviews were lengthy and required the interviewer to travel miles. There were times when respondents were not found and the interviewer was forced to make a follow up on the appointment. The interviewer arranged interviews for the time when interviewees will be at home. In this case respondents were not centralized and this caused the interviews to take up to six months to be completed.

1.8.3 It should be remembered that the presence of the interviewer can also bias the study. The respondents' answers may have been affected by the interviewer's sex, social class, race, age, dress code, physical appearance or accent. In addition, the presence of the interviewer offered very little assurance of anonymity while the subject was a sensitive one. There was one respondent who promised to answer the questionnaire and later denied saying she was no longer willing to respond. It was very clear that she mistrusted the interviewer and she acted as if she

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was afraid that the interviewer was a spy checking on the information maybe to report to her husband. The respondent divorced the husband after she applied for the protection order which was not of sufficient help in solving their marital problems.

1.8.4 There were instances where the interviewer could not find records from the cases of the respondent's street address as well as the telephone numbers of the respondents as it was not recorded for security reasons. The researcher was forced to search all over the village by using a name which people might not be familiar with. In other instances, some respondents were found to have moved from the area because of divorce, some had lost their lives from domestic violence and others were separated from their husbands and neighbours did not know where they moved to. At times it was clear that the interviewer was posing a threat to the respondents as if she might reveal information that should be kept confidential to the family especially because the information was threatening, embarrassing or incriminating.

1.8.5 The researcher also faced situations where the respondents involuntarily forget things or lack information on the questions asked. Purposeful intent by the respondent to deceive or misled the researcher cannot be ruled out when one is researching a sensitive topic like this one.

1.8.6 The results of the study were difficult to analyse, conclusions highly tentative and generalizations minimal or non-existent. It is difficult to generalize findings and draw conclusions from qualitative research, and it therefore makes it difficult to use them for making policies.

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1.9 Operational definition of terms

1.9.1 Physical abuse

Physical abuse is a threat of infliction of physical harm among past and present social partners irrespective of the legal or domiciliary status of the relationship in which domestic violence occurs (Stark and Flitcraft, 1996: 124). Physical abuse can be extended to mean any behaviour that involves the intentional use of one's body against the body of another person in such a way that there is a risk of physical injury (Makofane, 1999: 40).

The Domestic Violence Act 116 of 1998 defines physical abuse as any act or threat of any act of physical violence towards the victim. Examples of physical abuse are hitting, shoving, slapping, pinching, biting, or the use of any object or weapon to injure the next person. It may begin with something minor like an arm being grabbed or a slap on a face until total aggression. The results of physical abuse in its different forms leave physical marks and injury to the woman. Physical abuse and emotional abuse cannot be overlooked.

1.9.2 Harassment

Harassment is a type of conduct which includes fear or harm to the complainant, including repeatedly:

- watching or loitering outside or near the building or place where the complainant resides, works, carries on business, studies or happens to be;
- making telephone calls to the complainant, whether or not conversation ensues, or inducing another to do so;

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- sending, delivering of letters, telegraphs, packages, facsimiles, electronic mail or other objects to the complainant;
- stalking, by repeatedly following, pursuing or accosting the complainant
- damaging property;
- entry into the residence of the complainant without consent, where the parties do not share the same residence;
- Any other controlling or abusive conduct directed towards a complainant; where such conduct harms, or may cause imminent harm to the safety, health or wellbeing of the complainant (Stark and Flitcraft, 1996:126).

1.9.3 Protection order

It is a court order intended to prevent acts of domestic violence. This is obtained by people who are or may become victims of domestic violence (Police Training Manual, 2004:38).

1.9.4 Intimidation

It is the uttering or conveying a threat or causing the complainant to receive a threat which induces fear (Police Training Manual, 2004:36).

1.9.5 Verbal dominance

It is a condition where the abused is not allowed to express her opinion, feelings and thoughts, as they carry no weight to the abuser. If she insists, there is a possibility of a physical attack (Police Training Manual, 2004:37).

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1.9.6 Isolation

It is the process of limiting the victim's access to money, use of car or phone or other normal activities which can isolate the victim (Police Training Manual, 2004:37).

1.9.7. Stalking

It is a situation where someone follows you around, or hangs around your home, or keeps contacting you, when this is unwelcome to you and you find it threatening (Police Training Manual, 2004:38).

1.9.8 Sexual abuse

Makofane (1999: 40) argued that sexual abuse is a sexual behaviour meant to control, manipulate or degrade another person. Wallace (1996:179) added that sexual abuse includes the lack of consent, force or threat of force to perform any sexual activity against the person's will.

1.9.9 Psychological abuse.

Psychological abuse is harder to define. The aim of this form of abuse is to belittle, demean and control the person. The intensity and range of behaviour includes verbal attacks, harassment, belittling, name calling, making the woman feel bad by playing mind games, humiliating her and deprivation of physical and economic resources (Makofane, 1999: 47).

1.9.10 Economic abuse

The following criterion constitutes economic abuse:

- Failure to pay women maintenance.

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- Failure to provide money for household necessity by the abuser.
- Taking a woman's salary from her.
- Failure to pay rent or bond repayments trying to get the woman evicted from the house.
- When the abuser is selling or destroying furniture or other items of value which belong either in part or entirely to the woman
- Preventing her from earning a living or bettering her education so as to improve her career capacity (Tshwaranang Legal advocacy Centre, 1999:141).

1.9.11 Domestic violence

Domestic abuse includes slaps, punches, nonsuiting in cuts and bruises, being knocked to the floor, kicked and punched. Severe injuries become common such as fractures, burns, miscarriages caused by violent attacks, internal injuries, attempt to strangle, drown, being pulled around by hair and having clumps of the hair being pulled out (Mullender, 1996:20)

1.9.12 Woman battering

Women battering are any repeated acts of physical, psychological force or repeated threats thereof, used against a woman by her partner (Angels, 1990:4)

1.10 Résumé

This chapter gave an overview or background of the study on domestic violence. In response of the escalating number of people experiencing domestic violence, the government of South Africa

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adopted the strategy of issuing protection orders to the victims for protection against the perpetrators. The next chapter will give the discussion of literature and the theories on domestic violence.

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CHAPTER TWO

2 THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2.1 Introduction

Ever since 1994, South Africa just like many other democratic countries became a signatory to some of the instruments on violence against women. Among others was the issuing of protection orders to deter the abuser to continue abusing the victim. Protection order is an order issued by the court against the abuser to stop him/her from committing acts of domestic violence against the victim/complainant. The court makes this order in terms of the Domestic Violence Act 116 of 1998. The victim may choose to apply for the protection order instead of opening a charge against the perpetrator. If the perpetrator breaches the order then it becomes a case and he can be arrested (Police Training Manual, 2004:108).

The researcher felt that the effects of these orders have not yet been estimated in South Africa. Very few studies were undertaken in other countries like Canada, United States of America and mostly among whites. These people have a very different culture compared to Africans. So the results in European countries cannot be a true reflection of what goes on in South Africa. Researchers in those western countries have findings with mixed results. In South Africa there is still a need to measure the effectiveness of protection orders in deterring future domestic abuse.

2.2 Theories, models and arguments on domestic violence

Protection orders cannot be discussed excluding the theoretical background of domestic violence as protection orders were made to fight domestic violence. In this section scientific theories and the unscientific theories on domestic violence are discussed. The scientific theories are divided

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into those that look at the individual and try to find out what makes them act violently.Violence takes many forms and this includes physical, emotional, verbal, sexual, representational and cognitive. It can either be directed to men by women, women to men, parents to children, children to parents, adults to the elderly and children to each other. It can be among people, small groups, interpersonal, institutional, local and global. Theories in explanation also includes biological, psychological, social psychological, sociological, political and economic. Specific theories have attempted to explain violence through individual pathology, psychodynamic developments, stress, frustration and blocked goals.

While the former ones are individual, mental or biological in nature the latter ones are social or anthropological in nature. The last perspective to be discussed is the feminist approach. It looks at patriarchy and the need for power and control as used by men who abuse women. Theories for men's violence towards women which range from physical, biology, innate physical and psychological aggression may be open to criticism for neglecting questions of power, cultural and historical relatively and morality (Fawcett: 1996:29).

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2.2.1 Supernatural forces

According to Eller (2006:32) human groups have approached the problem of violence with a pre-scientific and specifically the supernatural outlook. Violence is looked at as more than just natural or human phenomena but as a 'spiritual" or non-human one. Violence, which includes domestic violence directed towards women, then is seen as the expression of a non-human or supernatural malevolence referred to as evil. People who do bad things to others are seen as being controlled by discrete beings, forces of badness or evil afoot in the world whose role and interest is to harm the human race.

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2.2.1.1 Beings or forces of evil

In the Christian tradition evil is attributed to a single being of evil, Satan. Some Christians recognise a more or less extensive set of evil beings such as demons. This evil demons or devils are seen as causes of harm towards people or indirectly causing by means of 'possessing' others to attack people. Beliefs about evil or harmful spirits in societies are different but common.

Eller (2006:33) argued that "spirits, such as of various plants or animals or natural phenomena, may be wicked or mischievous or merely indifferent, but their invisibility, in corporeality, and power makes them particularly threatening. In such societies even the spirits of the dead ancestors can either be a problem, nor so much because they enjoy hurting living humans because they are unpredictable and capricious and outside the realm of human rules and roles."

Some societies believe that evil takes a personal form while other societies see evil as an impersonal force, such as bad luck. In some societies human beings may take advantage of supernatural forces through sorcery or witchcraft to harm other people. It is assumed that men who abuse their partners in this theory are possessed by forces of evil. With this supernatural attitude toward evil, violence directed towards women is seen as inevitable, that is to say we cannot stop the evil beings from doing what they do unless the forces of good defeat the forces of evil. Most people then can hope for a short relief of violence and evil through rituals, offerings, sacrifices and even prayers.

2.2.1.2. Human nature or Human will

Eller (2006:33) argued that in the Christian tradition the other source of bad or evil in the world is us. This is a result of human nature and the exercise of 'human free will'. It is said that in the

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Christian belief human nature has been given free will and they can choose to do either good or bad, and they often choose to do bad. Thou the devil is said to tempt people but in the end it is their decision to choose to do what is wrong. In this belief, domestic violence in the world, death, carnivores, natural disasters and all the rest are all human doings. Not all societies will believe exactly this account of humanity and evil. Thou humans cannot reverse or fix their own problems; they can hope for a reversal of the fallen order of things and a reward in the other world where pain and death and violence will not exist.

Supernatural conceptions are important partly because they illustrate human recognising and struggling with the problem of violence or evil and partly because so many humans over the millennia have oriented their thoughts and behaviours in these terms (Eller, 2006:34).

2.3.2 Scientific theories

According to Elle (2006:34) there are two over lapping scientific theories that tries to look at the behaviour of violence in human nature. The first one being the individual or internal/mental/biological point of view, asking what is it about specific human individuals that make them to act violently. The second one being the group or external/social point of view asking what it is about human collectivises or circumstances that make people act violently. The former, the individual/internal/mental pole is represented by psychology and biology and the latter group/external/social pole is represented by sociology and anthropology.

2.3.2.1 Biological theories

Biological theories concentrate on the physical substrate of our nature and behaviour. These substrates include our brain, our body, our chemistry and our genes as well as more fanciful

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things like our facial footers or the shape and texture of our skull. The biological theories look at what is wrong with the violent individual in terms of his or her physical characteristics. Some of the earliest biological approaches to violence attributed it to physiological factors. People often connected to overall body morphology (the shape of the body) to anti-social behaviour, dividing humans into categories of endomorph (heavy and round) and ectomorph (light and slender), and mesomorph (intermediate and muscular). Certain body shapes were simply more inclined to violence than the others. This same folk approach to physical traits also developed explanations in terms of facial features (the old 'shifty eyes" notion) and skull contours. Theories also laid blame for violence on things like too much testosterone or an extra y chromosome. It can thus be assumed that men with too much testosterone or an extra y chromosome will abuse the partner (Eller, 2006:35).

In a more scientific vein, recent biological work is said to have put focus on the brain both in terms of its physiology and its chemistry. Violence has been studied as an effect of the physiology or function or health of the brain. Chemical imbalances have been discovered to explain a number of negative behaviours, from depression to schizophrenia and the appropriate therapies have been developed. Some has attributed violence to the structure of the electrical functioning of the brain, leading to some dubious cures (Eller, 2006:35).

The other controversial application of the biological perspective to violence is the ecology, or the revolutionary study of behaviour. The greatest advantage of this theory is the cross- species comparison. This theory question whether violence is the problem at all as nature itself is innately violent, for example lions kill zebras, bacteria kills the hosts, and humans kill all kinds of things, including each other. The world that we live in seem to be designed for maximum

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violence and suffering. The continuation of nature depends on the circle of other species killing the other. Cats do not feel bad when they kill the mice.

2.3.2.2 Psychological Theories

The other major discipline that tends to look for internal causes for human behaviour is psychology. Psychology ascribes the bulk of human action to the mind or the personality which constitutes an inner reality from which behaviours flows. Psychology grew out of biological studies of human behaviour including the brain studies and studies of instincts and the drives. Let us look at the selection of specific psychological theories of violence and assesses what they have to offer to the understanding of this pervasive phenomenon (Eller, 2006:42).

2.3.2.2.1 Frustration-Aggression Hypothesis

John Dollard as cited by Eller (2006:43) comes up with a hypothesis mixing the insights of psychoanalysis and behaviourism. He noticed that when a subject encountered an obstacle to achieving its aims, the frustration it feels at the experience can lead to violence. The aggressive response may be an attempt to remove or destroy the obstacle (like breaking down a barrier between a hungry man and his food), or it may be letting off steam from the built up frustration. It is possible to reconcile the aspects of the mentioned theories by allowing that humans have drives or instincts to reach certain goals but that when circumstances thwart their efforts they become hostile. If aggression proved to be a good way to deal with obstacles, such behaviour will be rewarded, reinforced and repeated. Domestic violence is then explained as an intersection of instincts and experience without reverting to an aggressive instinct.

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2.3.2.2.2 Social Learning Theory

Dollar and Miller as cited by Eller (2006:44) came up with a general theory that incorporates behaviourism-that behaviour is in fact learned and reinforced but introduces a non-instrumental and purely social aspect of the process of learning as well. They said that animals did not have to learn responses by themselves but observe and learn from each other. If rats could learn by imitation and not just conditioned reflex or operant conditioning, then how much might humans learn from each other through sheer shared experience, verbal communication and higher cognitive processes?

According to Albert Bandura as cited by (Eller, 2006:44) discovered that aggressive behaviour in humans is learned by children through observation and experimentation with aggression. Children as he mentioned tend to observe the behaviours they saw in models, whether those models were adults, peers, or fictional characters encountered in TV or elsewhere. Modelling was the central concept in his theory. Children when they see the behaviour they will try or imitate it even thou there was no instrumental value in the behaviour. The imitation of the behaviour was seen as a rehearsal which increases the likelihood of repeating the behaviour in future.

Social learning theory is an extension of differential association and reinforcement theories, holding that social sources, or people with whom we interact, are the reinforcements that results in the learning of non-deviant behaviour and deviant behaviour. The behaviour constantly reinforced will be the most often exhibited. Another proposition by the social learning theory is that reinforcement following behaviours increases the probability that the behaviours will be

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repeated. Social learning theory produces a useful framework for analysing of future aggressive acts on human nature (Tshifhumulo, 2005:19).

2.3.2.2.3 Personality dynamics of batterers

In terms of psychopathological models batterers are extremely dependent on their wives. These are the results of observational studies made by practitioners who work with batterers. Batterers use violence and threaten to commit suicide to keep wives with them as the thought of being left alone induces panic and adornment anxiety. Even if they separate or get divorced, it takes time before they can stop harassing and following the victim (Viano, 1992: 141). Batterers also have problems with intimacy. Two empirical studies of clinicians found that there is a difference between batterers and non-batterers. Allen (1989) used FIRO-B, a test to assess needs to associate with people who have control over others. Results indicated that batterers have difficulty in expressing affection. Batterers were uncomfortable around others, cautious to initiate and develop relationships that are very close and they in turn selected carefully who got closer to them (Viano, 1992: 141). In addition barterer's clinicians agree that the degree of jealousy and possessiveness exhibited by batterers is pathological.

The Paranoia scale of the Minnesota Multiphase Personality Inventory was used to test batterers. The barterers' scores were found to be very high compared to non-batterers. Battered women interviewed reported cases of husbands who, driven by jealousy, isolated them from friends and family members (Viano, 1992: 142).

Psychotherapists who treat batterers report that very few batterers express regret after the incident. Others have a high level of denial. They lie and omit important details of the attack. Batterers tend to blame the victim and project the blame on to her. They rationalize their

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behaviours, which to them is acceptable (Viano, 1992: 144). It may seem contradictory to say that batterers are sometimes nice, humorous, charming and sensitive people particularly in situations where there is no intimacy. This is referred to as a Jekyll-Hyde type of personality assess alienation and non-conformity (Viano, 1992: 147).

Psychopathology is reductionism in that it explains the actions of abusers in terms of personal inadequacies and deficiencies. Harmberger and Renzetti (1996: 142) using feminist ideas, argue that patriarchy does not elicit violence against women in a direct fashion rather, it may provide the values and attitudes that personality disordered men can exploit to justify their abuse of women. Some writers criticize the suggestion that batterers are not normal. To them, calling batterers pathological ignores the larger social context in which battering occurs. If batterers are sick, then battering should be rare, and unfortunately that is not the case (Tshifhumulo, 2005:18).

2.3.2.2.4 Psychoanalysis

Eller (2006: 41) asserted that psychoanalysis's views, founded by Freud and named Freud psychoanalysis theory, is a combination of instinct/ drive thinking and basic 'social psychology' of how these instincts or drives are shaped by encounters with objects including other people. Psychoanalysis theory contains two major components which are the instincts or drives which are natural, unstoppable directions of energy that controls our desires and goals and a tripartite division of the mind which is an enduring but dynamic commitment or canalisation of these drives, which result from confronting and compromising with reality.

Freud envisioned that the human infants when they want things they need their desires to be fulfilled. He termed it the id. The child then should learn through their frustration that no one can always get what they want every time they want it. The part of the mind that develop to

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relate to the external reality and arrange for the satisfaction of the id is the ego (the I) or the part that feels the most like me to me. The ego is crafted as an interface between the deep unconscious part of the personality and the external world. The ego knows that one should compromise and wait for things but the id do not know that version. The third part of the mind is the moralistic "critical" part which is the superego. The super ego watches over the ego providing through the inner voice the critics and judgement.

In his views the id contains the untamed domain of personality that cannot be acceptably expressed in public and part of it cannot be brought to consciousness. The id contains within it the things that we push down into it or denied to exist. This process according to Freud is called the expression or the energetic suppression of elements of our own nature or experience. Suppressed contents are instincts or drives. If the instincts or drives are sufficiently suppressed, they will still manifest themselves in some way, often as dreams, neurotic symptoms." slip of the tongue" or deviance. Violence and aggression on this account could be seen as the manifestation of the id.

2.3.2.2.5 Behaviourism

There were other psychologists who refused to accept 'depth psychology' of Freudianism as they felt that it is mere pseudo-science, while others criticised it as unobservable. The id and the ego cannot be seen, so even the measurement of it, testing it or using it in any meaningful way is impractical. They focused on what we can observe and what we know which is the human behaviour. The formatted work of behaviourism was mostly applied on animals which make it problematic to relate it to human beings.

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Founders of behaviourism included Pavlov, Thorndike and Skinner. Pavlov discovered the conditioned response in dogs that led them to salivate at the sound of the noise. Normally the noise will go off before feeding time initiating a chain of events (noise-food-saliva). Pavlov discovered that even without the food the dog will salivate, as they had learned to connect the noise with food. The response salivation was a reflex of food, but salivating to the noise was a learned response, a conditioned reflex. By manipulating the circumstances, he also discovered several traits of such conditioned reflexes (Eller, 2006: 43).

- Extinction-the conditioned reflex will fade away if the pairing of the unconditioned stimulus (hear and food) and the conditioned stimulus (hear and noise) ceased to occur. The behaviour was temporary lasting as long as it was reinforced.
- Generalisation-the conditioned reflex would occur if the conditioned stimulus was similar, thou not identical, to the original stimulus (e.g. different but similar sound would give the same results).
- Differentiation-the animals could learn to distinguish between stimuli that were reinforced and those that were not.
- Pathology- the animals were conditioned to respond to one stimulus but not to another and the two stimuli were modified to become confusing or anomalous (e.g. difficult to tell apart), the animals would show distress and neurotic behaviour."

Thorndike performed his experiments with cats, which had to find their way out of a specially designed box. His work too suggested that the animals hit on a solution to the problem by trial and error but that gradually erroneous behaviours would be extinguished and only successful

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ones would be retained. He called this process the law of effect, that is, only behaviours that have the desired effect are learned and preserved, ineffective behaviours are eventually lost (Eller, 2006:42).

Skinner argued that the behaviour is everything and the mind do not exist or is nothing. His perspective was known as the black box view of behaviour. He discounted concepts like personality or feelings or intentions, and said that only overt, observable behaviour is meaningful and measureable. He said that behaviour is learned through rewards and punishment. The behaviour of animals (human presumably) could be shaped by controlling the rewards. When a subject exhibits the desired behaviour, rewards should be given and to produce more of that behaviour until eventually all undesirable behaviour is extinguished and the goal achieved. Skinner called this entire process "operant conditioning".

Experiments that refined the variables proved that different forms of reinforcement- especially "intermittent" forms whereby the subject was not rewarded every time the stimulus occurred actually made the reflex stronger. None of the experiments studied violence or aggression as such, but the implication of these experiments will clearly mean that violence like any other behaviour is learned. Further, it will be learned more strongly and practised more often if is rewarded. The reward might be money, power, praise or a good feeling about oneself. Hypothetically, then, violent behaviour could be extinguished if it became ineffective. If we control the environment and make violence "profitless" we could weaken it to a point of disappearance (Eller, 2006:43).

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2.3.2.2.6 Rational Choice Theory

Albert Ellis and friends emphasized the rational element of human behaviour. They said that people chose their behaviours based on the assessment of the current circumstances and the best possible responses to those circumstances. People perform a little "cost-benefit" analysis every time they do something weighing the behavioural options and perceived outcomes and selecting the option that appears to offer the best overall outcome. Violent according to the rational model is considered by the actor as a rational choice to his or her given conditions. A poor person with little prospect of getting a job might turn into robbery or burglary since it is the next best decision. The choice of violent will then be a self-sustaining habit and if it will lead to reinforcement, that choice of violence will be highly predetermined. The import of this view then is twofold (Eller, 2006:43).

Firstly, if violence is choice then perpetrators of violence behaviour are certainly not irrational or even abnormal, rather what is deviant is not the individual but decision making process or the situation. In more favourable situations, the same individual would choose a better course of action. Secondly, to eliminate violence the situation that results in violence should be eliminated. In this essential optimistic view of the world, violence is not one by bad people but by people in bad circumstances. Given positive circumstances they will rationally choose more positive behaviour. Unfortunately this theory cannot explain the issues of rich people who continue to steal (Eller, 2006:45).

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2.3.2.2.7 Individual psychopathology

The first theories of family violence were developed by clinicians, psychiatrists and psychologists. These people were most likely to come into contact with victims and abusers with

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easier accessibility than other people in the social and behavioural sciences because of their closer associations within the medical field. Their reports and theories expound the medical model. This psychological school of knowledge viewed family violence as rare occurrences engaged in by psychopathological individuals, the most deprived persons who suffer some sort of mental illness. Psychopathology theories propose that certain kinds of people are wife abusers. These people are different from others in skills, temperament, personalities, and life histories and psychologically they may be identified by some combination of special characteristics.

They present a wide spread of emotional disorders seen in any clinical population – hysteria, hysterical psychosis, obsessive compulsive neurosis, schizophrenia and so on. Viano (1992:139) argues that "the evidence suggests that as a group, batterers have an identifiable set of personality characteristics: dependence, depression, anxiety, low self-esteem, dissociation from their own feelings, poor impulse control, antisocial tendencies, and hostility towards women." Psychopathological theorists believe that more attention needs to be paid to the personality dynamics of male batterers.

2.6.3 Social/Sociological Theories

Sociologists and anthropologists unlike psychologists have attempted a more thorough going description of human behaviour in terms of the systems and structures that surround and influence individuals. They give much less attention to the mind or personality at least as original sources of behaviour and much more attention to society and culture, the behavioural structures and the webs of significance that exits before we were born and persist after we die.

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According to Gelles (1993:31) the core of the sociological perspective is the assumption that social structures affect people and their behaviour.

The major social structural influences on social behaviour being age, sex, position in the socio-economic structure, and race and ethnicity. The structure of the social institutions is said to influence social behaviour. The modern family and its structure have an influence on the occurrence of family violence. In the core of the sociological perspective is the assumption that social structures affect and shape people's lives and their behaviours. Factors such as age and sex are studied to make predictions and generalizations on the outcomes on how they contribute to violence within families. The structure of the social institution influences violence and in this case it will be the structure of the modern family. Younger people were found to be more prone to violence as compared to older ones (Gelles, 1993:32)

2.3.3.1 Labelling Theory

Frank Tannenbaum (1938) asserted that social labels are important in the formation and encouragement of deviants and violent individuals. The way that society defines actions and assigns those definitional labels to actors influence the behaviours of people who are given the labels. A delinquent will then become socially negative because he or she is defined as socially negative. People will then live to the expectations of their prophecy borne by their label to come true. When a person perceives himself or herself as bad, he associates with other bad people and the situation is worsened.

