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# Protection orders protect many women from intimate partner violence: findings from four provincial sites in South Africa

## Introduction

For almost 30 years, South African women experiencing violence from their husband or boyfriend (intimate partner violence) have been able to apply for Protection Orders. The Domestic Violence Act of 1998, and its 2021 Amendment, are the most important pieces enabling legislation. With gender based violence (GBV) declared a national disaster, protection orders have assumed a central legal role in its prevention. The Department of Justice and Constitutional Development's 2025 annual report for the financial year 2024/2025 states that it granted and served 50 689 protection orders for domestic violence, which includes intimate partner violence and violence from other domestic perpetrators. This large number shows that protection orders are widely accessible nationally.

Despite being the most widely available legal GBV prevention initiative in the country, we have limited information about whether protection orders work to protect women from violence from their partner. A key question is: **Do protection orders protect women from partner violence?**

## KEY MESSAGES

Most women who want a protection order for partner violence are granted one by a court and succeed in finalising it, if they apply to do so.

Protection orders protect most women from partner violence, but they do not provide protection for all women.

Women with the most violent partners receive less benefit from protection orders and other protective measures are needed.

The special provisions of safety monitoring, emergency monetary relief and weapons confiscation are useful, but more needs to be done to make them known and more accessible.

## The protection order application process

Protection orders are granted through a two-stage application process. An application is lodged and an interim protection order is first granted; this order must be served, and then an application will be heard by a magistrate before a protection order is finalised. The process for applying for an interim protection order, and pitfalls that may be encountered, is shown in Fig. 1 and the process for a finalising a protection order, with possible pitfalls, is shown in Fig. 2.

