

Draft legislation on Domestic Violence

Initiated by the Women and Media Collective, Colombo in collaboration with a wide range of women's rights and human rights groups and concerned professionals in the legal, medical and other fields

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[Amendments upto 24th September 2001](#)

(amendments suggested at the discussion have been typed in and underlined; comments made have been included in bold type and bracketed)

(Comment: 1. That an introductory note justifying the need for a specific Act on Domestic Violence; that the Act is in addition to the provisions in the Penal Code and the involvement of different interest groups in the drafting process be included.

2. That a brief comparison be made with similar pieces of legislation enacted in other countries)

Domestic Violence Act

AN ACT TO PROVIDE PROTECTION TO **PERSON/PERSONS**
AFFECTED BY (DELETE VICTIMS OF) DOMESTIC VIOLENCE; TO
EMPOWER COURTS TO GRANT PROTECTION ORDERS; AND
TO ENSURE THAT THE LAW RELATING TO DOMESTIC
VIOLENCE COMPLIES WITH SRI LANKA'S INTERNATIONAL
OBLIGATIONS

Preamble

Recognising that domestic violence is a serious social evil and is found in all levels of Sri Lankan society; that it is a violation of the human rights of the **person/persons affected; (delete victim;)** that it affects the health, safety and welfare of society; that it results in psychological problems, lost productivity and intergenerational violence; that it takes on many forms and may be committed in a wide range of domestic relationships; and that the remedies currently available to the **person/persons affected; (delete victims)** of domestic violence are inadequate and not effective;

(Comment : language needs to be changed to ensure that the Act does not have a victim orientation but rather a human rights orientation)

1. Recognising that while men are also (~~delete~~victims) affected by domestic violence, the majority of (delete victims) persons affected by domestic violence are women and girls;

And whereas the Constitution of Sri Lanka guarantees equality and non discrimination, requires the State to foster respect for international law and treaty obligations, and the Government of Sri Lanka has ratified the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child, and signed the Declaration on the Elimination of Violence Against Women;

And having regard to the Women's Charter which requires the State to take all measures, including legislative measures, to prevent violence against women, including violence in the family;

Be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:

1. Short title and date of operation

This Act may be cited as the Domestic Violence Act No xx of 2000 and shall come into operation on such date as the Minister may appoint by Order published in the Gazette.

2. Right to be free from domestic violence

2. Every woman, man and child has the right to be free from all forms of domestic violence. This includes all forms of physical, sexual, psychological, emotional, verbal and economic abuse. What constitutes domestic violence is more fully described below.

3. Domestic Violence

Domestic violence includes acts of violence which take place in the context of a domestic relationship as defined in this Act. The following acts of violence which take place in the context of a domestic relationship as defined below:

- a. Physical abuse. (delete)
- b. Sexual abuse. (delete)
- c. Emotional and psychological suffering and verbal abuse, which would include patterns of degrading or humiliating conduct towards a complainant, such as repeated¹ insults, repeated threats to cause emotional pain, whether to the complainant or to some other person, and the repeated exhibition of obsessive possessiveness or jealousyⁱ.

(Comment: The words 'repeated exhibition of obsessive possessiveness or jealousy', recur in the text of this draft

¹ 'Repeated' to mean two or more times

and should be carefully considered for inclusion and/or rephrasing if necessary)

- d. Acts of violence or cruelty amounting to the deprivation of economic, financial or other resources which a complainant requires, and the disposal of household effects or other property, in which the complainant has an interest.

(Comment: there is a suggestion that the word deprivation should be qualified with the rider 'unreasonable' before it. A similar situation arises with maintenance in Magistrate's Courts. It was suggested that we should look at the Maintenance Act which does not use the word unreasonable as the courts are guided by the social standards of the parties when maintenance is awarded. We will also be dealing with situations where the male is not the only economic contributor, and we must ensure that women having their own separate assets will not be adversely affected.)

- e. Intimidation.
- f. Harassment, which includes repeatedly watching or loitering outside a building where the complainant resides, works, studies or carries out a business, repeatedly making telephone calls, sending faxes, electronic mail, or packages which induce fear in the complainant.
- g. Stalking.
- h. Damage to Property in which the complainant has an interest.