Edwin Lemert (1951) and Howard Becker (1963) further advanced the labelling theory. Lemert in his emphasis said that societal reaction to deviant behaviour tags a particular behaviour and its perpetrators as deviant. This behaviour and the reaction to it are termed primary behaviour. In

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secondary deviance, which is the following step, the perpetrator accepts the identity of a deviant person and then commits him/her to deviance or violence as an adaption to or defence against society response to them. The behaviour of a society then not only helps in defining the behaviour but it also encourages it (Gelles, 1993:32).

2.3.3.2 General System Theory

According to Gelles (1993:36), Murray Straus (1973) and Giles-Sims (1983) developed and applied a social system approach that explains family violence. In this theory it is assumed that violence is a system product rather than the results of individual pathology. The family operations can maintain, escalate, or reduce levels of violence within the families. Giles-Sims (1983) as quoted by Gelles (1993:37) elaborates Straus's basic model and identifies six temporal stages that lead to wife battering: establishing the family system, the first incident of violence, stabilization of violence, the choice point, leaving the system and the resolution or more of the same.

2.3.3.3 The Resource Theory

Gelles (1993:38) asserts that the resource theory of family violence assumes that all social systems (including the family) rest to some degree on the force or the threat of the force. The more resources, social, personal and economic – a person can command, the more force he or she can muster. In this theory it is assumed that husbands who want to be dominant in the family has little education, has a job less in prestige and income and lack interpersonal skills. William Goode as quoted by Gelles (1993:37) assumed that the more resources a person has, the less he or she will actually use force in an open manner. Children or family members may use violence to redress grievances when they have few alternative resources available.

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2.3.3.4 The Subculture of Violence Theory

The subculture of violence theory asserts that social values and norms provides meaning and direction to violent act, and thus facilitates or brings about violence in situations specified by these norms and values. Subculture of violence theory explains why some sectors or subcultures of societies or different societies are more violent than others, especially when they have cultural rules that legitimate or require violence. Violence is attributed by some to a subculture of violence in Africa where violence is accepted as a way to resolve disputes, and link it to the colonial age where Africans were treated coercively and violently by their colonizers.

Cultural explanations on violence claim that wife battering is regarded as normal within traditional African culture e.g. a study where in a social welfare office at Ibadan region of Nigeria police officers remind wives that Yoruba culture allows men to beat women. Other indirect cultural explanation includes uneven distribution of power, within African marriages, the impact of polygamy, the acceptance of male promiscuity, the power of the extended family over the married couple and the bride price. Violence is seen as a way to enhance conformity to the wife who questions the whereabouts of a man, extra marital affairs which now pose a threat to HIV infections and economic insecurities (Gelles, 1993:38).

2.3.3.5 Society in Transition

Society in transition explanations look at violence as a result of transition from a traditional culture to a modern urbanised society…social change and men's threat in the face of this transition i.e. inability to support multiple wives and the extended family including women independence, in ability to perform household work in traditionally expected ways as they work in cash economy might lead to violence. Traditional norms may now fail to control men's

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behaviour in a variety of ways. Urban life may make it difficult for families of origin to mediate on domestic disputes as it was traditionally the case. Family elders do not have the same authority to regulate daily lives as they use to previously. The influence of family members in modern life may be weakening in other ways as well, as members enter the cash economy and are thus not as interdependent economically as they were previously. The past was marked by collective resources in the households but today (in the cash economy) resources and income become more individualised.

Quarrels over the division of resources among multiple wives are the result of the transitional society. It was easier for a man in agrarian setting to support more than one wife equally but in the cash economy it is impossible. There is often no enough money to support many wives and their children as it is expensive to maintain one family. Men may react violently toward a wife who wants financial support which leads to violence. The transition to a different economy and system of social relations, due to the sense of threat experienced may lead to violence. In Africa violence may be explained in a multi causal theory. It means that multiple remedies are also needed in addressing the problem of domestic violence in Africa (Randall, 2008:847-863).

In saying so one may disagree with the feminists and some sociological schools of thought that look at domestic violence as a result of the culture and subculture of violence within the African people. In the same culture there will still be people who will not resort to beating their wives when problems arise within their marital unions. According to the Venda history, in their tradition when a wife was married she belongs to a family but not a husband. This was clearly reflected in the fact that even the bride price was to be paid by the family concerned not the man who will be given a wife.

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A wife was to be approved by the family after looking at several factors for example, the approval based on the fact that the family where the wife comes from is not suspected of witch craft or is of good conduct. At times the cousin will be preferred as she will be coming to cook for her aunt and to preserve the property of the family so that its wealth is not taken by outsiders. If one has to look at these aspects, it is now clear why abuse cannot be confined to African culture within the Venda speaking people as the same, the wife 's problems were not hers and the husband but the whole extended family at large. If the husband and the wife experience a problem, the husband was to talk to elders who will handle the problem. The family of the wife in most cases was to be contacted. It should be noted that mother in- laws or senior wives previously were the ones who use to distribute food and wealth within the Venda families. If a man was working outside home whatever that he gathers was given to the man's mother and not to the wife and the mother use to distribute that as she finds it fitting. This information is of importance because the table on domestic violence shows that women are mostly abused because there are conflicts over extra marital affairs and also fights over money. The issue of extramarital affairs comes as a problem because these Venda men grew in extended families where their fathers and grandfathers did have several wives and it was an approved and acceptable practise.

Women may report financial abuse only in maintenance disputes after divorce or in cases where the woman had borne a child out of wedlock and the relationship had failed but the father still had an obligation to provide financial support. In this type of a situation it is possible to state that domestic violence is still rife in lives of many women in the Limpopo area. Police statistics revealed that extramarital affairs are the main causes of domestic violence around Thohoyandou,

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followed by monetary issues in the form of maintenance and children grants and then disputes over children custody.

As those problems which contribute to domestic violence continue to manifest, it is clear that there is a need to provide assistance to those who are affected. Previously it was relatively easy for the partners to resolve their problems because consequently, married couples were faced with far less stress in respect of solving problems as there were aunts and uncles' including parents and marriage messengers to solve problems the couples might experience. In those times people were living within an extended family system, and, thus, the elders were responsible for the running of the families including raising children, providing for them and even finding solutions to any problems that may have been encountered. The question may then be posed as to who marries whom within Venda families. The answer is simple – the man marries the wife, pays the bridal price and the woman leaves her family of orientation to join her husband's family. A man is the head of the family and he is the person who makes the decisions in respect of the running of the family as a system.

In other words, under these circumstances, the woman is expected to be subordinate to the husband which is the problem with protection orders under those conditions. A woman is in her husband's home and she is instructing him not to come close to her or not to enter the place of residence. Under such circumstances the man may resort to excessive violence. The question may be raised as to whether protection orders are not morally justified in such circumstances?

Women may now go to police stations for help when they experience physical abuse. The police may advise women to either open a case against their abuser or else to apply for a protection order. Women tend to opt for protection orders as they fear that any other course of action might

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culminate in their husbands' being arrested which could, in turn, incur the hatred of relatives, and may result in the loss of financial support. These protection orders are written in English and in Afrikaans. It is difficult for a person who is not familiar with either of these two languages to understand the real meaning of the order unless the meaning is explained. The clerks of the court also tend not to elaborate on the contents of the protection order for reasons ranging from time availability and the training toward domestic issues as well. The police officers who usually serve the defendant with the protection order also tend not to explain anything that can help the receiver to understand how the protection order works and its purpose on the one receiving it, merely coercing the defendant into signing.

2.3.3.6 Social Exchange Theory

This theory was preferred by Gelles and Straus (1988:23) who argued that people use violence in the family or with loved ones because they can. They believed that people would only use violence in the family or with loved ones when there are rewards for violent behaviour and when the costs outweigh the benefit or rewards. Violence in this theory is viewed as a rational choice of the abuser.

According to Eller (2006:118) the theory that Gelles and Straus adopt merits a moment's reflection. Costs and benefits are the first steps in the calculation of the aggressor: if therewas nothing to be gained from it, the behaviour would stop. They set the calculation within a more robust social analysis that involves such considerations as the effective social controls or lack thereof that would normally restrain violence, in fact the absence of any controls such as law or police intervention, and the presence of positive values that sanction violence, enter into the calculation. Certain micro social qualities of the family units itself contributes to the prevalence

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of violence within it, such as privacy and of [illegible] structural inequality between its members; thus when the external society is perceived as having no business interfering in family business or when women and children are lower in power and prestige than men, there are few disincentives to using violence. Macro social influences such as a dowry will also affect the calculation.

2.3.4 The feminist perspective

Feminist perspectives hold a negative attitude toward male nature and instinct. They may also emphasize the cultural values, practices and institutions that support male social, power that is patriarchy. The feminists see domestic violence, which is disproportionately male-female violence, as one component of a much larger system aimed at the subordination of women. Feminists put their focus on the male need for power in patriarchal societies. To feminists, male uses violence to dominate and control women. Feminist assume that patriarchy and patriarchal institutions contribute to battering as patriarchy itself is made of social systems that enable men to dominate women(Gelles, 1993:41).

According to Gelles (1993:41) the feminist theory is found attractive in explaining domestic violence that happen from husbands to wives. The major strength in the feminist approach is the 'praxis' or advocacy approach. The theory provides the explanation and the formulation to explain and end violence toward women. That will include the breaking of the control of men by women. The theory is consistent in the explanation of gender inequality towards women. Unfortunately this theory cannot offer a broader view of domestic violence. The single point of patriarchy that they focus on lacks variance within time and culture.

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2.4 Violence against women in non-western societ

It is argued that violence is a problem that starts at home, Deborah Prothrow-Smith (1991:145). Richard Gelles and Murray Straus (1988:18) maintain that a person is more likely to be physically assaulted, beaten and killed in own home at the hands of loved ones than any place else or by anyone else in the society. No societies are without violence or hostility. Certain social and cultural conditions contribute to the pervading atmosphere for violence that will also inevitable contribute to a particular incidence of gender and intimate violence.

Brown (1999) as quoted by Eller (2006:120) noted that the values of societies differ enormously on the question of maltreatment of women: some disapprove of even minor aggression, some condone relatively mild violence but disdain severe abuse, and some allow what would judge to be extreme forms of violence. They further conclude that certain factors play a role in determining the level of violence, such as the facts that:

- Younger wives are more likely to be abused than older ones
- Women who are denied an important economic role in society are more likely to be abused
- Women who are isolated from their own kin by marriage residence are more likely to be abused
- Women who are hidden behind a wall of domestic 'privacy' are more likely to be abused
- Women who live in societies that denies them the status of autonomous adults, especially where their identity (legal or social) is dependent on or merged into the man's are more likely to be abused.

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It was concluded that the violence toward women in many cases is not entirely about the male-female relationship; rather, a man often practises violence toward women as a gesture to other men, to establish and assure his position within the male peer group, in other words domestic abuse is a way for a man to guarantee avoidance of ridicule and his position as a man among men.

The Wape and the Nagovisi (both of New Guinea) are horticulturalists; horticulture is an economic system regularly associated with relative gender parity. Cultural and enculturation practices and values install equality and mitigate against violence. These include a tendency to minimise gender differences and lack of any notion or habit of gender segregation or female contamination. Women are the main economic providers and they enjoy consideration in their marriage of choice, they can voluntarily leave their abusive husbands and they remain in contact with their own kin after marriage. Most remarkable, women maintain strong female-female corporate bonds and may actually intervene as a group by surrounding the house of a bickering couple (Eller, 2006:122).

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The Wape just like the Semai and Utku (and the Kung) practise emotional control especially any emotion that might lead to violence. Parents ignore their children's hostile behaviour, and the young ones soon learn that public aggression is an embarrassing and non-rewarding activity as quoted by Eller (2006:122) from Draper (1999:102). This fact is said to alter the exchange value of domestic violence to which Gelles and Straus (1988) refer. The Wape secure their behavioural system with a religious view that constrains violence: they believe that the ancestral spirits linger near lineage lands, which is strong sanction against hostility and violence since a disturbed ancestor may seek vengeance against a perpetrator by damaging his or her garden or

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person. The Wape actually hold rituals of conciliation for the benefit of the ancestors to announce that the parties are once more friends and to ask the spirits to refrain from harm.

It is said that the same practise is found among the Nagovisi where the same pattern lead to nonviolence. These people are farmers who live in matrilocal and matrilineal kinship groups, giving women prominence and positions. Their youth do not engage in competitive activities or hit each other. Parents do not physically punish children under five years as is believed that they do not have possess the reason necessary to imbibe the lesson. Verbal aggression is not unknown to the nation but it does not escalate into physical aggression. Severe verbal abuse is also punishable with a fine.

Non-violent societies are the exception rather than the rule as gender/spousal nonviolence societies are rare. Most societies practice one or more kind of spousal abuse in various social contexts and in relation to various cultural values and norms, and these violent societies tend to share certain common features. Counts (1999:76) as quoted by Eller on his findings on the Kaliali women of New Guinea explained that they expect to be beaten by their husbands during their lives. Thou they do not approve of it but just like their husbands they uphold the right of a man to beat his wife for a cause. This cause may be adultery, flirting, fighting with co-wives or merely failing to do domestic duties. The major macro social institutions such as the bride wealth, patrilocality and patrilineality are said to function to the advancement of men (Eller, 2006:122).

According to McDowell (1999:88) among the Bun of New Guinea children play aggressively and in an argumentative way with each other, parents interact violently with children by hitting, throwing things, and verbally attacking them. The result is the creation of violent people.

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Mushanga (1983:140) as quoted by Eller (2006:1[illegible]) found in the surveys of twelve traditional African societies that violence is restricted to women but is mostly targeted towards them. In rare cases like, (the Abakiga /Kigezi people) wives were found not to be the primary victims of family violence; in all others, they tie or exceed all other kin relations for percentage of family violence directed at them, ranging from a low 23 percent to a high of 95 percent. The conditions in India and the Middle East were also found to be negative. Hegland's (1999) account of an Iranian village highlights a society in which women have virtually no rights whatsoever. Men are raised to be violent and domineering; they learn early on to devalue women and their activities, to use violence to get what they wanted and to demonstrate the power and strength required for political survival. The control over women's lives is nearly total.

A woman is not expected to work outside home. She is required to be a virgin at the time of marriage. Men do beat the wives even the sisters if they dare challenge the patriarchal system. Women are given little value in these societies. Honour killings have been reported in which women are murdered by their own family members for perceived conduct that brings shame to the family. This conduct may include premarital sex, dating outside the religion or nationality, and sometimes even victimization like rape (a woman is often blamed for somehow causing rape or is a disgrace to the family no matter how it happens). On Fiji, where a large population of Hindu is settled, the patrilineal and patrilocality patterns of northern India are reproduced (Eller, 2006:123).

In this social world women are slapped, punched or pushed occasionally by husbands and women accept and seldom question the abuse by the man. It is said to be deviant for a man not to beat the wife for he demonstrates to the society that he cannot control his family nor defend his honour. Older women, mother in-law also cooperate by siding with the son as he abuses his

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wife and even abusing the wife with criticism, gossips, giving them too much work or even physical punishment (Eller, 2006:123).

2.5 Historical recognition of violence around the world

Men's violence toward women has a clear historical context. This helps in understanding how such violence has been accepted, condoned, normalized and ignored in the society. Even thou is regarded as a private matter, the spread was automatic. Wife abuse has been sanctioned in the past partly as a result of its wide spread prevalence. Any abusive act at home was viewed as a private matter and thus exempted from public scrutiny. Since the Family Court developed, the notion of family matters being private was reinforced. Women have been traditionally treated as possessions of men and not people in their own right. They were excluded from political, business and other decision making spheres and it was considered that their place was in the kitchen. Laws were made by men and chiefly for the advantage of men. Historically the common law and statutes in the late 1800 "regulated" (not restricted) physical abuse of women, which was viewed as legitimate if exercised as part of a man's duty to control his household and property (SAPS Training Manual 2004: 23). As the Rule of thumb: Husbands could hit their wives with sticks that were no thicker than an average thumb (doctrine of reasonable chastisement) (SAPS Training Manual, 2004: 24).

Sunday and evening restrictions: Husbands were not permitted to hit their wives on Sunday or after 20h00 (Restrictions relating to the profaning of the Sabbath and disturbing the peace) (SAPS Training Manual, 2004: 24). Although such laws, which explicitly allowed and legitimated wife abuse, were by and large, repealed early this century, it was many years before

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laws were enacted that specifically protected the victims of spouse and child abuse (SAPS Training Manual, 2004:24).

Fawcett (1996: 24) added that historically law include: The reform of the legal treatment of men's violence to women within marriage that was made in 1878. Prior to 1978, the rule of thumb had operated in courts, where by husbands were permitted to beat their wives thou restricted to the use of stick not broader than a thumb. The 1878 Matrimonial Causes Act allowed women to use cruelty as grounds for divorce. In doing so, it was clear that the State had begun to claim theoretical jurisdiction over men's violence in marriage and so to recognize violence's distinction in marriage from sexuality (Fawcett, 1996: 25).

More legal forms were introduced towards the end of the nineteenth century. The Married Women's Property Act of 1870 gave wives the right to keep their own earnings. In 1871 wife beating was made illegal in Albama. The court stated the privilege, ancient though it is, to beat the wife with a stick, to pull her hair, choke her, spit in her face or to inflict upon her like indignities, is not acknowledged by the law (Toole and Schiffmen, 1997:445).

The Married Women's Property Act of 1882 introduced women's rights to keep property they owned in marriage or acquired later, even thou no criminal proceedings could be taken against a husband while the partners were cohabiting. In 1891 a husband lost the right to forcible imprison his wife in the matrimonial home to obtain conjugal rights. Feminism led to the re-appraisal of legal responses to violence. This included the Matrimonial Homes Act of 1967, the Women's Aid Federation of 1974 and the Parliamentary Select Committee on Violence in Marriages in 1975 (Fawcett, 1996; 26). The changes continued until the Domestic Violence Act 116of 1998 was promulgated.

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2.6 Application for the protection order (section 2 of the Domestic Violence Act 116 of 1998)

A domestic violence order includes conditions that restrain, restrict and prohibit the behaviour of the respondent in order to prevent further domestic violence. In the Domestic and Violence Prevention Act No.166 of 1998, a domestic violence order means either: a protection order; or a temporary protection order. Any complainant may in a prescribed manner apply to the court for a protection order. The court may, by means of a protection order prohibit the respondent from: committing any act of domestic violence, enlisting the help of another person to commit any such act; entering a residence shared by the complainant and the respondent. The court may also prohibit entering a specified part of such a shared residence; entering the complainant's residence; entering the complainant 's place of employment and committing any other act as specified in the protection order. The court imposes this prohibition only if it appears to be in the best interest of the complainant. The court may impose any additional conditions which it deems reasonably necessary to protect and provide for safety, health or wellbeing of the complainant (Police Training Manual, 2004:110).

The court grants the order if the respondent has committed an act of domestic violence against the aggrieved; and the respondent is likely to commit an act of domestic violence again; or if the act of domestic violence was a threat and if the respondent is likely to carry out the threat. A domestic violence order can protect the aggrieved and relatives and associates of the aggrieved who are named in the order. The order is a civil order and not a criminal matter. However a respondent who breaches the order commits a criminal offence (Police Training Manual, 2004:112).

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The Domestic Violence Act broadens the definition of domestic violence to include not only married people, but unmarried people who are in relationships. So, people in same sex relationships, couples living together and members of a family are included - even people who share a living space but who are not in an intimate relationship (such as live-in domestic workers and employers, mothers and sons) (Police Training Manual, 2004:113).

According to the Domestic Violence Act No 116 of 1998, a person can be charged and convicted with marital rape whether the parties are married or notaccording to civil, customary or religious law. When police arrive at a scene of domestic violence, they must inform victims that they have a right to ask for police assistance to protect themselves and their children. Police are allowed to seize firearms and other weapons. Victims can ask police to help them find a place of safety and for help to move them there (Police Training Manual, 2004:113).

Police have to tell victims how to get a protection order and it is up to the victim whether they apply for one or not. The Act gives police the right to arrest an abuser at the scene of an incident of domestic violence without a warrant of arrest, if the police reasonably suspect that the abuser has committed an offence involving physical violence. The Act recognizes that abuse can take many different forms: domestic violence; sexual abuse; economic abuse; emotional and psychological abuse. The applicant can be a complainant in the form of a man or women, child or any person with material interest in the wellbeing of the complainant.

The protection order is applied at the office of the clerk of the court i.e. magistrate's court where the applicant resides or work, where the abuser lives or work or where the violent incident happened. In a case where the complainant is not represented by a legal representative, the clerk of the court must inform the complainant, in the prescribed manner about the relief available in

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terms of the Act and the right to also lodge criminal complaint against the respondent, if the criminal offence has been committed by the respondent (Police Training Manual, 2004:114).

The applicant will have to go to the court on two separate days. The first time he or she goes to apply and fill in the forms. The magistrate might give the applicant an interim order if he/she believes there is a threat to the applicant's safety. If the magistrate gives the applicant an interim order, he/she will set a return date when the applicant has to go back to the court. The abuser is also called to appear in court on the same day. The abuser may contest the interdict if he/she thinks it should not be permanently granted. The protection order does not cost anything, but there may be costs attached to delivering the protection order to the abuser. If the clerk of the court or the police gives the order to the abuser, there are no costs. If the order is sent by the sheriff, there will be costs, depending on how far away the abuser lives, or if he or she is hard to find. If the applicant cannot afford the costs, he or she must tell the clerk of the court when the victim apply. The government will then help the applicant to pay for the cost of sending the order to the abuser (Police Training Manual, 2004:114).

2.6.1 The steps in the process of application of a protection order:

The applicant who wants to apply for a protection order has to follow the following procedures: The applicant will go to the magistrate's court to apply for a protection order. He or she will not need a lawyer. The clerk of the court must explain what the rights for the victims are and the steps towards getting a protection order. The applicant should take with him/her any documents like medical reports, photographs of the injuries, supporting affidavits from family members, neighbours or children who know about the abuse. The applicant must have the identity

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document and details such as the abusers work and home address that will help in locating the abuser (Police Training Manual, 2004:116).

The magistrate will listen to the story and read any affidavits that have been brought to him. If the magistrate believes there is enough evidence of abuse he/she will give the victim an interim or temporary protection order that will be in place until the victim have to go to court again for the final order.

The applicant can ask the magistrate:

- for protection from domestic violence
- to have a firearm confiscated, if one explain how this has been used to threaten the victim
- for the abuser to have no contact with the children
- for the police to come with him/her to collect his or her belongings at the dwelling place
- not to say where the victim have moved to, if you are leaving or have left home
- for the abuser to be evicted from the home
- for emergency monetary relief, for example for loss of earnings because the victim cannot work,
- medical and dental expenses, accommodation expenses, money for food or clothes
- The protection order is then served to the abuser (Police Training Manual; 2004:121).

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The sheriff of the court, the clerk of the court or the police will serve the protection order to the abuser. The applicant may ask the court to phone in order to notify the victim if the protection order has been served.

The applicant may want to increase her security at this time. The abuser may be angry and may try to hurt the applicant. If the applicant cannot stay in a safe place especially with family members, they should make sure they have a safety plan and that children know what to do in an emergency. If the applicant do not hear from the court that the protection order has been served within one week, then the applicant should check with the clerk of the court whether it has been served or not. Sometimes the sheriff of the court cannot find the abuser (Police Training Manual; 2004:121).The protection order tells the abuser that he or she must be at court on a return date written on the protection order. The abuser must go to court to tell the magistrate why the protection order should not be made final. This protect the rights of the perpetrator as he or she is given time to say that he or she is not guilty if the situation being so. The return date is usually about 10 days after receiving the protection order.

The applicant must go to court on the return day written on the protection order. The perpetrator will be present to give a defence on accusation laid against him or her. The applicant can also come with people who will be able to support his or her version. The applicant can ask the police to protect him or her if necessary. During the court hearing the abuser is not allowed to question the applicant, only his lawyer is allowed to if he has one. Only certain people are allowed to be in the court room when the magistrate hears your case – any person bringing an application on behalf of the complainant, the lawyers and officers of the court, the abuser and witnesses, no more than three people to support the victim (the abused), and no more than three people to support the abuser or any other person the courts permits. No person shall publish in

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any manner the information which might directly or indirectly reveal the identity of any party to the proceedings. If the abuser does not come to court then the court must give the applicant the final protection order (Police Training Manual; 2004:121).

Once the magistrate has heard all the evidence, he/she will issue a protection order. The magistrate also issues a warrant of arrest, to be used if the abuser disobeys the protection order. The clerk of the court serves the final protection order on the abuser. The clerk will also send certified copies of the protection order and the warrant of arrest to the police station that the victim chooses. The order will remain in force until it is set aside, and the execution of such order shall not be automatically suspended upon the noting of an appeal. The applicant will then get a copy of the order signed by the court (certified copy), together with the warrant. The order lasts until the applicant chooses to cancel or change it. The applicant must ensure that his or her copy of the protection order and the warrant is kept in a safe place. The applicant must have a certified copy and give it to a trusted friend for safe keeping as an alternative (Police Training Manual, 2004:145).

2.6.2 What happens if the abuser violates the protection order?

If the order is violated, the victim should submit the affidavit and the warrant of arrest to the nearest police station. The abuser will then be charged under section (a) of the Domestic Violence Act for the statutory crime of Violation of protection order. The police official may arrest the abuser if there is sufficient reason that he may harm the victim. In the event where there are no reasonably grounds to arrest the abuser, a police member must issue a notice to the abuser to appear in court on the charge of violation of protection order. If the abuser is under the

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influence of toxins to an extent that the notice cannot be handed to him, he should be arrested (Police Training Manual; 2004:121).

If the abuser is arrested, he will be kept in jail until he goes to court within 48 hours. Besides being charged with disobeying the protection order, the abuser can be charged with any other criminal offence he or she has committed while abusing the victim, for example if he or she has assaulted the victim or pointed a firearm at the victim. The victim will need to testify in court and tell about the abuse as experienced. If the abuser is found guilty in court, he or she will be fined or sent to jail.

