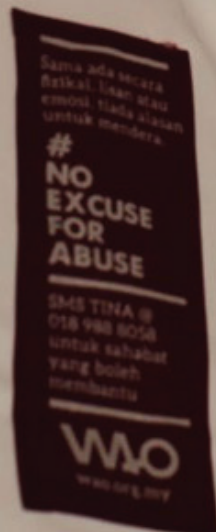


WORKING TOGETHER

“Lenganku
yang patah
lebih baik
daripada dia
berlaku
curang.”
Pereka grafik, 38



WAO WOMEN'S AID ORGANISATION
PERTUBUHAN PERTOLONGAN WANITA

Case Studies
in Domestic
Violence
Response
2015 Report

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NO
EXCUSE
FOR
ABUSE

WAO



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PERTUBAHAN PERTOLONGAN WANITA

WORKING TOGETHER

Case Studies
in Domestic
Violence
Response
2015 Report

Women's Aid Organisation (WAO)

P.O.Box 493, Jalan Sultan
46760 Petaling Jaya, Selangor
Malaysia

Tel: +603 7957 5636/ 7957 0636

Fax: +603 7956 3237

Email: womensaidorg@gmail.com

Website: www.wao.org.my

Facebook: www.facebook.com/womens.aid.org

Twitter: @womensaidorg

ISBN: 978-983-40325-6-2

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Cover image: Installation art from WAO's exhibition, #NoExcuseForAbuse, International Women's Day 2014.

Written by: Women's Aid Organisation.

Printed by: Brickfields Asia College (BAC)

Printing of this report is supported by Brickfields Asia College (BAC)

"I hope you live a life you're proud of. If you find that you're not,

I hope you have the strength to start all over again." - F. Scott Fitzgerald

Women's Aid Organisation is one of Malaysia's leading domestic violence shelter, re-integration and case management service providers, supporting women through the challenge of evolving from domestic violence victims into empowered survivors. We match our services with strong, sustained advocacy work to create intolerance for violence against women.

Our work aims to increase women survivors' access to justice and state protection. We do this through many platforms, including shelter services and case advocacy support for individual women survivors. This close engagement with survivors allows us to monitor how effectively domestic violence laws and policies are implemented by state agencies. Our strategy is to share widely our learning on current responses, as a foundation on which to build and shape comprehensive and coordinated multi-agency services for all domestic violence survivors and their children.

If you are a survivor, or if you work in the domestic violence public sector (police, medical or welfare), WAO would be keen to hear your views on the issues raised in this report. Please get in touch by email at: womensaidorg@gmail.com.

This is the fourth report produced by WAO on domestic violence response since 1997. The Report reviews the responses in 2014, through the lens of women's actual experiences recorded by WAO and three other NGO service providers: The Women's Centre for Change (WCC Penang), Perak Women for Women Society (PWV), and Rose Virginie Good Shepherd Centre. WAO is grateful to our sister organisations for sharing their case narratives. This report is also strengthened by data collected and analysed by WAO throughout 2014.

We wish to thank Datuk Paul Low Seng Kuan, Minister in the Prime Minister's Department, for the generous support towards the production and launch of this report. We also thank Dato' Sri Rohani Abdul Karim, Minister of Women, Family and Community Development, for lending her voice to support this report.

Lastly and most importantly, we honour the brave women who are surviving and have survived domestic violence. They have selflessly shared their stories with us to help us understand the risks and struggles women continue to endure even when courageously seeking to leave their violent home and forge a safe, peaceful future. We must keep their safety and empowerment at the front and centre of our coordinated response. Together, we can change lives.

Call our counselling line at +603 7956 3488 or SMS TINA at +6018 988 8058 if you or someone you know is experiencing abuse and violence at home.

Forewords

Mok Chuang Lian

*Women's Aid Organisation,
President 2011–2015*



This report gives the reader an insight into the domestic violence cases handled by Women's Aid Organisation and other NGOs, the challenges faced by survivors of domestic violence and the ways forward to address domestic violence in Malaysia.

Readers will find this report enlightening; it captures each case in detail as recounted by the survivor and those working with her.

This report captures the plight of domestic violence survivors in Malaysia today, more than 20 years since the Domestic Violence Act was passed. It stresses the need for more work to be done. Everyone involved, especially those in authoritative powers have to work harder to prevent further abuse of women and children.

Recognising the important and positive role that authorities can play, I am concerned by the documented cases which illustrate how some still view domestic violence as a family matter and therefore do not provide the protection needed. Some attempts were made to mediate and persuade survivors to return to the abusive partners.

Nonetheless, this report is about moving forward. It also highlights positive developments, and the improvements that are needed.

My heart goes out to the women survivors who have been challenged in these situations, and the painful choices they have had to make. You may have lived through a similar experience, and if not, you probably know someone who has. I am truly humbled by these women's courage, strength, and perseverance to lead a life free from violence.

Domestic violence can be prevented. Every case that is handled well has the potential to save a life. For a start, domestic violence must be viewed as a serious offence. There is no excuse for abuse.

Thank you.

Dato' Sri Rohani Abdul Karim

*Minister of Women, Family
and Community Development*



Promoting the rights of women and children is central to my work as the Minister of Women, Family and Community Development.

This includes ensuring that women have ample opportunities to participate and contribute to the development of the nation, as well as fulfil each of their individual aspirations. In order for this to happen, women *must* be guaranteed the right to live a life free from violence.

Domestic violence is a heinous act. It deprives women of the freedom to live their life as they choose, destroys families, and drags down communities. *All* stakeholders have an obligation to take measures to prevent domestic violence, protect victim-survivors, prosecute and rehabilitate perpetrators, and ensure adequate remedies for victim-survivors.

Addressing domestic violence in a holistic manner requires close collaboration among relevant stakeholders. This includes a close working relationship between government and civil society. I am proud that my ministry is committed to working with NGOs, and has demonstrated this commitment through numerous workshops and consultative meetings with our partners in civil society to not only address violence against women, but also women development more broadly.

This report from Women's Aid Organisation illustrates how effective collaboration can change lives of domestic violence survivors, and also how there is still room to improve our responses to domestic violence cases. I am pleased to support efforts like this.

As the Minister of Women, Family and Community Development, I will continue to work tirelessly to put an end to violence against women in Malaysia.

Thank you.

Datuk Paul Low Seng Kuan*Minister in the Prime Minister's Department*

As a Minister in the Cabinet of the Malaysian Government overseeing governance and integrity and human rights I am pleased receive this report on domestic violence by Women's Aid Organisation.

This report, which draws upon the experience of Women's Aid Organisation and the women they provide services to, highlights on-going challenges faced by domestic violence survivors in accessing protection and justice, and what can be done to overcome these challenges. The report explores useful insights in handling domestic violence cases which I believe is of value to all stakeholders, including authorities and NGOs in Malaysia.

The case studies highlighted in this report provides further corroboration that handling domestic violence can be a complex process, requiring the cooperation of multiple stakeholders. I hope this report will help encourage greater collaboration between all stakeholders especially between NGOs and government.

Domestic violence is a human rights violation, and each of us has a duty to put an end to it.

I look forward to forging greater collaboration between the government and NGOs like Women's Aid Organisation, towards ending domestic violence and all forms of violence against women.



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Introduction

Every year, too many women in Malaysia experience violence from people they live with: whether husband, partner, family member, or employer. It occurs across the social strata, in cities and in rural areas. It prevents the enjoyment of safety and wellbeing for hundreds of thousands of women.

The statistics are staggering. According to a 2014 study conducted by the Women's Development Research Centre (KANITA) in Universiti Sains Malaysia, nine per cent of ever-partnered¹ women in Peninsular Malaysia have experienced domestic violence at some point in their lifetime.² This means that more than eight hundred thousand³ women in Malaysia have likely experienced abuse.

Legal framework

Over the last two decades, developments in international law have advanced the understanding of domestic violence, particularly through the CEDAW Committee's General Recommendation No. 19 and the development of the due diligence standard.⁴

Domestic violence is clearly underlined as a violation of women's human rights, a criminal act, which is not merely a private matter. It remains widespread and is committed with impunity by many. International law clearly prescribes a duty to act on state parties. Malaysia has responded to this by passing the Domestic Violence Act 1994. This law is currently in the process of reform by a multi-stakeholder committee consisting government agencies and NGOs.

Implementing domestic violence laws and policies require extensive government intervention. Effective and gap-free collaboration between all stakeholders is critical for those laws and policies to be effectively and equally available to all women.

Malaysia is a state party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Malaysia's Federal Constitution also guarantees fundamental liberties and equality on the basis of gender.⁵ Domestic violence is a manifestation of gender inequality, and a gross form of discrimination against women. The state has an international and constitutional obligation to eliminate violence against women.

Efforts to respond to domestic violence must be monitored regularly to ensure that women have protection under the law and in reality. The on-going process to develop a multi-stakeholder framework of response to address domestic violence is a key effort towards meeting the due diligence standard.

¹ An ever-partnered woman refers to a woman who is married, is living with a man but not married, has an intimate partner but is living apart from the intimate partner, or currently is not married and does not have an intimate partner but has been married or has had an intimate partner in the past.

² Shuib, R., Ali, S. H., Abdullah, S., Ab Ghani, P., Osman, I., Endut, N., . . . Shahrudin, S. S. (2014). Executive Report, Summary of Findings: A Country Level Study of Women's Well-being and Domestic Violence Against Women (DVAW) Using WHO Multi-country Questionnaire. Pulau Pinang: Women's Development Research Centre (KANITA), Universiti Sains Malaysia.

³ Estimate based on Shuib et al. (2014) and census data.

⁴ The CEDAW Committee is a committee of independent experts who monitor the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

⁵ Article 8(2), Federal Constitution.

This report

This report aims to enhance our understanding of what works to improve the safety and wellbeing of women domestic violence survivors and their children. We hope to create awareness among stakeholders in government and within communities of the best practises, gaps, and continuing challenges facing women when we seek justice and protection from domestic violence.