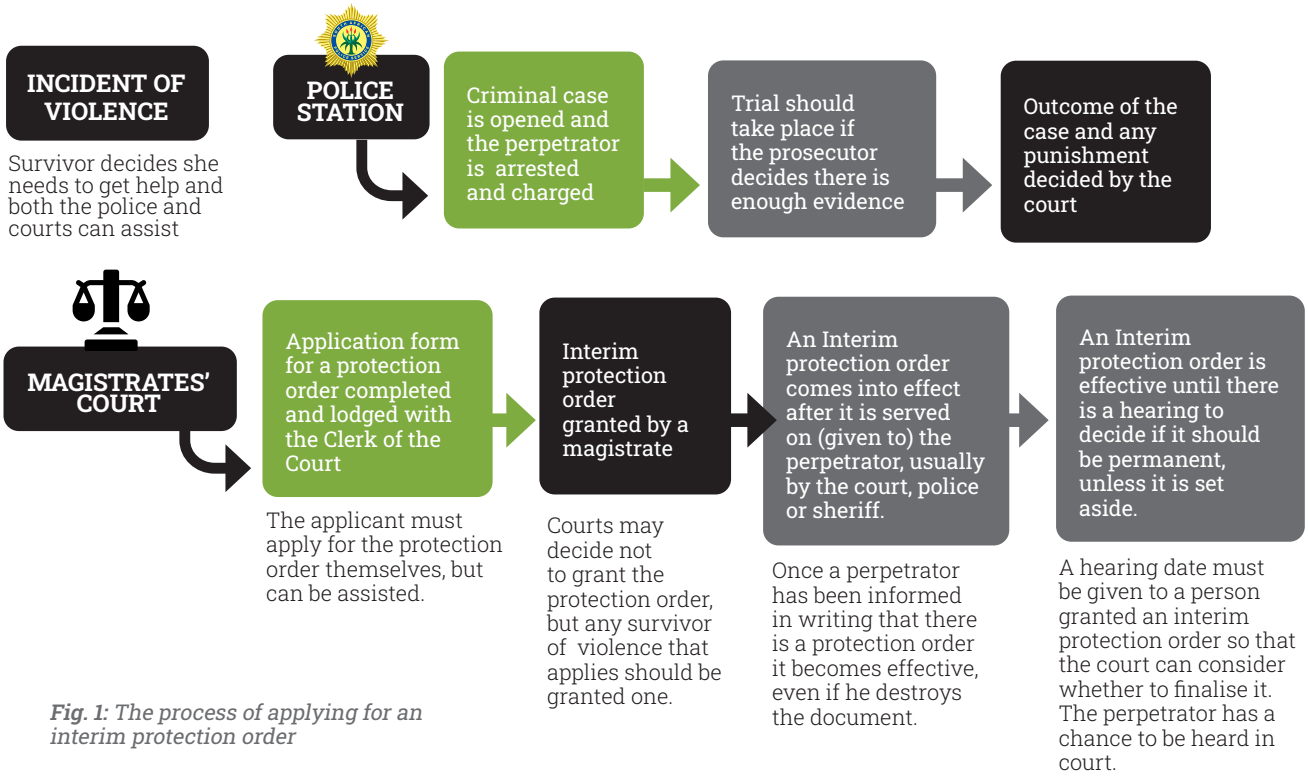


*Fig. 1: The process of applying for an interim protection order*

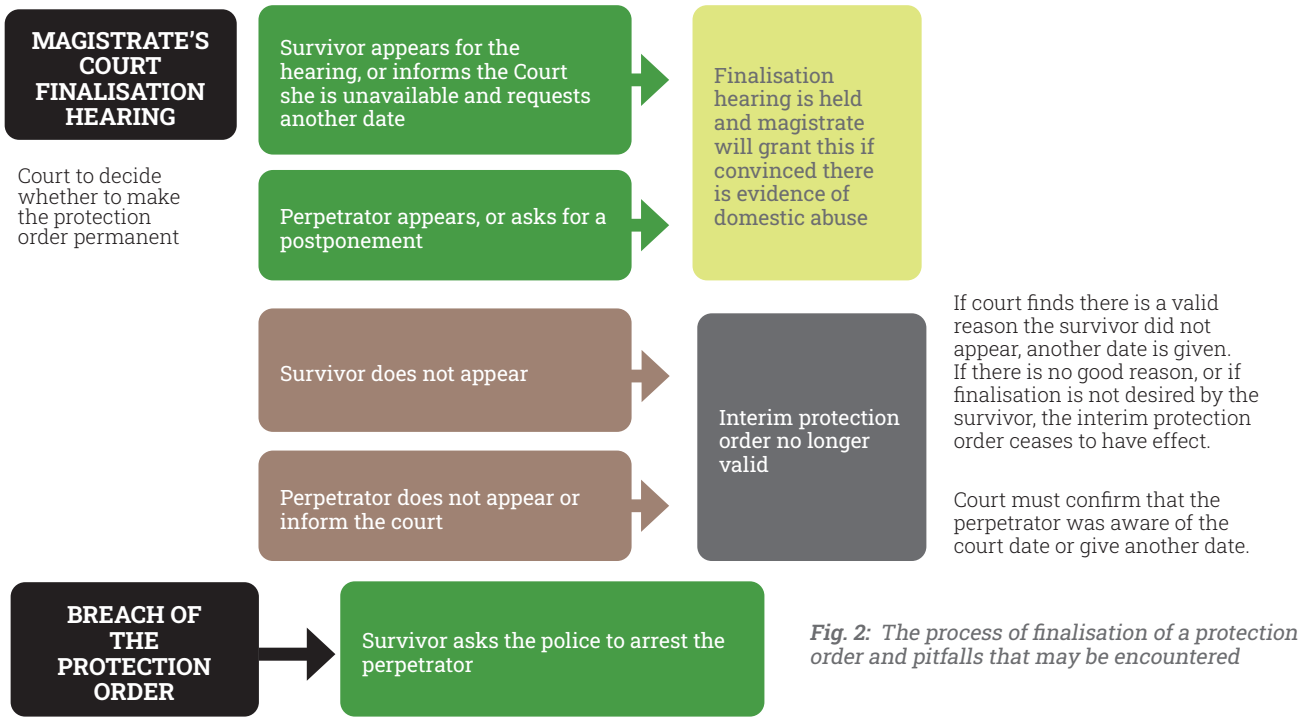


*Fig. 2: The process of finalisation of a protection order and pitfalls that may be encountered*

