



Empowering survivors of

Gender-Based Violence

PROTECTION ORDERS IN SOUTH AFRICA

What is a Protection Order?

A protection order is a court order designed to help protect a person who is experiencing domestic violence or abuse. The order can prohibit certain behaviours and provide legal consequences if the order is breached. Protection orders are available through the courts and may be used in situations involving physical, sexual, emotional, psychological, verbal, financial, or other forms of domestic abuse.

Who Can Apply?

You may apply for a protection order if you are experiencing domestic violence from someone with whom you have, or have had, a domestic relationship.

A domestic relationship may include:

- A current or former spouse
- A dating partner
- A current or former intimate partner
- A person with whom you share a child
- A family member
- A person living in the same household
- Certain other relationships recognised under the Domestic Violence Act.

In some circumstances, another person may apply on behalf of the victim where permitted by law.

What Can a Protection Order Do?

Depending on the circumstances, a protection order may prohibit the respondent from:

- Committing acts of domestic violence
- Threatening, intimidating, harassing, or stalking you
- Contacting you in certain ways
- Entering your home or workplace
- Enlisting another person to abuse or harass you
- Engaging in conduct specifically prohibited by the court.

The court determines what conditions are appropriate for each case.

Before You Apply

Try to gather as much information as possible.

Useful Information to Collect

Personal Information

- Your ID or identification documents (if available)
- Your contact details
- Details of any children involved

Information About the Respondent

- Full name

- Contact details (if known)
- Residential address (if known)
- Workplace details (if known)

Details of the Abuse

- Dates of incidents
- Description of what occurred
- Any threats made
- Any injuries sustained
- Whether weapons were involved

Evidence (if available)

- Photographs
- Text messages
- WhatsApp messages
- Emails
- Medical reports
- Police case numbers
- Witness details

Remember: You do not need perfect evidence to seek help. If information is unavailable, explain your circumstances to the court official assisting you.

HOW TO APPLY FOR A PROTECTION ORDER

Step 1: Go to the Nearest Magistrate's Court

You can apply for a protection order through a Magistrate's Court. The Department of Justice provides domestic violence court services and information regarding protection order applications. If you are unsure where to go, contact:

- Your nearest Magistrate's Court
- The Department of Justice and Constitutional Development

Step 2: Complete the Application Form

The official Application for Protection Order form (Form 2) is prescribed by the Department of Justice. The current form is available through the Department's Domestic Violence Forms webpage.

The application generally asks for:

Your Information

- Personal details
- Contact details

Information About the Respondent

- Name
- Relationship to you
- Details identifying the respondent

Details of the Abuse

You will be asked to explain:

- What happened
- When it happened
- How often it has occurred
- Why you fear further harm

Be as specific as possible.

Step 3: Submit Your Application

Once completed, submit the application to the court.

You may be asked to provide:

- Supporting documents
- Evidence
- Additional information
- An affidavit outlining the circumstances of the abuse.

A court official can assist with procedural questions.

NB: Try to submit in the morning, as you might receive an interim protection order the same day. If not you will have to return the next day to collect.

Step 4: The Court Considers the Application

The court will consider the information provided.

Where appropriate, the court may issue an interim protection order while the matter proceeds. An interim order is a temporary order intended to provide immediate protection until the matter can be heard further by the court. Not every application follows exactly the same process.

Step 5: Service on the Respondent

If an interim protection order or notice is issued, it must generally be served on the respondent so that they are informed of the court proceedings and any conditions imposed by the court.

The court will provide guidance regarding service arrangements.

Step 6: Attend the Court Hearing

A hearing date may be scheduled.

At the hearing:

- Both parties may be given an opportunity to present their version of events.
- The magistrate may consider evidence and supporting information.
- Additional documents may be requested.

Where possible:

- ✓ Arrive early
- ✓ Bring all documents
- ✓ Bring copies of evidence
- ✓ Bring identification
- ✓ Write down important points beforehand

Step 7: Final Protection Order

After considering the information before it, the court may issue a final protection order if the legal requirements are met.

The order will explain:

- What conduct is prohibited
- Any additional conditions imposed by the court
- Consequences of non-compliance

Read your order carefully and keep a copy in a safe place.

If the Protection Order is Breached

A protection order is a court order.

If the respondent breaches the order:

- Contact the South African Police Service (SAPS).
- Keep records of the breach.
- Save any messages, photographs, or evidence.
- Follow any instructions provided by the court regarding enforcement of the order.

Important Safety Considerations

Applying for a protection order can be an important step towards safety, but every situation is different.

Consider:

- ☐ Telling a trusted person about your plans
- ☐ Keeping emergency numbers available
- ☐ Developing a personal safety plan
- ☐ Keeping important documents in a safe location
- ☐ Seeking support from a social worker, shelter, victim support service, counsellor, or attorney
- ☐ Continuing to document incidents

Frequently Asked Questions

Do I need a lawyer to apply for a protection order?

Many people apply without legal representation. However, legal advice can be helpful if available.

Can I apply if I am still living with the person?

Yes. Protection orders may be available even where people still reside together, depending on the circumstances.

Does a protection order automatically mean the person is arrested?

Not automatically. The court process and enforcement procedures depend on the circumstances and whether the order is breached.

Can a protection order help with emotional, verbal or financial abuse?

Domestic violence includes more than physical violence and may include emotional, psychological, verbal, sexual, and economic abuse.

Useful Resources

Department of Justice and Constitutional Development

- Domestic Violence Forms: https://www.justice.gov.za/forms/form_dva.htm [[justice.gov.za](https://www.justice.gov.za)]

Official Application for Protection Order (Form 06 / J480)

- Available on the Department of Justice website. [[justice.gov.za](https://www.justice.gov.za)], [[justice.gov.za](https://www.justice.gov.za)]

South African Government Information

- Getting a Protection Order: <https://www.gov.za/services/domestic-violence/getting-protection-order> [[gov.za](https://www.gov.za)]
- You can also contact Lawyers Against Abuse LVA at info@lva.org.za