The roles played by the police, the Social Welfare Department, hospitals, courts, Attorney General's Chambers, and other relevant authorities are critical. The experiences of women in accessing these services in 2014 carry important learning points, not just for these state responders but equally for civil society organisations and the communities in which we live.

There are undoubtedly many domestic violence cases being handled well by all actors, and this report describes some examples of this. The report of course also describes areas where improvements need to be made. Every case handled well has the potential to ensure that one more woman can live a life free from violence.

Throughout 2014, we listened to the testimonies and experiences of courageous women survivors and their children. We learnt from their experiences and recorded them. These narratives and data inform us of important factors, trends and gaps. It helps us understand the dynamics of domestic violence in Malaysia. It highlights the daily realities faced by women living with domestic violence and the powerful impact that comprehensive and coordinated services can have on their safety and wellbeing.

Case studies and data

The bulk of this report is the case studies—we include in full detail the 23 case studies that were documented. These case studies, selflessly shared by domestic violence survivors, contain rich information beyond what we have explicitly highlighted.

The case studies have been documented through our services for domestic violence survivors, which include providing temporary shelter, face-to-face and telephone counselling, and social work services. Case studies from Women's Centre for Change (WCC Penang), Perak Women for Women Society (PWW), and Rose Virginie Good Shepherd Centre are also used.

In 2014, WAO sheltered 169 women (of which 110 cases involved domestic violence), sheltered 130 children, conducted 1,740 telephone counselling calls, and conducted face-to-face counselling with 156 women. WAO also assisted these women with various social work services. WAO regularly provides shelter for 300 women and children each year.

.....

All persons interviewed provided informed consent in sharing the details of their experiences. We use pseudonyms and omit other identifying information in the interest of privacy and safety.

Throughout this report, we also present data, which is based on information collected from the 110 domestic violence survivors who stayed at WAO's shelter in 2014. Our trained social workers collected the data through four methods; intake interviews, child assessments, progress sessions reports, and exit interviews. All questions asked were standardised, aside from the progress sessions reports which were tailored to each session.

The dynamics of domestic violence: women assisted by WAO in 2014

Domestic violence is harm that is perpetrated within the home. It is a "pattern of abusive behaviour... used by one partner to gain or maintain power and control over another intimate partner,"⁶ which could be physical, sexual, psychological, social, and financial in nature.

Domestic violence is a violation of fundamental human rights. It is, or has been, a daily reality for hundreds of thousands of women in our country, severely limiting the right to life, right to safety, right to equality and right to development. Domestic violence creates a web of debilitating problems. It harms women physically, sexually, emotionally, and has a significant economic consequence. It unleashes inter-generational violence, when the abuse is either witnessed or experienced by children.

In 2014, the most prevalent source of abuse encountered by women assisted by WAO was the intimate partner (husband or boyfriend). The women in our shelter described multiple forms of abuse: psychological abuse (100%), physical abuse (95%), social abuse (56%), financial abuse (55%), and sexual abuse (36%). As in previous years, psychological abuse remained as the most common form of domestic violence, impacting the survivors as adversely as physical violence.

Women shared that their husbands would take their money while not providing them with the financial means to take care of the family. Abusive husbands also took financial loans in the victim's name and did not subsequently service those loans. This plunged women into debt and blacklisting by financial institutions. These women were severely economically disadvantaged even though gainfully employed, thereby restricting their financial independence even after leaving the abusive situation.

Approximately 24% of the women reported that the perpetrators abused them with no associated triggering issues. A large number, approximately 96%, cited

⁶ "Domestic Violence." The United States Department of Justice. N.p., 23 July 2014. Web. 15 Jan. 2015. <<http://www.justice.gov/ovw/domestic-violence>>.

various factors as being the triggers for the abuse such as jealousy, suspicions and financial problems. Substance abuse by the perpetrator was also a factor, including alcohol (31%) and drugs (13% reported substance abuse involving mainly ice, *shabu*, *ubat batuk*). Most of the time, women reported a mix of triggering factors such as a jealous and suspicious husband, abusing them while under the influence of alcohol.

However, these triggering factors should not be taken to be the *root cause* of domestic violence. Domestic violence is an abuse of power, when one partner attempts to control and dominate the other through violence.

It is also important to highlight that 49% of the perpetrators and 33% of the survivors have a history of violence in their family. Only 23% of the women did not have knowledge on whether the perpetrators grew up in an abusive family environment. The husband or ex-husband perpetrated the abuse for 80% of residents, while parents, family members or boyfriends were the source of abuse for 16.5%. One woman reported her father-in-law as the perpetrator. Seventeen per cent of the women also reported being abused by a second perpetrator such as parent, sibling, stepparent, in-law family member or relative.

Highlights

Women at WAO's temporary shelter learning beading at a skills building workshop.

Photo by Aaron Claringbold.



WOMEN'S AID ORGANISATION
PERTUBUHAN PERTOLONGAN WANITA

Highlights from WAO statistics

Women's access to justice and protection is fundamental to surviving domestic violence. Justice and protection for survivors must be delivered at many levels and by a series of actors providing services in close coordination: police, welfare, health, judicial services, legal representatives, NGO shelters, and NGO case advocates.

We have a common responsibility to ensure the most just and protective framework of response is in place, to reflect that tackling domestic violence is a key priority for our government and communities. We also need to bridge the gap between policy and practice, making justice and protection easily accessible to survivors of domestic violence.

Considerable progress has been made, including the on-going development of a multi-stakeholder framework of response for government agencies, the "Inter-Agency Working Together Document in Handling Domestic Violence Cases". The existence of specialised domestic violence and child protection services by the police's D11 unit also provides a solid base to strengthen the response.

Moving forward, all actors must work together in systematic partnership to ensure that not a single woman and child in need of justice and protection falls through the cracks following incidents of domestic violence. The quality of the protective response a woman receives can mean the difference between successfully ending violence, or failure leading to serious and prolonged harm. The implementation of the Working Together Document can be a powerful means to drive success and minimise failure.

Highlight 1: Domestic violence occurs repeatedly over an extended period

WAO's 2014 data is strong evidence supporting the critical need for the Working Together Document. Forty-four women (40%) of the 110 domestic violence survivors surveyed reported experience of domestic violence occurring for more than five years; 45 women (41%) of between one and five years; and 21 women (19%) less than one year. This means up to 89 women (81%) could be classified as having faced sustained and prolonged violence in the home (more than one year in duration).

In addition, 67 women (61%) had, before coming to WAO, left the violent home at least once before; 22 women (20%) attempted to leave more than five times before. Women returned to the violent home for various reasons: they wished to give the abusive partner the chance to reform; they feared homelessness or financial difficulties; they had concerns about raising children as a single parent; or they feared the social stigma of ending a marriage.

The multiple departure-and-return patterns are a clear indication that a woman's attempts to reconcile with the perpetrator will not end the violence. It also clearly shows the need for a comprehensive support system to protect and support the survivor and her children when she decides to leave the violent home. Finally, it demonstrates that our communities must refrain from judging and stigmatising women who leave violent homes.

Highlight 2: Police act as first responders in most cases

A key learning point from a review of the 110 cases surveyed is that women are heavily reliant on the police as first responders in situations of domestic violence. Sixty-eight out of the 110 women surveyed (62%) sought help from the police before approaching other government or NGO services.

This shows that women recognise the police's vital role in stopping perpetrators and believe that the police can end the violence by holding perpetrators accountable for their actions. Prompt and protective action does not just stop the violence; it also sends a strong message within communities that the police are intolerant of violence against women. This may, in itself, act as a deterrent to future perpetrators.

We recorded many instances of prompt and protective response by specialised police personnel. These led to positive outcomes in ending the violence. Seventy-one per cent of the women who did seek out police protection in the first instance reported satisfaction with the services received. However, there were also instances recorded where individual police officers did not act as legally mandated. More research and data is needed to better understand the challenges faced by police officers to ensure that they are adequately and appropriately supported to meet the increasing needs.

The 42 women who did not seek assistance from the police in the first instance described a number of barriers, including hesitation in bringing a criminal complaint against the abusive husband. These barriers must be fully understood and handled sensitively. All stakeholders must work together to help women overcome barriers to claiming their right to live a life free from violence, which police protection can help bring.

Providing clear and objective information in a safe, respectful, and supportive environment gives women a sound base from which to weigh their options and make an informed choice about pursuing a criminal complaint. It will minimise the incidences of multiple departure-and-return to the violent home that most survivors (61%) demonstrate.

By providing clear information and supporting the women's right to make their own choices in their own time, WAO was subsequently able to assist most of these 42 women to approach the police. Of the total number surveyed (110 women), eight women (7%) did not wish to initiate criminal complaints against their partners with the police.

Highlight 3: Multiple dimensions of health services

Health services are another critical service sector for women survivors and their children. For many women who approach hospitals as a first step, the provision of first aid and medical care for physical injuries sustained from domestic violence leads to contact with a medical social worker, who can refer the women to other forms of protection, for example the police, welfare, and access to NGO safe shelters.

Where One Stop Service Centres (OSCC) are in operation, these critical referral mechanisms were functional. However, such coordinated service is not widely available, and does not exist in the private health sector—private clinics are the first point of call for many women.

Fifty-one of the 110 women (46%) approached clinics and hospitals to obtain medical assistance for physical injuries. Almost all (96%) were satisfied with the services given.

Fifty-nine women (54%) who experienced abuse did not go to a hospital. Of these 59 women, an overwhelming majority (45 women) felt that their injuries did not require medical intervention, as they believed the injuries were not visible or not serious enough. WAO subsequently assisted 41 of these 59 women to seek medical assistance.

This raises two concerns. Firstly, women are underestimating the level and seriousness of the physical injuries that they sustain. Secondly, it is apparent that women are unable to seek out psychosocial support from medical practitioners for the deep damage to their mental health that is wreaked by domestic violence. Yet, psychosocial harm is prevalent. One hundred and two women (or 93%) reported psychological abuse. 36 women (33%) had contemplated suicide, with 18 women attempting suicide at least once.