Notwithstanding the provisions of the other law, the application may be brought on behalf of the complainant by any other person, including a counsellor, health service provider, member of the South African Police Service, social worker or teacher, who has a material interest in the wellbeing of the complainant, provided that the application must be brought with the written consent of the complainant, except in the circumstances where the complainant is a minor; or mentally retarded and a person whom the court is satisfied is unable to provide the required consent. This does not withstand the provision of any other law. Any minor, or any person on behalf of the minor, may apply to the court for a protection without the assistance of a parent, guardian or any other person. The application and the affidavits must be lodged with the clerk of the court who shall forthwith submit the application and affidavits to the court (Police Training Manual; 2004:121).

2.6.3 What happens if the applicant loses the warrant of arrest?

If the victim loses the warrant of arrest and a protection order, he or she can go to the police station where the order was made. They can use the order that they received from the court. But

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if they don't have a copy of the order the victim must go back to the clerk of the court and get another copy.

2.6.4 Seizure of arms and dangerous weapons (section 9 of the Domestic Violence Act)

If the respondent owns any dangerous weapon in possession or in control, the court must order a member of the South African Police Service to seize it, if it was indicated that the respondent threatened or expressed the intention to kill or injure himself or herself, or any other person in a domestic relationship, whether or not by means of such arm or dangerous weapon, or possession of such arm or dangerous weapon is not in the best interest of the respondent or any other person in a domestic relationship, as a result of the respondent's state of mind or mental condition, inclination to violence or use or dependence on intoxicating liquor or drugs. Any arm seized in terms of subsection (1) must be handed over to the officer in the South African Police Service as contemplated in section 11(2) (b) of the Arms and Ammunition Act, 1969(Act No.75 of 1969), and the court must direct the clerk of the court to refer a copy of the record of evidence concerned to the National Commissioner of the South African Police Service for consideration in terms of the Arms and Ammunition Act, 1969.

Any dangerous weapon seized in terms of subsection (1) must be given a distinctive identification mark and retained in police custody for such time as the court may determine and shall be returned to the respondent or if the respondent is not the owner of such a dangerous weapon, to the owner thereof, by order of the court and on such conditions as the court may determine (Police Training Manual; 2004:121).

In the opinion of the court, if the value of the dangerous weapon so seized is below R200.00 or; If the return of the dangerous weapon has not been ordered within 12 months after it has been so

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seized; or If the court is satisfied that is in the interest of safety of any person concerned, the court may order that the dangerous weapon be forfeited to the State (Police Training Manual; 2004:121). With variation or setting aside of protection order (section 10 of the domestic violence Act) :The clerk of the court must forward a notice as prescribed to the complainant and the respondent if the protection order is varied or set aside as contemplated in subsection (1).

2.6.5 Evaluating protection orders

It is assumed that the most stringent test for determining whether protection orders are effective is to randomly allocate individuals who are seeking an order to two groups. One group should receive protection orders and the other group should not receive orders. One can then compare the two results for both two groups during that period. This will enable the researcher to measure change in violence in the treatment group before and after an order was issued (Timbolic and Roseann, 2006:18). It is obviously unethical to refuse to offer protection to individual experiencing violence simply to assess the efficacy of such protection. One can use a less stringent, more ethical and more feasible method of obtaining information which is an interview of large sample of individuals who have sought and been granted protection orders (that is a sample of protected persons).

Using interviews, protected persons could be interviewed regarding the type and frequency of violence and abuse they suffered from the same defendants during an equivalent period of time both before the order is sought and after the order is served to the defendant. The sample can be randomly drawn from those who obtain the order and this allow inferences about the effectiveness of the order (Trimboli and Roseanne: 2006, 19).

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Farlane et al (2004) explained that the results of [illegible] on the effectiveness of protection orders are inconsistent. In comparison of previous studies from other countries by Farlane (n1-n6) studies reported concludes that protection orders reduce violence (not eliminate) while others reported high re- assault rates after filing of the protection order. He further ascertains that 40 women dropped the protection order before their court dates in the given study. Reasons ranging from returning to their relationships with the abuser and that protection order is "too much hassle or inconvenient".

The study found that to obtain a protection order, applicants must be willing to arrive at the district attorney's office with proper photo identification and complete paperwork. They are required to complete an interview with a case worker, be photographed and sign an affidavit. People who apply orders must wait approximately six weeks for a court date and then appear in court in front of a judge, at which time the abuser may contest the protection order. Problems arise when abusers cannot be found and be served papers to appear in court and women fail to get orders. If required documents are not supplied then cases can be dropped. He also came across a case of a woman who committed suicide during the proceedings.

According to Seattle, between 1997 October and 1998 December a cohort study of 448 adult females participated in a study measuring the effectiveness of protection orders too. Results obtained was the decreased risk of contact by the abuser, use of weapon, threats, injury and abuse- related to medical care. Stronger decreases in risk were seen among women who had maintained protection orders through follow up, which were significant for contact by the abuser, weapon threats, physical abuse, injury, abuse related medical care between first and second follow up interviews.

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These findings were different from those obtained by Grau, Fagan and Wexler (1985) who did not find significant differences of self-reported abuse or physical violence according to Civil Protection Orders (CPO) status among women enrolled in the family Violence Demonstration Program. Factors that may contribute to the discrepancy may be the fact that protection orders effectiveness has posited to depend largely on mandated sanctions for violation (Holt et al, 2003: 8).

In the two decades since the study by Grau et al (1985) it is said that sanctions for protection orders violations have generally shifted from civil to criminal, and police's response has improved following the institution mandatory arrest laws, thus, the possibility of violence prevention related to protection orders have increased. The smaller number of respondents might also have limited post-project information on violence outcomes as only fifty one women were used; it might limit the ability to detect inter-group differences.

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danger. In situations in which the husband is the breadwinner, the family is dependent on the man and, should he be arrested, the family and the children will be faced with the problem. Dissel and Ngubeni looked at the different angle found to be effective in solving domestic violence named the Victim Offender Conference. As a pilot, the Victim Offender Conferences were held in the Odi Community Law Clinic in Odi, in Conquest for Life in Westbury, in the West Rand Justice Centre in Dobson Ville, Soweto and in the Alexander Community Law Clinic in Alexandra and Wynberg. Of these, 116 conferences were held between intimate partners of whom seven were either divorced or separated. Most of the cases had been referred by the magistrate's courts after charges had been laid by the victim (usually the woman) against the offender (usually the man). Cases had also been referred by community structures, the Domestic Violence Unit, and the Traditional Authority in Garankuwa. These cases ranged from charges of pointing a firearm, assault and assault with grievous body harm, malicious damage to property, crimeninjuria, and theft (Dissel and Ngubeni, 2003).

The cases were mediated by trained mediators who had been drawn from the communities in proximity to each site. In addition to mediation skills and training in respect of restorative justice, these trained mediators had also received training and awareness in respect of domestic violence. Afterwards, women were asked what they would do if the abuser repeated the abusive behaviour. Some of the women stated that they would return to the project, while others indicated that they would take stronger action and report the perpetrator to the police. Positive effects of the project included the fact that the women felt they had received an opportunity to speak to their parties safely and on an equal basis. The presence of the mediator ensured a safer place in which to speak without fear of violence. It also opened up the possibility for the involvement of other people who were central to the lives of the parties, and who could help in

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solving the disputes, as well as act as witnesses to the agreement to make amends. The biggest challenge was the extent to which there had been real behavioural change on the part of the offender, and to what extent this change had impacted on the relationship.

Women who were still married said that their relationships had improved after attending the conference. Women referred to mediation as having saved their marriages, or, in a few cases, as having led to a marriage, or to the parties moving in together. In some relationships the mediation had facilitated separation and helped in setting out the terms of the separation.

2.6.6 Resource in the criminal justice system

It is theoretical that the clerks of the court should assist women to complete the application forms. But in practice, criminal justice personnel think the legislation is unimplementable due to limited or non-existence resources (Parenzee et al, 2001). Lack of resources specified included lack of personnel, lack of police vehicles, fax machines, photo-copiers and these added burdens on law enforcement agents and compromised the safety of complainants. Data from the Department of Justice (in Stack and Soggott, 2001) indicates a decline in overall number of administrative officers and clerks from 6 897 to 4101 between 1996 and 2000- a loss of 2 796 employees.

The budget itself for 2001/02 appears to be less than the required for the number of posts approved. Given the shortage of personnel it was said that the Department did not appear to consider how the broader definition of domestic violence, as well as the inclusive understanding of family and domestic relationships, was going to impact upon the courts. An example given was one from Alberton Court in Gauteng which received 374 applications in 1999 for interdicts

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in terms of the Prevention of family Violence Act 133 of 1993 and in 2000 received 1 696 applications. This unfortunately happened when the number of staff members did not increase.

Former Police Commissioner, Jackie Selebi asserts that police are ineffective in implementing Domestic Violence Act. In 2001 he further asserted the fact that Domestic Violence Act was not practical or implementable and was made for a country like Sweden, not South Africa. "Well-meaning laws cannot be policed"-Selebi, The Star, August, 22: 2001.

Just to add on the problem of under resources of courts and police stations, effective implementation of the Act is said to be undermined by other factors. These include:

- police perceptions of domestic violence,
- fragmented service provision from the courts,
- the police and health sector
- lack of information for applicants regarding the application procedure (www.un.org/women watch/daw/egm/vaw...2007).

There was a report in 2000 indicating that protection orders were left to pile up in the Community Services Centres of police stations visited in Gauteng, Kwazulu- Natal and Eastern Cape due to shortage of police vehicles and the refusals of the sheriffs to assist the police in serving protection orders. In conclusion, it was said that it remains difficult to evaluate the effectiveness of the Act when it has not been implemented effectively and thus cannot routinely meet its purpose to provide maximum protection of the law to survivors of domestic violence. The law is a powerful tool, but limited in its application. Given many differences that exist

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between women, who is to be prioritized and what is good enough minimum? In evaluating the Act, it is important that we know what women think of it as is intended to benefit them. The experiences of the women should be sought and matched with that of the implementers (www.un.org/women watch/daw/egm/vaw...2007).

2.7 Monitoring the Domestic Violence Act

Vetten(2002) asserted that since the operationalization of the Domestic Violence Act in South Africa there are two studies that have assessed its implementation. These were done by Parenzee, Artz and Moult, 2001: Mathews and Abrahams, 2001. These studies were undertaken in the Western Cape which is an urbanised province in South Africa. They came up with the following findings:

2.7.1. Women circumstances and their access to justice

In 1994 seventy four percent (74%) of the country's police stations were located in white suburbs or business district. This clearly indicates that it was often prohibitive to access the station for an average poor rural woman. A research that was undertaken in poor rural communities in the Eastern Cape, women were faced with the following obstacles in trying to seek help with domestic violence: Limited transport or nothing at all while still expensive for the poor woman to afford; slow response by the police and ambulance services; poor telecommunication services; large distances to public services; few support services for abused women and no safe places for women if they live their houses; high rates of unemployment and underemployment resulting in women struggling to pay for basic necessities, travel, accommodation or cots for separation or relocation.(www.un.org./womenwatch/daw/egm/vaw-gp-2005/d...2007).

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Staff at rural courts also noted the prohibitive costs of transporting witnesses from outlying areas, were added when witnesses were required to stay within court's jurisdiction in order to testify. Twenty three (23) women who obtained protection orders were interviewed. They highlighted police negligence and impotence, difficulties such as finding the money for documents to be served on the abuser and lack of information due to court processes. Other women ended up withdrawing their applications (www.un.org/womenwatch/daw/egm/vaw-gp-2005/d...2007).

These orders are in two official languages although South Africa has eleven official languages. The written completion and reading of the application forms challenges women with varying degrees of literacy. They don't cater for women who use sign languages and those who use Braille due to sight problems (www.un.org/womenwatch/daw/egm/vaw-gp...2007).

2.7.2 Examples of people who were failed by protection orders internationally

Some of the examples of catalytic precipitance of violence as given by Charles include the following scenarios…on August 6, 1999; Laura Maria Gattas was shot and killed by her estranged husband, Eduardo, when she arrived at work at memorial hospital in Corolado Springs. In a front page story in The Gazette on November 3, 1999, reporter Bill Hethcock stated that: "Corolado Springs detective Todd Dernnan testified in a preliminary hearing and his investigation showed that Gattas was angry at his wife for having him arrested in May in Toronto, where they lived." Another given example to clarify the fact that protection orders do not protect was published on the August 29, 2002, issue (p.Metro1 and Metro 7) of the Colorado Springs Gazette. Mary Lou Smith, age 52, was shot and killed the evening of august 28th as she sat in the living room of a friend's house where she had sought safety.

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Police were looking for her husband, Marlon L. Smith, age 47, in connection with the shooting. Court records showed that Mary Lou sought police help at least three times on the 1st August of 2002, once on allegations of domestic violence, and two other times to report that her husband of 19 years violated a temporary protection order and threatened her life. Protection orders do not supersedes the law of the jungle and Mr Smith is portrayed as a particularly jungle type (wwww.dvmen.org/dv-14htm…2007). On Wednesday, October 30, 2002, at a little after 11 Keith Warren, age 24, went to the third floor office of the Land Title Trust Company in the Alamo Building in Corolado Springs where his former fiancée, 20 year old Karri Fraizer, worked.

Warren, an employee of a security firm, after talking briefly with police, killed both MS Frazier and himself (Colorado Springs Gazette, Thursday, October 31, 2002, pA1 and A8). The couple had been going together for a year and were living together. On October 17th, Karri Frazer alleged Keith Warren had punched, choked, and threatened to kill her, ended the relationship. Warren was arrested that night and Ms Frazer moved to her sister's house. A protection order was issued against Keith Warren. He continued and tried to contact Karri at her sister's house. Mr Warren was again arrested for violating protection order. On Monday, October 21st Keith Warren pled guilty to third-degree assaults involving domestic violence under the 4th judicial District's "Fast Track" system that has a well-deserved reputation for railroading defendants. He was sentenced to two years' probation, 45 days' work release, and the standard 36weeks of domestic violence prevention classes. A six-month jail sentence was suspended and a no-contact protection order was imposed.

In the transcript (Corolado Springs Gazette, November 8, 2002, p9) of the 911 a call was made by Karri Frazier minutes before the murder/suicide, Keith Warren states: "she is the one who

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attacked me, and now I have to go through all this crap." Whatever credence one puts in Mr. Warren's dying statement that he had been falsely accused, clearly his repeated arrests and the protection orders had acted as catalysts that enraged him to the point of homicide and suicide. It is equally clear that protection orders provided Karri Frazier no protection at all (wwww.dvmen.org/dv-14htm…2007).

According to the Thursday, December 19,2002, Denver post(p.3B) 51year old Michael Higgins killed a 40year old single mother of two, with whom he had a relationship, at her home south of the town of Elizabeth in Elbert Country, Corolado, near dawn on Wednesday, December 18th. Higgins was found alter dead of a self inflicted gunshot wound to the head atop a ridge near an old quarry on the west side of Castle Rock in Douglas country around 12:30 pm same day. Higgins had been arrested in Castle Rock on October 25th for domestic violence related harassment and had a protection order against him (wwww.dvmen.org/dv-14htm…2007).

January 7, 2003, Marie Moses Irons, 41, a Pontiac Schools administrator in Michigan, was killed with an axe December 29, 2002, as she slept with her 2year old son at home in Southfield. Her estranged husband, Christopher Walter Howard, has been charged with first-degree murder. Irons had obtained a protection order on December 23rd, two days before Christmas and six days before she was killed.

VickiSue Keller-Wendt, 45, was killed, along with her niece, Brandie Lee Keller, 20 and her friend, Douglas McCoy, 50, in March 2002, as they left the Isabella County Courthouse in Mt. Pleasant, Michigan, following a dispute with Keller-Wendt's ex-husband Thomas Wendt according to the January 7, 2003, edition of the Detroit Free Press. Thomas Wendt had repeatedly violated a protection order. July 24, 2003 — Mark Taylor of Allen, Texas, called his

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brother on Monday evening, July 21st, just before he shot himself in the chest. Taylor told his brother that he had just killed his wife and was going to turn the gun on himself, police said.

After receiving that call, the brother called Allen Police at about 7:50 pm. A little more than an hour later police found the bodies of Mark Taylor, 42, and Carol Renee Taylor, 39, of Allen, in a sport-utility vehicle on Cedar Drive in Allen Station Park. Stephanie Taylor, 19, said her parents had just left a marriage counselling session when they drove to the park. Carol Renee Taylor had filed for divorce and obtained a protection order against her husband on July 15, according to court records. She said her father hadn't physically harmed her mother since they separated 10 days before their deaths, but that Mrs. Taylor had obtained the protection order because she wasn't sure how Mark Taylor would react to the divorce. Police Capt. Robert Flores said police are still investigating the case, including where Mark Taylor obtained the small-caliber handgun with which he shot his wife twice in the chest before killing himself.

A man killed a wife after she sought protection, then commits suicide:Thursday, August 7,2003, Vancouver, Washington — the bodies of Helen Hampton Lycklama, 54, and John Lycklama, 58, were found Tuesday evening in the master bedroom of his upscale home with a .357 Magnum revolver between them on the bed, Clark County sheriff's Sgt. Dave Trimble said. The woman, a schoolteacher in Portland, Ore., had been shot in the head, and other injuries indicated she tried to defend herself in a struggle, Trimble said.

The man, a local home builder, died of a self-inflicted gunshot wound to the head. Detectives believe the shootings occurred August 1st; the day the two had made plans to meet at a Hazel Dell restaurant, possibly to discuss their pending divorce. Records show the Lycklamas were

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married in August 1995, and sheriff's deputies said they had no reports of domestic violence involving the couple. In April, however, Helen Lycklama filed for a divorce and obtained a protection order that barred him from molesting or disturbing her or coming within 1,000 feet of her home or workplace.

Lolita Raghunandan, 32, was found in the living room of her east Colorado Springs apartment, 7135 Independence Square Point, where she had moved less than a month ago after separating from her husband. Sons Akash, 10, and Rene, 5, were found in a bedroom with her husband, Rutendra Raghunandan. A 9 mm gun was found near the father. Lt. Rodney Gehrett, El Paso County sheriff's spokesman, said detectives believe the shootings occurred one or two days before the bodies were found. Neighbours gave conflicting reports; some reported hearing shots late Sunday night, and others said they heard them Monday morning. Even under the draconian provisions of current law, which negate virtually every Constitutional civil liberty, clearly there was no effective protection available for Lolita. Conversely, Lolita seems to have invoked at least three of the five catalysts for violence tabulated above. That suspicion is reinforced as Lolita was apparently having an affair, since Rutendra found another man in her apartment at midnight.

April 8, 2004, Akron — Sobbing throughout Wednesday's court hearing, a 38-year-old Canton woman avoided the death penalty by agreeing to plead guilty to aggravated murder and aggravated arson in the death of her husband last year. Sass, using gasoline, started the fatal fire on the morning of September 14, 2003, at the home she once shared with husband Christopher A. Francine Sass, who had a history of arrests for domestic violence, waived her right to a jury trial, saying she agreed with and understood the pleas after being questioned for more than two hours by a panel of three Stark County Common Pleas judges. Christopher Sass, had filed for

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divorce in April of 2003, after getting a protection order. Court records show Francine Sass was arrested for domestic violence twice on October 19, 2002, and just five months later.

Abstracted from a story by John Ingold published June 27, 2004, in the Denver Post According to court records, Mrs. Tina Esparza filed for a divorce from her husband in early 2004, shortly after her husband was charged with misdemeanour sex assault in Jefferson County, Colorado. Soon thereafter she got a protection order against him for herself and their four children. In e-mails, she told friends how messy her divorce had become, how angry her husband was, how she feared what he might do next.

In January, 2004, Mrs. Esparza called police and asked them to increase patrols at the parking lot at the Englewood, Colorado, City Center where she worked in the municipal court. Her friends organized a buddy system to walk her to her car every night. In early April, Mrs. Esparza had her truck taken; she told police she suspected her husband. Because the Esparzas were still married, police didn't pursue a car theft case, but an Englewood police division chief told officers to keep a closer eye on the parking lot at the city centre where she worked. On May 14, 2004, Tina Esparza was killed at 12:43 pm as she walked in the Englewood City Centre parking garage. She was shot once in the chest and died with her car keys in her hand. Prosecutors have arrested and charged her husband, a 37-year-old Gabriel Esparza, with murder. Obstructed from an article by Myung Oak Kim (Denver post;24 June 2004).

2.7.3 The problem of under reporting of domestic violence

Many factors play a part in inhibiting women from reporting domestic abuse. Cultural attributes and systems are arguably key factors that constrain women, preventing them from reporting

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abusive relationships and behaviours. Many survivors of domestic violence in rural areas do not seek official help, but rely on informal networks of friends and family (Ramudzuli, 1997: 40).

Fear of social stigma and reprisal from their abusive partners discourage women from reporting domestic violence. Pressure from family members decreases the possibility that abused women will report their cases. Indifference and hostility on the part of police and the judicial authorities make women reluctant to seek help, especially those in the lower socio-economic brackets. As Gelles (1994: 118) points out "the calling of police is associated with the wife's occupational status and education. Educated and working women are more likely to report abuse compared to uneducated women." Thus, many women living in circumstances of poverty do not ever report family members who might be guilty of abusing them.

2.8 Police and Legal resources

Battering was commonly viewed by police as a domestic affair and they seem loath to enter a man's castle. Refusal to acknowledge battering as a crime resulted in failure to respond or ineffective responses towards domestic violence. Battering was viewed as a domestic affair to be resolved privately. Angels and Maconachie(1996:159) in their studies found that women had laid charges against their perpetrators but on realisation that police could not protect them; women reappraise the situation and withdraw the charges. Women said police have not always acted ready in the interest of the victim.

It was added that police could also respond hours after the attack. Batterers have learnt that peace orders and interdicts (which women get after a (struggle) are often token of measures). It was also found that legal punishment has negative consequences for a woman who is

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emotionally or financially dependent on a barterer, a factor which the prevention of family Violence Act of 1993, failed to resolve.

Back and Backer (1989: 20) asserted that little formal training has been given to police on how to intervene in spouse abuse. Police are generally reluctant to get involved in "family" problems for reasons rooted in myth, misogyny, and misinformation. For example, they may feel that if a woman is beaten by her husband and stays with him she is not really a victim. Sometimes the police view intervention as dangerous. At other times domestic abuse is viewed as a 'private matter' between family members.

According to Gelles (1993: 20) the courts are often mired in mythology about family violence, and consequently, the justice system is also ineffective in dealing with wife abuse. Previously, it was maintained that unless the victim died, the chances of the court system dealing seriously with an abuse case were slight (Field, 1973: 225). Pagelow (1984: 37) noted: "against this background women who are abused by their husbands must suffer grave injury in order to press legal charges". In addition, Ammerman (1990: 10) pointed out those lawyers may still put victims of vicious assaults on the stand and ask both their assailants and the victims themselves what they (victims) might have done to provoke the abuse.

Although it is hard to establish exactly how much domestic abuse occurs in any given area, the above discussion clearly shows that even the flawed sources reveals that there is plenty of evidence that domestic violence is widespread indeed and thus a problem needing additional research and solutions.

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2.9 Résumé

The above chapter is a literature review wherein the researcher examined the processes of applying the protection order. Literature on the previous use of protection orders was collected. Theories on domestic violence were also explained. Theories defined included among others the supernatural theories, psychological theories, sociological theories and feminist theories. Women abuse in the non-western societies was also explained. The next chapter will describe the research methodology adopted in this study.

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CHAPTER THREE

3 RESEARCH METHODOLOGY

3.1 Introduction

In this chapter the design and procedures of the empirical investigation are outlined. The main aim of the study was to evaluate protection orders to find out if they deter future occurrences of abuse within marital unions. In order to accomplish this, the following was done:

Qualitative interviews were undertaken to gather data that was interpreted and analysed. Documents were also collected from several sources to enhance information collected from interviews. A connection between the literature survey (theoretical part) and the qualitative study (the practical part) was sought.

3.2 The type of study

The research which was undertaken was evaluative in nature as the researcher deemed it necessary. An evaluative study was utilized to assess the design, implementation and applicability of social interventions. Different types of programme evaluation includes: needs assessment, evaluability study, programme monitoring, impact studies, cost effectiveness studies and utilization assessment.

There are several definitions of an evaluation study given by writers and among others are the following: Babbie (2001: 333) described an evaluation research as "the process of determining whether a social intervention has produced the intended results." For Suchman (1967: 7) evaluation is the process of weighing or assessing something. Evaluation researchers use social research methodologies to judge and improve the ways in which human service policies and

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programmes are conducted, from the earliest stages of defining and designing programmes through their development and implementation.

Steps that were considered in evaluation for this study are those laid down by McKendrick (1989). These steps unfold as follows: The researcher should determine what is to be evaluated, identify consumers, gain cooperation with the staff, specify programme objectives, specify evaluation objectives, choose variables, choose research design, implement measurement, analyse or interpret findings, report and implement results.

The researcher was involved in the following four tasks (1) diagnosing human and social problems that require communal action (2) planning, refining and revising intervention programs (3) monitoring program implementation and (4) assessing program efficacy and efficiency. As an evaluator, the researcher used social research methodologies to judge the ways in which human services, policies and programmes are conducted, from the earliest stages of defining and designing programmes through their development and implementation of protection orders.

3.2.1. Research approach

The study conducted was qualitative in nature. Qualitative methodology refers to those research strategies, such as participant observation, in-depth interviewing, total participation in the activity being investigated, field work, etc. which allow the researcher to obtain first-hand knowledge about the empirical social world in question. The qualitative methodology allows the researcher to "get close to the data thereby developing the analytical, conceptual and categorical components of explanation from the data itself rather than from the preconceived, rigidly structured, and highly quantified techniques that pigeonhole the empirical social world into the operational definitions that the researcher has constructed (Filstead, 1970:6). The quantitative

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knowledge would not have been helpful in getting close to the feelings and to truly understand the experiences of women who have received protection orders. For this reason the researcher used qualitative methods to conduct the study.