- i. Entering a complainant's residence where the respondent and complainant do not share a common residence.
- j. Committing or threatening to commit an act or acts of violence against any other person, whether it be a family member, relative, friend, social worker or medical officer, who may have an interest in the well being of the complainant.
- k. Acts of deprivation including denial of access to and communication with family, relatives and friends.
- l. Any other controlling or abusive behaviour where such conduct harms or may cause harm to the safety, health or well being of the complainant.

4. Domestic Relationships

A domestic relationship includes a relationship between a complainant and a respondent that arises in any of the following ways:

- (a) they are or were married to each other, including marriage according to any law, custom, religion or practice;
- (b) they (~~delete~~ whether they are of the same or of the opposite sex ~~end deletion~~) 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, affinity or adoption;

(e) they live or lived together as part of a joint or extended family;

(f) they are or were in an engagement, dating (~~delete~~ or customary relationship ~~end deletion~~), including an actual or perceived romantic, intimate or sexual relationship of any duration;

(g) they share or recently shared the same residence, residential facility or household;

5. Application for a Protection Order

(1) Any complainant may apply (~~delete to the court~~) (~~substitute-~~ to a court of competent jurisdiction as hereinafter defined) for a protection order as hereinafter defined.

(2) Notwithstanding the provisions of any other law, an application may be brought on behalf of the complainant by any other person, including a

counsellor, social worker, medical officer, organisation or group, or other person who has an interest in the wellbeing of the complainant.

Provided that the application must be brought with the written consent of the complainantⁱⁱ, except in circumstances where the complainant is:

- (a) a minor; (delete)
- (b) mentally retarded; (delete)
- (c) unconscious; (delete) or
- (d) a person whom the court is satisfied is unable to provide the required consent.

(3) Notwithstanding the provisions of any other law, any minor, or any person on behalf of a minor, may apply to the court for a protection order without the assistance of a parent, guardian or any other person.

(Comment: Concern has been expressed that the rights of minors need to be protected and their specific situation and vulnerabilities taken into consideration. It was suggested that the Child Protection Authority read the sections in this draft pertaining to children and advice us on relevant provisions and language.)

(4) The court must as soon as is reasonably possible, consider an application submitted to it in terms of the above section.

(5) The court may consider additional evidence as it deems fit, including oral evidence or evidence by affidavit, which shall form part of the record of the proceedings.

{Move sub section (6) next to sub section (2)} (6) The court may seek the opinion of a social worker, a counsellor, psychologist, psychiatrist, medical officer, friend, or any other person in making an order under this Act.

(7) Ordinarily, an application for a protection order must state:

- (a) the facts on which the application is made;
- (b) the particulars of the complainant and the respondent;
- (c) the police station or stations at which the complainant is most likely to report a breach of the order.

(Comment: The procedural part of the Draft needs strengthening. We need to ask practicing lawyers and police officers to send their comments in. We need procedures which are victim friendly and not vague, leaving us in an open ended situation.)

6. Issuing of an Interim Protection Order

(1) If the court is satisfied that there is *prima facie* evidence that:

- (a) the respondent is committing, has committed, or is likely to commit an act of domestic violence as defined under Section 3 of this Act; and

(b) hardship, including harm and fear, may be suffered by the complainant as a result of such domestic violence if a protection order is not issued immediately;

the court shall, notwithstanding that the respondent has not been heard, issue an interim protection order against the respondent.

(2) An interim protection order must be served on the respondent and must call upon the respondent to show cause on the return date specified in the order why a protection order should not be issued.

(3) The court must forthwith forward the interim protection order together with a warrant of arrest issued under section 11, to the police station or stations of the complainant's choice and the police officer in charge of such station must ensure that the order is served on the respondent.

(4) If the court does not issue an interim protection order in terms of the above section, then the court must ensure that certified copies of the application and any supporting evidence be served on the respondent, together with a notice calling on the respondent to show cause on the return date specified in the notice, why a protection order should not be issued.

(5) Provided that the return date shall not be more than two weeks from the date of application of the interim protection order.

(6) An interim protection shall have no force until it has been served on the respondent, unless the court is satisfied that the respondent is evading the serving of the order.