## Study methods

We recruited and conducted research interviews with 9 674 women aged 18–45 years who reported experiencing severe violence from their husband or boyfriend in the preceding 12 months as part of an ongoing longitudinal study conducted in four provinces: Gauteng (Tshwane), KwaZulu-Natal (eThekwini), Limpopo (the Waterberg), and the Western Cape (the Cape Winelands). The women had been hit (e.g., with a fist or object), strangled, kicked, dragged, beaten, or threatened with/injured by a weapon, raped or subjected to other unwanted sexual acts, and/or had threats to kill or harm their children, stalking, or they felt fear from their partner. Data were collected using interviewer-administered questionnaires programmed on Research Electronic Data Capture (REDCap). Study participants were recruited through community outreach, from the courts, non-governmental organisations, victim empowerment programmes, and police stations. Respondent-driven sampling was also used; this is a chain referral sampling method whereby women interviewed encourage others like them from their social networks to participate. All participants completed a questionnaire and were given psychological support.

## Key findings

### 1. Most women who experience severe intimate partner violence and are eligible for a protection order do not apply

We interviewed a very large group of women from four diverse areas of the country about their experiences living with a severely violent partner. We asked them all if they had applied for a protection order, as all of them would have been eligible for one. Only 22.5%, that is 2 181 women of our total sample of 9674 women, had tried to apply for a protection order. This number may not be directly generalisable to the whole of South Africa, but the findings certainly suggest that most women who might benefit from a protection order do not at present try to apply for one.

### 2. Most women who tried to apply for a protection order submitted an application although some were discouraged or found the application process to be an overwhelming challenge

Among the women who thought of applying, most managed to submit an application (Fig. 1). However, some of the women interviewed were persuaded not to do so by members of SAPS or court officials. Others were given application forms without help to complete them and found themselves overwhelmed by the task, not least because the forms must be submitted in English. Some women described taking the forms home and their partner finding them and tearing them up or otherwise intimidating them. A few described how members of the police or social workers had offered to complete the forms and submit them on their behalf, perceiving that this could be done without her further involvement, which does not meet the legal requirement.

### 3. Most women who applied were granted protection orders

When women did apply, most were granted an interim protection order. Nine out of ten women (89.8%) who applied for an interim protection order were granted one (Fig.3). The main barriers women faced were related to the need to have the protection order served on the abusive partner, since a protection order does not come into effect until it is served. Some men could not be located; these were often violent men who were involved in other criminal activity and did not want to be found by a SAPS member or court official, for example because they had outstanding warrants of arrest. Men who had left the local area, temporarily or permanently, were also not served. In some cases, men were in jail or were being held pending trial, and they were not served.

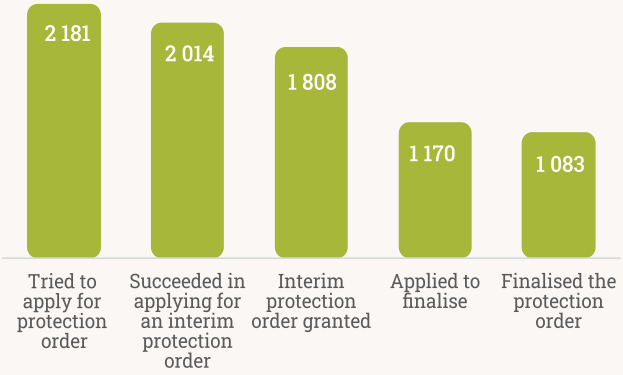


*Fig. 3: Number of women completing each stage of the process of trying to get a protection order*