The researcher highlighted the information below to strengthen the reason why qualitative method was chosen in comparison to the quantitative one for the study. The strength of qualitative research is derived primarily from its inductive approach, its focus on specific situations or people, and its emphasis on words rather than numbers. Qualitative researchers can understand meaning for participants in the study of the events, situations, and actions they are involved with and the accounts that they give to their lives and experiences. Meaning in this statement was used in broader sense to include cognition, effects, intentions and anything else that can be included in what qualitative researchers often refer to as the participant's perspective (Maxwell,1996:17).

Instead of taking interest in physical events and behaviour as it take place, the researcher was interested in how participants make sense of it and how their understanding influence their behaviour. This is central to interpretive approach to social sciences. The researcher tried to understand the particular context within which the participant act and the influence that this context has on their actions. Instead of collecting data from large number of people and aggregates it, qualitative researchers collect data from fewer people and preserve the individuality of each in their analysis.

Although the qualitative method is widely used in human sciences, there are criticisms levelled against the method. The information given here will help the reader to understand the limitations

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that the researcher thinks have an impact on the study. Among the pool of the limitations the researcher highlighted the following:

The researcher may on the process of collecting databias the studies. Miles and Huberman (1994: 2) stated:"... the labour intensiveness of data collection, frequent data- overload and distinct possibility of research bias" are definitely a problem. The processes themselves are also a costly and time consuming method. The researcher's own preconceived ideas may also interfere with the findings.

Gay (1996:246) mentioned that the results are difficult to analyse, conclusions are highly tentative and generalizations are minimal or non-existent. Miles and Huberman (1994:2) added that methods of analysing data in qualitative research are not well formulated. There are few guidelines for protecting the researcher against self-delusion and presentation of unreliable and invalid conclusions. This makes it difficult to generalize findings and draw conclusion from qualitative research, and it therefore also makes it difficult to use them for making policies.

It should be realised that although there are such short comings related to qualitative research, it leads to a great understanding of a phenomenon. Gay (1996:246) said that qualitative research yields an abundance of potentially useful information of data that would not have been possible using other methods, and the hypothesis generated by such research endeavours are in most instances more valid than those based on theory alone, that is, those that are predetermined beforehand.

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3.3 Population of the study

Population sets the boundaries on the study units. It includes all individuals in the universe who possess specific characteristics the researcher is interested in. Bless and Higson-Smith (2000:85) sees a population as the set of elements that the researcher focuses on and to which obtained results should be generalised. It is the totality of persons, events, case records with which the research problem is concerned.

The target population for this study was inclusive of all women who once received protection orders in their lives after being abused by present or former partners. They were limited to those who received protection orders from 2001 to 2007 at Thohoyandou magistrate's offices. These women have a special character of interest to the study; they have stories to tell on application of protection orders, treatment expected and results to be expected as they are the ones who received protection orders and can tell if protection orders benefited them or not after they were granted.

3.4 Sampling and sampling procedures

It is an impossible dream for any researcher to think of studying the whole universe. Not only will it be a time consuming practice that cannot end but such data can hardly be analysed. Sampling can be defined as a subset of measurements drawn from a population in which we are interested or a portion of the total population (Bailey, 1987; 2004: 82). Miles and Huberman (1984:24) argued that sampling is not all about people, but it includes events, settings and processes.

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This study was limited to the use of one of the non-probability sampling methods named target sampling. DeVos (2006: 203) defined target sampling as a strategy for obtaining systematic information when random sampling is impossible and accidental sampling cannot be implemented as a consequence of the hidden nature of the problem. This sample is purposeful, systematic where in controlled lists of specified populations within geographical districts are developed and detailed plan made to recruit adequate number of cases within each of the targets.

The researcher in this study sampled twenty women from many women who applied for protection orders in Thohoyandou magistrate's offices. These women were limited to those who applied for protection from 2001 to 2007. Their cases were picked from many protection orders applications files of women whose cases were handled after reporting violence and apply for protection orders in the Thohoyandou area. In cases where the spouse was not found either telephonically or at home for reasons ranging from death, domestic abuse or divorce the next file was picked till the amount needed was arrived at.

3.5. Instrumentation

The following data collection techniques were used for the study.

3.5.1 Interviews

The researcher utilized semi-structured interviews for the purpose of collecting data in this study. The researcher chose semi-structured interviews because they would help to get a detailed picture of a participant's belief and perception on the topic given. The interviewees were able to give a full picture of the story as the interviewer makes follow up on interesting avenues that emerged during the course of the interview. The researcher entered the field with predetermined

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questions already at hand that were to guide the researcher during the interview but the questions were structured to an extent that they should not dictate the process at all as the participants has the capacity to introduce an issue that the researcher had not thought of. Questions framed were open-ended as the researcher wanted to give full opportunity to the respondents to share their point of views.

The researcher asked permission from the Thohoyandou magistrate to use their clients and to access information on cases. Permission was granted by the manager. Twenty women were contacted to find out if they will be willing to participate in the studies and to make further appointments if they will be willing telephonically. Those who are willing made an appointment to see the researcher and signed the consent form prior the commencement of the interview. The consent form clarified the issues pertaining to the study and ethics thereof. Interviews were run for approximately fifty minutes.

The questions were written in English and Tshivenda for the sake of those women who cannot express themselves in English. Respondents who preferred to use other African languages were granted the freedom to do so as the researcher was the only one who was to read questions and fill in the answers on behalf of the respondents.

The questions were used to gain in-depth information on experiences from women who obtained protection orders. Information was hand recorded by the interviewer. All the interviews were audio taped in cases where permission was obtained from respondents for quality purposes. These recordings were transcribed verbatim and the resulting text analysed. Extensive notes were taken for open ended questions in cases where permission to use a recorder was not granted.

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3.5.2 Documents

In combination to the use of semi-structured interviews, the researcher used documents such as magazine articles, newspapers, media reports and information from the internet and the information was integrated with data obtained for analysis. The information from these documents was compared with previous findings, but then added as new information to the present study for use. All the information utilized was integrated to finalize the data collection stage.

3.5.6 The pilot study: Validity and reliability check

To investigate the feasibility of the proposed study and to detect possible flaws in procedures for measurement, the researcher conducted a pilot study. By conducting a pilot study, the researcher was able to investigate the reliability and validity of instruments to be used when conducting the study. Five people who represented the population to be studied were selected from the sample frame systematically. They were interviewed to test the validity and the reliability of the instrument to be used by the researcher.

The pilot study is defined by Bless and Higson-Smith (2000: 155) as "a small study conducted prior to a larger piece of research to determine whether methodology, sampling instruments and analysis are adequate and appropriate". After the pilot study respondents were asked to give comments and critics from the study. Valuable criticisms were considered to help improve the main investigation.

As a result, the researcher was able to sidestep most problems that would have risen during the study.

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3.6 Data collection

After the pilot study, data was collected by interviewing women who received protection orders. Women meeting the criteria were interviewed at their places of resident. The researcher explained the study purpose, protocol, and administration time. The covering letter was read and the respondents who participated in the study signed the consent form. Debriefing sessions were done after the interviews. Each interview was run for at least fifty minutes. Questions were read verbatim to ensure standardization. For quality control the interviews were tape recorded in cases where respondents gave permission.

Data collection was guided by the following:

- Demographic characteristics of the victims and their abusers. This was used to document information on participant's age, education, race, employment status, income, relationship to the abuser and the number of years they stayed in their marriages.
- A Danger Assessment Scale was done. Here questions to determine potential risk of becoming a femicide victim were asked. . The strange violent behaviours and the possession of a gun are examples including all violent behaviours the woman might have experienced.
- Questions on experiences especially challenges thereof, of getting the orders and the outcomes of it were used on assessment.
- The history of abuse using the revised Conflict Tactics Scale of violence. This scale is an instrument designed to measure threats of physical violence and physical assaults. Examples of behaviours that represent physical threats are: threatening to destroy property,

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threats to destroy the whole family, threats to kill or shoot etc. Examples of behaviours that are physical violence include hitting, pushing, slapping, grabbing etc.

- Respondents were asked if they will opt to apply for protection orders or advice others to apply them in future.

3.7 Ethical considerations

Weber's dictionary in (Bailey, 1987:406) says to be ethical is to conform to accepted professional practices. As DeVos (2008:56) argued that "ethics are a set of moral principles that are suggested by an individual or groups, are subsequently widely accepted, and offer rules and behavioural expectations about the most correct conduct towards experimental subjects and respondents, employers, sponsors, other researchers, assistants and students.

In this study the researcher was guided by ethics that are discussed below:

The researcher got permission for interviewing respondents before the commencement of data collection. This was supplemented by consent forms which were signed by respondents if they were willing to participate in the study. The researcher asked for permission to conduct the study from relevant Thohoyandou magistrates and to use their cases. The researcher also contacted Mirror newspapers at Makhado to ask permission to use their stories.

Respondents were informed of the nature of the study, the reason why they were sampled, procedures to be followed while collecting data, credibility of the researcher, and how the results will be used. The respondents were told of their right to withdraw from the study and were assured that they cannot be penalised for that. Respondents were assured that their information will be treated confidentially and will be used for study purposes only. The names of

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respondents were not used in the studies itself for publication but where necessary pseudonyms were used instead of real names for analysis purpose. Pseudonyms were used in order to protect the participants. People who contributed to the research have been acknowledged. The researcher cannot be held responsible for the trauma experienced by the participants as she did not put them through the violence experienced. The researcher was sensitive on asking questions to minimize pain. Questions asked were only those that are not likely to cause extreme embarrassment, emotional turmoil and guilt.

Finding instances of negative effects or the hypothesized harmful cause already existing in natural surroundings makes the researcher to feel less responsible for any harm done to subjects (Bailey, 1987:408).

To avoid traumatising many people by reminding them what they might want to bury only fewer people participated in the study rather than the population. The potential harm to subjects by reminding them of their previous experiences will be minor and of short duration. The interviewer interviewed respondents for a very short time as it was less than an hour for each interview. Debriefing sessions were held after each study where in the researcher assisted the respondents in minimizing pain and making referrals where necessary. Here subjects were given an opportunity to work through their experiences and aftermath. Babbie (2001:475) argues that through debriefing, problems that were experienced during research are corrected. Debriefing sessions about experiences of respondents were done immediately after data collection processes.

The researcher informed every participant about the results of the study in completion. This was done in a manner understandable to every participant. Factors such as participant's home language, culture and educational level were considered. The gate keepers were approached

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beforehand and permission was given by the manager of Thohoyandou magistrates offices before the clients were accessed. The report was compiled as accurate and objective as possible. The results were not falsified or altered to meet expectations of the researcher. Other people's work was acknowledged to avoid plagiarism.

3.8 Data analysis

Qualitative data involves "making sense out of an enormous amount of narrative data" Gay (1996: 227). The first step the researcher did after collecting data was reading the interview transcripts, observational notes or documents that are to be analysed. This was done by listening to the interview tapes prior to transcription. During the process of data collection, the researcher took notes and memos on what was seen or heard as of importance and ideas were developed on categories and relationships. Three main groups for analytical options were considered, memos, categorising strategies like coding and thematic analysis and contextualising strategies such as narrative analysis, individual case studies and ethnographic micro analysis.

Sense was made by the researcher, after collecting dataout of a whole lot of notes by looking at patterns, themes and categories to make synthesis of the data possible. Strategies suggested by Creswell (1994:15) were used and theseinclude that the researcher make sense of the whole by reading through the entire transcripts. It was done progressively as analysis is a continuous exercise in qualitative research. The transcripts were read carefully as meanings and thoughts were assessed. Each document was scrutinized and topics in margins were noted.

Similar topics were clustered together. The topics formed columns that were labelled as major topics, unique topics and others. Descriptive words were turned into categories. To reduce categories, topics related to each other were also grouped together to form one category. Lines

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were drawn between categories to show their relationships. This was done as a strategy to further reduce data. Data belonging to each category was assembled and a preliminary analysis was performed. This was done on an on-going basis until all the data that came in had been categorized and "saturated" for the purpose of the study. The computer was used to manage textual data, store and retrieve information including other functions necessary.

3.9 Résumé

In this chapter the focus was on the design for the study, the type of study, methods to collect data, sampling, ethical considerations and data analysis. The next chapter will present the analysis of data collected.

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4 DATA ANALYSIS AND DISCUSSSION OF FINDINGS

4.1 Introduction

This chapter presents the findings of the study undertaken in the Thohoyandou policing area. The objective of this study was to solicit information from respondents with regard to protection orders. The information which was specifically sought included an evaluation of protection orders in order to ascertain whether they were effective in deterring future occurrences of women abuse.

Empirical data was obtained by posing questions to a sample of twenty women who has received protection orders in the Thohoyandou magistrate. Documents were also used to enrich information collected from women. This data was then presented in the form of tables. Data was analysed using thematic content analysis. The order of the data presentation is in accordance with the sections in chapter three.

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4.2 Profile of the women interviewed

Table 4.2.1: Biographical details of the women interviewed

Pseudonyms	Interview date	Language	Marital status on application of protection order	Marital status after protection order granted	Duration of marriages in years
Lindelani	1-03-08	Venda	Married	Divorced	14years
Lambani	3-03-08	Venda	Married	Divorced	13years
Rudzani	3-03-08	Venda	Married	Divorced	5years
Lizzy	11-04-08	Venda	Married	Separated	11years
Funanani	20-04-08	Venda	Married	Married	8years
Uhone	30-04-08	Venda	Married	Married	4years
Khathutshelo	4-05-08	Venda	Married	Married	30years

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Mary	9-05-08	Venda	Married	Separated	22years
Avhapfani	10-05-08	Venda	Married	Divorced	20years
Arivhathihi	27-05-08	Venda	Cohabiting	Divorced	2years
Rofhiwa	2-06-08	Venda	Married	Married	23years
Thavhiwa	10-06-08	Venda	Married	Separated	3years
Muwanwa	13-06-08	Venda	Married	Married	7years
Arehone	21-06-08	Venda	Married	Divorced	20years
Tshifhiwa	25-06-08	Venda	Married	Divorced	35years
Winnie	12-07-08	Venda	Married	Divorce	23years
Selina	16-08-08	Venda	Married	Married	19years
Musiiwa	12-09-08	Venda	Married	Divorced	25years
Lutendo	19-08-08	Venda	Married	Divorced	17years

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Memu	20-08-08	Venda	Married	Married	18years

A total of twenty women were interviewed for the purposes of this study. Tshivenda was the language used for all the interviews. Thohoyandou, the focal area for the study, is a region dominated by Tshivenda speaking people with fewer other language users likeShangaan speaking people. Nevertheless, the fact that the area is dominated by Tshivenda speaking people may have contributed to the fact that the respondents were mainly Tshivenda speaking.

As it is indicated in the table women were asked of their marital status before they applied for a protection order and after the protection order was received which was the period when they were contacted by the interviewer. Nineteen respondents had been married at the time when they applied for protection orders. Only one woman had been cohabiting and she had just been coming out of a previous marital union. At the time of the interview thirteen of the respondents were no longer living with their husbands. Among the respondents who were still with their husbands, two had just came back from separation. Of the women who were still married, one family only appeared to be functional. The relationship between the couple seemed to be satisfactory or it had, at least, improved. The remaining women were staying within their marriages because of circumstances that were forcing them to stay in the relationship even though life was difficult. This part of information was used to evaluate if protection orders had been helpful in solving problems within respondents' marriages. Protection orders could not help to rebuild relationships in the lives of the respondents as they ended up divorcing or separating with their spouses. Some women indicated that the relationship did not improve thou they remained staying with their partners.

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Women cited various reasons as the causal factors for them to remain staying in their abusive relationships. Factors including financial instability and dependency to the husbands were raised. Some women indicated that they did not have elsewhere to go as they had invested in building the houses they were living in with their husbands. One woman said:

> *"I want to leave this man. I am so tired of this life. We hardly talk to each other not to mention sleeping together. My main concern is my house which I built wherein we both stay. My husband robbed me and registered the stand we are staying in which was mine in his name. I built this house using my business money. I don't want to lose my house. I fear that one day he might kill me with his gun" (Winnie, 12/07/2008).*

It also emerged that, of those women who were staying with their husbands, some had applied to the court for, and been granted maintenance despite the fact that they were staying together with their husbands. This was mainly as a result of the fact that these husbands were failing to support their wives.

It was found that the respondents had been married for several years. In this study the duration of the marriages ranged between two years and thirty five years. Most women stated that they had been experiencing problems in their relationships for a long time but they continued to endure as they hoped that the relationships would eventually improve.

Modern day women are also involved in abusive relationships. Some of these women fear that they will not have the financial resources to support themselves after escaping Raphael (2000:61). Women who are abused also fear that leaving their partner will result in further abuse or even death. Raphael (2000:62) added that 49 percent of homicides among women are the

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results of a violent domestic relationship. Men who are abusive are said to make victims helpless in which women begin to believe their abuser's claims that they are worthless, helpless and cannot survive on their own (Snow, 1997:224).

The same setbacks that women experienced during the nineteen century face modern women of today. During the Victorian period many domestic violence victims stayed in their abusive situations because they felt dependent on their spouse due to their lack of job skills. It was not very common for women to work during that period of time (Hammerton, 1992:43). Women felt that they needed husbands to support them. During that period obtaining a divorce based on marital cruelty was difficult. The violence was to be a threat to life before the divorce would be granted Glenn (1984:68-70).

Mashishi (2000: 7) argued that women stay in abusive relationships because they loved their partners and hoped that they will change. Staying because women did not have anywhere to go and were dependent on their abusers was also added. Lastly, it was said that women stayed because they fear their husbands who threatened to kill them if they left. Mashishi agrees that they are many other factors that may help to explain why abused women decide to stay in abusive relationships. Levinson (1989:15) added that other factors that help explain why the abused women stay in the relationship is found in the exchange model of family relations. It postulates that the ratio of rewards to punishment is defined subjectively by spouses and is the determining factor in deciding whether to stay married or not. If the rewards (material benefits and security) outweigh the punishment (abuse), then a battered woman may decide to stay in abusive relationship.

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4.2.2 Education and income levels of the respondents and their spouses

Table 4.2.2: Education and income

Women education	Men education	Average income	Women employment	Men employment
University	Secondary	8000+	Teacher	Unemployed
Primary	Primary	3 500	Housewife	Carpenter
University	University	8000+	Teacher	Teacher
Primary	Secondary	-	Unemployed	Unemployed
Secondary	Secondary	100–1000	Unemployed	Bricklayer
Primary	Primary	-	Unemployed	Unemployed
Secondary	Primary	5000-8000	Unemployed	Eskom
Primary	Primary	3000–5000	Selling at school	Water affairs
Secondary	Secondary	1000–3000	Unemployed	Head of security

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Secondary	Primary	100–1000	House helper	Welding
Secondary	Primary	1000–3000	Security	Driver
College	Secondary	1000–3000	Unemployed	Hairdresser
College	University	8000	Banker	Businessman
University	University	8000+	Nurse	Principal
College	Technical college	8000+	Teacher	Technician
Secondary	Secondary	5000–8000	Selling	Police
Secondary	Secondary	5000–8000	House helper	Taxi-marshal
Secondary	Secondary	100–1000	Home-based care	Welding
Secondary	College	8000+	Baker	Teacher
Secondary	Secondary	5000-8000	Unemployed	Soldier

Source (Interview Table, Tshifhumulo MA dissertation: 2008)

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Except for three, the participants' husbands were all employed, while certain husbands even occupied fairly high positions within the society. The study showed that the majority of the women were also employed and occupied positions which ranged from professional positions, such as teachers and nurses, to the less skilled types of jobs such as housewives and hawkers. Seven of the women who participated in the study were unemployed at the time of their interviews whereas thirteen were employed. Four of the women had primary education, ten women had secondary educations, and three of the women did have college education and three university education. Six of the men had primary education, nine secondary education, two a college education and the remaining three a university education.

It may thus be argued from the results of the study that violent behaviour is found in all types of families, and amongst all classes and social groups, then income and employment status are not necessarily determining factors in respect for/ of domestic violence. This contradicts the claim by Koma (1996:18) and Gelles and Loseke (1993:34) that domestic violence is shaped by the socio-economic conditions of poverty and unemployment. These researchers argue that domestic violence is more common among racial and ethnic minorities of a lower socio-economic status.

4.3 Issues influencing the application of protection orders

It was found in this study that indeed women apply for protection orders but for different reasons. The main reason for women to apply for protection orders as found in this study is because they are abused by their partners. Should a woman go to a police station in need of assistance due to the fact that the partner is abusing her, especially after physical assault, she will be advised of the option of either opening a case or applying for a protection order against the abuser. Most women, in view of love for their husbands, the children involved, fear of relatives

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or the prospect of financial dependency, do not want their husbands to be arrested, and, accordingly, they opt for a protection order, despite the fact that they do not actually understand what it entails or what the consequences are for the African male, who also does not understand it.

The following statements were given by women who applied for protection orders because they were abused by their partners.

> *"I applied for the protection order due to the verbal and psychological abuse I was undergoing. My husband used to tell me that the demands for our children are too many and I should seek a new father for them" (Mary, 9/05/2008v).*

> *"My husband used to threaten to kill me if I called relatives when we experienced problems. He will tell me that I brought a child from outside our relationship to his home. This is a child I was married with when he was very young and he knew him as his real father from the age of seven" (Avhapfani,15/05/2008v).*

> *"I applied for the order because my husband wanted me out of the house" (Avhapfani, 15/05/2009v).*

> *"I was forced to apply for the order because my husband used to beat me. He will take my phone and check the names of the people he suspects and start phoning them" (Muwanwa13/06/2009v).*

As indicated previously, the purpose of protection orders is to afford victims of domestic violence the maximum protection from domestic abuse (Government gazette, 2 December 1998).

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It is reflected in the statements given by women that they applied for protection orders because they were abused by their partners. This is supported by the preamble of the Domestic Violence Act wherein is said that "domestic violence is a social evil, that there is high incidences of domestic violence within South African Society..." (Government gazette, 2 December 1998). Kethineni and Beichner (2009:312) quoting Keilitz et al 1998,Carlos et al 1999, Fischer and Rose,1995 and Harrel and Smith,1996 asserted that victims are subjected to various abuses that lead them to apply for protection orders. Victims had often been threatened, physical beaten and injured. In addition, it was found by the researcher that, on 7 March 2009, in Tshilidzini Hospital alone eight people were treated for injuries arising from domestic violence on that Saturday alone. Tshilidzini serves a very small portion of the population in the Thohoyandou district as there are several other hospitals in the area.

The statistics show a high number of domestic violence cases reported monthly in the Thohoyandou Magisterial District which indicates that more women experience domestic violence and this leads them to apply for protection orders.Dissel and Ngubeni (2003:3) mention that from the studies and work of organizations offering support to victims of domestic violence, it has been revealed that domestic violence incidences are very high.

4.3.1 Abuse

It is important to remember that domestic violence is not limited to just one type of violence but it includes several types as it was indicated in chapter one. Domestic violence may include physical assault, emotional abuse, financial abuse and sexual abuse among the others. The question on the types of abuse women experienced was raised to solicit information to find out if in the area of the study women were also experiencing the different types of abuse explained. It

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was found that women suffered different types of abuse. Women reported threats with a fist while others were threatened with something rather than a fist. Some women were pushed and grabbed. Some women were slapped, kicked and beaten by their husbands. Some women were evicted from the houses. Women also reported incidences where they were choked by their husbands. Some women had been forced into sexual activity and some had been threatened with guns. Emotional and psychological abuse has been raised but not as issues that needed intervention as physical abuse and rape. In extreme cases women were promised that they will be killed.

James et al. (2008:371) agreed that the most common individual reasons for women to apply for protection orders are physical abuse (e.g. pushing, slapping, punching, kicking and a threat of serious bodily injury made to the plaintiff by the defendant). Two women said:

> *"My husband used to threaten to kill me, choke and beat me" (Arivhathihi, 27/05/08v).*

> *"My husband threatened me with a gun. When I reached the court I failed to prove that he threatened me with a gun as they said they need evidence (Arehone, 21/06/08v)*

Dissel and Ngubeni(2003:2-5) asserted that in a survey of two hundred and sixty nine (269) women who had contacted helping agencies in three major cities, emotional and physical abuse were the most prevalent forms of abuse experienced by women with ninety percent (90%)of the sample having experienced the abuse. In addition, the Medical Research Council study found that young women are more subjected to assault (ranging from slapping to beating with objects

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and stabbing) and sexual coercion by partners and others. Participants in this study have indicated several issues that influenced the abusive behaviours by their husbands.

4.3.1.1 Extramarital affairs

Extra marital affairs were the main reason given by respondents as a factor contributing to the marital disputes which leads to the abuse in the respondent's lives. This is in line with the statistics from the Thohoyandou magistrate's office in respect of people applying for protection orders, as these statistics reveal that almost all such problems arise from extramarital affairs. Previous research on domestic violence within the area found that there were several reasons cited by women but that extramarital affairs headed the list. The interview that was conducted on Phalaphala FM in 2005 also supported the findings as all the women who were interviewed voluntarily cited extra marital affairs as the main cause of domestic violence within their marital unions. Tshifhumulo in her study (2005:106) found that the problem of extramarital affairs was the key factor contributing to domestic discord and threatening the dissolution of marriages within the Thohoyandou area. Respondents in her study associated all the other problems experienced beingassociated with extramarital affairs as the root cause of the problem that lead to other problems within the relationships. Some of the examples are:

> *"I went to apply for a protection order because I wanted my husband to be told that he should stop beating me – not to be arrested. If I question him on anything, for example, why he comes early in the morning from his girlfriend, he will beat me" (Rofhiwa, 2/06/2008v).*

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"I applied for a protection order because my husband was assaulting me. The behaviour of my husband was triggered by extra-marital affairs" (Lindelani, 1/03/2008).