(7) An interim protection order shall be in force till such time as a protection order is issued by the court, or till such time as the interim protection order is revoked, modified, or varied by the court under section 13.

7. Issuing of protection order

(1) If the respondent does not appear on a return date and if the court is satisfied that:

(a) the interim protection order or notice of service has been served on the respondent;

(b) and the application contains *prima facie* evidence that the respondent has committed, is committing, or is likely to commit an act of domestic violence as defined under Section 3 of this Act;

the court ~~(delete must)~~ **(substitute- shall)** issue a protection order.

(2) Where the respondent appears on the return date in order to oppose the issuing of a protection order, the court must ~~(delete must)~~ **(substitute- shall)** proceed to hear the matter.

(3) Where the respondent appears on the return date and does not admit the act or acts of violence, but does not oppose the issuing of a protection order, the court must issue a protection order.

(4) In hearing the matter the court may consider any evidence previously received and such further affidavits or oral evidence as it may direct, which shall form part of the record of the proceedings.

(5) Where a respondent is not represented by a legal representative, the court may, on its own accord or on the request of the complainant, if it is of the opinion that it is just or desirable to do so, order that the examination of witnesses, including the complainant, be not conducted by the respondent.

(6) In such a case the respondent shall state the question to court and the court shall repeat the question accurately to the complainant or witness.

(7) The court must, after a hearing is completed, issue a protection order if it finds, on a balance of probabilities, that the respondent has committed or is committing an act of domestic violence.

(8) Upon the issuing of a protection order the court must forthwith cause;

(a) the original of such order to be served on the respondent; and

(b) a certified copy of such order, and the original warrant of arrest to be served on the complainant.

(9) The court must forthwith forward certified copies of any protection order, and of the warrant of arrest issued under section 11, to the police station or stations of the complainant's choice.

8. Court's powers in respect of a protection order

(1) The court may, by means of a protection order or interim protection order, prohibit the respondent from:

- (a) committing any act of domestic violence;
- (b) enlisting the help of another person to commit any such act;
- (c) entering a residence shared by the complainant and the respondent: provided that the court may impose this prohibition only if it appears to be in the best interests of the complainant;
- (d) entering a specified part of such a shared residence;
- (e) entering the complainant's residence;
- (f) entering the complainant's place of employment;
- (g) entering the complainant's school;

(h) preventing the complainant who ordinarily lives or lived in a shared residence from entering or remaining in, the shared residence or a specified part of the shared residence;

(i) occupying the shared residence;

(j) committing acts of violence against any other person, whether it be a relative, friend, social worker or medical officer, who may be assisting the **person/persons affected by domestic violence; (delete victim;)**

(k) preventing the complainant from using or having access to family or shared resources;

(l) telephoning or in any other way attempting to establish contact with the complainant;

(m) selling, transferring, alienating or encumbering the shared residence in any way;

(n) selling jointly owned family assets or assets which although are in the respondent's name, are assets in which the complainant has an interest;

(o) committing any other act as specified in the protection order.

(2) The court may impose any additional conditions which it deems reasonably necessary to protect and provide for the safety, health or wellbeing of the complainant.

(3) The court may issue directions to ensure that the complainant's physical location is not disclosed, if disclosure may endanger the safety, health or wellbeing of the complainant.

(4) In addition to the above orders, the court may order:

(a) The respondent to pay emergency monetary relief to the complainant within a specified date, taking into account the complainant's and respondent's financial condition. This should also take into account any medical or dental expenses incurred by the complainant, loss of earnings, if any, and relocation or other expenses incurred by the complainant.

(b) The respondent to pay rent or any mortgage payment on a house, keeping in mind the financial resources of the complainant and the respondent.

(c) The respondent to secure alternative accommodation for the complainant, if the complainant so requests.

(d) The payment of punitive damages where the court considers it appropriate. This will take into account the gravity

and severity of the abuse and will be in addition to other forms of monetary relief the court may order.

(e) The police to seize any weapons that the respondent may have in his or her possession.

(f) The police to accompany the complainant to any place to assist with the collection of personal property.