It is important for all stakeholders to understand the *mental health dimensions* of domestic violence and to recognise psychological abuse as valid cause for intervention. Survivors must be encouraged to seek, and must be able to receive, mental health services in the public health system.

Highlight 4: Low awareness of welfare services

A worrying trend is the low uptake of welfare services. Out of the 110 women surveyed, 91 (83%) had not approached the Social Welfare Department for assistance before being referred to a welfare officer by NGO case advocates.

Nineteen women (17%) approached the Social Welfare Department. These 19 women reported a very high level of satisfaction with the services given (90% were satisfied).

With WAO's assistance, 27 of the 91 women subsequently applied for Interim Protection Orders (IPO) through welfare officers, leading to the issuance of IPOs for 14 of the 27 women.

The main barrier reported is that women simply did not know of the critical role that the Social Welfare Department plays in enabling their protection from further violence. This is unfortunate in view of the high satisfaction level reported by women who did approach welfare officers on their own.

Women must be made aware that welfare officers are able to act for the survivor's protection. This clearly calls for immediate and sustained information campaigns by the Social Welfare Department to raise this awareness among women. The police have a role in providing this information to women who approach them for protection.

Highlight 5: More support needed for women to obtain legal representation

A woman's access to justice can be strongly enhanced by the availability of legal representation services. Women survivors often face a series of legal issues, including on divorce and child custody.

Only 12 women (11%) among the 110 women sought legal assistance. The remaining 98 women did not seek legal assistance. The main reasons the women did not seek legal assistance were: they could not afford the fees (32 women), and they were unaware of the availability of legal aid (41 women). Through WAO's intervention, 38 women were able to access legal services through WAO's legal aid fund, the Bar Council Legal Aid Centre's, and other through other means.⁷

⁷ Bar Council Legal Aid Centres maintains a means test, only supporting persons who earn, after deduction of monthly expenses, less than RM650 for single persons or jointly RM900 for married couples. This excludes many women who may earn more than those amounts but who still cannot afford to pay for legal representation, which can be prolonged and expensive. WAO maintains a limited Legal Aid Fund to fill this gap.

Highlight 6: Limited reach of NGO response and shelter availability

It is imperative to also review the service delivery by NGOs, and the impact of NGO advocacy on the government's efforts to address violence against women, and specifically domestic violence. The active participation of civil society organisations, particularly, women's groups, contributes significantly to advocating for reform in the domestic violence legal, policy, and implementation elements. Engagement with government is critical, not just for advancing accountability of state responders but also to inform policy-makers on women's experiences. Continued participation by progressive women's groups can ensure non-discrimination and equality for women are positioned at the centre of policy formulation and state service delivery to women survivors and their children.

Positive outcomes from joint civil society-government engagement has been demonstrated throughout 2014 through discussions on the reform of the Domestic Violence Act, the formulation of the Working Together Document, as well on-going training initiatives with the justice sector, the police and public sector health professionals. Women's groups have also recently been drawn into government discussions on national policies and action plans on eliminating violence against women. These engagements must continue and must further consolidate, for the benefit of the sector.

WAO is aware of the benefits of NGO participation in direct service provision for domestic violence survivors. In 2014, of the 110 women surveyed, 65 (59%) reported that they were unaware of the range of services offered by NGOs, which could have helped them earlier in their domestic violence experience. It is apparent that NGOs must be more engaged in public awareness initiatives and in working more closely with community structures to bridge this information gap.

A key concern is the limited availability of NGO services, particularly of shelters. While there are shelters run by the Social Welfare Department, there are few facilities nationwide that cater specifically for women survivors of domestic violence. Those services are frequently oversubscribed.

The few organisations that do run shelters tend to operate as discrete entities, with minimal sharing of experiences and expertise, and an absence of jointly-developed common standards. This is a serious gap. Moving forward, a stronger initiative is needed by shelter-based NGOs for stronger working partnerships and the development of a standards-based approach to manage shelters and services for women survivors of domestic violence and their children.

Highlights from case studies

Positive Highlights

Highlight 7: Positive impact by police and welfare officers

Prompt and protective action

The case studies illustrate instances where prompt and protective action by police and welfare officers were instrumental in ending the violence.

In Case 8, the investigating officer (IO) and welfare officer both worked in close coordination, enabling the survivor to obtain an interim protection order (IPO) within one day of lodging a police report. In Case 9, Case 12, and Case 14, an IPO was also obtained soon after the police report was made.

S had shifted to 10 different houses due to the abuse by her husband. Upon reporting the domestic violence to the police, the investigating officer gave her a referral letter, and the IPO was granted for her and her two children. (Case 9)

Case 22 highlights an example where a police officer referred a survivor to an NGO-run safe shelter, giving her an alternative to returning to the violent home.

Improved satisfaction in police services

Some women faced negative experiences with the police in the past, which caused them to lose confidence in the police force's ability to help them. However, some survivors then experienced improvements in services received by the police in 2014 and were satisfied with the services. Case 11 and Case 13 highlight such incidents.

These accounts show that front-line police officers' response can be improved. This highlights the need for more training and specialist officers within forces to ensure consistent police response and to instil confidence in survivors.

In Case 13, the survivor reported, "it was the first time I was treated properly by a police officer and I felt very satisfied with her services."

In prior years, D made more than three police reports regarding domestic violence. No follow-up was done and D gave up on reporting subsequent abuse to the police. In 2014, after being brutally beaten again, D decided to leave home and approached the Women's Service Centre (PPW, a centre managed by WCC). The NGO accompanied D to make a police report. The IO handling her case was very helpful and gave her full commitment in handling the domestic violence case. With the IO's support and assistance, D successfully obtained an IPO. (Case 13)

Highlight 8: Breakthrough developments in the courts

The case studies highlight three breakthrough developments in the courts.

Victim impact statement (VIS) utilised

A victim or her representative can make a victim impact statement (VIS) in court. It "highlights the suffering and trauma the victim went through because of the crime" and "will be used by the Judge when considering the seriousness of the sentence to be imposed on the accused."⁸ The VIS was enabled in law in 2012, and has been used as early as 2013. Case 1 highlights an example of the VIS successfully being used.

V suffered abuse from her husband for more than 20 years—hospitalised multiple times due to the abuse. In the most recent incident, her husband stabbed her in the thigh. She escaped with the aid of her neighbour and went to the hospital, where she was referred to WAO. In the court proceedings, V delivered a victim impact statement (VIS). The perpetrator was convicted and sentenced to 36 months in prison, the maximum sentence under section 324 of the Penal Code. (Case 1)

Abuser jailed for breaching a protection order (PO)

The Domestic Violence Act 1994 allows for a person against whom a protection order (PO) is made to be jailed if that person breaches the PO. However, this has never happened in reality—until in 2014. Case 18 highlights a case where, for the first time in Malaysia, an abuser was jailed for breaching a PO. This development sends a positive public message of the importance of a PO in ensuring a survivor remains protected throughout and after the court proceedings.

⁸ Surviving Court: A Guide to Understanding the Criminal Court Process*, Women's Centre for Change, 2013.

Monetary compensation awarded to domestic violence survivor

Under the Domestic Violence Act 1994, the court can order compensation for the victim, “where a victim of domestic violence suffers personal injuries or damage to property or financial loss as a result of the domestic violence”.⁹ Case 6 describes a case handled by WAO, which saw monetary compensation awarded to the survivor.

Highlight 9: Hospitals identify domestic violence and refer survivors to safe shelters

In 2014, of the 51 women who sought medical treatment for physical injuries as a result of domestic violence, 14 women were referred to WAO for safe shelter after identifying the protection needs of the survivor. This is a positive procedure, which recognises the key role played by NGO service providers—to not just offer sanctuary for survivors but to conduct case management and counselling for recovery.

In Cases 1, 4, and 5, after domestic violence survivors went to a hospital to receive medical treatment, the hospital staff had referred them to WAO’s shelter. In Case 20, the hospital identified the risk of repeated violence for the survivors and advised her to contact Perak Women for Women Society (PWW).

In Case 10, the hospital, recognising the severity of the survivor’s injuries, advised the survivor to lodge a police report, which she did through the assistance of PWW.

S had been married for eight years and has two children. During an argument in the car, her husband punched her. She sought medical treatment at a government hospital and the doctor advised her to contact Perak Women for Women Society (PWW) and gave her two weeks medical leave. After the incident, S and her two children stayed with S’s parents. S’s husband consistently persuaded her to return to him and eventually, she agreed to give him another chance. Two years later, S’s husband punched her head several times. S contacted PWW, and PWW managed to coordinate for S to be rescued from the home. (Case 20)

The Social Welfare Department also referred some domestic violence survivors to WAO. Of the 19 women who had sought assistance from the Social Welfare Department before coming to WAO, four were referred to WAO.

⁹ Section 10(1), Domestic Violence Act 1994.

Reported Gaps**Highlight 10: Inconsistent response when survivors seek assistance**

Police officers are often the first responders in domestic violence cases. As such, close attention is paid by this report to the instances where police action was not done to the satisfaction of the survivor and with respect to the police's legally mandated responsibilities.

While in most instances, some action is taken by the police (for example, remanding the perpetrator, helping to retrieve children, and investigating the case), women also described experiences (prior to their seeking assistance with NGO case advocates) where the police should have done more to protect them.

Of the 68 women (out of 110 women) who sought help from the police prior to coming to WAO, a significant number—20 women (29%)—said that the police did not pursue the case to their satisfaction.

Every intervention has the potential to prevent further and escalated violence. Of concern in particular are the instances where the survivor was told to go elsewhere to make a report, and where no action was taken.

As described earlier, many women report that they face barriers in approaching the police. When a woman does seek assistance, it is imperative that action is taken as requested by the survivor. It can make the difference in preventing harm and escalating violence.