There were some myths about protection orders, and women indicated to us that they had been misled in this regard by court officials or the police, whether intentional or not. The first myth was that someone in a detention facility cannot be served with a protection order; this is not the case. Several women described court officials telling them that a person awaiting trial in a correctional facility could not be served with a protection order. The second myth was that a protection order must be granted by a court in the location that a man lives. This is also untrue. At least one woman had been misinformed that she would have to get a protection order from a court that was local to where the man was living. The third myth is that a woman does not have a protection order if the document is destroyed by her partner when it is served on him. Some women said that their partner tore up the protection order after he was served, and women believed that that meant that the protection order would not be effective. They therefore did not engage with the system further, believing that they did not have a protection order, which was not the case. This belief was sometimes reinforced by misinformation provided by SAPS members. For example, one woman was told the protection order would need to be served again and that there would be a charge she would have to pay.

### 4. Two-thirds of women who had an interim protection order applied to finalise it

Two out of every three women who had an interim protection order applied to finalise the protection order. For those not applying for finalisation, the most common reasons were either that their partner or their family begged them not to go through with it, promising 'he would change' and/or offering apologies, which women believed. An equal proportion of women feared protection order finalisation would result in violence escalating, and that they would not be protected. Women were often anxious about the level of detail required for the final protection order application and feared it not being granted. However, when women applied, in almost all cases (92.3%), the final protection order was granted.

### 5. Most women found violence stopped or reduced after getting a protection order

In most cases, violence stopped or reduced after getting a protection order, although it did not protect all women (see Fig. 4). Almost three out of every four women (72.4%) benefitted considerably from getting a protection order. One in five women (20.5%) reported that the violence stopped; almost half (47.8%) reported that the violence reduced. For one in twenty (4.2%), the violence initially worsened and then reduced. However, there was no change for one in five cases (20.5%) and for a small group of women, violence worsened after the protection order was granted (7.1%).

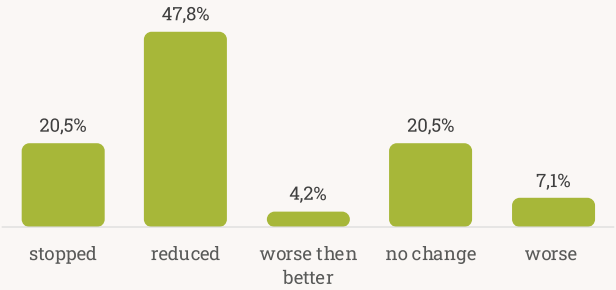


*Fig. 4: The impact of getting an interim or final protection order on violence experienced*

### 6. For women with a protection order, the biggest reduction in violence was found when women left the relationship, did not reconcile with their partner and finalised the protection order

For women with a protection order, the biggest reduction in violence was found among those who left their violent relationship, did not reconcile with their partner and finalised the protection order. One in three women reconciled with their partner after finalising their protection order, usually after he begged for forgiveness and promised to change. These women were at a continuing risk of violence. This is shown in Fig. 5. Women who did not reconcile were more than twice as likely to report that the violence stopped after they got a protection order, than for those finalising the protection order but later reconciling.

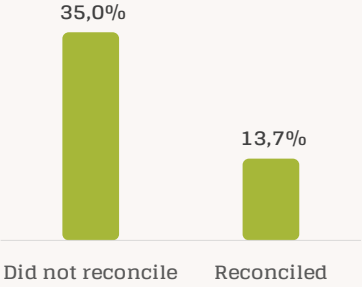


*Fig. 5: The proportion of women reporting the violence stopped after getting a protection order by whether women reconciled or not after getting the protection order*

## 7. Women with more violent partners, and with children fathered by such partners, were least likely to benefit from a protection order