(g) The respondent to attend mandatory counseling sessions, psychotherapy or other forms of rehabilitative therapy.

(h) The respondent and the complainant, separately and/or together, to attend counseling sessions, psychotherapy or other forms of rehabilitative therapy, if the complainant so requests.

(j) If the complainant so requests, he or she may be placed in a shelter to provide her or him with temporary housing where they will be counseled and informed of the alternatives available to them.

(k) A social worker, counsellor, medical officer, police officer, friend, or other person whom the court deems fit, monitor the relationship between the complainant and respondent. An affidavit by such person that the respondent has breached the terms of a protection order or interim protection order shall be *prima facie* evidence of such fact.

(5) The court may, on the failure of the respondent to:

- (a) pay emergency monetary relief; or
- (b) the rent or mortgage payment on a house; or
- (c) the wages or salary due to a household worker; or
- (d) any other financial payment that the court may have imposed;

direct an employer or a debtor of the respondent, to directly pay to the complainant a part or the whole of such financial relief that the court may have ordered.

9. Rights of Children

(1) Where the complainant and the respondent are the parents of any child, or have or had, parental responsibility with regard to any child, the court may by way of an interim protection order, or protection order, if it is in the best interests of the child:

- (a) refuse the respondent contact with such child; or
- (b) order contact with such child on such conditions it may consider appropriate;

(c) order the respondent to pay emergency monetary relief or such other financial relief, for the care of the child, taking into account the respondent's financial condition.

(2) In all matters concerning children, the best interests of the child shall be the paramount consideration.

10. The court shall not refuse to grant a protection order

The court shall not refuse to issue a protection order, an interim protection order, or to make any orders which it is competent to make under this Act on the basis that:

(a) only a single act of violence has been committed or a single threat made, or that the acts or threats viewed in isolation appear to be trivial or minor.

(b) the complainant has not previously complained of the acts of violence and had condoned or accepted it.

(c) other legal remedies are available to the complainant.

11. Warrant of arrest upon issuing of a protection order

(1) Whenever a court issues a protection order or an interim protection order, the court must make an order:

(a) authorising the issue of a warrant for the arrest of the respondent;
and

(b) suspending the execution of such warrant subject to compliance with any prohibition, condition, obligation or order imposed.

(2) The warrant will remain in force unless the protection order is set aside, or it is cancelled after execution.

(3) The court must issue the complainant with a second or further warrant of arrest, if the complainant files an affidavit in which it is stated that such warrant is required for her or his protection and that the existing warrant of arrest has been:

(a) executed and cancelled; or

(b) lost or destroyed.

12. Where the protection order is not complied with

(1) A complainant may hand the warrant of arrest together with an affidavit stating that the respondent has contravened any prohibition, condition, obligation or order contained in a protection order, to any police officer.

(2) If it appears to the police officer concerned that there are reasonable grounds to suspect that the complainant may suffer imminent harm as a result of the alleged breach of the protection order by the respondent, the police officer must forthwith arrest the respondent.

(3) If the police officer is of the opinion that there are insufficient grounds for arresting the respondent, he or she must forthwith issue an (~~delete~~original written ~~end deletion~~) notice to the respondent calling upon the respondent to appear in court, on a specified date and time, on a charge of committing an offence under this Act.

2. (4) The police officer shall obtain the respondent's signature on the duplicate of the above notice and forthwith forward such duplicate to the court concerned. (~~delete~~ The signed duplicate shall be *prima facie* evidence that the original notice was handed to the respondent. ~~end deletion~~) (~~substitute-~~ Upon production of the signed duplicate the Court may [or shall] presume that the original notice was handed to the respondent. (See Section 4 of the Evidence Ordinance for the meaning of "may presume" and "shall presume" respectively.)

13. Variation and Revocation of a Protection Order

(1) A protection order or interim protection order may be altered, modified, varied or revoked on an application by either the complainant or the respondent, if the court is satisfied that there is a change of circumstances that require such alternation, modification, variation or revocation.

(2) Provided that no such alternation, modification, variation or revocation, shall be made without hearing both the complainant and the respondent. The court may also seek the opinion of a social worker, a counsellor, psychologist or any other person in making an order under this section.