To address this, a clear and consistent framework for response is needed, which would hold individual officers accountable for the promptness and quality of protection afforded to the survivor. It is also critical to understand, from the police's perspectives, the reasons these 20 women were not satisfied. The testimonies of these 20 women survivors provide a window towards this understanding. The following describes women's perspectives on the reasons the police did not act as requested.

1. The Officer was unaware of legally mandated procedures

In Case 3, the IO told the survivor that she could not investigate the case, as the survivor had no bruises. However, having visible injuries is not a requirement to investigate domestic violence.

In an article published in *The Star* on 12 October 2014, "Woman attacked by hubby while praying", a woman was reportedly beat up by her husband for three hours. The article reported that while the police were investigating the case, there was no arrest yet as the police had to wait for a court order. However, domestic violence is a seizable offence, thus a court order is not needed for an arrest.¹⁰

¹⁰ Section 18A, Domestic Violence Act 1994.

2. Perception that domestic violence is a “family matter”

In Case 17, the survivor had lodged multiple reports. However, the investigating officer (IO) informed the survivor that domestic violence was a “family matter”.

3. Retracting (“tarik balik”) of police reports

One major reason some police officers do not open an investigation could be because police officers believe complainants may later retract (tarik balik) their police reports.

In Case 19, a survivor had lodged a police report after being hospitalised due to the abuse she faced. The IO discouraged the survivor from lodging a report by asking her if she wanted her husband to be arrested, presumably in anticipation that the survivor would retract a report if she knew her husband would be arrested.

J had been married for two years. J's husband didn't treat her well, even calling her “a prostitute”. One day, J's husband beat her with a wooden stick and hit her head with a chopping board.

J went to receive treatment at the hospital and made a police report. The IO asked her “Awak buat laporan ini untuk apa? Awak mahu saya tangkap suami?” (“Why are you making this report? You want me to catch your husband?”). In the heat of the moment, she replied “No”. The IO then shouted “Habis awak mahu saya buat apa?” (“Then what do you want me to do?”). (Case 19)

When dealing with domestic violence cases, it is inevitable that some complainants will retract their reports. This is in large part due to the cycle of violence, a key underlying dynamics of domestic violence: violence is followed first by remorse by the abuser and forgiveness by the survivor, then by a period of building tension, and finally the violent incident recurs.¹¹

WAO also faces this phenomenon. In 2014, of 110 domestic violence survivors who sought refuge with WAO, 25 women (23%) returned to their abusive partner. All of them said that they wanted to give their respective husband or partner another chance.

¹¹ To account for this phenomena, key performance indicators used to measure police officers' performances may need to be revisited. In cases of domestic violence, investigating officers should not be evaluated based the same criteria as other cases (e.g. investigation leading to the prosecution of the perpetrator).

A study conducted by the Women's Development Research Centre (KANITA) in Universiti Sains Malaysia, found numerous reasons why some women do not seek help when abused.¹² These reasons shed light on why some women retract their police reports after making them. For example:

- 54% did not seek help because they were embarrassed, ashamed, or were afraid they would not be believed or they would be blamed.
- 29% did not seek help because of fear of threats, consequences, or more violence.

It is worth noting that WAO's 2014 data shows 67 women (61%) had left the violent home at least once before and returned there, with 22 women (20%) attempting to leave more than five times. This suggests the futility of attempts by the survivor or the perpetrator to ameliorate the domestic situation, by "forgiving" the perpetrator or supporting the belief that the violence will not be repeated as the perpetrator has repented.

It must be stressed that despite the reality that some complainants retract police reports, it is imperative to understand the reasons and assess how the survivor could be assisted or counselled on this. There are three key issues to be explored with retracting survivors:

- 1) Why is the victim retracting?
- 2) Was there any form of coercion or inducement to retract?
- 3) How can the survivor be supported to address the reasons for retracting?

The fundamental principle is that every domestic violence case reported must be fully and properly investigated. Firstly, many complainants do not retract their police reports. Secondly, despite the cycle of violence and other reasons that discourage women from making reports, the women have found the strength to make police reports. It is, therefore, even more important that the police enable an environment that does not reinforce their reasons to not report, but instead support their decision to come forward to seek help.

Highlight 11: Reconciliation is wrongly used as a response

Four case studies highlight a worrying practice observed where police officers are attempting to forge reconciliation between the survivor and the abusive partner. It must be recognised that attempting to reconcile the complainant with the abuser is never an acceptable response. It is contrary to national law and policy, including international standards. It puts the survivor at risk of severe danger.

¹² Shuib, R., Ali, S. H., Abdullah, S., Ab Ghani, P., Osman, I., Endut, N., . . . Shahrudin, S. S. (2014). Executive Report, Summary of Findings: A Country Level Study of Women's Well-being and Domestic Violence Against Women (DVAW) Using WHO Multi-country Questionnaire. Pulau Pinang: Women's Development Research Centre (KANITA), Universiti Sains Malaysia.

Reconciliation is likely attempted in the belief that forgiveness and a perpetrator undertaking to reform will not repeat the violence. Research and the actual experiences of our survivors belie this (including the four cases documented here). It may also be perceived as a way to stave off the challenge of opening a police investigation, only to have the survivor retract the report. As explained in the preceding section, survivors recant reports for a range of reasons, the most compelling being fear of the abuser, financial and housing considerations, or for the children's wellbeing. Because of these top three reasons, women decide to "forgive" the perpetrator.

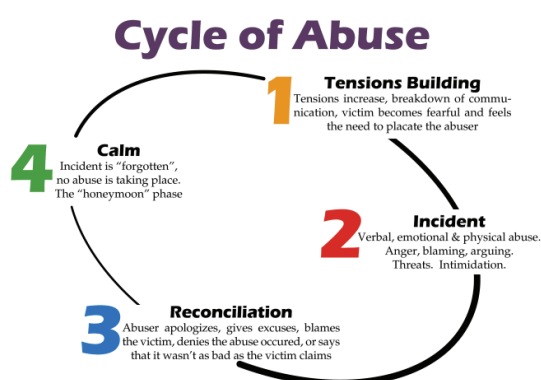


Figure: Cycle of Abuse

source: *awarenow.org*

A survivor's departure from the violent home has two positive effects: separation leads to positive change in the condition of the survivor (amelioration of fear, anxiety and hopelessness). It promotes safety, protecting the survivor from further harm. It allows healing to take place.

All service providers must appreciate that the violent home

is an unsafe place for the survivor. Experts describe a pattern known as the cycle of violence. This cycle, once fully understood, underscores the criticality of physical separation of the survivor from the perpetrator.

The cycle begins with the tension-mounting phase which escalates to the point when the violence occurs. A period of apparently sincere regret and remorse follows. A survivor places hope in this regret and remorse, that the violence will not recur, and modifies her behaviour as per the direction of the perpetrator. Unfortunately, extensive research and experience shows that the perpetrator will not change during the period of passivity of the survivor. This period of false calm soon evaporates and tension once again begins to build, leading on to the next incident of domestic violence. The severity and frequency of the abuse generally increases with each cycle.

The following excerpts from the case studies demonstrate the cycle of violence and underscores the dangers of reconcile the perpetrator and the survivor.

1. "Caution" for the abusive partner

Case 17 highlights a situation where a survivor lodged a police report, only for the investigating officer (IO) to call the husband, give him a caution and have him promise he would change. He didn't—only a few days later, he abused the survivor again.

A caution for the perpetrator may be a useful device when a survivor has herself taken an independent decision to return home. The police can (and reportedly, do) caution the perpetrator to not repeat the violence or risk legal consequences. However, this should not be part of an attempt by the police to achieve reconciliation, contrary to the wishes of the survivor.

2. Abuser physically called in to police station while survivor was there

Case 4, Case 19, and Case 21 highlight even more concerning situations where the IO contacted the abusive husband to come to the police station when the survivor was also at the police station, without her knowledge and consent.

- In Case 4, the survivor had gone to the police station to give her statement, when to her shock her husband turned up. The IO brought the survivor and the abusive husband to a room to talk.
- In Case 19, when the survivor was taken to the police station by the IO, the husband and his family were there and convinced her to recant the report.
- In Case 21, the survivor had gone to the police station to get help from the IO to retrieve her baby. The IO instead contacted the husband, who then came to the police station. The IO advised the survivor to work things out with the abusive husband.

E had been abused by her husband almost on a daily basis, beaten with objects like hammers and metal rods. E finally escaped and made a police report. E went to the police station to meet the IO. While giving her statement, her husband and father suddenly turned up—presumably called by the IO. The IO facilitated a meeting with E and the family members. E had no choice but to leave with her husband. (Case 4)

3. Contrary to law and policy

It is against procedure for reconciliation to be the first course of action when a woman makes a police report.

- Under the Domestic Violence Act (DVA) 1994, any form of reconciliatory counselling can only be mandated after the police investigation stage.

- Further, any form of counselling that takes place throughout the domestic violence process is not under the authority of the police. Counselling is under the authority of the Social Welfare Department.
- It is against the spirit and purpose of the DVA, which as stated in the Act's preamble is "an Act to provide for legal protection in situations of domestic violence and matters incidental thereto."

4. Putting the survivor in danger

Attempting to reconcile the survivor with the abusive partner is extremely dangerous for the survivor. In fact, it is an international best practice to prohibit mediation in domestic violence cases.

- The United Nations Expert Group Meeting on Global Good Practices on Domestic Violence Legislation recommended that mediation in all cases of violence against women should be explicitly prohibited both before and during legal proceedings.¹³
- The Expert Group also noted that "a number of problems arise when mediation is utilised in cases of violence against women. It removes cases from judicial scrutiny, presumes that both parties have equal bargaining power, reflects an assumption that both parties are equally at fault for violence, and reduces offender accountability. An increasing number of countries are prohibiting mediation in cases of violence against women."

Highlight 12: Insensitive handling of domestic violence complainants

The case studies document instances where police officers made insensitive remarks when handling domestic violence cases.

In Case 16, a police officer made a racist comment and blamed the survivor for the abuse.