Women in the most violent relationships were least likely to benefit from a protection order. Violence was much more likely to continue unchanged, or get worse, after getting a protection order for them. These were women who had been experiencing the most severe physical and sexual violence and whose partner stalked them (shown in Fig. 6 and Fig. 7). Protection orders were also less effective for women whose partner showed more antisocial, psychopathic, narcissistic and devious personality characteristics and behaviour, as reported by women. This included Machiavellianism (manipulative, deceitful, highly self-interested), splitting (dividing the world as they perceive it into all good or all bad) and blame externalization (perceiving themselves as a perpetual victim of bad luck). Women who reported their partners demonstrated these characteristics more strongly were less likely to see violence reducing after getting a protection order. It is possible this is because these men were more likely to manipulate women into rekindling the relationship and also women may have been more frightened of them and feared revenge. Women who had children with their abusive partner were also much less able to gain benefit from a protection order, because it was harder for them to cease contact with their former partner. Women who were married to violent partners were more vulnerable to continuing levels of violence than those who cohabited.

When women finalised the protection order, but still co-resided in a home with their violent (ex)partner, they experienced less violence when they had a safety monitoring notice. Women who were granted emergency monetary relief after getting a protection order were more likely to experience violence stopping. This may have been because they could separate from their partner.

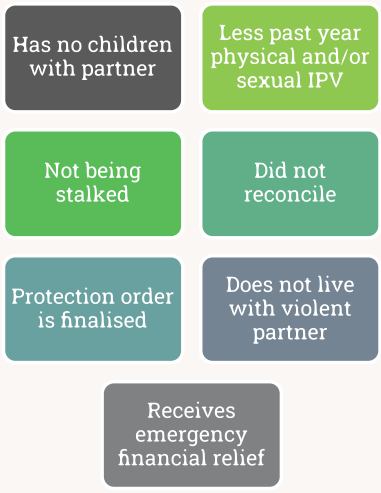


*Fig. 6: Factors that influenced whether violence stopped after getting a protection order*




*Fig. 7: Factors that influence whether getting a protection order is followed by a reduction in violence by partner*

## 8. Most women found getting a protection order useful

We asked women how useful it was for them to get a protection order on a scale from 1-10 with 1 indicating least useful and 10 most useful (see Fig. 8). Three quarters of women gained some benefit from a protection order and gave a score of 6 out of 10, or higher.

Women were rarely offered the special protections available under the Domestic Violence Act (of 1998) and Domestic Violence Amendment Act (of 2021) but these were helpful when made available.

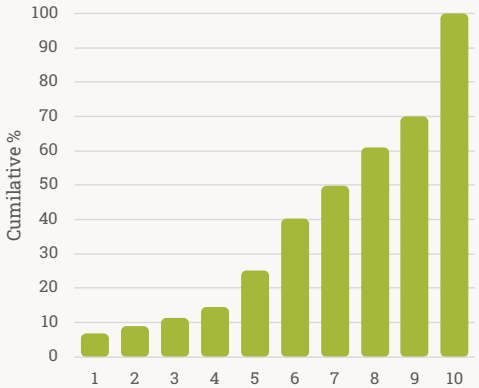


*Fig. 8: The cumulative frequency of women's ratings of the usefulness of getting a protection order*

## Emergency Monetary Relief

The 2021 Domestic Violence Amendment Act provides for emergency monetary relief to reimburse the costs women encountered when faced with getting medical care after injuries from intimate partner violence, being able to relocate after leaving a violent partner, the costs of court attendance and similar matters. However, this relief is only available as reimbursement for actual costs. We found that in most cases, women did not access it, as they were either not made aware of and/or not offered it. (Fig.9) .

However, we found that intimate partner violence was three times more likely to stop among women receiving it, compared to women not receiving it. Some caution is needed in interpreting this, as the number of women was very small (only 36 women received this). That is about 1 in 50 of the women. Many women reported that financial constraints made it difficult to pursue a protection order or leave a partner, as they could not afford the initial out-of-pocket expenses and did not know that they could apply for monetary relief.

