

# TRANSLATING LEGALESE: WHAT DOES THE DOMESTIC VIOLENCE ACT MEAN?

Control  
Domestic violence  
Domestic Violence Act  
Intimate partners  
Power

- ✓ 1. Enable learners to define **domestic violence**.
- ✓ 2. Enable learners to recognise the behaviours that constitutes **domestic violence** under South African law.
- ✓ 3. Enable learners to understand how domestic violence differs from stranger/non-intimate partner violence.
- ✓ 4. Allow learners to understand domestic violence as a human rights violation.

⌚ 45 minutes

★ Copies of the **Translating Legalese: What Does the Domestic Violence Act Mean?** Worksheet for each learner

## PROCEDURE

- 1 Write the word 'domestic' on the board and ask learners to come up with a definition. They may suggest a definition such as:

**DOMESTIC:** Relating to the home or family relations.

- 2 Then write the word 'violence' on the board, and ask them to come up with a definition.

**VIOLENCE:** Extreme aggression that can include physical acts like hitting, punching, kicking, biting or hair pulling.

- 3 Now, break the class into small groups/pairs, and ask learners to come up with a definition of **domestic violence**. Get the learners to write these on sheets of paper, and stick these up on the board. You will return to these definitions later in the lesson.

- 4 Point out to learners that coming up with a definition of domestic violence is not as simple as putting the definitions of 'domestic' and 'violence' together, but that domestic violence encompasses much more than just physical violence that happens in the home.

- 5 Ask learners whether they know of any law in South Africa that deals with domestic violence. Ask them to name the law and to briefly describe what it does. Some learners may be able to identify that we have a Domestic Violence Act, and some may suggest that you can get a protection order (often also referred to as an 'interdict') under the law.

- 6 Tell learners that we do have a law against domestic violence – the Domestic Violence Act, which was passed in 1998. Tell learners our law is considered one of the best laws on domestic violence because it offers protection to a wide range of types of partners and against a large number of abuses. Tell them that they will now do an exercise to help them understand what the law says.

- 7 Give each learner a copy of the **Translating Legalese: What Does the Domestic Violence Act Mean?** Worksheet. Ask learners to identify (either individually or in small groups):

- Whether each couple is covered under the Act, and why (e.g. are husband and wife).
- What types of abuse are happening (as defined by the Act).

Debrief the activity by asking learners to share their responses in the class and debate the different answers. Refer to the Teacher's Answer Key (below) for suggestions.



8 To wrap up the discussion remind learners that:

- **Domestic violence** is a pattern of abusive and threatening behaviours inside of a family, a household or within a romantic, sexual or dating relationship, including marriage.
- Domestic violence takes a number of forms, including physical, emotional, verbal, financial and sexual abuse.
- Domestic violence is a serious problem that happens in every culture, socio-economic and social group
- Domestic violence has devastating physical, emotional, financial and social effects on women, children, families and communities around the world.
- An abuser uses domestic abuse to hold **power and control** over the other person.
- Domestic violence is most often used by men against their **intimate partners**.
- **Perpetrators** and **victims** of domestic violence come from all cultural, socio-economic, religious and educational backgrounds.
- Children in abusive households or families are victims of domestic violence too, even when they don't physically witness the violence, or aren't attacked themselves.
- Children are NOT responsible for the violence, and can NOT stop it.

## TEACHER TIPS

### General

Teaching about **domestic violence** is an extremely difficult topic for both learners and teachers. In every class and school there are likely to be **perpetrators** and **victims** of domestic violence. It is important for teachers to be mindful of this fact, and to make sure that the discussion doesn't single out individuals or vilify people (for example, 'fathers'). It is much more helpful to focus on the abusers' behaviours, by saying things like 'it is wrong when someone verbally abuses someone else' rather than saying 'your dad is wrong to abuse your mother'.

Different people in the class may have different opinions on what constitutes **domestic violence**, and what is acceptable behaviour. Do not entertain long debates on this topic, but rather refer to the definitions provided by the **Domestic Violence Act**.

Do not try and take on the role of counsellor to learners during the class. If a learner discloses that they live in an abusive house, acknowledge their disclosure (by saying something like 'It was very brave of you to tell us that') and ask them to come to you after class so that you can provide them with more assistance. Be prepared with the telephone numbers and information of NGOs or other counselling services that they could contact for assistance.

### Making the link with Gender & Violence

This lesson is directly focused on dispelling popular myths on **domestic violence**, and provides learners with the correct information. Learners who live in abusive households or who are in abusive relationships may not realise that they, too, are victims of domestic violence, and may not know what they can do to protect themselves.

### Assessment Ideas

Learners can be asked to identify a book, movie or television series which features a relationship that they consider to be abusive. Ask them to write a paper in which they decide whether the couple in question would qualify for protection under the **Domestic Violence Act**, and decide which terms of protection they may be able to ask for.





# TRANSLATING LEGALESE:

## WHAT DOES THE DOMESTIC VIOLENCE ACT MEAN?

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### WHO IS COVERED?