G was beaten up by her husband with a mortar, which caused her to faint. She was admitted to the hospital. She suffered from head injury, bruises, and scratches. She subsequently lodged a police report in May 2014.

The IO assigned, met G at the hospital. The IO discouraged her from applying for an IPO. One police officer said, "Why do you want to embarrass the Indian community? Chinese and Malays are not like this." (Case 16)

¹³ Expert group meeting on good practices in legislation on violence against women, "Good practices in legislation on violence against women", 2008. Pg. 43. See [http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/Report%20EGMGPLVAW%20\(final%2011.11.08\).pdf](http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/Report%20EGMGPLVAW%20(final%2011.11.08).pdf)

In Case 10 the survivor, accompanied by WAO, went to make a police report. The investigating officer (IO) was harsh and rude. However, the IO became empathetic and sensitive after WAO's social worker spoke to the IO.

Some of this behaviour may stem from a lack of understanding of domestic violence. For example, some police officers may take lightly abuse that does not seem serious in nature, without realising that the abuse is indicative of further more serious abuse (sometimes even spousal murder).

Some officers may not understand why some survivors do not leave the abuser despite the abuse, causing the officers to be frustrated with the survivor's choices, and even blame the survivor for the abuse.

Police officers are in the position of being able to provide referral letters for women, bring them to a safer place where they can receive support, and hold abusers accountable for their actions. A positive police response is vital to ensure the safety of abused women and their children.

The work of WAO and other NGOs in providing shelter and case management for individual survivors is complex and comprehensive. We are however only able to respond to a fraction of the women in need. The reach of our government agencies is nation-wide and therefore far more extensive. The resource bank of the government is also far in excess of NGO resources. Our state agencies are the main service provider for enabling access to protection and justice for women survivors of domestic violence.

Recommendations

Woman activists joining arms at a workshop on women's rights organised by Women's Aid Organisation (WAO), as part of the SEA Women's Caucus on ASEAN.

Photo by Holly Shrum.



WOMEN'S AID ORGANISATION
PERTUBUHAN PERTOLONGAN WANITA

Recommendations

There are several critical areas of need raised by the highlights:

- **Victim-centred response:** The system needs to inspire confidence from all sides. The system fails victims when they feel unsupported and when they are not accorded their due rights. We recommend a thorough review of barriers women face in accessing justice and protection, train all service providers to understand better the challenges of being a domestic violence survivor, increase information available publicly, and strengthen communication with survivors about their case.
- **Data and evidence:** Greater understanding of domestic violence, profiles of victims, and information on perpetrators and domestic violence related crimes is crucial to ensure we have a complete picture possible to plan, target resources and monitor progress. We recommend the government review its current data collection procedures, and establish an initiative to focus data collection on domestic violence matters as a first step to understanding the dimension of domestic violence better. This should be accompanied with a central case management database, accessible to all state actors.
- **Training and awareness:** All stakeholders have a critical role to play in stopping abuse and ensuring that the victim is appropriately supported. We recommend that all front line state service providers and court officials receive comprehensive training within a common learning platform. A key need is to change perceptions of women victims, foster full understanding of their needs, and to promote sensitivity and understanding of the many dimensions of domestic violence. In this way, service providers would be able to ensure the most appropriate response is accorded to all survivors. Service providers must focus not on reconciliation and assumptions that survivor will retract reports, and focus on supporting the woman through the difficult journey of surviving domestic violence.
- **Strengthening legislation:** We recommend that current legislative reforms pending tabling in Parliament is prioritised and passed to close the current legislative gaps.

Associated with these critical areas are the following specific recommendations.

- **To the Cabinet**

Recommendation 1. Adopt the Inter-agency Working Together Document in Handling Domestic Violence Cases

To overcome inconsistencies and gaps in implementation of the Domestic Violence Act 2014 (DVA), a standard operating procedure used by all relevant government agencies handling domestic violence cases must be adopted. Twenty years after the DVA became law in Malaysia, such a protocol has yet to be adopted.

A protocol, dubbed the Inter-agency Working Together Document in Handling Domestic Violence Cases ("Dokumen Kerjasama Antara Agensi Bagi Mengendalikan Kes Keganasan Rumah Tangga"), has been in development as early as 2010, but has yet to be finalised and adopted. The Ministry of Women, Family and Community Development had committed to adopting the document in 2014.¹⁴

The document is nearly complete, and awaits endorsement by the other ministries. This document should be endorsed without delay, so that front-line officers have clear procedures to follow.

Recommendation 2. Submit Malaysia's overdue combined 3rd, 4th, and 5th periodic CEDAW reports

Having ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Malaysia is obligated to submit periodic status reports to the expert CEDAW Committee. Malaysia is overdue in reporting its 3rd, 4th, and 5th periodic CEDAW reports.

By reporting, the Malaysian government can receive expert advice from the CEDAW Committee, including in improving its response to domestic violence cases. Reporting is also an opportunity for the government to share and publicise the efforts it is taking to respond to domestic violence.

- **To the Ministry of Women, Family and Community Development**

Recommendation 3. Ensure the inter-agency committee on domestic violence meets at least twice a year, and includes NGOs which provide services for domestic violence survivors

There is insufficient monitoring and evaluation by the government of its handling of domestic violence cases. The Social Welfare Department chairs an inter-agency committee on domestic violence. However, the committee only meets once a year and does not include relevant NGOs, even though NGOs are the majority service providers for domestic violence survivors.

¹⁴ "Refuse abuse: Finding the power to stop domestic violence", The Star Online, 25 April 2014; "No need for warrant to arrest domestic violence offenders – Women's Aid Organisation", The Malaysian Insider, 17 October 2014.

Regional or state level inter-agency committees should also eventually be established, consisting relevant local, state, and federal government agencies and NGOs, which meet at least twice a year.¹⁵

Recommendation 4. Increase funding for domestic violence shelters

There exists a large gap between needs and availability of services.

Every year, only a few *hundred* women are able to seek shelter services at one of the 42 shelters gazetted by the government. Of the 42 shelters, 34 are government shelters. In the five-year period between 2008 and 2012, these government shelters housed on average a total of just 32 domestic violence survivors each year (the shelters housed other women who were not domestic violence survivors). WAO, the largest gazetted shelter provider, shelters roughly a hundred domestic violence survivors each year (110 women in 2014).

In contrast, a study conducted by the Women's Development Research Centre (KANITA) in *Universiti Sains Malaysia* estimated that *hundreds of thousands* of women in Malaysia have experienced domestic violence in their lifetime.¹⁶ While not every survivor needs shelter in a particular year, the study suggests the needs are *orders of magnitude* larger than what existing services provide. Demand for WAO's shelter services consistently exceeds capacity.

Additionally, as highlighted in the case studies, shelter services can provide a variety of social work and counselling services beyond ensuring a safe place to stay.

More resources should be allocated to domestic violence shelters, including funding new (government and NGO run) domestic violence shelters, and in supporting and improving existing shelters. A nation-wide network of these shelters should be established to facilitate collaboration and encourage shared standards.

• To the Royal Malaysia Police

Recommendation 5. Reallocate more funds to increase police personnel who handle domestic violence cases.

¹⁵ For a comparative model, see the "Protecting Families from Violence: The Singapore Experience", the Ministry of Community Development, Youth and Sports, Singapore, 2009: http://app.msf.gov.sg/Portals/0/Summary/research/Protecting%20Families%20from%20Violence_The%20Singapore%20Experience_2009.pdf

¹⁶ Shuib, R., Ali, S. H., Abdullah, S., Ab Ghani, P., Osman, I., Endut, N., . . . Shahrudin, S. S. (2014). Executive Report, Summary of Findings: A Country Level Study of Women's Well-being and Domestic Violence Against Women (DVAW) Using WHO Multi-country Questionnaire. Pulau Pinang: Women's Development Research Centre (KANITA), Universiti Sains Malaysia.

Investigation Officers (IO) dealing with domestic violence cases are overworked, sometimes working 24-hour shifts. There is also a lack of supporting personnel like counsellors to assist front-line officers.

To demonstrate that responding to domestic violence is a priority, the budget within the police force can be reallocated to increase the number of front-line officers handling domestic violence cases, as well as provide more support for these officers, for example access to counsellors and regular training.

Recommendation 6. Broaden efforts to train front-line police officers in handling domestic violence cases

While there are undoubtedly many police officers that conduct their duties professionally, there are also those who do not, as the case studies suggest.

It is important that every front-line police officer is well trained on the Domestic Violence Act 1994 and other relevant laws, the procedures in handling domestic violence cases, and the dynamics and realities of domestic violence.

It must be emphasised, for example, that consistent with the law, protection must be the first priority and that reconciliation is not under the purview of the police. Additionally, it must be emphasised that domestic violence is a crime, and victims should not be blamed.

• **To Parliament**

Recommendation 7. Broaden the definition of domestic violence in section 2 of the DVA to include stalking

In WAO's 2013 *Monitoring the Implementation of the Domestic Violence Act 1994* report, nine out of the 34 cases documented had elements of stalking.

There is a strong link between stalking and other forms of domestic violence, including murder. Recognising stalking in domestic violence cases, and intervening, can prevent future abuse and even death.

Recommendation 8. Broaden the definition of domestic violence in section 2 of the DVA to include abuse between intimate partners

Domestic violence is characterised by repetitive violence, power imbalance, and control by the perpetrator over the survivor. These characteristics can be present in violence between intimate partners who are not married.

It is an international best practice to include intimate partners as a type of relationship covered under domestic violence laws. The United Nations Handbook for Legislation on Violence Against Women recommends that domestic violence

.....

"legislation should apply at a minimum to individuals who are or have been in an intimate relationship, including marital [and] non-marital" relationships.¹⁷

Of the 110 domestic violence survivors who sought shelter with WAO in 2014, five women were abused by their boyfriends, the same amount or more compared abuse by a parent, sibling, or other family member—relationships covered by the Domestic Violence Act 1994.