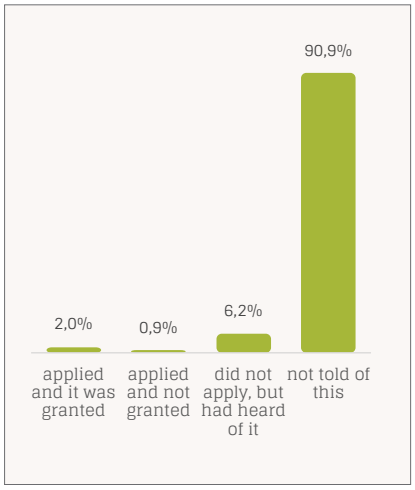


*Fig. 9: Applications for emergency monetary relief made by women with protection orders*

## Safety Monitoring Notice

The 2021 Domestic Violence Amendment Act makes provision for women who continue to co-reside with their partner after getting a protection order to have a safety monitoring notice. With this, the police will check in with her by phone or by visiting intermittently over a defined period of time to check her safety. In our study, only 1 in 5 of the eligible women had been told about it and only 1 in 10 applied and were granted it (Fig.10).

When women were granted a safety monitoring notice, police followed up in four out of five cases by checking up on them. Almost two-thirds (62.1%) of women who applied for this said they received more than one police check-in, a further 16.7% received one check-in and 21.2% describe there not being any check-ins on their safety. Despite these notices not always resulting in any monitoring, women who had a safety monitoring notice were more than twice as likely to find that violence they experienced reduced compared to women in a similar position who did not have one.

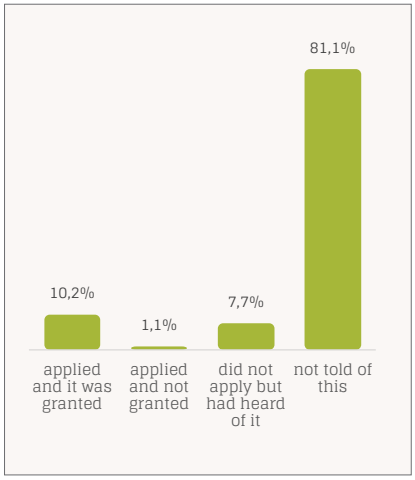


*Fig. 10: Applications for a safety monitoring notice made by eligible women (those who have a protection order and co-reside with their partner)*

## Weapons confiscation

When a protection order is granted, a woman can apply to the court to have her partner's weapons confiscated. We found that almost two-thirds of women (63%) whose partner had weapons were not told that they could ask for them to be confiscated (Fig. 11). About 1 in 5 women (22%) knew about this and did not apply. A small group (4%) applied, but this was refused. In total, only 1 in 10 women (11%) whose partner had a weapon were able to have this confiscated. This is an important provision and it should be much more readily accessible.

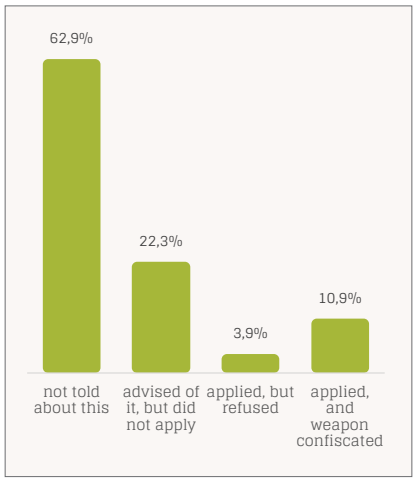


*Fig. 11: Availability of the provision for confiscating a partner's weapon, among women whose partners had a weapon*

## Conclusions

Most women who get a protection order benefit through reduced exposure to violence and for many women, it completely stops. This shows that protection orders should be promoted as a valuable tool in gender-based violence prevention. They are the most widely available public policy intervention in South Africa for assisting people experiencing intimate partner violence in all quarters of the country, most often women. The key message that 'protection orders protect women' needs to be widely communicated across our communities. At present, far more women stand to benefit from protection orders than those currently receiving them. Part of the problem is that public information and media reporting around protection orders is inadequate and usually negative. It can present a misleading picture of protection orders as papers without value, whereas we have shown that most women benefit from them.

