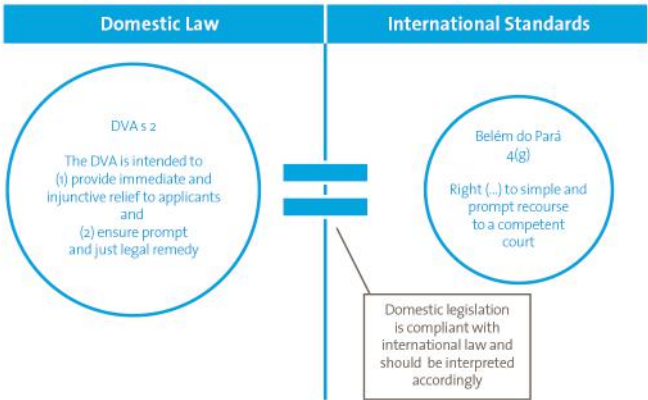


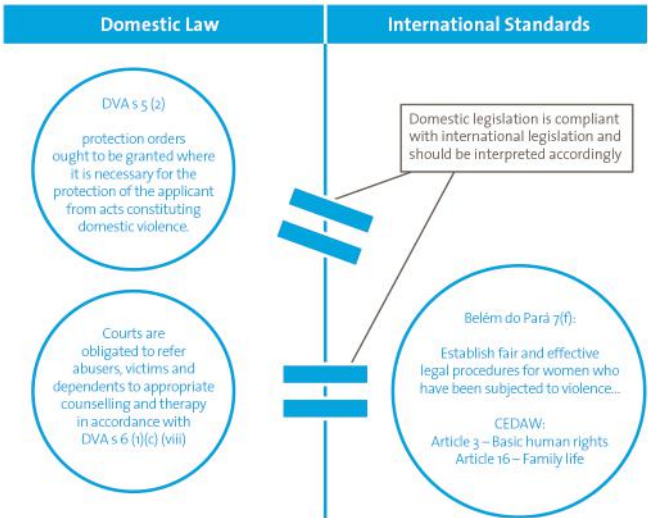
DOMESTIC VIOLENCE

Judicial Officers are advised to:

- **Contribute to effective and fair legal procedures by:**
 - o Promptly issuing interim protection orders and holding the main hearing before the expiration of the interim order;
 - o Granting interim orders in cases where delay would or might cause serious injury, undue hardship or create a risk to personal safety;
 - o Not allowing cases of domestic violence to remain for too long in the courts;
 - o Ensuring that they are not setting the requirements for obtaining protection orders stricter than domestic legislation requires.

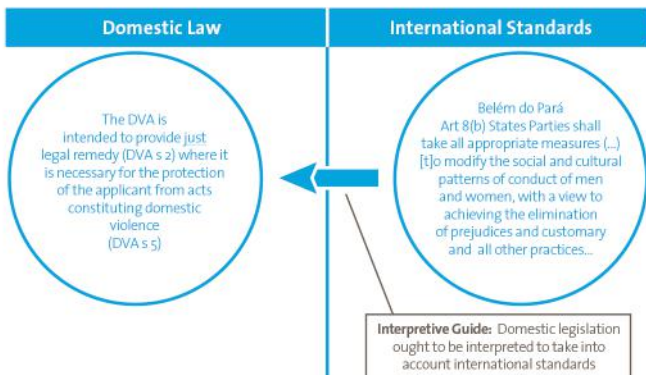


- **Offer survivors of domestic abuse legitimate protection by:**
 - o Providing separate waiting areas for parties involved in a domestic violence matter in order to minimise the likelihood of the abuser wittingly or unwittingly intimidating the applicant;
 - o Ordering the use of video recording and/or screens for children and vulnerable witnesses;
 - o Ensuring that, where appropriate, both the complainant and the abuser receive separate and specialised counselling in domestic violence cases.