Recommendation 9. Amend section 7 of the DVA so that a power of arrest is attached to every IPO and PO

If a defendant is likely to violate the protection order in ways other than actual physical violence, the victim is not protected through the IPO with powers of arrest. Victims are also not protected from defendants who do not seem likely to cause physical injury but actually do commit such violence.

An explicit power of arrest will make it clear to enforcement officers that they can make an arrest.

Recommendation 10. Amend section 11 of the DVA to remove the ability of the court to order the parties to a conciliatory body

The court should not be able to order any form of reconciliation between the survivor and victim. Requiring a survivor to attempt to participate in reconciliatory efforts with a perpetrator places her in danger. The safety of the survivor must always be the top priority, and this is reflected in the preamble of the Domestic Violence Act 1994.

It is an international best practice to prohibit mediation in domestic violence cases. The United Nations Expert Group Meeting on Global Good Practices on Domestic Violence Legislation recommended that mediation in all cases of violence against women should be explicitly prohibited both before and during legal proceedings.¹⁸

Recommendation 11. Enable survivors to obtain protection without prosecution

Domestic violence protection from the police can only be obtained if the police carry out an investigation, which could eventually lead to prosecution. Survivors cannot obtain IPOs if they choose not to lodge a police report against a perpetrator.

¹⁷ United Nations Department of Economic and Social Affairs, Division for the Advancement of Women, "Handbook for Legislation on Violence Against Women", 2010. Pg 25. See <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>.

¹⁸ Expert group meeting on good practices in legislation on violence against women, "Good practices in legislation on violence against women", 2008. Pg 43. See [http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/Report%20EGMGLVAW%20\(final%2011.11.08\).pdf](http://www.un.org/womenwatch/daw/egm/vaw_legislation_2008/Report%20EGMGLVAW%20(final%2011.11.08).pdf)

Because of this, women who only seek protection but do not wish to have their abusive partner prosecuted may be reluctant to seek protection from the police. Further, if an investigation ends or is not carried out by the police, a survivor will not have protection.

A remedy should be created for survivors who seek protection independent of prosecution. It is important to note that protection of the survivor does not limit the lawful rights of an alleged perpetrator, as this person would only be prohibited from committing violent acts.

We hope that all stakeholders will act on these recommendations and build on the learning points highlighted in this report.

Case Studies

Woman with her child at WAO's temporary shelter

Photo by Aaron Claringbold.



WOMEN'S AID ORGANISATION
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Case studies by Women's Aid Organisation (WAO)

Case 1: More action needed to investigate the case; successful delivery of victim impact statement (VIS)

V has suffered abuse from her husband for 23 years since her first day of marriage.

More action needed to investigate the case to prevent violence from escalating

V has been subjected to physical, psychological, sexual, financial, and social abuse. Her children have also been subjected to physical and psychological abuse. Although she had filed seven police reports over seven years, the violence continued.

She was hospitalised multiple times due to the abuse. A case was finally opened, and her husband was eventually convicted to prison for six months.

Yet the violence continued. Two years later, her husband attempted to stab her with a knife. She deflected the attack but was stabbed in the thigh. She escaped with the aid of her neighbour who called the police and who subsequently brought her to a government hospital, where she needed three stitches. At the accident and emergency department, she was referred to a medical social worker who contacted WAO, where she was later sheltered.

Successful delivery of victim impact statement (VIS) in court

A WAO social worker assisted the client in delivering a victim impact statement (VIS) in court, which was conveyed by the client on the day the perpetrator pleaded guilty.

A VIS "highlights the suffering and trauma the victim went through because of the crime" and "will be used by the Judge when considering the seriousness of the sentence to be imposed on the accused."¹⁹

Due to the severity and history of the abuse, the perpetrator was convicted to 36 months in prison, which is the maximum sentence under section 324 of the Penal Code.

Remarks:

- The escalated abuse was not prevented, despite the client having reported a total of seven reports against the husband over seven years.
- The VIS, a relatively new procedure, was carried out effectively in court.

¹⁹ "Surviving Court: A Guide to Understanding the Criminal Court Process", Women's Centre for Change, 2013.

Case 2: Lack of immediate medical treatment provided for abused victim; delays in court proceedings

F suffered physical, verbal, emotional, and financial abuse, throughout her five-year marriage. Her then-husband would shove her shoulder in front of other family members, throw things, kick the door, and yell at her. F had to bear all the expenses including credit card debts and his student loan. He forced F to obtain a loan to cover his debts.

As a result of these incidents, F made several police reports. F filed for divorce in the Syariah court. Both parties agreed that custody of their children be given to the father and that F be given visitation rights.

Immediate medical treatment was not provided for the abused victim.

The next day, F went to pick up her child from playschool but was prevented from doing so by her mother-in-law, even though it was her turn to be with the child. Her ex-husband appeared and punched her in the face and kicked her in the stomach until she fell. This caused F to suffer injuries and severe bleeding in her nose, as well as swelling and scratches on her right shoulder.

The nurse at the private clinic took photos but stated that they were unable to treat her as the injuries were sustained as a result of violence, and treatment had to be done at a general hospital.

In excruciating pain and with a bloody nose, F then went a government hospital to obtain treatment. She was not treated immediately because the nurse had asked her to make a police report first before receiving treatment. After making a police report, F was examined and the x-ray result indicated that her nose was broken.

After the examination and treatment, the police asked F to meet with an investigating officer (IO) at a police district headquarters. The IO obtained F's statement and subsequently took photos of the injuries sustained by her. F was later informed that her ex-husband had been remanded and detained in lockup for four days.

The hearing of the case was delayed for two months, and then another three months. When the court hearing finally took place, her ex-husband did not attend court. F then contacted WAO for help.

F also wrote a letter to a newspaper and to the Attorney General's Chambers (AGC) about her case. The AGC contacted her and informed her that her case will be brought forward.

Remarks:

- Medical treatment should be conducted as soon as possible. Medical evidential proof should be accepted from public and private medical service providers. There should be no barriers to survivors accessing emergency services from private clinics or hospitals.
- The survivor felt extremely stressed and disturbed due to the delays in court proceedings.

Case 3: Inaccurate information about IPO; police enter WAO refuge

J was beaten up by her husband. He beat and kicked her back and J could not bear the abuse. She decided to leave the house and come to WAO.

Lack of knowledge about IPO

J was accompanied by a WAO social worker to a police district headquarters to get a referral letter from the investigating officer (IO) to apply for an interim protection order (IPO). There, she was called to the IO's office and was informed she could not get an IPO.

Later, the IO explained to WAO's social worker that she was unable to help to obtain the IPO because she did not know which section of the offense to open an investigation under. The IO said J did not have any more bruises on the body, and that there was no medical report made. It was not noted that J was sent to a public hospital after she had earlier lodged a police report. Additionally, the IO informed J that she will call the abusive husband to give him a warning and that if he continues to do more harm, J should contact the IO. An investigation did not take place.

Police officer requests to enter WAO refuge

An officer from the police district headquarters along with two persons arrived at WAO's shelter to look for J. According to them, J's husband was searching for her as one of their children had fallen ill.

The next day, the same officer, together with two police officers from the *Unit Peronda* and two non-uniformed men arrived at WAO's shelter. They again asked for J. They requested to enter the shelter despite repeated explanations that they must obtain a court order. They left after receiving an official letter from WAO confirming that J was not at the shelter.

Remarks:

- The IO did not follow the procedures in handling domestic violence cases. As a result, J was given inaccurate information about IPOs.

- The abuse should have been taken seriously and an IPO applied for, instead of J's husband being called.
- The police attempted to enter a safe shelter to look for an abused woman seeking refuge, on behalf of the alleged abuser, causing distress to WAO residents. WAO's shelter is gazetted by the Social Welfare Department.

Case 4: Investigating officer (IO) asks alleged perpetrator to be present while survivor gives her statement, and acts as mediator

S is a foreign citizen who came to Malaysia to work. She married a Malaysian citizen. Later, her husband, with her consent, married another woman, E.

While they were married, both women endured abuse almost on a daily basis. They were abused physically, psychologically, and socially. The women were beaten with objects such as hammers and metal rods. E was also not allowed to save money or see her family and was verbally abused constantly.

Referred to WAO shelter at the hospital; hospital staff gives WAO's information to alleged perpetrator

Seven years into the marriage, both women were beaten and verbally abused by their husband. The husband brought them back to his house and subsequently beat them continuously. When the husband sent them to a shop to buy groceries that night, both of them took the opportunity to escape and run away. They lodged a police report and spent a night at a government hospital. They were then referred to WAO by the hospital.

Both women arrived at WAO's shelter the next day. S was pregnant and was due to give birth shortly; she delivered her baby a few days later. She subsequently went back to her mother-in-law and husband's family.

Upon arriving at the hospital, S and E's husband threatened the hospital's staff to reveal the people who had sent S to the hospital. He wanted to find out E's location. He was later informed that S was brought by a social worker from WAO.

Misuse of city council's name by city council staff to help alleged perpetrator

The husband persistently called WAO to find out E's location. WAO received a call from a city council staff, stating that she was calling on behalf of the council and would need to get the address of WAO's shelter. First, she said she wanted to send a letter, and followed by saying that she wanted to give a donation. She finally said she was calling on behalf of his friend who was looking for his wife, E.

Eventually, E's husband turned up in front of the WAO's shelter. WAO had to call the

police, and four police patrol cars arrived. The husband pretended to leave after talking to the police, but WAO social workers saw him waiting at the corner of the road. He was still seen there the next day.

IO acts a mediator and alleged perpetrator is invited to the police station where the client is recording her statement

E and WAO's social worker went to a police district headquarters to meet the IO. While she was giving her statement, E's husband and her father turned up. Her husband and father had been informed that E was at the police station.

E was greatly distressed by the situation, as her husband, her father and the IO persuaded her to return to her husband. E was observed as being scared of her husband. The IO then requested WAO's social worker to step out of the room while she had a conversation with E and her family members. The IO then informed the social worker that E had decided to go back to her father's place and give her husband a second chance. E left with her father and husband.