The Domestic Violence Act (116 of 1998) says in Section 1 that:

**'Domestic relationship'** means a relationship between a complainant and a respondent in any of the following ways:

- a.** They are or were married to each other, including marriage according to any law, custom or religion
- b.** They (whether they are of the same or of the opposite sex) live or lived together in a relationship in the nature of marriage, although they are not, or were not, married to each other, or are not able to be married to each other;
- c.** They are the parents of a child or are persons who have or had parental responsibility for that child (whether or not at the same time);
- d.** They are family members related by consanguinity (blood relation), affinity (someone like a mother or father-in-law, or someone who has grown up in your house like a brother, but who is not) or adoption;
- e.** They are or were in an engagement, dating or customary relationship, including an actual or perceived romantic, intimate or sexual relationship of any duration; or
- f.** They share or recently shared the same residence

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### WHAT IS COVERED?

The Domestic Violence Act (116 of 1998) says in Section 1 that:

**'Domestic violence'** means:

**a. Physical abuse –**

- Any act or threatened act of physical violence toward a complainant

**b. Sexual abuse –**

- Any conduct that abuses, humiliates, degrades or otherwise violates the sexual integrity of the complainant.

**c. Emotional, verbal and psychological abuse –**

- A pattern of degrading or humiliating conduct towards a complainant including repeated insults, ridicule, name calling.

- Repeated threats to cause emotional pain.
- The repeated exhibition of obsessive possessiveness or jealousy, which is such as to constitute a serious invasion of the complainant's privacy, liberty, integrity or security.

**d. Economic abuse –**

- The unreasonable deprivation of economic or financial resources to which a complainant is entitled under law or which the complainant requires out of necessity, including household necessities for the complainant, and mortgage bond repayments or payment of rent in respect of the shared residence.
- The unreasonable disposal of household effects or other property in which the complainant has an interest.

**e. Intimidation –**

- Means uttering or conveying a threat, or causing a complainant to receive a threat which induces fear.

**f. Harassment –**

- Means engaging in a pattern of conduct that induces the fear of harm to a complainant including repeatedly watching, or loitering outside of or near the building or place where the complainant resides, works, carries on business, studies or happens to be.
- Repeatedly making telephone calls or inducing another person to make telephone calls to the complainant, whether or not conversation ensues.
- Repeatedly sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant.

**g. Stalking –**

- Repeatedly following, pursuing or accosting the complainant.

**h. Damage to property**

- The wilful damaging or destruction of property belonging to a complainant or in which the complainant has a vested interest.

- i.** Entry into the complainant's residence without consent, where the parties do not share the same residence; or

- j.** Any other controlling or abusive behaviour towards a complainant where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the complainant.

# COMMUNICATION SCENARIOS

**For each of the following scenarios, identify:**

- 1 Whether each couple is covered under the Act, and why (e.g. are husband and wife).
- 2 What types of abuse are happening (as defined by the Act).

## SCENARIO 1 -

Lulu and her fiancée Thando are invited to a party. Lulu feels self-conscious because she doesn't know anyone at the party.



## SCENARIO 2 -

Alfred and Noma have lived together for 2 years.



# COMMUNICATION SCENARIOS

**For each of the following scenarios, identify:**

- 1 Whether each couple is covered under the Act, and why (e.g. are husband and wife).
- 2 What types of abuse are happening (as defined by the Act).

## SCENARIO 3 -

Paulo saw his adopted brother take money from his mother's bag yesterday ...



## SCENARIO 4 -

Jenny and Fabio have been married for 12 years.