(3) Provided further that the court shall not grant such an application to the complainant unless it is satisfied that the application is made freely and voluntarily.

14. Duties of Police Officers

(1) Any police officer must, at the scene of an incident of domestic violence or as soon thereafter as is reasonably possible, or when an incident of domestic violence is reported:

- (a) render such assistance to the complainant as may be required in the circumstances, including assisting or making arrangements for

the complainant to find a suitable shelter and to obtain medical treatment.

- (b) inform the complainant of the right she or he has to apply for a protection order under this Act and the other remedies available under this Act, including the right of access to the shared household, and the rights of custody to the children.

(Clause 14(1)(b) – It would be useful if a manual on their duties under this Act could be prepared for Police officers in Sinhala and Tamil.)

- (c) inform the complainant of the right she or he has to initiate criminal proceedings against the respondent.

(2) A police officer may without a warrant, arrest any (~~delete~~ respondent) substitute person at the scene of an incident of domestic violence whom he or she reasonably suspects of having committed an offence containing an element of violence against a complainant.

(3) The police should (~~delete~~ make every attempt that is reasonably possible, (substitute with due diligence to serve an Interim Protection Order or Protection Order on the respondent when directed to do so by the Court).

15. Annual Report on Domestic Violence

(1) Every year, before the 31st of March, the Inspector General of Police must publish a report giving details and statistics on:

(a) The number of complaints of domestic violence reported to the police during the previous year and the response of the police to these complaints;

(b) The number of breaches of protection orders or interim protection orders reported to the police during the previous year, and the response of the police to these breaches;

(c) The steps taken within the police force, national and provincial, to spread awareness on the provisions of this Act.

(d) All other measures taken to implement the provisions of this Act.

(2) Such report shall be submitted before the 31st of March each year to:

(a) Parliament;

(b) The Ministries of Women's Affairs and Justice;

(c) The Women's Bureau

(d) The National Committee on Women, or such other body that may replace the National Committee on Women;

(e) The Human Rights Commission;

(f) The National Child Protection Authority; and

(g) Any other national or provincial body that may be created to protect and promote human rights, the rights of women, or the rights of children.

(3) Every person shall be entitled to purchase a copy of such report.

16. Offences

Notwithstanding the provisions of any other law, a person who contravenes any prohibition, condition, obligation or order imposed by the court under this Act, shall be guilty of an offence and on conviction after trial before a Magistrate, be liable to a fine not exceeding one hundred thousand rupees, but not less than five thousand rupees, or imprisonment not exceeding five years, and not less than six months, or to both such fine and imprisonment.

(The prescribed minimum fine of Rs.5000/- is too high for offenders from lower socio-economic strata and will result in offenders who cannot pay going to jail even though their offence was not thought to merit imprisonment. In some cases (e.g. where the offender is also the family breadwinner) a jail sentence may even be damaging to the rest of the family and may act as a deterrent to complaints. The question of statutory minimum sentences is in any event controversial.)

17. Attendance at court proceedings

(1) No person may be present during any proceedings in terms of this Act except:

(a) officers of the court;

(b) the parties to the proceedings;

(c) any person bringing an application on behalf of the complainant;

(d) any legal representative representing any party to the proceedings;

(e) witnesses;

(f) not more than three persons for the purpose of providing support to the complainant;

(g) not more than three persons for the purpose of providing support to the respondent; and

(h) any other person whom the court permits to be present:

(2) Provided that the court may, if it is satisfied that it is in the interests of justice, exclude any person from attending any part of the proceedings.

(3) Nothing in this subsection limits any other power of the court to hear proceedings in camera or to exclude any person from attending such proceedings.

18. Publication of information

(1) No person shall, without the prior permission of the Court hearing the proceedings publish in any manner any information which might, directly or indirectly, reveal the identity of any party to the proceedings.

(2) The court, if it is satisfied that it is in the interests of justice, may direct that any further information relating to proceedings held in terms of this Act shall not be published:

(3) Provided that no direction in terms of this subsection applies in respect of the publication of a *bona fide* law report which does not mention the names or reveal the identities of the parties to the proceedings or of any witness at such proceedings.