Remarks:

- The medical staff was efficient in referring the women to WAO in order to seek assistance for their abuse case.
- The hospital staff should not have disclosed WAO's information especially to the alleged perpetrator who would subsequently go after the women.
- The city council officer who called WAO misused the city council's authority.
- The IO's conduct in having the alleged perpetrator present while the woman gave her statement put the client in immediate danger.

Case 5: Difficulty in extending visitation passes for foreign citizens

H is a foreign citizen who married a Malaysian citizen. They have two children together. H is a victim of domestic violence. Her husband abused her physically (beating with objects, threatening with knife, throwing objects), and verbally. H had left her home on previous occasions due to the abuse, but went back as she had no other choice.

H ran away from home after being hit continuously by her husband. She went to a government hospital, lodged a police report and was referred to Women's Aid Organisation (WAO).

Inflexibility to extend visitation pass for immigrants

H's Long Term Social Visit Pass (Spouse of Malaysian Citizen) was set to expire in

two weeks. H went to the Immigration Department to extend her pass. She was informed that she could apply for the "*Isteri Teraniaya Kepada Warganegara*" pass as she has lodged a police report on domestic violence. However, she could not get a 1-month extension to allow her to prepare the necessary documents.

Under the "*Isteri Teraniaya Kepada Warganegara*" pass, H is required to find a sponsor who is a Malaysian citizen and earns RM2,000 per month. H does not have a lot of friends in Malaysia who earn RM2,000 or more per month. She made numerous calls to people she barely knew to ask for help. She met with a potential sponsor, who although was keen to help in the beginning, did not become H's sponsor as he tried to encourage her to meet with her abusive husband for a counselling session. H then went to see another potential sponsor, a woman that she barely knew through another religious class. The sponsor has a small stall as her own business and earns slightly more than RM 2,000 per month.

H, with her sponsor, went to the Immigration Department to submit her application. She was asked to return at a later date. The pass was not ready on that date, and she was asked to come back three days later. After waiting for a whole day, she was informed that the pass was still not ready and she was asked to come again in two days. H finally got her pass.

H is now able to stay in Malaysia until next year when she must apply to renew her pass. However, she could not find employment as her pass does not allow her to work. H has filed for divorce in the Syariah court. With no employment, H is struggling to support herself and her children in Malaysia. Because H does not have Permanent Residency, she also faces difficulties in getting financial assistance to raise her Malaysian children.

Remarks:

- While it is positive that H was able to get a special pass to remain in the country temporarily, some survivors may not be able to find a sponsor. Additionally, the absence of a working permit makes it difficult for women to sustain themselves while in the country.

Case 6: Monetary compensation awarded to domestic violence survivor

Z was involved in a polygamous marriage. Her husband also had affairs with other women throughout their 13 years of marriage. Z's husband has abused her on many occasions. Once, her husband hit her on the head, and slapped, kicked, and pushed her around. Another time, she was hit with a key over the left side of her face and hit by a metal object over her chest. He would hit her repeatedly in front of their children. Z and her children lived in constant fear. Z applied for divorce.

Z successfully obtained an interim protection order (IPO) and protection order (PO) against her husband. Throughout the criminal and divorce proceedings, Z was constantly harassed and threatened by her husband and his family. They have on many occasions forced her to recant the criminal case against him as well as the Syariah court case. This has forced her to make another report against her husband for violating the PO.

The court found Z's husband guilty under section 323 of the Penal Code for voluntarily causing hurt. As a consequence, he was obliged to perform community service for three months. The court successfully took into consideration the pain and suffering of the victim, the physical and mental injury suffered, and the cost of medical treatment for injuries by ordering the husband to pay Z RM 4,000 as compensation.

Remarks:

- The court, by awarding monetary compensation, assisted the survivor to re-establish her life, while punishing the offender for his violent behaviour. This is the first time WAO has handled a case where compensation was awarded to the wife as a result of the abuse.

Case 7: Survivor asked to retrieve evidence (a weapon) herself

H has lived with her partner for 13 years. Her marriage was registered in another country, and not in Malaysia. H has been subjected to abuse since the day she met her partner. She has made at least four police reports on domestic violence. H was unable to send her children to school and the children were also subjected to abuse.

In the most recent incident, the husband abused H and her children so severely that the daughter was admitted to a government hospital for 17 days, and was taken into the Social Welfare Department's custody.

Reluctance to assist complainant to retrieve evidence

When a report against her husband was made, the investigating officer (IO) opened the case for investigation. Later, the IO asked H to retrieve the weapon, a baseball bat used by the husband to hit her at her house, to be used as evidence. No assistance was provided to H.

No updates on the status of the case

H was not informed as to the status of the case. She was unaware whether the investigation had ended or classified as no further action. WAO's social worker contacted the IO to follow up on the case, but after a month, an update had still not been provided.

Professional and prompt assistance by the District Education Office (PPD)

As both the children do not hold birth certificates, they were unable to register for school. WAO's social worker referred the case to the relevant District Education Office, which helped enrol the children to the designated school despite not having the birth certificates.

Remarks:

- In asking H to collect evidence on her own, H's safety was put at risk.
- Despite the numerous police reports made, it appears that there was a lack of action taken to investigate her case. Her statement was taken on only a few occasions, and her husband was not charged.
- There was a lack of communication between H and the police, as she was not updated on the status of her case.
- The District Education Office (PPD) was efficient in handling the school enrolment process of the children.

Case 8: Prompt and helpful action by police officer and welfare officer

Y was forced to be a homemaker because her husband did not allow her to work—he would get suspicious that she might have an affair. Y's father was also a domestic abuser.

Y had been abused by her husband for many years. She had made several reports against him and requested the police to arrest him. However, both times she changed her mind and withdrew the report.

Prompt action by the investigating officer (IO) in providing referral letter

One day, Y's husband returned home drunk, went to Y and started asking Y why he could not get through to her mobile phone. When Y responded that she was unsure of the matter, the husband became angry and punched her face several times. He then took a knife, held it on her neck and threatened to kill her unless she left the home immediately. He continued beating her while she packed her things.

Y eventually went to police station to lodge a police report, and the investigating officer (IO) directed her to conduct a medical check-up. A medical social worker from a government hospital contacted WAO for temporary shelter.

WAO's social worker contacted the district police headquarters (IPD) to get a referral letter for an interim protection order (IPO). The IO agreed to give the referral letter and requested the social worker to collect it the next day. The IO was very

friendly and empathetic with Y and WAO's social worker. He said he had located the husband but he will make the arrest some time later. He promised to inform the social worker and Y once the husband had been arrested in order to retrieve the two children that were left behind at their home.

Efficient and helpful welfare officer and timely issuance of IPO

The welfare officer was very helpful in assisting WAO's social worker and Y to obtain the IPO from the court. Y successfully received IPO the next day.

Delay in arresting the alleged perpetrator

To protect Y's safety, the police advised Y to wait for Y's husband to be arrested before proceeding to retrieve the children. In the meantime, the police interviewed and received statements from several people to aid the investigation, including family members from both sides. Also, the police insisted on getting a statement from the doctor who treated Y as they thought it would strengthen the case.

While the investigation was thorough, the delay denied Y from retrieving her children. Ten days after Y received her IPO, the husband had still not been arrested. Y felt stressed and wanted to get her children back as soon as possible, so together with WAO, Y went to pick up her children.

Remarks:

- The IO and the welfare officer acted promptly and professionally in assisting Y to obtain an IPO. As a result, the IPO was issued within 24 hours.
- Y had not been updated on the status of the arrest or status of the investigation.

Case 9: Timely issuance of an interim protection order (IPO) by the police

S is a teacher at a secondary school. She had shifted to 10 different houses due to the abuse by her husband. Her only support had been her mother.

Despite being psychologically abused by her husband prior to the marriage, S believed that he would change and agreed to marry him. S's husband was unemployed and frequently asked her for money to buy drugs. She experienced various types of abuse throughout the marriage and has lodged four police reports. She tried to leave him four times.

One night, S's husband came home and asked her for money to buy drugs. He was impatient and aggressive, and started to slap and hit her. S could not bear

the situation any longer. She decided to leave the house and went to the Social Welfare Department for assistance. The Social Welfare Department contacted WAO to assist with temporary shelter.

Timely issuance of IPO by IO

S was two months pregnant when she filed for *fasakh* (divorce). The social worker accompanied S in giving the statement and later collected a referral letter at a district police headquarters (IPD) to obtain an IPO. The police officer was very efficient and the IPO was granted for the client and her two children.

Remarks:

- The IO was very efficient and helpful especially in including the children in the IPO, and ensuring timely issuance of the IPO.

Case 10: More sensitive and appropriate approach to client needed

L's mother passed away upon her delivery and she was brought up by an abusive stepmother. L was studying when she met her boyfriend. They were in a relationship for a year, and eventually moved in together. Soon, L discovered that her boyfriend was already married with two children, and his wife was in confinement after giving birth to their second son. L was shocked, but remained with the boyfriend.

The abuse occurred physically, psychologically, sexually, and socially for four years. She left their home as she was afraid of getting killed by the boyfriend. L's father contacted WAO for temporary shelter.

Doctor encourages complainants to lodge a report and seek assistance

L was in fear and did not want to take any legal action against her boyfriend. Nevertheless, during the medical check-up at a government hospital, the medical staff encouraged her to lodge a report as they deemed that this was a serious case of abuse. With some encouragement, she agreed to lodge a report but at the police station, L was reluctant to file a report because of her previous experiences whereby she went back to the abuser after lodging a police report and the abuse escalated. She therefore decided not to lodge a police report. During the medical check-up, it was discovered that she was five weeks pregnant and she left WAO right after that.

Two months later, L returned to WAO with burn marks and bruises. A WAO social worker accompanied L to make a police report and get a medical check-up. During the medical check-up, the medical practitioner again advised her not to return to her boyfriend after treating her injuries.