"I applied for a protection order to avoid being beaten for no apparent reason. My husband is in love with his new Zimbabwean girlfriend. If I ask him of his whereabouts when he comes home at 1:00 am, he will beat me. Sometimes I will keep quiet and, still, he will beat me" (Khathutshelo, 4/05/2008v).

African communities in other areas have tried to embrace the transition to modern lifestyle in terms of which a man is expected to have one wife only, to be faithful and to honour that relationship. This practise cannot be said as effective if the same men still engage in concurrent relationships secretly outside their marriages.

For women living in private existences, it is unacceptable for their husbands to take a second wife. These men, thus, resorted to having concubines outside their marriages, but, should this be discovered, it creates problems within the family. It would appear that the institution of marriage in Thohoyandou area is continuing to struggle between Western ideologies of monogamy and the African ideals of polygamous unions. Violence against women and domestic struggles over the acceptability of multiple unions offer a lens into a gendered schism – a lack of fit between the interpretations of men and women in respect of the boundaries of marriage (source pls)

It is very difficult in the modern world for a man to support an extra family depending on a salary especially when one takes into account the fact, that as Africans, there is often a need to support other family member of orientation. The rising trend of HIV infection also poses a threat to any woman who is aware that her husband is involved in extra marital affairs. The new wife

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is no longer regarded as extra help but as a competitor. Should a husband fails to support the family this could precipitate more violence.

The rights of other women with whom the husband may be engaged with are also protected by the African National Congress (ANC) government. For example if a man has other children and wives outside a customary union, these women and children also have a share economically from the bread of the principal wife and her children. However, women are not allowed to marry as many men as they may wish. This may be attributed to culture and power sharing and, thus, indicates an inequality between the sexes.

The researcher believes women themselves are not united on the issue of fighting men with multiple partners and continue to engage in extra marital affairs with married men. School children from poor backgrounds targets working men with cash and cards as they strive to achieve a better life which their parents are not able to afford them. Most of these girls if they become married to these men would not be happy to see their husbands engaging in extra marital affairs. These extra marital relationships cause unhappiness within homes and lead to financial constraints and violence within the family system. Men, themselves, are not able to perceive that their relationships outside the family are problematic as they benefit from these relationships.

Thus said, it is nonetheless clear that extra marital affairs have an impact on family life and thus wife battering in general. Bean (1992:46) in contrast argues that extra marital affairs occur among wife abusers and men who do not abuse their wives. It is assumed that affairs are prevalent among men whose attitudes towards women are ambivalent. Cultural support is said to continue in supporting misogyny. The misogynist view is a given licence to cruelty. The misogynist hunger for women's attention may be a never ending quest even while accompanied

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by behaviour that can only be destructive to the relationship. It is added that if a woman attempts to leave the relationship of this kind of possessive men she is in danger to be killed. Outside affairs are said to serve the purpose of punishing or humiliating the wife.

4.3.2 Money and Financial constraints

Money and financial constraints have been highlighted as another factors contributing to women abuse. This factor was also highlighted as a causal factor for domestic violence from the statistics collected from the Thohoyandou Magistrates offices inclusive of adultery or extramarital affairs see appendix number 5. In one case the husband decided to rob the wife that they should sell one of their houses and pay up their credits, extend the other house and then send their children to school. After the house was sold, the man decided to use the money alone without including the wife. Thou the wife tried to find help from the court and also get the protection order so that the husband will not fight with her regarding the matter; she was told by the magistrate that she should also use the money. The following was said:

> *"My husband told me that we should sell the house we had in Thohoyandou. We agreed that after selling the house we will pay all the credits that we have and the other money will be used to send children to school. To my surprise he started using the money alone and when I asked him he fought with me. I then went to report the matter to the police and I applied for a protection order. I was told by the magistrate that I should also use the money. My question till now is how do I use the money in someone's account if I do not have access to his cards" (Tshifhiwa, 25/06/2008).*

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Roberts et al. (2008:375) indicated that economic resources are a distant reason for women to be in abusive relationships. This might hopefully be attributed to the fact that developed countries like the United States where his study was undertaken cannot be comparable to South Africa in many instances as South Africa is a developing country and a lot of women living in the Thohoyandou area where the study was done still depend on their husbands for financial assistance.

In their studies Glen and Hoffman (1984:177) agreed that in the nineteenth century, domestic violence was based on patriarchal system. The husband was seen as the superior being in the house. In addition, they said that poverty and unemployment contribute to modern day domestic violence. Women in lower class societies suffer a greater amount of domestic violence than the middle and upper class. Further, abuse was seen escalating when the man becomes unemployed. It becomes worse if a woman has received better education or has a higher paying job than the husband. This prevalence of violence during economic struggles may have resulted from an increase in stress on the abuser causing him to use violence to make up for his inability to control their wives through financial means. Another example is:

> *"My husband used to assault me and he uses vulgar words when speaking with me. He was threatening to kill me. His behaviour was triggered by disputes over money, property and when he is not getting his way at home as his wishes are questioned" (Uhone, 30/04/2008v).*

4.3.3 Alcohol abuse

It was found in this study that some respondents who experienced abuse from their husbands, such husbands were under the influence of alcohol. Although some respondents were abused by

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husbands who do not take alcohol it can be assumed that alcohol abuse has an influence in women abuse. One respondent clearly stated that when his husband wants to execute his plans he will start by abusing alcohol.

> *"My husband used to keep an axe and a spade under our bed. He uses to threaten me with those things. He wanted to kill me. When he has plans, he goes to drink so that he can come and execute those plans. His behaviour was triggered by jealousy. He is possessive and he over drinks. We used to fight over money too"* (Lambani, 3/03/2008).

Hutchison (1999:893) found that although there is ample evidence that alcohol usage is associated with greater frequency, incidence and severity of spouse battering and this information is in contrast with the findings of Finn, Sharkansky, Viken, West, Sandy, and Bufferd, 1997 and Morgenstern, Langenbucher and Miller, 1997. Research has generally concluded that alcohol use is a contributor to various forms of violence (cf. comprehensive reviews by Hayes and Emshoff, 1993; Martin, 1993; Pernanen, 1991 and Reiss and Roth, 1993). It is occasionally seen as a direct cause (cf. Bushman and Cooper, 1990; Flanzer, 1993) although far less often as a contributor (Hutchison, 1999:894).

Hutchison (1999) added that it is important to not overstate the role alcohol consumption in battering. It has been said that associating wife battering with drinking in a male,places culture of recreation or depravity, depending on the perspectiveand kept it defined in trivial and fatalistic terms. In support of the former statement the studies done by Gondolf and Foster (1991) on military veterans found that there was no relationship between alcohol abuse and severity of battering among 218 men in an alcohol rehabilitation programme. A study of men and their

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female partners concluded that spouse assault was not related to severity of alcohol abuse, but was correlated with drug usage.

Similar results were reported by Roberts(1997,1998) based on a study of over 200 male batterers who found high usage rates of alcohol and drugs but no difference for severity of battering between alcohol users and non-users Hutchison(1999:97). Pernanen's study of alcohol and violence in a Canadian community as quoted by(Hutchison :1991) led to the finding that injury levels from "general" violence was no higher drinking, marital violence showed some differences. Smith and Farley (1993) concluded that the path between alcoholism and severe battering is indirect-operating through approval of marital violence rather than direct link between the two factors.

4.4.4 Jealousy/possessiveness

Jealousy was also found to be a factor triggering violence within the marital relationships. Some women indicated that their husbands are jealous towards them. Jealousy may result when a man feel threatened by the achievements of the wife, e.g. when the wife earn more money than the husband. This was found increasing the level of violence within marital unions. One reported that:

> *"My husband used to beat me; he threatened me using an axe and also offended me with vulgar words. My husband is a jealous person and is very possessive. My husband also has extramarital affairs that suffers our relationship" (Rudzani, 3/03/2008).*

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Jealousy as a factor that contributes to abuse is traced from the school of psychology where in people with certain traits were said to portray abusive behaviours as compared to others. Dutton (1995) in a study that was conducted in America found that eighty percent (80%) in both court referred and self-referred men in these domestic violence studies exhibited diagnosable psychopathology, a typically personality disorder. He said that the estimates of personality disorders in the general population would be more in the fifteen to twenty percent (15-20%) ranges.

As violence becomes more severe and chronic in the relationships, the likelihood of psychopathology then approaches hundred percent(100%). It has been found that the individual's personal and psychological background can also lead to involvement in intimate abuse. Abusers tend to be emotionally insecure and have a fear of abandonment causing them to be jealous and possessive. These feelings intensify to their need to control their victims leading them to violence as a source of power (Dutton, 1995)

Mashishi (2000:9) also found that in the study conducted in Johannesburg, jealousy was also mentioned by women as the causal factor contributing to violence within marital homes. Dissel and Ngubeni (2003:7) highlighted factors as controlling spouses and jealousy as contributing to violent behaviours.

4.4 Challenges in respect to officials whom women applied protection orders from.

The above statement was asked in order to ascertain the behaviour of the police and officials when women applied for protection orders. Only few respondents reported that they had been satisfied with the behaviour of the police officers who had helped them. Respondents in general raised problems that they experienced while seeking for help. Problems raised included the fact

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that police were rude. Some respondents felt that police were taking sides with their men. For example, two women said:

> *"When I went to apply for the order, the police told me that I should have bruises to prove that I was attacked physically. I told them that this time I ran away before he could hurt me. I felt angry. When I came back my husband was laughing at me saying you went there for nothing. After a week he beated me again. Last year he wanted to kill me with a spade. I ran to my brother's place. I went to the police to report the incident. Police came and arrested him only to take his fingerprints and release him. All was done when I was not safe. He was told to appear in court the following Monday which he never did. I was then sent to the magistrate who wanted bruises to prove that I was beaten. I then realised that I will never get help. When called again the magistrate told my husband that we should forgive each other and live well. He also told me that I should leave my husband because it is impossible for me to live well with him' (Lambani; 3/03/2008).*
>
> *"Police were rude to me. After my application, my docket got lost and I suspect it was hidden. A final order couldn't be granted because my application was missing. How can an application be lost in the office? My husband was arrested after beating me again the following year. He was released without my knowledge so that I can run for my life" (Khathutshelo: 4/05/2008).*

Indifference and hostility on the part of police and the judicial authorities make women reluctant to seek help, especially those in the lower socio-economic brackets. As Gelles (1994: 118)

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points out "the calling of police is associated with the wife's occupational status and education. Educated and working women are more likely to report abuse compared to uneducated women." Thus, many women living in circumstances of poverty do not ever report family members who might be guilty of abusing them.

Back and Backer (1989: 20) assert that, little formal training has been given to police on how to intervene in spouse abuse. Police are generally reluctant to get involved in "family" problems for reasons rooted in myth, misogyny, and misinformation. For example, they may feel that if a woman is beaten by her husband and stays with him she is not really a victim. Sometimes the police view intervention as dangerous. At other times domestic abuse is viewed as a 'private matter' between family members.

Some respondents were unhappy that perpetrators were released after being arrested for a short period and they felt they were not safe. These are women who reported that their spouse breached the protection orders and husbands were arrested. The other problem was found with the need of a proof, for example the fact that one should prove that a gun was pointed at her or the bruises that will symbolise physical or attempted physical attack before their statements can be taken.

> *"My husband breached the order. I reported it and I was told that it was not put in a right way. I built the house with my husband. He sold it and he was using the money alone. The money as agreed was to upgrade the other house, pay credits and save for education for our children. The magistrate told me that I should just go and use the money too. How can I use the money that is in someone else's account? The second time he threatened me with a gun. I went*

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to report the case again that he wanted to kill me. I lost the case because they said I should have said he pointed the gun towards me. How can I say they were helpful?" (Tshifhiwa, 25/06/2008).

Women indicated that at some point the police proposed love towards them in the process of seeking help.

"I went to report my case in the evening and was told to come in the morning to apply for the protection order as the magistrate was not around. I was taken to the trauma centre. On the way police proposed love to me. My husband is a police officer and they knew it. How can they do that? The same policeman even followed me where I sell at school to continue harassing me (Arehone: 21/06/2008)."

It should, however, be taken into account, that, previously, policemen and -women had not been trained to handle domestic issues. One respondent was not happy that the police proposed love to her on the way to the trauma centre as she could not get the protection order in the evening on the day she wanted to apply for the protection order. The woman sounded unimpressed with the system because she was hurt. Women were not satisfied with the statements mentioned by the police like being told that one is not a good wife or maybe one should forgive the husband whereas their lives were threatened.

"Police told me that I am not a good wife. I was also advised to seek social workers' help" (Rudzani: 3/03/2008).

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"Police took sides with my husband. He was threatening me in front of them. They were very smooth with him. I waited for the whole day to get the paper. My husband then did not sign where he was supposed to. He said he forgot to sign and the paper meant nothing without his signature" (Funanani: 20/04/2008).

One woman was of the idea that the husband might have bribe the lawyers as her case was wrongly handled and the husband denied that he ever abused her, that led to the closure of the case without her being assisted.

"After I applied for the order my husband got a lawyer. The lawyer denied everything that I said my husband did to me. I was told during the hearing that my husband is faultless. I suspected that the officials were bribed" (Mary: 9/05/2008v).

According to Gelles (1993: 20) the courts are often mired in mythology about family violence, and consequently, the justice system is also ineffective in dealing with wife abuse. Previously, it was maintained that unless the victim died, the chances of the court system dealing seriously with an abuse case were slight (Field, 1973: 225). Pagelow (1984: 37) noted that: "against this background women who are abused by their husbands must suffer grave injury in order to press legal charges". In addition, Ammerman (1990: 10) points out that those lawyers may still put victims of vicious assaults on the stand and ask both their assailants and the victims themselves what they (victims) might have done to provoke the abuse.

Members of the police force also experience domestic problems personally. There have been several cases where members of the police force have been reported killing family members and,

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then, shooting themselves in the Thohoyandou policing area- check appendix 3. The *Capricorn Voice* of the 13-15 February 2008 reported that "Police stations in the Limpopo area have yet again been confronted with officers involved in crimes of passion, with many taking their own lives in the process." This was reported after an incident in which a local police inspector (39) shot his girlfriend – a constable (27) –before turning the gun on himself. After an argument the man shot the constable once in the chest. She died as a result of the wound she sustained. The man then shot himself in the head and died instantly.

Mopani police spokesperson, Superintendent Montshe Ngoepe, was subsequently reported saying that members of the South African Police Service are facing abnormal situations, which traumatise them. In January the same year, a 40-year-old policeman shot and killed his wife with his service pistol at Makonde village near Thohoyandou before committing suicide. Given problems that the officers also experienced abuse may be said that police officers also need training on domestic violence and majors to address those problems if they have to assist victims effectively. Debriefing or counselling is also needed to support officials so that they may be able to solve their own problems effectively if need be.

The police officers who serve protection orders are often not trained in domestic issues. They tend not to explain the meaning of the protection order clearly. Some men are served with protection orders but they are not informed that the order is an interim order which will be made final in court. Many men choose not to come to the court hearing and, in their absence the court makes the applications final against them.

It may also happen that the mere presence of the police poses a threat to everybody concerned. People tend to jump to the conclusions that they are about to be arrested at the mere sight of a

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police officer. It might be preferable to use the services of the sheriff, but, in domestic cases, unlike in maintenance cases, the sheriff would have to be paid by the person who is applying for the protection order. Some of the women who are abused are financially dependent on men and the issue of paying a sheriff could be extremely problematic.

Perenzee et al (2001) also indicated that the incidence of domestic violence among police officers is very high. This may affect negatively the way these police will deal with domestic problems. The police were also found to be less willing to intervene in "household disputes". Women often ended up experiencing secondary victimisation and the negative attitudes they encountered forced them to withdraw the charges. It is clear that the Department of Justice and Constitutional Development has also not developed a satisfactory approach in assessing the performance of the courts in respect of the Domestic Violence Act no. 118 of 1998.

4.5 Effects resulting from obtaining the protection orders

In chapter 1 of this study it is indicated that the main aim of the study is to evaluate protection orders in deterring future abuse. It implies that women who received protection orders if they were beaten or threatened by their husbands, that behaviour should stop and not continue. If the behaviour continues or the worst is encountered which was less expected, then it can be assumed that the protection order was not effective as expected. In order to measure the effectiveness of protection orders, women had to respond to the question concerning the effects experienced after receiving the protection order. Most women were of the opinion that they did not benefit from the received protection orders. In order to address their responses, the following subthemes were decided upon:

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4.5.1 A protection order is a catalyst for domestic killings and suicide

It was found that, after receiving the protection orders, it had happened that the recipients had become more violent and to some extent they had ended up killing their spouses and children and or even committing suicide. The researcher in the process of sampling found that some women could not be part of the study because they were killed by spouses with their protection orders at hand even thou their dockets were sampled for the studies. Some women escaped the death and ran away from their matrimonial homes. So, this assertion is supported by both the interviews and also stories from the newspapers, including cases where it had not been possible to reach the respondents as they had been late due to domestic killings. It should be clear that the researcher is not stating that the root cause of such killings is a protection order but, as the findings showed, it would appear that a protection order might have acted as a catalyst to increase the likelihood of such killings. For example one woman said:

> *"No, the protection order worsened my situation. I received it on the 22nd of July. The same Sunday my husband throw my cooking pans out of the house. He now comes back after midnight every day. On the 2nd of August he beated me. On the 8th he broke the plates; on the 12th he broke my phone and wall mirrors, saying he will kill me. Before the order and after there was no change" (Avhapfani: 15/05/2008v).*

This respondent was asked to report the case to the police as the protection order had been breached and her husband could be arrested. When she was asked the reason for not reporting the case to the police since he breached the protection order, she refused and stated that she did not want her husband to be arrested. She indicated that his relatives might hate her and added

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that, as she was not working, she would not be able to feed either her child or herself. She added that she wished she could leave but the situation at her own home was worse as her stepfather did not want her. *"I fear for my life, he will kill me. It is known everywhere that he is dangerous. His other wives ran away from him some time ago" (Uhone: 30/04/2008v).* This situation is comparable to the findings of several studies on domestic violence where it was found that women do not want their husbands to be arrested, especially for economic reasons.

Dissel and Ngubeni (2003:4) mentioned that families are often dependent on the income generated by the male bread winner. If the breadwinner is imprisoned or awaiting trial, the family is likely to suffer the consequent loss of income. Even if a man is sentenced to a fine, the woman is punished. Imprisonment may also result to the loss of job and the result is economic insecurity and the stigma of imprisonment may jeopardize future employment prospects as well.

One organisation which helps abused women (Nicro) in the process of assisting women to obtain protection orders had reported that two of the women were killed with protection orders at hand. The researcher also came across many similar cases of husbands who killed their spouses and themselves after being served with protection orders. A case in 2005 in Khubvi village next to Mudaswali Secondary school will serve as a typical example. A business man who had received a protection order from his wife who was still seeing him ended up shooting her and then himself with the same gun, leaving their children without parents. They were buried next to each other. A protection order was applied for in respect of a traffic officer in the Makwarela Extension. It was applied on 8 May 2006. The court date was set for 14 June 2006. As in many such cases the situation included extramarital affairs. On 7 August 2007, the man concerned decided to shoot the wife. He then also shot himself. Similar stories are included in the appendices (Mirror, 9 August 2007).

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The front page of the *Mirror*, Volume 48, of August, 2008 contains a similar story of a woman who died with a protection order at hand. This happened at the time when women were celebrating Women's Month countrywide. The woman, who was 27 at the time she met her death, was staying in Matshena village outside Musina. Her case is one of the many examples of women who became the victims of killings by people who are expected to love and to protect them. The incident happened at the Gombameni Eating House at MuswodiDipeni near Musina. The sister of the deceased woman indicated that the relationship had been the object of envy in the community. However, the couple had started quarrelling and the boyfriend had assaulted the woman and threatened to kill her. He had started harassing her by telephone and had followed her at her place of employment. She then decided to obtain a protection order. She reported a breaching of the protection order to the police when they were called on the Monday. However, not far from the satellite police station, the man shot her in cold blood the same day. The offender was a nurse working at Muswodi clinic.

The *Capricorn Voice* of the 15–17 August 2007 reported of a case at Murunwa where a taxi owner shot and killed his wife and her two granddaughters before committing suicide. It was reported that the man, aged 66 years old, had evidently became frustrated after the wife and the son had obtained a protection order against him because of his violent behaviour. He went to discuss the matter with the family concerned. An argument followed and the man shot and killed the wife of 55years, and two granddaughters aged 6 years and four months respectively. The man then turned the pistol on himself. The bereaved son stated that the family problem had started in March of the same year when a protection order had been applied for to prevent the man from entering the homestead. This had angered the man who had insisted that the son should leave so that there would be peace in the home. Before the incident the man had

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threatened the son with a gun and she had reported this to the police who had called him and talked to him.

There was also the case of a girl, aged 17, of Ha-Mulima village, Mamphagi, who was murdered. The girl, who was a Grade 11 learner, was stabbed 28 times in the neck, chest, breast, and back. She died instantly. The boy who committed the murder was a grade 11 learner. The body was discovered in a pool of blood on the public footpath the girl had often used as a short cut from school to home. After allegedly stabbing the schoolgirl the suspect had disappeared without trace for a day. The girl had previously been beaten by the boy and then abducted in a nearby donga. The boy had threatened the mother saying that she would soon mourn her daughter. The mother had also obtained a protection order from the police against the boy so that he should stop abusing her daughter. The police had stated that they would not lock the boy up because, once released, he would open a case against the daughter.

Mirror of August 2006 contains the story of a woman who had escaped an acid attack from a man who had been threatening to kill her. A 31-year-old woman had been accused by her lover of having affairs with other men. She had laid a charge of attempted murder the previous year. The man threatened to kill her and he said that he will serve a sentence in jail. The female victim decided to obtain help from an organisation which assisted her in obtaining a protection order, but in vain. The man was arrested and then granted bail. As he passed the woman on the street he threatened to finish what he had started. Despite the fact that the protection order was at hand the woman was still living in fear and she decided to get two boys to guard her day and night. The woman appeared on the front page of the newspaper with a deformed face from an acid attack. It was indicated that the woman was still living in fear as the man continues to threaten

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her with a statement that he will finish what he has started. Her picture is attached in appendix no 3.

A similar incident happened at Mukula outside Thohoyandou where a man who went berserk on a Saturday evening mercilessly bludgeoned three children and his wife to death with a spade. This was not the first of such incidence in the village – see appendixes no. 3 for similar stories. As in many other cases the argument always broke around issues of extramarital affairs. The deceased wife was 27 years old and the children aged 9 and 3 years and 3 months respectively. A month before this incident two promising young lives had been lost after a jilted lover had shot and killed a former girlfriend and the boy with whom he had suspected that she was involved romantically. The incident had happened at Tshinanne Secondary School at Ngovhela village outside Sibasa. The two victims were shot at the school gate. Although it is not possible to include every example in one study, the cases cited that people continue to lose their lives as a result of domestic violence in the Thohoyandou area.

There are also examples from other countries of stories related to incidences where protection orders had been obtained but failed the intended purposes as cited By Corry(2009:1-9) in his paper, Protection Orders Do Not Protect.

The *Kansas City Star* of April, 27 2004 cites examples of protection order seekers who felt extremely vulnerable even after obtaining such orders. A protection order could not save Malone and her boyfriend and co-worker, Brown. Authorities maintain that Malone's ex-husband, Mathew ambushed the couple at their home in Edwardsville shortly after midnight on April 3. Bass committed suicide several hours later (Kansas City Star: 2004, 2). Hicks was found drowned in a Leavenworth Country lake three days after she had been reported missing. She had

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obtained a protection order against her estranged husband, Gary Hicks (*Kansas City Star* 2004: 2). A woman was found dead in her South Kansas City home together with her brother and two children. The woman had sought a protection order against her estranged husband the previous year (Kansas City star: 2004, 2).

Some of the examples of catalytic precipitance of violence as given by Charles include the following scenarios…on August 6, 1999; Laura Maria Gattas was shot and killed by her estranged husband, Eduardo, when she arrived for work at a memorial hospital in Corolado Springs. In a front page story in The Gazette on November 3, 1999, reporter Bill Hethcock stated that: "Corolado Springs detective Todd Dernnan testified in a preliminary hearing and his investigation showed that Gattas was angry at his wife for having him arrested in May in Toronto, where they lived." Another given example to clarify the fact that protection orders do not protect was published in the August 29, 2002, issue (p.Metro1 and Metro 7) of the Colorado Springs Gazette. Mary Lou Smith, age 52, was shot and killed the evening of august 28th as she sat in the living room of a friend's house where she had sought safety. Police were looking for her husband, Marlon Laja Smith, age 47, in connection with the shooting. Court records show that Mary Lou sought police help at least three times in the month of August, 2002, once on allegations of domestic violence, and two other times to report her husband of 19 years violated a temporary protection order and threatened her life. Protection orders do not supersedes the law of the jungle and Mr Smith is portrayed as a particularly jungle type (Corry, 2009:3-9). On Wednesday, October 30, 2002, Keith Warren, age 24, went to the third floor office of the Land Title Trust Co. in the Alamo Building in Corolado Springs where his former fiancée, 20 year old Karri Fraizer, worked. Warren, an employee of a security firm, after talking briefly with police,

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killed both Frazier and himself (Colorado Springs Gazette, Thursday, October 31, 2002, pA1 and A8).