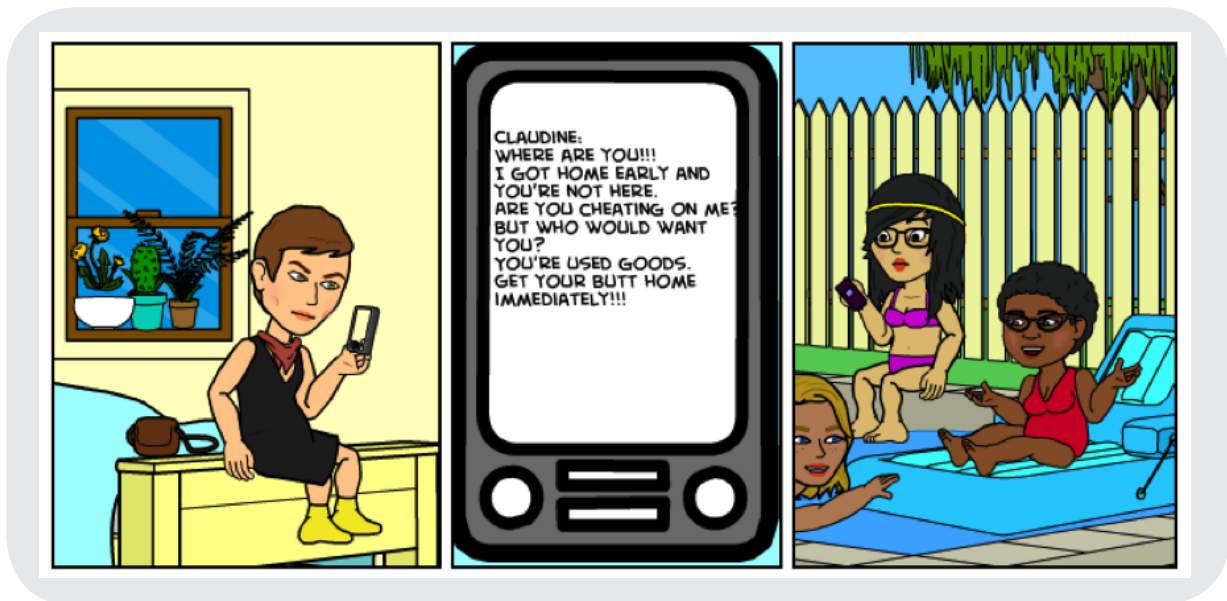
# COMMUNICATION SCENARIOS

**For each of the following scenarios, identify:**

- 1 Whether each couple is covered under the Act, and why (e.g. are husband and wife).
- 2 What types of abuse are happening (as defined by the Act).

## SCENARIO 5 -

Claudine and Jackie have lived together for 5 years. Although they aren't married, they tell everyone they are.



## SCENARIO 6 -

Olivia kicked her room-mate Juju out when he was violent. Now he keeps texting her...





# COMMUNICATION SCENARIOS

**For each of the following scenarios, identify:**

- 1 Whether each couple is covered under the Act, and why (e.g. are husband and wife).
- 2 What types of abuse are happening (as defined by the Act).

## SCENARIO 7 -

Anna believes she is in a relationship with Vuyo, even though he says that they aren't.



## SCENARIO 8 -

Zsasi and her girlfriend Lizzie lived together for 9 months. Zsasi broke up with Lizzie a month ago.



# COMMUNICATION SCENARIOS

**For each of the following scenarios, identify:**

- 1 Whether each couple is covered under the Act, and why (e.g. are husband and wife).
- 2 What types of abuse are happening (as defined by the Act).

## SCENARIO 9 -

Jenna and Adi who have been together for 2 months. After a night out with 'the boys', Adi kissed someone in a club.



## SCENARIO 10 -

Didi and Jacob were briefly together and have a child.





# WORKSHEET ANSWER KEY

SCENARIO	WHY DO THEY QUALIFY UNDER THE ACT?	ABUSIVE BEHAVIOUR
<b>1</b> Lulu and her fiancée Thando are invited to a party. Lulu feels self-conscious because she doesn't know anyone at the party. Thando gets angry because she wants to go home.	They are in an engagement relationship.	<b>EMOTIONAL AND VERBAL ABUSE</b>
<b>2</b> Alfred and Noma have lived together for 2 years. Alfred always gets aggressive with Noma when he sees her speak to other men.	Couple of the opposite sex live together.	<b>PHYSICAL ABUSE</b>
<b>3</b> Paulo and his adopted brother Jack. Jack saw Paulo take money from his mother's bag. He is too scared to say anything because Paulo will beat him up again.	They are family members related by adoption.	<b>PHYSICAL ABUSE AND INTIMIDATION</b>
<b>4</b> Jenny and Fabio have been married for 12 years. Sometimes Fabio forces himself on Jenny and has sex with her when she doesn't want to.	Are married to one another.	<b>SEXUAL ABUSE</b>
<b>5</b> Claudine and Jackie have lived together for 5 years. Although they aren't married, they tell everyone they are. Claudine gets home early and Jackie went for a swim at a friend's house.	Same sex lived together in a relationship in the nature of marriage.	<b>EMOTIONAL ABUSE</b>

# WORKSHEET ANSWER KEY

SCENARIO	WHY DO THEY QUALIFY UNDER THE ACT?	ABUSIVE BEHAVIOUR
<b>6</b> Olivia and her room-mate Juju, who she kicked out when he was violent. Olivia has been receiving threatening text messages from Juju and she is very scared.	Recently shared same residence.	<b>INTIMIDATION</b>
<b>7</b> Anna, who believes she is in a relationship with Vuyo, even though he says that they aren't. She follows him around. This make Vuyo feel uncomfortable.	Perceived romantic relationship.	<b>STALKING</b>
<b>8</b> Sasi and her girlfriend Lizzie lived together for 9 months. Sasi broke up with Lizzie a month ago. For the past 3 months Lizzie calls and texts Sasi while watching Sasi from a park opposite her house.	Were in dating relationship.	<b>HARASSMENT</b>
<b>9</b> Jenna and Adi who have been together for 2 months. After a night out with 'the boys', Adi kissed someone in a club. When Jenna found out she smashed his car windows.	In an actual intimate relationship.	<b>DAMAGE TO PROPERTY</b>
<b>10</b> Didi and Jacob who were briefly together and have a child together. After they broke up Jacob refused to pay their daughter Mara's school fees.	They are parents of a child.	<b>ECONOMIC ABUSE</b>