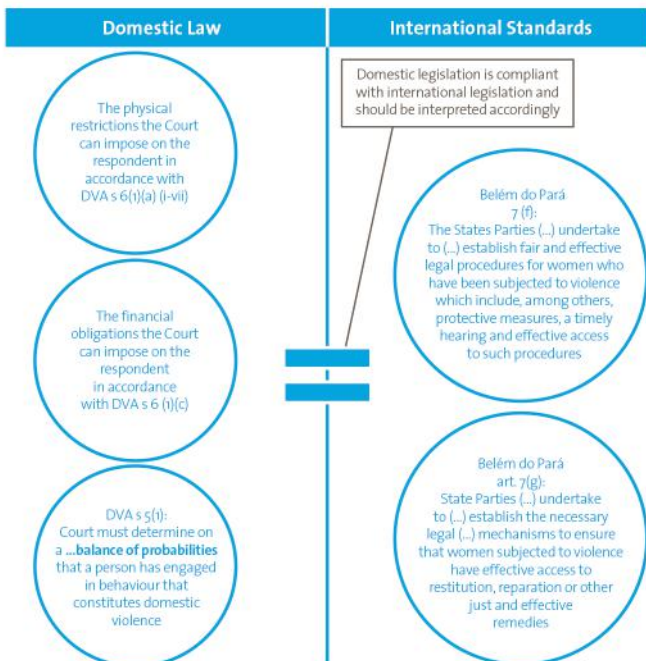


DOMESTIC VIOLENCE CHECKLIST

- **Eliminate biases and stereotyping regarding notions of domestic violence by:**
 - o Recognising that individuals, even though they are victims of abuse, have many legitimate reasons to return to their abuser, and this should not be a factor that militates against the need for protection.

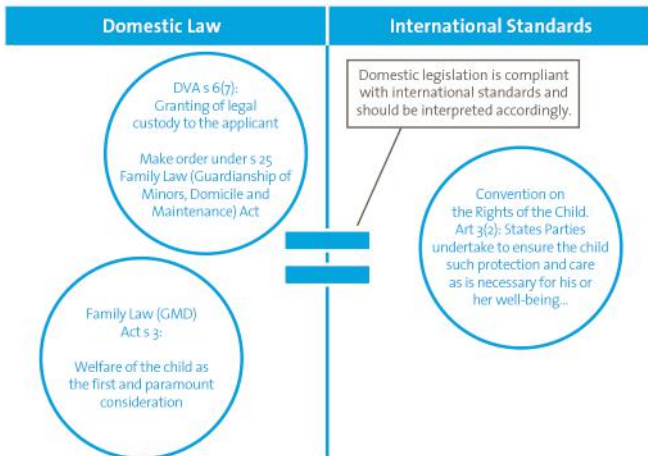


- **Provide effective remedies to assist an individual leaving an abusive relationship by:**
 - o Utilising the full range of judicial powers in order to ensure the complainant receives all the protection from abuse as provided by the Domestic Violence Act, s 6 (1) (a) – (f);
 - o Giving survivors of domestic abuse adequate economic protection by ordering the abuser to pay compensation for pecuniary losses and/or making payments toward the applicant’s rent and utilities;
 - o Ensuring that maintenance awarded to applicants will adequately provide for the needs of their dependents;
 - o Granting an occupation order, supplemented by other appropriate orders from section 6(1), in order to ensure that the applicant is not left homeless in his/her attempts to escape the abusive relationship;
 - o Ensuring that the procedure for obtaining evidence is gender sensitive and does not re-victimise the complainant.



• Protect children of abusive relationships by:

- o Granting custody of the child(ren) to the parent or guardian where there is least likelihood of the child being abused;
- o Ordering supervised visits in cases where the abuser is granted visitation rights;
- o Requesting that children receive counselling;
- o Ensuring that the abuser continues to pay maintenance.



• Ensure that the abuse does not take place again by:

- o Making sure to punish a breach of the protection order so as to deter the abuser from meddling with the applicant;
- o Considering whether a breach of the protection order also amounts to a non-indictable criminal offence under any relevant law and thereafter deal with both in the same hearing;
- o Encouraging applicants to follow through with criminal proceedings in cases where the abuse also constitutes a crime.