The couple had been going together for a year and were living together. On October 17th, FrazerallegedthatKeith Warren had punched, choked, and threatened to kill her and ended the relationship. Warren was arrested that night and Ms Frazer moved to her sister's house. A protection order was issued against Keith Warren. He continued and tried to contact Karri at her sister's house. Mr Warren was again arrested for violating the protection order. On Monday, October 21st Keith Warren pled guilty to third-degree assaults involving domestic violence under the 4th judicial District's "Fast Track" system that has a well-deserved reputation for railroading defendants. He was sentenced to two years' probation, 45 days' work release, and the standard 36weeks of domestic violence prevention classes. A six-month jail sentence was suspended and a no-contact protection order was imposed.

Whatever credence one puts in Mr Warren's dying statement that he had been falsely accused, clearly his repeated arrests and the protection orders had acted as catalysts that enraged him to the point of homicide and suicide. It is equally clear that protection orders provided Karri Frazier no protection at all.

Too many headlines show that a man who intends to kill a woman and plans either to take his own life, is aware that he will face murder charges, will not be deterred by the penalties for violating a protection order. By violating civil rights, and eliminating the process for the men on whom they are imposed, such orders succeed only in inciting these men. By stripping everything a man owns and loves from him without so much as a hearing society makes this man treacherous. If a man feels that he has nothing tolose he becomes dangerous.The National

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Violence Against Women survey (NVAW.P52) found that approximately one and half of the protection orders which women had taken out against men were known to have been violated and that nearly one third of the orders men had against women had, to all intents and purposes, been ignored. Several other studies also suggest that, despite their widespread use, protection orders have little, if any, protective effect.

Grau et al (1985) have concluded that the protection orders have a protective effect for those women who were not, in the first place, severely victimised. If this is, indeed, true then peddling them to women in real danger may be likened to administering aspirin tablets to cancer patients. According toCorry(2009:1-3) it was not possible to find a case in the legal justice system either where a protection order had provided anydocumented level of protection, or even anecdotes about the way in which a protection order made a woman safe. This is borne out by what is heard from many women themselves.

Unfortunately, since protection orders do not succeed in providing protection for endangered women (or men); radical feminists tend to demand that even more draconian laws are necessary. One result of this is the present nightmarish system that protects no one and violates virtually every civil liberty a man possesses (Corry, 2009:1-9).

It is highly unlikely that more draconian penalties for violating a protection order will change the rate at which such orders are transgressed but such stringent penalties will, probably, increase the catalytic effect of such orders on violence. Doucan(2001)as quoted by (Corry,1999:9) mention that "... increases in the willingness of prosecutors' offices to take cases of protection order violation were associated with increases in the homicide of white married intimates, black unmarried intimates, and white unmarried females ..." One manifestation of insanity is to do the

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same thing over and over again and expect a different outcome. Instead of more iron-fisted laws what is needed are ways of protecting those women who are in danger.

4.5.2 Protection orders lead to divorce and separation

It was found from this study that those women who applied and has received protection orders against their husbands ended up being divorced by their spouses. One respondent stated that a protection order is like a snake. How is it possible to live with someone and trust that person if you know that the very person will hand you over to the police if you make a mistake? Data collected from women indicates that spouses divorce them and the divorce itself was handled with more anger on the sides of the reported males. More threats were made by husbands after receiving protection orders. Husbands wanted their wives totally out of their lives and their houses for applying protection orders against them.

> *"I applied for three protection orders. The first one failed because I couldn't find my husband to sign. He was threatening to kill me. The second time he locked me outside the house. He was ordered to unlock for the children's sake. The third time he got into the house through the roof. They refused to open an order to forbid him to come to the house because they said there is no proof. Last year he wanted to sell our house. He is married somewhere. He lodged the divorce after the protection order."My husband ended up divorcing me. It never helped me at all"* (Avhapfani: 15/05/2008v).

Thou there is little written literature to support the view,Robertset al (2008:69-375) in their studies found that victims of intimate partner violence withdraw protection orders because they are returning to their batterrers. Individual reasons were organised along domains. The domains

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used and corresponding individual choices included: reasons were that protections orders were withdrawn because the victim needs the defendant for food, shelter and health care. Added to the first domain was emotional attachment, concrete change, family issues and lastly bureaucratic issues.

The point identified is that women felt that if they have to remain staying with their husbands then protection orders should not be part and parcel of the relationship. This is further supported by the findings of the program that was conducted at Phalaphala radio station where people were asked whether they think protection orders deter future abuse. The results from the interviews and the documents collected in the study all support this assertion. The slot for the programme was allocated on the 24th of March 2010 for an hour from 12hrs am to 13hrs am. Listeners were in disagreement with the statements that were raised by an advocate that protection orders are useful in domestic violence saying protection orders do not protect the victims of abuse.

A male listener mentioned that to him a protection order was a way to break his family. He said that the wife applied for a protection order against him. The man was arrested and was found not guilty. He was released and came back home. He added that each time he spoke to the wife she used to remind him that he should not forget that she has a protection order. They ended up divorcing. In his question he asked if it is not clear that the protection order broke his family. He added by asking if there is nothing that can be done to solve marital problems except for protection orders for married couples. To him he thinks the wife used a protection order as a way to slip out of the relationship. He thinks women are also given more preference than men in thesekinds of issues. Any person may go to the police and lie about somebody and without proof the interim will be given to them.

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He gave an example of a woman who was involved in an adulterous relationship with the police. The husband was given a protection order. Every Friday the husband was arrested without cause and released after the weekend so that the wife and the police will have free time together.

The other listener called and said that she really does not understand why people do not just divorce instead of seeking for protection orders to hurt each other. She said that it sound not good at all to stay with a protection order at home. The perpetrator may even want to hurt you more so that you end up leaving. The protection order hurts feelings within the relationship. If a man applies it for a wife he is saying to her leave me alone for I do not love you anymore. She added that she has a friend who is suffering because of a protection order. The man now has a wife known to the relatives. He does not tell her anything. He does not sleep at home most of the times. She cannot ask anything. She said that this kind of a lifestyle affects children and families at large. She asks as to why people not just return to traditional African ways to handle problems?

It was said that that the receiver of a protection order may become angrier that leads him to be more violent or aggressive towards the victim. Continued threats have been reported by women from the spouses after receiving protection orders.

"I wasted my time. After the protection order my husband stopped maintaining our children, paying our medical aid and everything. It never worked for me. My husband also breached it and when I reported, I was told that the protection order was not put right. My husband even threatened me with a gun after getting the protection order. I went to report it but, in court, I lost the case because they said I should have said he pointed me with a gun. How can I saw how he pointed it to

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me when I ran to protect my life? The same day the police came for questioning him regarding the gun and he left the house for good. I heard he is now married to another girl" ((Tshifhiwa: 25/06/2008v).

The divorce was not handled properly. At court they told me a wrong time to appear so that I arrived late and they had finalised the divorce when I was absent. I was told when I arrived that the divorce was final and our house will be sold and children will live at Murunwa. Murunwa is my father's place and we do not have any house there. He lied to the law and nothing was done about it. He then applied for another order for me so that I should not come to his place of residence or phone him. Even when I asked the magistrate to amend the order he refused" (Winnie: 2/07/2008v).

Most of the women who obtained protection orders in this study ended up losing their marriages. It may be concluded that protection orders in marriages is not just a catalysts for further violence but it creates a wall between two parties which makes it difficult for a men who feel that he was reported to the police to engage in a good relationship with the spouse. Trust and love is lost and men in those situations resort to abandoning their families. The chance for communication and good relationship is compromised and divorce becomes a better option for a man who fears that the wife will report him again and now that there is a protection order he will be arrested. This may be an indication of anger and the way of punishing a woman who has a protection order. Corry (2009:2) asserts a question as to whether it will not be reasonable to assume avoiding a protection order as it is a catalyst of violence to reduce violence during separation. He added that not taking a protection order to get State enforced custody of the kids, and possession of the house, car and bank account, would also seem to be wise if violence is to be avoided. Even

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better would be a State that encouraged marriage and children and discouraged divorce and family destruction.

4.5.3 Protection orders increases violence in relationships

People often resorted to protection orders because they were seeking a solution to a problem they wanted to solve. Respondents in this study indicated that after receiving protection orders violence increased in their relationships. In this study women reported that they were beaten by their husbands after receiving protection orders. Some cases were extremely bad as in the case where the husband burn the parent's house (Vhakoma) and even the chief assistant house after his wife applied a protection order against her. Women reported increased victimization including the seeking of help by their husbands that includes the use of witchcraft. Some husbands threatened to kill the victims, some women's clothes were burnt including kitchen utensils. One woman reported being harassed with a lasher. Women states that:

"After getting a protection order my husband was beating me and, actually, it made the situation worse. I thought getting an order would make him stop abusing me. He then decided to burn my parents' house and the chief's assistant's two huts. He said that he will burn the houses and now he ended up doing it. As I speak he is moving around with an axe threatening to kill me. During the court he lied and said that he is influenced by beer but he never stopped beating me" (Lizzy: 11/04/2008v).

"I applied for the protection order the previous year against my husband and it failed. Police told me that he is my husband and I should speak to him. He was threatening to kill me by then. Then this time I got the protection order but it

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made my husband very angry. He became more violent. I don't feel safe anymore. He told me that he will never stay with me anymore and he continued to beat me. For two weeks now we were not talking to each other. I think it is better to leave the person than getting the protection order. My husband is now consulting witchdoctors to bewitch me. When my child died I was told at the Zion Christian Church that he will kill me" (Funanani: 20/04/2008v).

"After getting the order my husband continued to beat me with a lasher. He always says he will kill me" (Rofhiwa: 2/06/2008v).

There are instances reported where men continued abusing their wives physically and after arrest they were released again. One of the respondent's fingers were broken and during the interview it was clear that the fingers may no longer function at all. The husband was jailed for three months and after a month he was released and he then asked for forgiveness that the couple may continue living together. In such a case the man had asked for forgiveness but after a period of time incidences of abuse happened again. It may be assumed that in such cases arrest was not helpful but more intervention was needed to help both the abuser and the victim herself.

"The last timeI got the protection order my husband beated me and broke my finger. It will never work again. He was then arrested and sentenced for three months. He stayed there for a month and was released. He came and asked forgiveness but after that he beated me with the wood and his hands. He told me that a protection order is just a piece of paper" (Muwanwa: 13/06/2008v).

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Some respondents indicated that even thou they have reported a breach of the protection order after the incidences of re- abuse with the protection orders at hand, the perpetrators were not arrested.

> *"To me the protection order did increase violence. I blame the law in South Africa. People can breach the order and never be arrested. In my situation my husband was called to appear in court after breaching, he never came and was not arrested. Officials do not understand protection orders and always refer people to apply these protection orders" (Arehone: 2/06/2008v).*

There are incidences where men mentioned that a protection order is just a piece of paper and meaningless which indicated that they have no fear or value for the orders. In real sense the protection orders becomes meaningful only when there are majors implemented against the abuser if they violate these orders. It was reported during the interview that when men did not fear protection orders more levels of violence happen. Destruction of household utensils bought by the woman was an indication of the escalation of violence wherein it is seen as if the men want to punish the wife.

> *"My husband told me that a protection order is just a paper with no meaning at all. He mentioned it even in court. I was abused with it more by my husband. He burnt my clothes and the kitchen utensils I bought for the club with other women like food warmers, buckets and plates. We are now divorced for good. How can one live with a protection order in someone's house? I understand that if I have it or not he can still willingly do what he wants" (Musiiwa: 12/09/2008v).*

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Keilts (2006:231) avers that previous research has shown that the effectiveness of protection orders for victims of family violence depends on how specific and comprehensive the orders are and how they are enforced. Added was that victim's view on the effectiveness of protection orders vary with how accessible the courts are for victims and how well established the links are between public and private services and support resources for victims. Violation of the protection orders increase and reported effectiveness decrease as criminal record of the abuser becomes more serious. The protection order was found to be unlikely effective against abusers with a history of violent offences, women in these cases were more likely to report a greater number of problems with violation of protection orders.

In his book Dr Warren Farrel as quoted by Corry (2009:1) lists five catalysts for violence upon separation. They include depleting the bank account, leaving a vitriolic rejection note, taking the children, serving the spouse with a protection order or having the spouse arrested, and, lastly, going to the spouse's house with a lover. Violence during separation would be greatly reduced if these catalysts were avoided. However, it may also be stated that not taking out a protection order or state enforced custody of the children and possession of the house, car and bank account, would also seem to be a wise move if violence were to be avoided. It is also true that what would be preferable would be a situation that encouraged marriage and children and discouraged divorce and the destruction of the family.

4.5.4 Protection orders do not solve problems within the family

The findings in the study revealed that protection orders were found to be incapable of bringing solutions to the marital problems. It was found that after receiving protection orders problems escalated. Some women were divorced and that was not the intention to see their marriages

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dissolving. Some women ended up losing their lives because protection orders became catalysts for violence against their lives.

> *"Protection orders are problematic. They make people hate each other. How can I stay with somebody who awaits my mistake in order to call the police to arrest me? It is impossible to stay with such a paper and continue to have peace at home. In a family it cannot benefit anyone except bringing friction and separation. You feel threatened by someone who applied the protection order for you" (Lutendo: 19/09/2008v).*

A resent story that appeared on the front page of Mirror newspaper of March 26, 2010 year 20 volume 28, tell of a tragedy accompanied by a protection order. The Vuwani Police has arrested a 29 year old man following the discovery of a partly decomposed woman at Dzwerani village outside Thohoyandou. Vuwani police spokesperson said the victim named MmbonoseniMatshinyatsimbi (25) of Dzwerani has been missing since March 20. It is alleged that she has the argument with her lover the Friday before the incident and it is said that they were broken up. On Saturday the victim was in the company of her new boyfriend when the suspect confronted them.

It is reported that the new boyfriend left the two together not far from the village and she was never seen again. The two were supposed to meet in court as the suspect had a protection order to answer to on Tuesday the following week which was to be 23 March 2010. A cousin of the deceased, Shumani Mulaudzi, said the family had been spending sleepless nights trying to figure out what have happened to her. On Sunday as he was in church he was called and informed that they should come and pick up their whore at Lukwe dam. The matter was reported to the police

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but in the mentioned scene they found nothing. The second call came on Monday directing them to a fig tree not far from the village. They went to look for the body as they were sensing that something bad has happen to her but still found no trace of her. The new boyfriend was questioned and told them that the victim was last seen with the former boyfriend. The boyfriend was then traced at Itsani village; he was cross questioned and confessed to the murder and directed them to the place where the body was found. At arrival they found a badly mutilated body which was hard to look at. The family now just trust that the law will take its course. It is clear that the protection order was received by the woman indeed for protection. She got it, but it could not deter the abuser to finish what he planned. Actually one can say that it triggered the behaviour as the killing was done days before he was to answer for this order.

The local traditional leader of Itsani Village said that young people were now resorting to killing as the way to solve their problems. In a week a girl in the village was buried after being killed by a boyfriend in Gauteng. He added that something must be done to remedy the situation. Munnandinnyi forum on responding said real men do not kill nor rape their women. This statement was made by the chairperson of the forum. He told the researcher during the interview that he does not see the protection order as helpful. He said protection order disorganises the family. He added to his facts by elaborating that people are given protection orders without being told the in-use and the purpose. If a person receives a protection order at home the next person lives in fear. He added that if it is a man who is granted the protection order he will no longer sleep with a woman. People ended up in need to kill each other. It is like a rotten egg that is catalysts to killings within marital unions.

Wallace (2008:247) indicates that if one obtains a protection order, it does not mean the abuser is associated with a criminal charge; the abuser may ignore the order as a piece of paper and

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reinjure the victim. The real value of a protection order is dependent only on the value the abusers/ respondents attach to it. It means that the protection order does not carry the same weight as criminal charges. If the respondent ignores the civil order or lie to the police it is up to the police to intervene.

4.5.5 People may lie when they want a protection order

It was found from the study that people sometimes may lie while applying for protection orders. This implies that if an interim order is given, it may be based on false information reported. An example given will be a woman who was caught red-handed sleeping with another man by her husband and then run to apply for a protection order against her husband saying she is being abused.

A similar case was when a man was trying to run away from paying his debts and beat a woman he owes the money. After doing that he reported that he was beaten by the woman and then asked for a protection order. Several times men were found applying for protection orders against their wives after beating them in order to prohibit arrest. There might be a proof afterwards but the pain of being harassed by police when they want you to sign the protection order and the shame and embarrassment especially if they come to your work environment is too much. Other examples are:

> *"After beating the woman who was involved with my husband I went to apply for a protection order. When she arrived to the police station she was late and no one could believe her" (Lambani, 3/03/2008v).*

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"After getting the protection order my husband stopped speaking to me, he stopped eating at home and sleeping with me. He accused me of falling in love with the pastor and he was telling people of this false accusation. He was also telling people that I have cancer of the breast and my breast was removed. When I tried to talk to him he asked me if I want him to be arrested. He even stopped taking care of our children. I was then forced to go back and apply for maintenance. He went for a DNA test claiming that children are not his. There was a time when he told me that he knew the magistrate so I will not get favour from the law. He even bought someone to testify against me saying I wanted to kill him. What hurt me more is that he told people that the children are not his. I can say that, after getting the protection order, the situation got worse and we ended up divorcing" (Rudzani: 2008).

Buzawa and Buzawa (2003:68) and Harrel et al(1993:42) states that using protection orders as a sole means of addressing domestic problems has potential disadvantages indeed. Since a violation of protection order will result in a criminal charge, the order provides law enforcement officers with an effective mechanism through which to stop violence without having to prove that the battering occurred. The officers only have to prove that the respondent violated the order stipulations.

Kethineni and Beichner(2009:312) agrees that the patterns of re-abuses indicate that permanent civil orders are not more effective in reducing physical abuse.

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4.6 Respondent's views on whether they may apply for protection orders in future if they found themselves in similar situation.

The question was asked to find out if there is consistency in the ideas cited by respondents on the effects of the protection orders obtained. Many respondents indicated that they would never advise anyone to apply for protection orders or either apply for protection orders if they find themselves in a similar situation. Here are some of the responses:

> *"I will never apply for the protection order again because you may lose more like what happened to me. A protection order is a danger, a snake in the house"* (Lambani: 3/03/08v).
>
> *"I will never waste my time by applying for a protection order. It brings shame on the victim. If one wants to apply and need advice, I will want to know the problem and the character of the husband. I will then advice to call the next of kin and a protection order should be the last resort if there is any danger"*(Lizzy:11/04/08v).

Although there are respondents who will never apply for protection order any more, there are some who feltthat this would depend on the situation and that, if nothing else had worked, they would then advise applying for a protection order. This clearly indicates the lack of satisfaction on the part of the respondents for, in cases where people were satisfied with the outcome, they would, hopefully, have been more than prepared to advise others or to apply for protection orders with complete confidence again and again.

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Women said that they did lose more by getting protection orders towards their partners. Women mention that their husbands left them. Some women said that violence escalated, houses and utensil were burnt, children were abandoned and with that in mind they think it would have been better if they did not apply for protection orders. This implied that such women regret applying for protection orders.The other respondentssaid that:

"It is difficult as after receiving a protection order the situation was worsened. It ended up in a divorce. When I talk to my husband he did not want to respond in fear that I will report him that he may be arrested. He even stopped to maintain us here at home. I ended up lodging for maintenance for the children. He is now maintaining us with four hundredrands monthly. He even said that he now wants the DNA test, but he told me that he knows the magistrate. It is not fair. Now my children are hurting because of a protection order. My protection order was to stop my husband from threatening, beating and using vulgar words but my husband stopped sleeping with me"(Musiiwa: 12/09/08v).

"After I got the protection order it was as if I poured paraffin in the fire. The protection order was to stop my husband from psychologically abusing me. He told me that the protection order made him to be angry. He told me that he will never stay with me. He threatened me again at night and then I ran to the police at around two in the morning. The case was opened against him. He looked for the lawyer. He denied all evidence against him that I laid. On Monday, 30th January 2008 he took all his belongings and left. He told me that if I apply for a protection order it means I am a man and I want to oppress him. He left to stay in another woman's house" (Lutendo: 19/08/08).

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This might not be surprising looking at several studies that were done in different countries that come with contradicting ideas on the effectiveness of protection and civil orders as intervention measures against domestic violence. Kethineni and Beichner (2009:312) compared civil and criminal orders of protection as remedies for domestic violence in a Midwestern country. They found that there are similarities between types of protection orders, in terms of orders stipulations, past abuse histories of petitioners' and reasons for filing; whereas petitioners in civil cases were more likely to identify emotional abuse as the factor leading to issuance of the order, victims in criminal cases were more likely to document physical abuse.

The pervasive use of civil protection orders not withstanding research examining their effectiveness as a strategy to reduce or eliminate abuse has uncovered discrepancies based on how efficacy is operationalized. Studies that focused on the deterrent effect of civil orders in preventing re-abuse demonstrated modest reductions. With few exceptions (Holt et al, 2003and Keiltz et al, 1998) most studies indicate fairly high level of re-abuse after victims received orders.

The patterns of re-abuse indicate that permanent civil orders are not more effective in reducing physical abuse than temporary orders (Harrel et al. 1993). Research comparing the nature of abuse before the civil protection orders with subsequent acts reveals that prior abuse is the key predictor of continued abuse (Harrel et al. 1993). Other findings in this area suggest that any deterrent effects may be confined to cases involving victims who have not experience severe past abuse (Grau et al. 1985). Arrest was found to impose a smaller deterrent effect on offenders who already have a criminal record or who have a little to lose in terms of employment if they will be arrested.

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4.8 Résumé

The use of protection orders as a strategy to prevent domestic violence is one of the most widely used practices to address the problem of domestic violence. Research examining the efficiency of this strategy to prevent domestic violence is marked by inconsistencies. Studies examining victim perceptions indicates that protection orders present advantages to the victim whereas those examining the deterrent value of protection orders in preventing or reducing abuse reveal a different pattern characterised by continuing abuse.After receiving protection orders, it was found in this study that the women reported the continuation of physically abused, harassment and threats from their husbands. Some women had been verbally abused while others had been emotionally abused by their husbands. There could be more than hundred (100) applications for protection orders per month and yet no arrests in a period of that month made. There are also several cases of suicide and a high divorce rate within the area because of domestic problems that continue to happen even when people have access to a protection order. The next chapter is the summary and recommendations for the study.

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CONCLUSSION AND RECOMMENDATIONS

5.1. Introduction

The purpose of this study was to gauge whether protection orders which are designed to prevent domestic violence are, indeed, effective in deterring abuse against women. Although a protection order represents a legal action to protect women within the domestic arena, there is no certainty whether these orders are effective or not. Protection orders are civil orders which are aimed at deterring violence by making the breach of a protection order a criminal offence. Contempt, misdemeanour, or felony offence charges against the perpetrator with penalties ranging from a verbal reprimand to monetary fines.

In this study the researcher examined the lives of a small group of women in order to evaluate both their marital contexts and protection orders which they had obtained. A literature review was conducted. This was followed by qualitative interviews that sought to understand the abuse to which the respondents had been subjected and whether obtaining protection orders had been a solution to their problems. In this chapter the findings of the study will be summarised, conclusions drawn and comments made regarding future recommendations.

5.2. Study layout

Chapter 1: This chapter focused on introducing the background of the problem. Purpose and objectives of the study were explained. The study was delimited to women in Thohoyandou who once received protection orders. The objectives of the study were answered by looking at various research questions.

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Chapter 2: In this chapter literature was sought to enhance the credibility of the study. The processes of applying a protection order were clarified. The Domestic Violence Act was explained. Previous results on similar studies were discussed. Lastly, the researcher looked at different theoretical background on domestic violence. Theories discussed included the supernatural theories, psychological theories, sociological theories and the feminist perspective.

Chapter 3: This chapter discussed the research design. Target sampling method adopted in this study was explained. The researcher clarified the methods to be used to collect data, which was the interview and the use of document to support data collected from interview scripts. The method to analyse data was explained.

Chapter4: The analysis and interpretation of data was done in this chapter. The researcher gave the profile of twenty (20) women who were sampled for the study. The results showed that irrespective of age women are abused by partners. It was found that abuse cut across all educational background irrespective of economic background.

5.3. Recommendations

Protection orders appeared to represent a breakthrough in terms of domestic abuse but, this study found that protection orders have several limitations in respect of the application. To the perpetrator of domestic violence the protection order might appear to be a piece of paper that might not deter him from carrying out what he has planned and, instead, might just incite more violent behaviour. Domestic problems are as unique as families and individuals and there is no common way of addressing these problems that has yet been found. It is not possible to define protection orders culturally or render them comprehensible to the Tshivenda-speaking people.

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In view of the major limitations and the deficiencies in the Domestic Violence Act to address domestic violence problems,the researcher recommend that government reconsiders serving protection orders on married couples and, instead, adopts measures that might offer solutions. The researcher recommended from the study the adoption of family clinic, anger management classes, shelter provision, workshops, the application of restorative justice in cases of domestic violence and the fact that protection orders should be limited to separating or divorced couples.

Family clinic is the term used by the researcher to refer to a one way stop for the victims of domestic violence. Such a family clinic would constitute a major breakthrough in respect of domestic problems. This clinic should be like a home for the victims of domestic violence. There should be elderly people who have retired from sectors where they use to work with people and who would serve as debriefers or victim supporters. These people may include teachers, social workers, nurses, police officers and civil servants. This would obviate the use of young people who are not experienced in family matters and who are found helping as domestic clerks in the courts for family violence.

In addition, the family clinic should employ the services of psychologists who have specialised training in domestic issues or else family counsellors, social workers and pastors. When necessary, the debriefers should refer clients to these trained professionals for further help. The aim in these clinics is not to resort to the police as people associate the police with the possibility of arrest and this could be construed negatively within the context of the clinic. The police should be used as a last resort only in situations which have spiralled out of control and the possibility exists of danger to the victim and the clinic workers. Sessions in the family clinics should include both members (husband and wife) and close relatives only when necessary.