19. Jurisdiction

(1) Any Magistrate's Court within the area in which:

(a) the complainant permanently or temporarily resides, carries on a business or is employed;

(b) the respondent resides, carries on a business or is employed; or

(c) the cause of action arose;

has jurisdiction to grant a protection or interim protection order as contemplated in this Act.

(2) A protection order or interim protection order is enforceable throughout Sri Lanka.

20. Recourse to international or comparative law

~~(delete~~ In interpreting a provision of this Act a court may have recourse to international law or comparative law.) **Substitute with**

In the absence of clear evidence of an intention to the contrary, the provisions of this Act shall be interpreted in a manner consistent with Sri Lanka's obligations under treaties signed by Sri Lanka and under international law generally.

21. Availability of other remedies

Nothing in this Act shall prevent a complainant from pursuing any other remedies, whether they be civil, criminal or constitutional remedies, that may be available.

22. Regulations

3. (1) The Minister may make regulations (~~delete~~in respect of any matter concerned with the application of this Act. Substitute for the better implementation of any provision of this Act.

(2) Every regulation shall be published in the Gazette as soon as possible and shall be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done.

(This clause appears to be self-contradictory. Is it express approval or express disapproval that is required from Parliament?)

23. Interpretation

In this Act unless the context otherwise requires:

“Complainant” means

any person who is or has been in a domestic relationship with a respondent and who is or has been subjected or allegedly subjected to an act of domestic violence, including any child in the care of the complainant.

Another suggested definition so as to avoid any contradiction or ambiguity **“Complainant” means any person who makes a**

complaint of domestic violence in terms of this Act or on whose behalf such a complaint is made.

“Court” means any Magistrate’s Court.

“Economic abuse” includes:

(a) the 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 repayments or payment of rent in respect of the shared residence;

(b) the disposal of household effects or other property in which the complainant has an interest.

“Emergency monetary relief” includes

compensation for monetary losses suffered by a complainant at the time of the issue of a protection order as a result of the domestic violence, including:

(a) loss of earnings;

(b) medical and dental expenses;

(c) relocation and accommodation expenses; or

(d) household necessities.

“Emotional, verbal and psychological abuse” includes

a pattern of degrading or humiliating conduct towards a complainant, including:

(a) repeated insults, ridicule or name calling;

(b) repeated threats to cause emotional pain, whether to the complainant or to some other person;

(c) 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.²

“Harassment” includes

engaging in a pattern of conduct that induces the fear of harm to a complainant including:

² refer to comments by Edwards in end-notes

(a) 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;

(b) repeatedly making telephone calls or inducing another person to make telephone calls to the complainant, whether or not conversation ensues;

(c) repeatedly sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant;

“Intimidation” includes

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

“Physical abuse” includes

any act or threatened act of physical violence towards a complainant.

“Person” includes

any association, group or organisation, whether, incorporated or unincorporated.

“Respondent” means

any person who is or has been in a domestic relationship with a complainant and who has, committed or allegedly committed an act of domestic violence against the complainant.

(Another possible definition “Respondent” means any person against whom a complaint of domestic violence is made in terms of this Act.)

“Sexual abuse” includes

any conduct that abuses, humiliates, degrades or otherwise violates the sexual integrity of the complainant and includes indecent assault, restraint³ and sexual intercourse that takes place in coercive circumstances or without the consent of the complainant and the refusal to cooperate in contraception when the complainant may reasonably require it. Where the complainant is below the age of sixteen, any sexual encounter including but not limited to sexual intercourse, with or without her consent, would still constitute sexual abuse.

³ ‘restraint’ could include the compunction to watch pornographic films etc.

“Shared residence” includes

any residence, household or tenement where the complainant and the respondent live or have lived together and includes property owned jointly or individually by either person.

“Stalking” includes

repeatedly following, pursuing, or accosting the complainant;

“This Act” includes the regulations [made in terms of this Act.](#)

ⁱ Comment by Susan Edwards: terms such as ‘obsessive’ and ‘jealous’ are ill defined and subject to litigation as to meaning

ⁱⁱ comment by Susan Edwards : will the requirement of written consent deter applicants from seeking protection or at least present yet another psychological obstacle?