A key challenge is to build community understanding of how a protection order works and who it can protect, what a protection order can enable and the special provisions that can assist applicants. It is also important to build an understanding of their limitations, including that protection orders are less able to stop a recurrence of violence if women remain in a violent relationship. Protection orders do not protect everyone equally. We must be realistic about the fact that protection orders may not be enough to protect women partnered by the most violent men. Women who end the relationship with violent men, cease contact with them, and finalise their protection order are the most able to become free from their partner's violence. However, we have shown that some women benefit when they do not leave relationships, or continue to co-reside with their partner but this is more limited. Providing this messaging for women seeking protection orders might enhance their overall effectiveness.

In our study, about one in ten women who tried to get a protection order, did not manage to complete an application. We need to make this task easier. There are challenges of language, as forms must be completed in English, and a general sense of being intimidated by officialdom. This is not insurmountable and more effort is needed to assist applicants to navigate the completion and submission of documents and to understand how a protection order works and what can be done should the provisions be violated.

There are some gaps in serving protection orders that result in women who partner some of the most violent and dangerous men being unable to get one. Some of these men are in jail, others move location, or simply avoid being served. All women who are granted a protection order by a Court should be able to enjoy the benefits of this and further innovation is needed to ensure that men cannot evade being served. One idea to explore is serving a protection order via electronic communication.

We have shown that special measures of emergency monetary relief and safety monitoring notices are very beneficial for the small group of women who received them. However, most women are not widely informed of their availability, nor are they informed of the possibility of weapons confiscation. We recommend that all applicants for protection orders be offered special provisions and asked about weapons routinely. Weapons confiscation must always be offered when these are owned by a party against whom a protection order has been sought. An important area to explore in future is whether financial relief can be available to women who are not able to make out of pocket expenditure and later seek to recoup the sums. There needs to be a mechanism for monitoring the scale of the provision of protection orders for intimate partner violence, the frequency of violations resulting in arrest, and monitoring the provision of special measures. Statistics need to be routinely collected and monitored.

Women who have children with violent men are also at risk, and the Children's Courts need to be aware of this and take it into account in proceedings related to custody and visitation rights. The risk for women with Protection Orders may start with revealing her place of residence to a violent male partner and alternative ways of protecting her privacy should be considered and implemented.

## Recommendations:

### Improved communication

Government communication, our diverse GBV responders, communities and the media should:

1. Make concerted efforts to raise awareness of protection orders and shift the public narrative to highlight their benefits for many women experiencing GBV.
2. Improve public understanding of how to obtain a protection order and the special provisions available, including emergency monetary relief, safety monitoring notices and weapons confiscation.
3. Communicate the likely limitations of protection orders for women with highly violent partners, and for women who remain in the relationship or in contact with their partner and consider safety planning for them.

### Enhancing and monitoring the provision of protection orders

The Department of Justice and Constitutional Development should:

1. Regularly publish and monitor statistics on protection orders granted for intimate partner violence, the frequency of violations resulting in arrest and the uptake of special provisions attached to them.
2. Further innovate around legal provisions to address the barriers to serving hard-to-reach men, including men who have relocated, are imprisoned or evade those who try to serve them.
3. Identify and address the barriers to informing women about special provisions , offer these provisions routinely as part of the protection order process rather than only on women's request, and monitor uptake.
4. Strengthen coordination between Children's Courts and Domestic Violence Courts so that custody and visitation proceedings take account of protection orders and do not reveal women's place of residence, force them to have continued contact with the violent partner or otherwise make them vulnerable.

### Supporting applications

The Courts and community GBV responders should:

Provide greater assistance in Courts for women making applications for protection orders and assistance navigating the language barriers posed by the need to complete the form in English, including translated forms and simple completion guides to assist understanding of the form's requirements.


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