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In these counselling sessions the clinic staff should try to help the couple to discover or to identify their problems and, then, to assist them to deal with the root cause of their problems. It should be clear that it is not always the reported person who is the cause of the problems within the family. It is also possible that the "victim" might have contributed to the problems which have arisen within the family. The idea is to endeavour to rebuild the family and, in the process, to solve the problem in a more peaceful way. In a situation where the couple has decided to end their marriage this should mean they would be able to accomplish their divorce peacefully without violence. However, it is not possible for the clinic to run without supporting structures. The researcher suggests that the clinic should run concurrently with a shelter and anger management classes.

Anger management classes will be helpful in teaching respondents how they can manage their anger when they are feeling hurt. Anger management classes are class lessons that would be directed at the offender so that the offender would be empowered to learn strategies that will help to control his/her anger in the future. These classes may help these people to control their anger until they have succeeded in resolving the problem which they are facing. The perpetrators of domestic violence should also be encouraged to undergo compulsory counselling where they would acquire the necessary skills to co-exist with family members as they all learnt from their previous mistakes.

The study showed that some women remain staying in a dangerous situation and ended up being killed by spouses because they do not have a place to run to with their children if the husband fights them or has to send them away from home. The shelter would house only those victims whose lives are in danger.However, in practice, I would say shelters are of nonexistence in Thohoyandou area. In the whole of South Africa there are very few and, in any case, most of

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them are centred in the urban areas such as Johannesburg, Durban, Port Elizabeth and Kimberly. These shelters are dependent on private funding.It is hoped for that the existence of shelters would provide women with a safer place to hide before they are murdered. In many instances the government has expected the NGOs to come up with solutions in respect of the provision of shelters. It is true that, in this respect, NGOs and churches may be of greater help even more than government institutions, but would be an expensive undertaking unless government may be of assistance financially.

Workshops should be run within the communities to inform people about the effects of domestic violence, the role of protection orders and any other assistance that the victim may be offered by different sectors.People should be familiarised with structures that offers assistance within their communities. In view of the fact that, on the whole, men are the major perpetrators of domestic violence they should be targeted so that they become an integral part of these workshops.

Support structures should be clarified so that people would know where to find help should a problem arises. These workshops would also inform the victims of domestic violence about relevant legislations. Formal school education on domestic violence is also necessary especially if it is included in subjects like Life Orientation. The police officers who serve protection orders are also often not trained and, generally, they do not explain what the protection order means to the recipient. The police do not explain the reason why the recipient needs to sign the protection order on receiving it. If the recipient sign, doesthis implies that the recipient agrees that he/she committed the offence or it is, at least, an indication that the recipient did see the paper? Therefore more training should be offered to officers who work with domestic problems.

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The researcher supports the idea of applying restorative justice. Restorative justice is proposed as a method of future intervention in domestic violence instead of utilising protection orders only. Restorative justice has its roots in traditional African forms of conflict resolution, while more contemporary applications involve solving criminal disputes between parties. Recently restorative justice has been applied in South Africa. Magistrates in domestic violence cases were particularly supportive of mediation in such cases. Mediation presents the opportunity to look beyond the crime and its causes as it allows the parties to sit down and try to resolve their problems. One magistrate referred to the additional benefit in the following way: "I think that in the process of victim offender conferencing we have kept the family together, and saved the marriage, which, to me, is a more important form of justice".

If the use of protection orders is to continue the researcher suggests that they should be issued to people who are divorced and that it should be borne in mind that it has been mooted that protection orders have, on occasions, proved to be a catalyst of violence which could lead to death. There should be strict control to ensure that people who abuse these orders by lying and, in the process, hurting innocent people, be arrested if it is proved that they have, indeed, lied.

5.4. Conclusion

Domestic violence is found in all racial groups within South Africa and that it is as old as human nature itself.Despite the fact that science has successfully provided solutions for diseases and other social illnesses, in this study the researcher has found that those measures, which, until recently, were used either to help reduce or to fight domestic violence have failed the women in the Thohoyandou area. These measures include among others the 16 days campaign against women and children abuse and also include the use of protection orders. It may have been

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possible to conclude that the systems were working if, after nearly 10 years of implementation, there had been a reduction in the number of cases of domestic violence reported. Statistics on domestic violence around Thohoyandou area is still very high as indicated by cases reported.

This study found that the present use of protection orders to deter future abuse in families as remedies are not sufficient and, thus, new ways should be found to enforce new policy recommendations. The researcher has suggested strategies to work hand in hand with protection orders as a means of deterring future occurrences of domestic violence or either to replace them (limited to married couples who would want to retain their marriages) and even to help those people who are affected by domestic violence within their marriages.

Evidence shows that the answer to eradicate domestic violence do not lie in the application of the protection order alone as the results indicate unfruitfulness in addressing the problem. The fact that violence may be explained in a multi-causal theory means that multiple remedies are needed to decrease the rate of violence directed towards women and children at home. Intervention strategies and responses to domestic violence are directly determined by theoretical formulation and causal assumptions of the problem. Husband abuse remains a controversial area in the study of domestic violence.Moreover, more academic work is needed in future which will focus on abused men, the abusers themselves and gender sensitive interventions.

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Appendix 1

CONSENT FORM FOR PARTICIPANTS

UNIVERSITY OF VENDA

Box 5050

Thohoyandou

0950

SOCIOLOGY DEPARTMENT TEL: (015-9628292)

PROTECTION ODERS: DO THEY REALLY DETTER FUTURE OCCURENCES OF ABUSE

INVITATION TO PARTICIPATE:

You are being asked to participate in the study evaluating protection orders because you were sampled from women who once received protection orders at the Thohoyandou magistrate offices.

PURPOSE

The purpose of this study is to find out if protection orders really deter future occurrences of future abuse within the marital unions.

PROCEDURES

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As a participant, you will be expected to answer questions as they appear in the interview table.

RISKS

Some of the questions in the questionnaire may touch on sensitive areas by reminding you of the pain you went through in your relationship. The researcher will try every effort to minimize the discomfort by being sensitive when asking questions.

ALTERNATIVES

Participation in this study is completely voluntarily and you may choose not to participate.

CONFIDENTIALITY

The researcher will not discuss information given in this study with any one and will keep all the information collected private, except if required by law. In publication the researcher will not use your names but pseudonyms (false names) will be used.

DISCLAIMER

You agree that your participation in this study is entirely voluntary and that you may withdraw at any time without prejudicing your standing with the University of Venda.

CONCLUSSION

By signing below, you are indicating that you have read and understood the consent form (or the consent form was read to you) and that you agree to participate in this research study.

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Respondent's signature _____ Date.....

Interviewer's signature_____ Date.....

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Semi-structured questionnaire for the study evaluation study on protection orders around Thohoyandou policing area.

University of Venda

Department of sociology

It is emphasised that this study is strictly for university purposes and all information will be treated with confidentiality. Consent for interviews will be gained. We appreciate respondents for agreeing to be part of this precious study.

I would like to know more about you.

1.1. Where were you born?

1.2. In which date of the year?

1.3. How did you grow up?

1.4. Did you attend school?

1.5. Which level did you attained if you went to school at highest?

I would like to know more about your marital life

2.1. I understand that you were married, what is the highest standard passed by your husband?

2.2. What is your gross income per month?

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2.3. What about your husband?

2.4. What is the highest standard attained by your husband?

I would like to know much about how you obtained the protection order

3.1. In which local church did you receive the protection order?

3.2. In which date did you receive the order?

3.3. What is the present relationship with the defendant of your order?

3.4. I would like you too tell if the defendant is your spouse, former spouse, friend', former friend or any other relation.

If you were married but now separated or divorced may you tell me when you separated or divorced each other?

3.6. How long have you known the defendant?

3.7. At the time of applying a protection order were you staying in the same house?

I would like to understand the unfolding of incidences that led you to apply protection order.

4.1. Why did you apply the protection order?

4.2. The behaviour just mentioned, what triggers it in your opinion?

4.3. When did this incidences mainly happen?

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4.4. For how long has these been going on?

4.5. May you clearly elaborate the kind of abuses that you suffered?

4.6. On which day was your application made for the protection order?

4.7. Where you satisfied with officials who helped you?

4.8. If you were not satisfied may you please explain why you felt not satisfied?

How many days did you waited before you received the protection order?

4.10. Did you receive enough information regarding protection orders on application ?

4.11. Will you advice any other person in a similar situation to go and apply the protection order?

If your previous answer is no why not?

Before the protection order was granted did you ever receive the interim order?

After you receive the protection order can you tell whether you were still seeing the defendant?

Did you have any children with the defendant?

5. Enquiring more on getting protection order

1. Could you tell me more about what happened after you received the protection order in detail?

2. Were any conditions of the protection order breached by the defendant?

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3. If yes may you elaborate fully?

4. What are the benefits that you have received from getting the protection order?

5. If you find yourself in a similar situation in future will you apply for the protection order again? If not can you tell why?

6. Do you have any other experiences that you would like to share?

7. Did you find the questions difficult to answer?

Thank you very much for answering the questions. I appreciate the time you have given me. Your answers will be included in the study- but your identity will not be revealed.

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Appendixes 3

Real life stories collected from the local newspapers on incidences of domestic violence especially where protection orders failed to protect the victims of domestic violence.

Fig. 1



Wiped out

A member of 15 SAI Battalion of the South African Defence Force, Rfn Meshack Kharivhe (35), appeared in the Thohoyandou Magistrate's Court on Monday on four charges of murder. He allegedly went berserk on Saturday evening and mercilessly bludgeoned his wife and three children to death with a spade.

After the incident, Kharivhe handed himself over to the police.

Mystery still surrounds the gruesome killing of the woman and her three children. At this stage, the police do not want to speculate about a possible motive for the killings. The incident has left the community of Mukula outside Thohoyandou in a state of shock.

The deceased are Winnie Matodzi (27) and her three children, daughter Zwonaka (9), son Thendo (3) and baby girl Maduvha (9 months).

It is alleged that a heated argument ensued between the husband and wife over a suspected extra-marital affair. A resident of the village, Mr Edward Negodima, said he was at a tavern not far from the scene at about 21:00, when someone came running and telling people of what had happened.

"I was enjoying my beer and dancing to music as there was group performing at the time and I had to follow others to the family," he said. "The scene that greeted us shocked everyone - bodies with gaping wounds and soaked in blood just sprawled everywhere; it was a real house of horrors," he said.

Grief-stricken Grace Matodzi, mother of Ms Winnie Matodzi, said the incident has left the family stunned. "We heard that the couple had had some differences over an alleged new love in Kharivhe's life some two weeks ago, but we thought everything had been solved," she said sobbing. She added that the marriage was an abusive one and her daughter was like a slave in her own home. "My daughter was a prisoner; she never enjoyed life and she lived a miserable life till to the end," she said.

(Continues on page 2)

led: The mother of the children, 27-year-old Winnie Matodzi (left), 9-year-old Zwonaka (right), 3-year-old Thabelo (middle top) and 9 ... baby Maduvha (middle bottom).

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Fig 2

Man shoots children

Nyamboni Mandiwana

A TAXI-OWNER shot and killed his girlfriend and her two granddaughters before committing suicide at Murunwa Village last Friday.

Roderick Ndiitsheni Nemakonde (66) was seemingly frustrated after Irene Tshidzumba's (55) son, Mulalo (23), got a protection order against him because of his violent nature. Nemakonde went to Murunwa Village where Tshidzumba and her children stayed to talk to her about the matter.

An argument followed and Nemakonde shot and killed Tshidzumba and her granddaughters Ompha (6) and Wanga (4 months) before turning his 9 mm pistol on himself.

Mulalo went outside to phone the police when Nemakonde arrived and heard the first gunshots. "I was still busy calling the police when I heard gunshots. He was killing my mother and my four-month-old daughter.

"I saw my daughter Ompha screaming and running towards the gate. A bullet struck her in the leg and she fell to the ground," said Mulalo, adding that he then saw Nemakonde run towards Ompha and he fired another two shots.

"Nemakonde returned to the house where he shot himself and died instantly," Mulalo said.

Tshizumba's bereaved daughter Joyce Rambau (37) said the family problems started in March this year when Mulalo applied for a protection order to stop Nemakonde from entering their homestead. This in turn angered Nemakonde who insisted that Mulalo must leave so he could stay in peace.

Nemakonde came to the village last Tuesday and threatened Tshidzumba's youngest daughter, Dakalo (18) with a gun. He blamed her for wasting money at school, since her mother sent her to a private school. "We tried to open a case against him with the police but Sileam police just spoke to him," said Rambau. She continued by saying that the community was upset because the police did not act on the matter.

Police superintendent Aliwei Mushavhanamadi confirmed that the police have opened an docket.

The ward councillor Khathutshelo Mavhungu said it is the first incident of its kind in the area. Funeral arrangements are underway with the help of the Louis Trichardt Municipality.

"The four are going to be buried at Murunwa Village on Saturday," Mavhungu said.

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Fig3

Family violence claims another life



By Elmon Tshikhudo

The rural village of Gondeni La Ha-Mabilu and the surrounding areas, Lunungwi and Ngwenani near Thohoyandou, are still in shock after an incident last weekend that left a well-known carpenter dead and his two children seriously injured in yet another incident of family violence.

The body of Mr Masala Muofhe (27) was found on Sunday afternoon, hanging from a tree not far from his home. It is alleged that he had planned to take his life and those of his family members, but he died alone and left his two innocent kids, Elelwani (8 months) and Roana (3 years), seriously injured. His wife, Rendani Manngo (24), suffered slight injuries in the incident.

Although the information about the tragedy is still sketchy, it is alleged that, on Saturday, Muofhe tried all the tricks in the book to be with his wife and two children. He devised a plan to get money

splashed money on clothes for themselves and the children.

It is said that they spent lavishly on expensive food. Amongst the clothes they bought was a sweater with the words "Here Comes Trouble" written on it, and he asked one of the children to wear it. The wife did not understand the meaning of the words but now realizes that he meant real trouble. From Thohoyandou they headed to a local resort where they had the time of their lives together before coming back home, where he tried unsuccessfully to wipe out his family before running to a nearby bushy area and committing suicide.

It is alleged that, on returning from the resort, his wife wanted to go to her maiden home, but was persuaded to stay. While she was allegedly preparing food, Muophe came in with two bricks and hit his wife on the head.

A struggle ensued. Muophe then allegedly grabbed a knife and wanted to stab his wife, but in the struggle he dropped the knife.

The police report states that Ms Manngo then ran out of the house after realising that her husband

suspected that he might have committed suicide somewhere.

A search party comprising of villagers was dispatched, but did not find anything. His body was found the next day.

It is also alleged that Muophe once told his wife that the day he would spoil his family would be his last day on earth …

Reacting to the incident, Mr Rendani Ligudu, a director from the Thohoyandou Victim Empowerment Programme (TVEP), urged the communities to be united in the fight against the scourge of abuse and violence against women and children, which has become like a plague in local communities. "We are living in an era where many men do not feel that they are masculine enough if they don't administer some form of abuse to their families. Men want power and to be regarded as leaders in their families, even if they do not qualify," he said. Ligudu said they were doing all they could do to sensitize communities about abuse, but it seems the message is falling on deaf ears.

Mr Bardwell Mufunwaini of *Munna Ndi Nnyi*



Masala Muofhe committed suicide after hacking his kids with an axe and thinking he had killed them. His wife sustained minor injuries.

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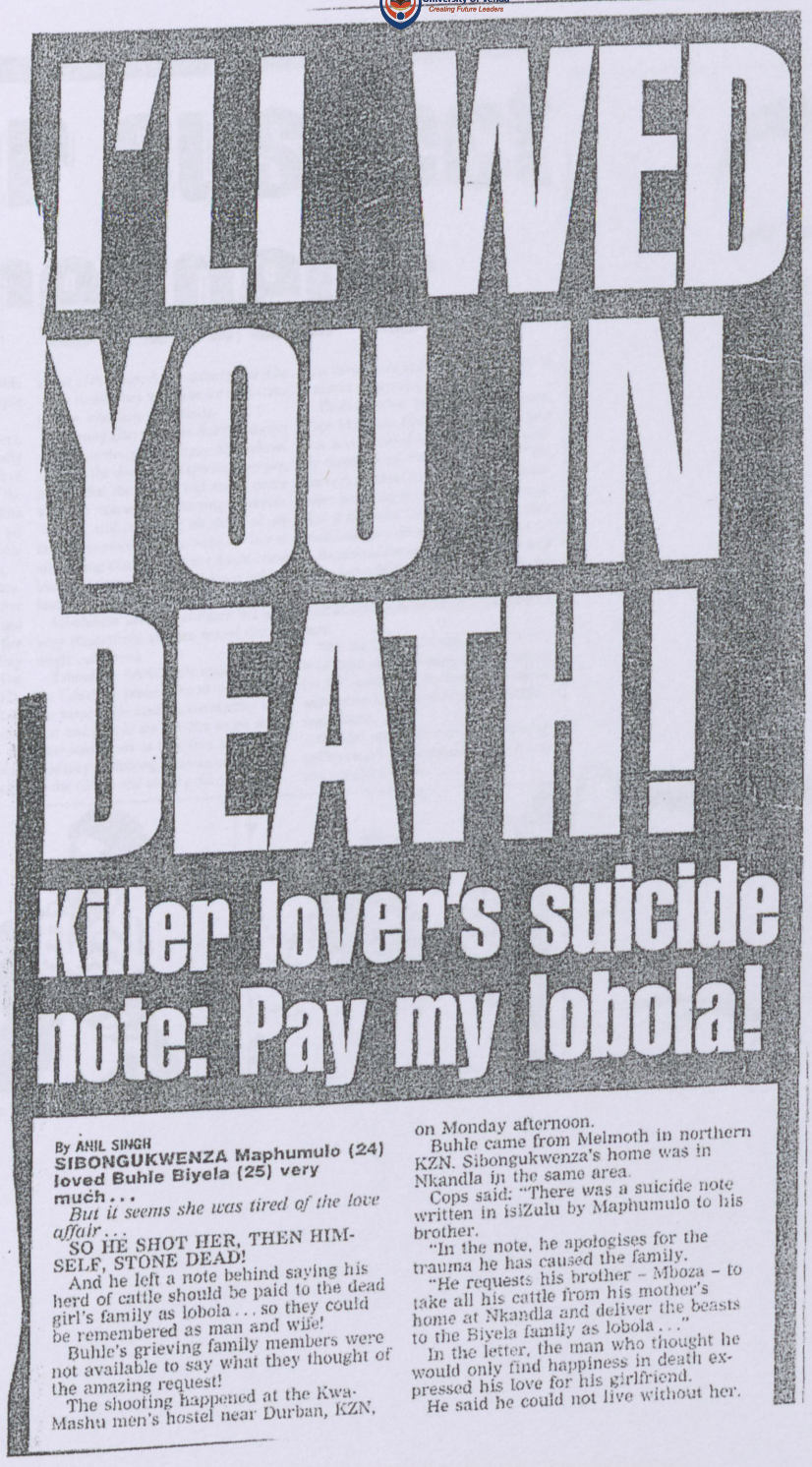

I'LL WED YOU IN DEATH!

Killer lover's suicide note: Pay my lobola!

By ANIL SINGH

SIBONGUKWENZA Maphumulo (24) loved Buhle Biyela (25) very much...

But it seems she was tired of the love affair...

SO HE SHOT HER, THEN HIMSELF, STONE DEAD!

And he left a note behind saying his herd of cattle should be paid to the dead girl's family as lobola... so they could be remembered as man and wife!

Buhle's grieving family members were not available to say what they thought of the amazing request!

The shooting happened at the Kwa-Mashu men's hostel near Durban, KZN, on Monday afternoon.

Buhle came from Melmoth in northern KZN. Sibongukwenza's home was in Nkandla in the same area.

Cops said: "There was a suicide note written in isiZulu by Maphumulo to his brother.

"In the note, he apologises for the trauma he has caused the family.

"He requests his brother – Mboza – to take all his cattle from his mother's home at Nkandla and deliver the beasts to the Biyela family as lobola..."

In the letter, the man who thought he would only find happiness in death expressed his love for his girlfriend.

He said he could not live without her.

Fig4

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By Elijah Tshikhudo

Killer suspect surrenders

The community of Tshisahulu outside Thohoyandou and other affected people are rejoicing.

This follows the news that a suspect, who had been on the run after allegedly setting a bed on fire that led to the death of two people, has finally surrendered to the police. The 39-year old Mboneni Khakhu of Tshisahulu Stawoadza, has been on the run since the burning of two people to death three weeks ago at the village.

The alleged killer surrendered to police, accompanied by family members, after his photo was published in this paper last Friday. It is suspected that he started a fire that burnt down his lover's house, killing the 7-year-old Mbuelo Ramalivhana. The boy's mother, Thabelo Ramalivhana (42), later died in the Mankweng Hospital, where she was admitted for severe burn wounds.

During last week's funeral of Ms Ramalivhana, speakers had called for a speedy arrest of the suspect, threatening that if he is not found, they would be forced to take the law into their own hands.

Reacting after the news that the suspect was in custody, Ms Grace Mbulahem, sister of the deceased, expressed her joy, saying that the family was not at peace when the man was still roaming the streets. "We are still mourning the death of our family members, but we were not free at all, fearing that this monster might come back and destroy all the evidence linking him to the incident," she said.

Mbulahem said the children are still very traumatized and are scared that he might come back.

Tshisahulu SANCO chairperson, Philip Tshivhase praised the move taken by the suspect. He said the community is in fear and people are not free to go about their businesses as they fear attacks. He said they are having many unsolved cases in the village and urged police to investigate these cases and bring them to trial as a matter of urgency.

Thohoyandou police spokesperson, Capt Mashudu Malelo said the suspect was accompanied to the station by family members on Friday afternoon. "We are very thankful for the contribution this paper is making in our fight against crime. Had it not been for this paper, this man would not have surrendered," said Malelo.

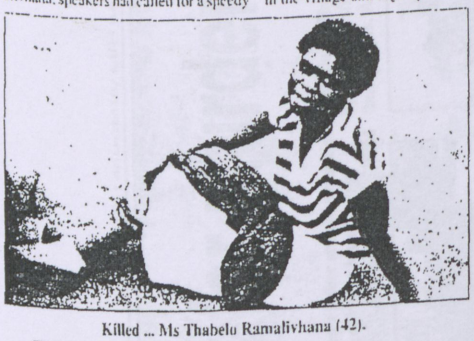
He praised the newspaper for a job well done and said they are positive that the good working relationship will continue until all criminals find themselves behind bars.

"We are happy that this man took this bold stand and gave himself up to answer for his deeds and we encourage others who are on the run to follow his example," said Malelo.

Khakhu appeared in court on Monday and his case was postponed to June 30. He was not granted bail.



Surrendered ... suspected arsonist and killer, Mboneni Khakhu (39).



Killed ... Ms Thabelo Ramalivhana (42).



Killed ... Mbuelo Ramalivhana (7).

Fig5

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Fig.6

Man in custody for murdering three brothers

MHINW. Tragedy struck the village of Mbilwi Makuya Mbilwi week when three children were found hanging from the rafters of their home. The children's father stands accused of the heinous crime of killing his offspring.

The three children, Adivhaho (9), Alilali (7) and Mashudu (3) Thavhanyedza were allegedly killed by their father after a prolonged argument between their parents. A family member, who chose to remain anonymous, told Mirror that the mother was forced to apply for a [illegible] her husband, after the [illegible] in heated argument [illegible]

The children's mother [illegible] Tshilidzini hospital, while the father [illegible] Mamathieledza Primary School [illegible]

The two older children attended [illegible] Hillmary Private School in Thohoyandou and the youngest went to the community creche at Makanga.

A spokesperson for the family [illegible] that the family of the children is totally devastated by the horrific events. Understandably, the very difficult to continue with everyday life after such a traumatic experience. At the point, funeral arrangements have not yet been finalized. A preliminary date has been set for 11 September (next week), but the family is in need of financial assistance and can therefore not yet go ahead with the finalization of these arrangements. Any assistance from the side of the community will be most welcome and greatly appreciated.

The spokesperson of the SAPS in the region, Capt Ailwei Mushavhanamadi, indicated that the father of the three children, who is the chief suspect, has been apprehended. He was arrested on Tuesday night at Tshilidzini, near the main road to Sibasa. He is due to appear in [illegible]



Adivhaho Thavhanyedza.



Mashudu Thavhanyedza.



Alilali Thavhanyedza.

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Fig. 7

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Man slays his lover with panga ... and then hangs himself

A 27-year-old woman of Magangeni village outside Elim was allegedly chopped to death with a panga by her estranged boyfriend before he hanged himself last Wednesday (26th).

Ms Nkondeni Muhali was allegedly killed by her boyfriend, Mr Antony Mahanchi (53), in the village before he hanged himself inside his house. The community members of Magangeni and family members of the deceased are still traumatized by the incident.

According to the police report, Muhali had visited her boyfriend, Mahanchi, at his house at Magangeni when the incident happened. "It appeared that the two had differences which led them to quarrel before the incident," family members said.

Muhali was supposed to meet her sister, Suzan Munyai, at the social grant pay point the day she was killed.

When she did not show up, Munyai decided to call her sister. Mahanchi answered the phone and told her that she would never see her sister again. Munyai did not take it too seriously at first, but when her sister did not return home that Wednesday, she started to panic.

Mahanchi's neighbours also started to wonder why they hadn't seen him for two days in succession. On Thursday, the neighbours went to Mahanchi's house to investigate. They found the doors locked, but there was a bad smell coming from the house. The neighbours then decided to call the police.

When the police arrived, the door was still locked. They had to break open the door, only to find Muhali's lifeless body next to the door, while Mahanchi was hanging from the roof inside the house.

The spokesperson for the Waterval police, warrant officer Kedibone Mabatha, confirmed the incident.

