

BASIC FACTS ON THE COMBATING OF DOMESTIC VIOLENCE ACT



FACT SHEET

Gender Research & Advocacy Project
LEGAL ASSISTANCE CENTRE
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What is domestic violence?

Domestic violence is violence towards a family member or someone who is in a relationship with the abuser. When children are the victims, the violence is often referred to as "child abuse".

What is a domestic relationship?

- Marriage
- Living together
- Girlfriend and boyfriend
- Two people who are the parents of a child
- Parents and their children
- Family members with a domestic connection, such as where an uncle pays for the school fees of his niece and nephew

Examples of domestic violence

1. **Physical abuse**, such as beating, kicking or burning.
2. **Sexual abuse**, such as rape or forcing someone to have sexual contact.
3. **Economic abuse**, such as not allowing a person to have items or money they need or should expect to have (such as food or their own wages).
4. **Intimidation**, which is making someone afraid by using threats or similar behaviour.
5. **Harassment**, which is repeatedly following or communicating with someone in a way they do not want.
6. **Trespassing**, which is entering the home or property of someone without their agreement when they do not share the same home.
7. **Emotional or verbal abuse**, which is a pattern of behaviour that makes a person feel seriously upset or embarrassed. This could include repeated insults or jealous behaviour.
8. **Threatening** to do any of these things is domestic violence.

It is also domestic violence if a child is allowed to see physical, sexual or psychological abuse against a family member.

What can you do if you are experiencing domestic violence?

- (1) You can make an application for a protection order.
- (2) You can lay a charge with the police.
- (3) You can ask the police to give the abuser a formal warning.

You can go to the police and apply for a protection order at the same time.

I do not understand the definition of "domestic violence". I thought violence always involved doing physical harm to another person, but this definition includes things like economic abuse and emotional abuse.



The definition looks at all the ways that people use to hurt and control others. When you think about it that way, you can see that there are many different forms of violence, and not all of them are physical attacks.

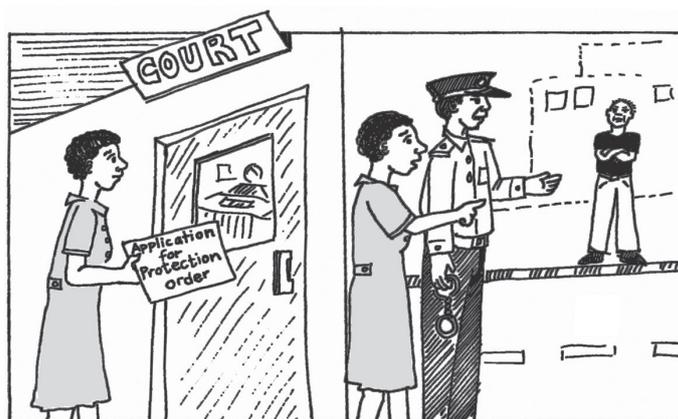


What is a protection order?

A protection order is a court order saying that the abuser must stop the violent behaviour, stay away from the people who are being abused, or even leave the family home altogether.

How do you apply for a protection order?

1. Go to the Magistrate's Court. You do not need a lawyer and the Clerk of the Court will help you to fill in the forms.
2. You should take any witnesses who have seen the violence and any evidence you may have, such as medical records.
3. The Magistrate will look at your application. If there is enough evidence a temporary protection order will be made. The Magistrate may want more information before making a decision.
4. When the abuser is given the protection order, he/she must decide to accept it or to disagree with it.
5. If the abuser disagrees, an informal hearing will be held with the Magistrate. This hearing is private. At the hearing both people can tell their side of the story. The Magistrate will then decide whether or not to make a final protection order.
6. If the abuser accepts the protection order, the protection order becomes final without a hearing.
7. The court will send a copy of the protection order to the local police station.



See the Legal Assistance Centre's **Guide to the Combating of Domestic Violence Act** for more details.



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Legal Assistance Centre
P.O. Box 604, Windhoek, Namibia
Tel. 061-223356