"We suspect that the incident might have happened on Wednesday. When we were called last Thursday, we discovered Muhali's lifeless body inside Mahanchi's house. Mahanchi's lifeless body was hanging from the roof. It appeared that the man had killed his girlfriend before he committed suicide. We discovered a panga lying next to Muhali's body," he said.

He added that the police had opened a case of murder.

"We had also opened an inquest docket, because we do not know whether the man committed suicide after killing his girlfriend or whether they were both killed by someone else. Investigations are still continuing to determine what had really happened," said Mabatha.

A lot of killings of this nature have been reported to have happened in the Waterval area in the past weeks. Mabatha is now calling upon all people who might be having marital problems to consult the social workers for counselling, rather than resorting to killing each other.

According to the family members of Muhali, she will be laid to rest at the Mpheni cemetery tomorrow (Saturday).

Dowelani Muhali (27) was allegedly chopped to death by her boyfriend before he committed suicide.

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Headman charged with murder

Community members and family members from both the Nemutalwi and Nduvheni clans packed the small Court B at Mutale on Wednesday last week. This was during the appearance of a well known traditional leader, who was charged with murder.

Headman Edzisani Frank Nemutalwi (72), of Mutalwi village near Mutale, briefly appeared in the packed Mutale Magistrate court after he had allegedly strangled his girlfriend to death in what is believed to be a love affair gone sour.

The murder, which allegedly occurred on Monday evening two weeks ago, left the whole community confused. Nemutalwi is alleged to have fallen in love with the deceased, Mukondeleli Nduvheni (42), who was married to another man in the village. Their love affair has been described as violent from the onset, as they used to quarrel all the time. It is alleged that on the day in question, the two quarreled and a struggle ensued, during which the accused overpowered the deceased before throttling her to death.

The community of Mutalwi and the surrounding villages such as Ngalavhani and Gwangwatini are still in a state of shock as it was claimed the deceased had consumed poison, but it later emerged that she was bleeding from the mouth and ears and her hand had also been broken. To complicate the matter, subjects look up to a traditional leader for a good life and protection, but he is the one suspected of killing one of his subjects.

Ms Nndidzulafhi Nduvheni, the deceased's elder sister, was still shocked about her sister's death and said she nearly fainted when she heard her sister had collapsed and died in a fight with her boyfriend.

Continues on p2

Mukondeleli Nduvheni (42), who was allegedly throttled to death by her boyfriend.

Fig 8

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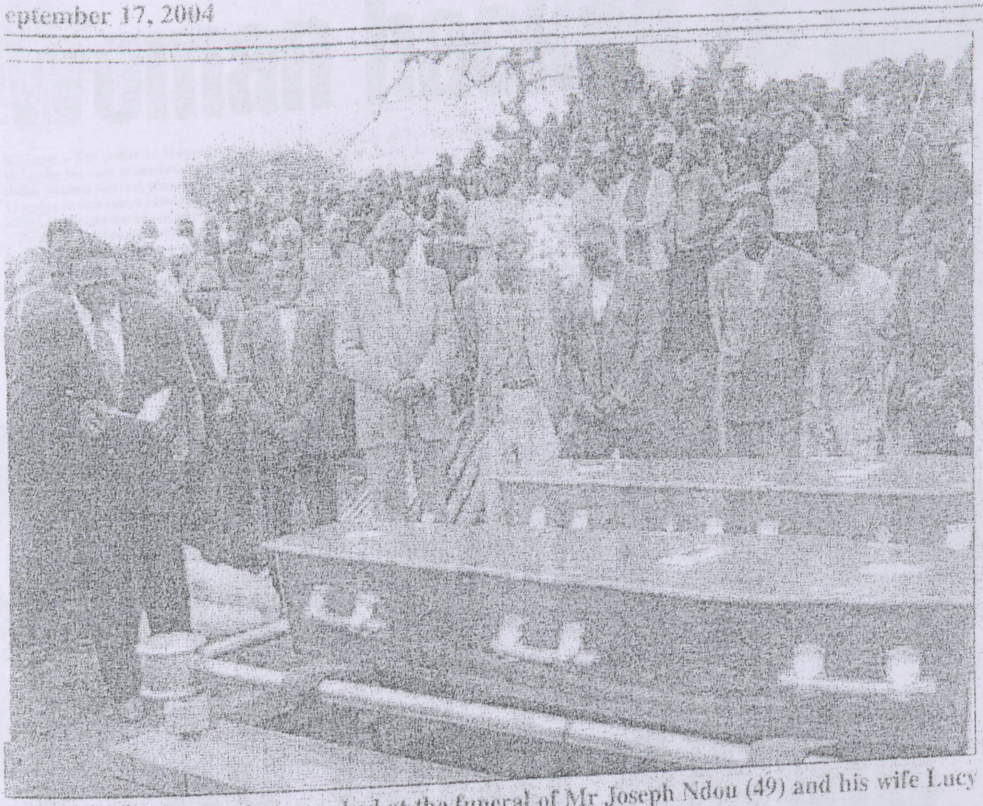
Fig. 9

MIRROR
eptember 17, 2004



Devastated mourners photographed at the funeral of Mr Joseph Ndou (49) and his wife Lucy (44) on Saturday.

Couple buried after tragedy

By Elijar Mushiana

MUKULA - On Saturday, hundreds of shocked and devastated mourners were paying their last respect during the funeral service of a man who hacked his wife to death before taking his own life, at the rural area of Mukula-Mukondeni in Venda.

Mr Joseph Ndou (49) who fathered five children chopped his wife Mrs Lucy Ndou (44) to death in front of his second born son, Azwidihwi Ndou (22). The son tried to intervene but was also chopped by the angry father, and rushed to the Donald Fraser hospital for treatment.

He was later found dead, hanging from tree in his orchard nearby his home.

Capt Ailwei Mushavhamamadi, spokesperson of the SAPS in Vhembe, told *Mirror* that police in Vhembe had opened a murder and inquest docket following the death of the couple, although both of them are dead. "We are pleading the families who are experiencing problems to visit pastors, counselors and social workers and not to try to solve their problems on their own. We as the police officers we are condemning the con-tinuous family tragedies, which are happening in Venda. Five children are left without anyone to look after them, but the eldest son, Eric Ndou (25) told *Mirror* that he is going to be a mother and father of four children.

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Fig 10.andFig.11.

Woman hacked to death

MOPANI – The police in Mopani are investigating two cases of murder, following two similar incidents that took place in the area last Thursday. In each case, a person was allegedly killed and a person committed suicide.

The first incident took place at Shimange village near Giyani at about 18:30. According to the police spokesperson in the area, Capt Moatshe Ngoepe, the victim, Mothenjo Kashokwe (38), was on the way home when the incident occurred. She met her friend, Sunday Mothelo (35), along the way. According to

the police statement, the two walked together in the direction of Kashokwe's kraal.

Along the way, Mothelo allegedly started hacking Kashokwe with a panga.

A certain man arrived at the scene during the ordeal. When he intervened, Mothelo left the scene and ran towards the surrounding bushes.

As the scene, Kashokwe was bleeding profusely. She was later taken to the Kakhensani Hospital where she was certified dead on arrival.

The second incident took place shortly after the first one. A dead body was found hanging from a tree in the bushes the following day.

The other incident took place at the Tel-a-bakae settlement in the Giyani area on the same day. According to the statement, the deceased, Pogisa Ndabi (20) and her boyfriend, Yusi Chabane (21), were watching television during the night of the

At about 23:00, they told [illegible] that they were going to bed.

Their dead bodies were found hanging next to each other in the street the following morning.

According to the statement, Pogisa's body was found dressed in the same clothes she was wearing the previous night. Chabane's body was found wearing a pair of jeans only.

In the statement, the police advised people to be patient and to start communicating with their partners when they have problems. "We believe that communication is the only way to deal with problems."

Jilted lover chops ex with panga

By Frank Mavhungu

MOPANI – The police in Mopani are investigating a case of murder, attempted murder and suicide. This follows a dramatic incident that took place at the Magagapate settlement near Giyani on Monday at about 20:00.

According to the spokesperson of the police in Mopani, Capt Moatshe Ngoepe, it is alleged that the deceased, Bethuel Mamaila (29), had proceeded to his former girlfriend's home during the night of the incident. The statement indicates that the occupants of the deceased's home saw Mamaila from a distance.

They dispersed and locked themselves inside different rooms, after realizing that the deceased was armed. The victim, Mokgadi Maake (20), and her mother locked themselves inside one room. On arrival, Mamaila forced open the door of the room in which Maake and her mother, Mrs Rosemary Lebea (60), had locked themselves.

According to the police statement, he chopped Maake with a panga on the head, until she collapsed and died at the scene. He then proceeded to Lebea whom he also chopped on the head. Lebea was later taken to the nearby Nkhensani Hospital, where her condition was reportedly stable at the time of going to press.

Mamaila went back to his home after the incident. The statement indicates that, on arrival at home, he allegedly drank a poisonous liquid substance. The police found him lying in the street later that night. They took him to Nkhensani Hospital, where he died on Tuesday morning.

According to the statement, Maake and Mamaila had a love affair over the past years, and that Maake had jilted him recently.

Mamaila was not willing to part ways with Maake, and he consequently developed a spirit of jealousy towards her. The investigation continues.

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Man shoots children

Nyambeni Mandiwana

A TAXI-OWNER shot and killed his girlfriend and her two granddaughters before committing suicide at Murunwa Village last Friday.

Roderick Nditsheni Nemakonde (66) was seemingly frustrated after Irene Tshidzumba's (55) son, Mulalo (23), got a protection order against him because of his violent nature. Nemakonde went to Murunwa Village where Tshidzumba and her children stayed to talk to her about the matter.

An argument followed and Nemakonde shot and killed Tshidzumba and her granddaughters Ompha (6) and Wanga (4 months) before turning his 9 mm pistol on himself.

Mulalo went outside to phone the police when Nemakonde arrived and heard the first gunshots. "I was still busy calling the police when I heard gunshots. He was killing my mother and my four-month-old daughter.

"I saw my daughter Ompha screaming and running towards the gate. A bullet struck her in the leg and she fell to the ground," said Mulalo, adding that he then saw Nemakonde run towards Ompha and he fired another two [illegible]ts.

"Nemakonde retu[illegible]ed to the house where he shot himself and died instantly," Mulalo said.

Tshizumba's bereaved daughter Joyce Rambau (37) said the family problems started in March this year when Mulalo applied for a protection order to stop Nemakonde from entering their homestead. This in turn angered Nemakonde who insisted that Mulalo must leave so he could stay in peace.

Nemakonde came to the village last Tuesday and threatened Tshidzumba's youngest daughter, Dakalo (18) with a gun. He blamed her for wasting money at school, since her mother sent her to a private school. "We tried to [illegible] a case against him with the police but Siloam police just spoke to him," said Rambau. She continued by saying that the community was upset because the police did not act on the matter.

Police superintendent Ailwei Mushavhanamadi confirmed that the police have opened an docket.

The ward councillor Khathutshelo Mavhungu said it is the first incident of its kind in the area. Funeral arrangements are underway with the help of the Louis Trichardt Municipality.

"The four are going to be buried at Murunwa Village on Saturday," Mavhungu said.

Fig.12

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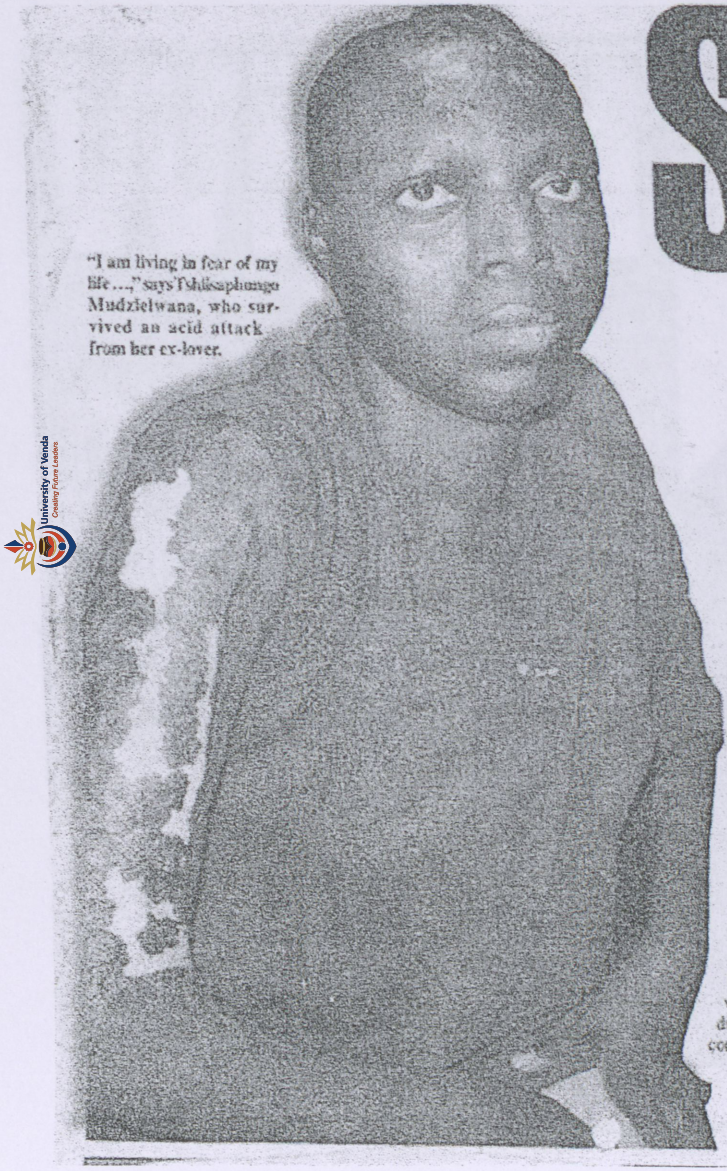

"I am living in fear of my life ...," says Tshiisaphungo Mudzielwana, who survived an acid attack from her ex-lover.

Scarred for life

By Chester Makana

A woman who narrowly escaped death after an acid attack, said she is living in fear of her life after an ex-boyfriend threatened to kill her.

Ms Tshiisaphungo Mudzielwana (31) of Sokotenda, Sibasa said she opened a case of attempted murder against the man in November last year, and he is making her life a living hell and now she lives in fear. "I was in love with him, but due to several differences, I decided not to continue with the relationship, because he was always accusing me of having affairs with other men. He also threatened to kill me and to serve the sentence if I die," said Mudzielwana.

She said that the jealous lover did not want her to work, because he felt that, once she ventured from her home, she would be propositioned by other men. After she had refused him, he allegedly took acid and threw it into her face.

"He found me while I was at my friend's work place. Afterwards, I wanted to join my friends for tea and he demanded that I had to go out with him. I declined because I was afraid that he would stab me with a knife, as he had threatened to do so," she said. After I had left my friend's workplace, he took out a small tin and poured acid over me and said that no one would ever love me again."

After the acid attack, she reported the matter to an organization working for the protection of abused women, but they could not help her. "Yes he was arrested, but he was granted bail and always when he passed me on the street, he kept on saying that he wanted to finish what he had started," she said in tears.

Last week, a protection order was issued against the suspect.

"Now, because I am afraid of him, I have even asked two boys to stay with me so that they can help me if necessary and to get through the long evenings," she said.

She said that, previously, he used to beat her and lock her inside her room for a week.

Thohoyandou Police's Communication Officer, Insp Nkanokeni Raedane, said an attempted murder case had been opened and the accused was going to be tried soon.

Mudzielwana told *Mirror* said that she was still experiencing a lot of pain, and was looking for assistance to cure the pain.

"The way I feel, is that the acid is still burning, because the pain is escalating," she said.

People who want to contact and help her, can phone her on 072 010 8000.

Fig.13

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WIPED OUT

A member of 15 SAI Battalion of the South African Defence Force, Rifi Meshack Khorbe (35), appeared in the Thohoyandou Magistrate's Court on Monday on four charges of murder. He allegedly went berserk on Saturday evening and mercilessly bludgeoned his wife and three children to death with a spade.

After the incident, Khorbe handed himself over to the police.

Mystery still surrounds the gruesome killing of the woman and her three children. At this stage, the police do not want to speculate about a possible motive for the killings. The incident has left the community of Mafefe outside Thohoyandou in a state of shock.

The deceased are Winnie Matodzi (27) and her three children, daughter Zwoneka (9), son Thendo (3) and baby girl Madivha (9 months).

It is alleged that a heated argument ensued between the husband and wife over a suspected extramarital affair. A resident of the village, Mr Edward Negudama, said he was at a tavern not far from the scene at about 21.00, when someone came running and telling people of what had happened.

"I was enjoying my beer and dancing to music as there was group performing at the time and I had to follow others to the family," he said. "The scene that greeted us shocked everyone - bodies with gaping wounds and soaked in blood lay sprawled everywhere. It was a real house of horrors," he said.

Grief-stricken Grace Matodzi, mother of Ms Winnie Matodzi, said the incident has left her family stunned. "We heard that the couple had had differences over an alleged new love in Khorbe's life some two months ago, but we thought everything had been solved," she said sobbing. She added that the marriage was an abusive one and her daughter was like a slave in her own home. "My daughter was a prisoner; she never enjoyed life and she lived a miserable life till to the end," she said.

(Continues on page 2)

Inset: The mother of the children, 27-year-old Winnie Matodzi (left), 9-year-old Zwoneka (right), 3-year-old Thabelo (middle top) and 9-month-old baby Madevha (middle bottom).

Fig. 14(repeated)

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Woman shot in cold blood

At a time when women are celebrating Women's Month countrywide, a woman lies dead at a mortuary, allegedly killed by somebody she once called a lover; somebody who was supposed to care for her and protect her. This is the sad reality facing our country today, where men have no respect for life and think they can do as they wish at any given time.

Lufuno Tsevheli (28) of Matsheha Village outside Musina is but one of the ever-increasing number of women in the country who have been killed by people they trust. She died tragically after her boyfriend had allegedly fired three bullets into her body before fleeing the scene. The incident happened at the Gombamemi Eating House at Musvodi Dipeni near Musina on Monday.

Shandukani Tsevhali, Lufuno's sister, said that the relationship between the two was the envy of the community as they were always together. She said that it was only recently that their relationship soured and they could not see eye to eye anymore. "This surprised us very much, as we could not find the reason for their split. All I can say now is that my sister was always complaining that she had had enough of her boyfriend, who was always assaulting her and threatening to kill her," she said.

She said that matters became worse after the boyfriend started following her to her place of employment.

"She would always complain that her boyfriend was harassing her on the phone until she gathered enough courage and obtained a protection order against him," she said. Shandukani said that her sister phoned her to tell her that her boyfriend was not abiding by the court order and was continuously giving her a headache. She told me that she was going to report him at the local satellite police station. She said the two were called to the satellite station on Monday and their matter seemed to have been resolved amicably. "I was very shocked to receive the bad news that my sister had been shot and killed in cold blood, not far from the satellite station," she said.

"We are still very shocked and it is very hard to believe that my beautiful sister is gone forever," she said. She said that the family only depended on her, as she was the only one working in the family. "Life will be very hard from now onwards, as we have three other children from my late sister. We all depended on her; she was the pillar of the family," she said. "Lufuno was like a father figure to all of us and we miss her dearly," she said.

Ms Matsithe Tsevhali, mother of the deceased, was overcome with grief.

"My son, what else can I say? My other half is gone; she was everything to me and life will never be the same. May this man receive the ultimate penalty and rot in hell," she said.

The chairperson of Musina Mir Mevi Men's Forum, Mr Bardwell Mudzanwani, said that it was sad to see that some men were still determined to solve their problems through the barrel of the gun. "As we go out preaching the gospel against violence, some people who claim to be men are going out killing our people. We have to stop them in their tracks once and for all," he said. Const Peggy Ramavhunga of the Tshamutumbo police confirmed the incident. She said that a 35-year-old man, who is working as a nurse at Musvodi Clinic, has been arrested and will appear in court soon.

She urged all couples with problems not to hide them from others, but to share them so that they could be resolved. "There are many trained personnel waiting to assist whoever has a problem. Let us all utilize them and not resort to violence as a way out," she said.

At the time of going to press, no funeral arrangements had been made public by the family.

A photo (taken 4 years earlier) from a family album of the deceased, Lufuno Tsevhali.

Fig15

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STATISTICS OF APPLICATIONS OF PROTECTION ORDERS MONTLY-AN EXAMPLE

Thohoyandou

MARCH 2007

	DESCRIPTION	NUMBER FOR THIS MONTH
(c)	Set aside	
11.10	Orders granted for recovery of arrear maintenance with interest on application of public prosecutor in criminal case (section 40)	
11.11	Listings in the credit bureau (section 31(4))	
SECTION 12	DOMESTIC VIOLENCE	
12.1	Applications received	129
12.2	Temporary orders issued	124
12.3	Protection orders granted	16
12.4	Cases on domestic violence that went to trial	12
12.5	Protection orders made final	3
12.6	Applications made to set aside protection order	1
12.7	Warrants of arrest issued for breach of protection order	1
12.8	Warrents executed	5
12.9	Cases heard on breach of protection order	2
12.10	Domestic violence cases withdrawn	1
12.11	From the applications received, what are the most common causes of domestic violence? Child support, grant, extra-Marital affairs, Maintenance	
12.12	Do you have a local inter-sectoral committee to address problems with other departments (such prosecutors, police and social workers) on domestic violence matters?	Yes / No
12.13	Do the prosecutors experience problems in successfully bringing domestic violence cases to trial?	Yes / No
12.13.1	If yes, please specify	
SECTION 13	ESTATES	
13.1	Dealt with in terms of R200 of 1987:	
13.1.1	Estates registered	
13.1.2	Estates finalised	

10

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August 2007 Thohoyandou

	DESCRIPTION	NUMBER FOR THIS MONTH
(c)	Set aside	
11.10	Orders granted for recovery of arrear maintenance with interest on application of public prosecutor in criminal cases (section 40)	
11.11	Listings in the credit bureau (section31(4))	

SECTION12	DOMESTIC VIOLENCE	
12.1	Applications received	75
12.2	Temporary orders issued	41
12.3	Protection orders granted	41
12.4	Cases on domestic violence that went to trial	27
12.5	Protection orders made final	13
12.6	Applications made to set aside protection order	03
12.7	Warrants of arrest issued for breach of protection order	01
12.8	Warrants executed	01
12.9	Cases heard on breach of protection order	01
12.10	Domestic violence cases withdrawn	
12.11	From the applications received, what are the most common causes of domestic violence? Child support, drunkenness, Sexing, Marital affair, Children not respecting their parents, Dismissed parents fighting for custody of children.	
12.12	Do you have a local inter-sectoral committee to address problems with other departments (such prosecutors, police and social workers) on domestic violence matters?	Yes / No
12.13	Do the prosecutors experience problems in successfully bringing domestic violence cases to trial?	Yes / No
12.13.1	If yes, please specify:	

SECTION 13	ESTATES	
13.1	Dealt with in terms of R200 of 1987:	
13.1.1	Estates registered	
13.1.2	Estates finalised	

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August 2007 Thohoyandou

	DESCRIPTION	NUMBER FOR THIS MONTH
(c)	Set aside	
11.10	Orders granted for recovery of arrear maintenance with interest on application of public prosecutor in criminal cases (section 40)	
11.11	Listings in the credit bureau (section31(4))	
SECTION12	DOMESTIC VIOLENCE	
12.1	Applications received	35
12.2	Temporary orders issued	21
12.3	Protection orders granted	21
12.4	Cases on domestic violence that went to trial	21
12.5	Protection orders made final	19 1
12.6	Applications made to set aside protection order	03
12.7	Warrants of arrest issued for breach of protection order	03
12.8	Warrants executed	01
12.9	Cases heard on breach of protection order	01
12.10	Domestic violence cases withdrawn	01
12.11	From the applications received, what are the most common causes of domestic violence? Child support, grant, maintenance, sexual, married affair, children not respecting their parents, divorced parents fighting for custody of children.	
12.12	Do you have a local inter-sectoral committee to address problems with other departments (such prosecutors, police and social workers) on domestic violence matters?	Yes / No
12.13	Do the prosecutors experience problems in successfully bringing domestic violence cases to trial?	Yes / No
12.13.1	If yes, please specify	
SECTION 13	ESTATES	
13.1	Dealt with in terms of R200 of 1987:	
13.1.1	Estates registered	
13.1.2	Estates finalised	

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LETTER OF APPROVAL TO CONDACT A STUDY FROM THOHOYANDOU MARGISTATE OFFICE

SCHOOL OF HUMAN & SOCIAL SCIENCES

Mr Mudau N.A.

Please attend as discussed

17/1/2

School of Human Sciences
Department of Sociology

Attention: Mudau A.W
Head of the Court
Magistrate (THOHOYANDOU)
Private Bag X5005
THOHOYANDOU
0950

07/08/01

APPLICATION FOR PERMISSION TO CONDUCT A STUDY

Rendani Tshifhumulo, Student Number 9100473, is a registered PhD student at the University of Venda in the Department of Sociology. Presently she is evaluating the effectiveness of protection orders in deterring future occurrences of abuse. This is a triangulation of both qualitative and quantitative methods. She needs assistance in getting statistics of (1) people who applied for protection orders, (2) those that were breached, and (3) the numbers of women who have been killed by their husbands or partners within the Thohoyandou Policing Area. She will also need to find out experiences from victims who received protection orders previously through interviews. We will greatly appreciate it if your office can assist in this regard.

Many thanks

Yours Sincerely

Mokhahlane

Dr. P. Mokhahlane
Senior Lecturer and Supervisor of the student
Department of sociology

Permission granted and communicated to the applicant on 2007.08.06 in my office at 14h25. He agreed morightly discussed with applicant 07/08/06

MAGISTRATE/MAGISTRATE

084 559 5987 Rendani

UNIVERSITY OF VENDA

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