A more sensitised approach needed towards the client

L's statement was taken; however, there were complications as the IO who took the statement was apparently a friend of the boyfriend. Initially, an inappropriate attitude was exhibited, but after talking to the social worker, the IO became empathetic and sensitive towards L.

L is reluctant to follow up on the case against her boyfriend, as she feels scared and insecure. She is currently working and lives independently.

Remarks:

- The medical staff acted proactively by encouraging L to lodge a report and seek assistance.
- A more sensitised response was needed by the police towards the client.

Case studies by Women's Centre for Change (WCC) Penang

Case 11: After previous negative experiences efficient investigating officer assists survivor

B endured domestic violence by her husband for more than 10 years. Although B has made several statements to the police, no action had been taken.

Finally, B made another police report. Fortunately, the new investigating officer (IO) was very helpful in handling her case and she was able to obtain an interim protection order (IPO) in a week. Her husband was later charged in court and found guilty of domestic violence. B was very satisfied with the service and the IO's effort in handling this case.

Remarks:

- Timely issuance of the IPO.
- Quick arrest of the alleged perpetrator.
- The IO was helpful and efficient in assisting complainant with her case.

Case 12: Investigating officer assesses risk and assists survivor to obtain an interim protection order

C lodged a police report for domestic violence committed by her husband. C met an investigating officer (IO) to give her statement before being referred to the hospital and WCC Penang.

After a week, C contacted the IO who helped her apply for an interim protection order (IPO) after assessing that she was in a dangerous situation. The IO issued a letter for the IPO application and referred the case to the Social Welfare Department. C obtained an IPO shortly afterwards.

Remarks:

- Timely issuance of IPO.
- Police officer showed concern for the safety of complainant and awareness of the risk.
- IO was helpful in assisting the complainant for the IPO application.

Case 13: After negative experiences, helpful investigating officer assists survivor

D had made more than three police reports regarding domestic violence inflicted by her husband. Unfortunately, no action or protection was given. As a result, D gave up on making police reports when the husband subsequently hit her.

After being brutally hit by the husband, D decided to run away as she could not bear any more pain. After undergoing counselling, the Women's Service Centre (PPW, a centre managed by WCC) accompanied D to make a police report.

The IO handling her case was very helpful and gave her full commitment in handling her case. She took D's and her children's statements as well as photographs of their injuries to be used as evidence to support their case. With the IO's cooperation, D successfully obtained an interim protection order (IPO).

D said that it was the first time that she was treated properly by a police officer and felt very satisfied with her services.

Remarks:

- The IO was helpful and gave her full commitment in handling the case.

Case 14: Investigating officer builds confidence towards the police

E and her children have been repeatedly abused by her husband, including being locked them up in the house for three days. As a result of these events, E and her children experienced trauma and E had bruises all over her body. E decided to go to police station to lodge a report against the violence that had occurred.

The investigating officer (IO) handling E's case assisted her to get an interim protection order (IPO) and referred this case to the Social Welfare Department. The IO also contacted E to inform her about the status of the case.

Remarks:

- The IO's effort was greatly appreciated by the complainant and she felt secure and confident with the police's efforts.
- The IO was diligent in updating the complainant with the status of the case.

Case 15: Poor investigation factors into failure to convict alleged abuser

F endured domestic violence since the first week of her marriage. Fourteen years into the marriage, she lodged a police report. Two investigating officers (IO) worked on her case. According to F, no action was taken on her case for two years before the case was handed over to another IO.

The case went to court. When the oral verdict was given, the Magistrate cited the failure by police officers to complete the investigation as a weakness to this case. According to the Deputy Public Prosecutor (DPP) who conducted the trial, important documents such as the medical report as well as photographs of injuries were given to the DPP by the victim and not the police.

This case had been classified as a suit case in the Traffic Court despite it being clear that section 18A of the Domestic Violence Act 1994 recognises all domestic violence as a seizeable offence—the police are allowed to investigate and make an arrest immediately. This case was tried and the accused was acquitted and discharged at the prosecution stage.

Remarks:

- The survivor had to provide important documents to DPP herself.
- As a result of lack of professionalism, the accused was not convicted.
- The survivor felt that her case and domestic violence were not taken seriously.

Case 16: Lack of procedural compliance and inappropriate racial comment.

G was beaten up by her husband and teenage daughter with a mortar, which caused her to faint. She was later admitted in the hospital for three days. She suffered from head injury, bruises, and scratches. She subsequently lodged a police report at a hospital.

The investigating officer (IO) assigned to her case met G at the hospital. G requested for an interim protection order (IPO) but the IO stated that an IPO could only be obtained after the police had recorded the conversation with the suspects. He also discouraged her from making an application for an IPO. An inappropriate and racist remark was also used: "Why do you want to embarrass the Indian community? Chinese and Malays are not like this."

Nonetheless, G went to the police headquarters to lodge a police report and seek an IPO. She was told her that she had to wait for approval from the authorities. When WCC contacted the police for an update, they were informed that the IPO had not been obtained even though the investigation had already been completed.

Remarks:

- More compliance with police guidelines needed, and attention to accurate information about the IPO process.
- Domestic violence and complainant's injuries not taken seriously, objections expressed to providing help obtain an IPO.
- Insensitive and racist remarks made by authority.
- The survivor was discouraged from applying for an IPO.

Case 17: Survivor is informed that domestic violence is a private matter

H experienced domestic violence by her husband for more than 10 years. She fled from him several times but every time he managed to locate her. According to H, she had lodged multiple police reports related to the incidents but no action was taken against her husband. She was also not informed about her right to obtain an interim protection order (IPO). The investigating officer (IO) told her that it was a family matter that should be dealt with privately within the family.

One day, H's husband hit her when she was picking up their children from school. Teachers at the school helped accompany her to make a police report. However, she was later informed that no action could be taken against the husband. The IO also met H's husband. He was warned and he promised to change. According to H, she was also recommended to withdraw the police report and she agreed to do so.

However, a few days after the incident, her husband once again mentally and physically abused her and she subsequently contacted the Women's Service Centre (PPW, a centre managed by WCC) for help. A PPW staff member accompanied H to the police station to lodge another police report and apply for an IPO. With the help of a police officer and the Social Welfare Department, an IPO was successfully obtained.

Remarks:

- Domestic violence is a crime and should not be viewed as a private or family matter.
- Complainants should not be encouraged to recant a case.
- The complainant felt that domestic violence was not treated as a serious case and was utterly confused with the refusal to help her obtain an IPO.

Case 18: “Standing up to violence and seeking redress”. With strong support, women can leave abusive relationships and even seek redress in court.

(Adapted from the article “Standing up to violence and seeking redress”, published in The Star, Friday November 21.)

Anna is a foreign citizen who was married to a Malaysian citizen. She was first verbally abused by her husband who cursed her and accused her of being unfaithful. Soon after, the assaults became physical. She was slapped, bitten, kicked, and punched at home, and in public.

In one horrific incident, she was dragged from her workplace, repeatedly beaten and then scalded with hot tea, resulting in her having to seek medical treatment. On another occasion, he followed her to work and tore off her blouse in public while accusing her of exposing her body for money.

No helpful action taken following numerous police reports

Anna mustered the courage to lodge her first police report against the abuse three years into their marriage. But despite 17 police reports lodged over the years against her ex-husband by Anna and her employer who witnessed the assaults, the abuse she suffered was often dismissed as a “family matter”, with reconciliation seen as the best solution.

Seven years later, Anna was referred to WCC by a friend and found a safe place for her and her daughter to live and received the legal support she needed to fight for justice.

Appropriate and proactive response to PO breach by the prosecution and the judge

Anna’s ex-husband continued to stalk, humiliate and attack her at work and in public, despite her protection order (PO). Anna’s husband disregarded the protection order from the court because he believed as a husband he had the right to “punish” his wife.

Due to this violation, the judge sentenced him to 12 months imprisonment for breaching the PO and 15 months imprisonment for criminal intimidation. He was also denied bail. This marked the first time in 12 years that Anna did not feel the threat of being followed or attacked.

This ruling is the first time in Malaysia that an abuser has been convicted and jailed for breaching a PO. This is momentous because it upholds that breaching a PO is a serious offence that is punishable by law. Before this ruling, there had been many reported cases of perpetrators flouting protection orders taken against them with seeming impunity.

Remarks:

- Police failed to take action despite 17 police reports by the victim and her employer. They also advised reconciliation which is not appropriate protocol and potentially dangerous for the victim.
- The judge charged the perpetrator with the full punishment for the offense and the prosecution denied bail for the perpetrator, which meant that the victim was able to get justice for what was rightfully acknowledged as a severe violation of the law.

Case studies by Perak Women For Women Society (PWW)

Case 19: Survivor and alleged abuser are brought to police station at the same time

J had been married for two years. It was a second marriage for the couple. The husband's first wife left him due to his abusive attitude. J's husband runs a garland business while she worked in a factory. On the weekends, she helped him at the shop.

He never took her out or treated her like a wife, and often called her "a prostitute". She suffered from emotional and verbal abuse. One day, J's husband was angry and beat her with a wooden stick and hit her head with a chopping board.

More sensitive approach to client needed from front desk police officer

J went to receive treatment at a government hospital and made a police report. While she was making a statement, a police officer asked her "*Awak buat laporan ini untuk apa? Awak mau saya tangkap suami?*" ("Why are you making this report? You want me to catch your husband?"). In the heat of the moment, she replied "No". The IO then shouted "*Habis awak mau saya buat apa?*" ("Then what do you want me to do?").

J wanted to get an interim protection order (IPO) but the IO did not fulfil this request and asked her to follow the IO into the police car to identify the husband's shop in order to retrieve the object used by the husband to hit her.

Husband is called to police station while survivor is there

That evening, she was taken back to the police station where the IO called her husband to come over to give his statement. His parents and family coaxed her to drop her charges and recant her report.

A month later J finally contacted PWW to acquire help for her divorce proceeding.

Remarks:

- The victim-survivor was at the receiving end of insensitive and inappropriate remarks.
- A lack of professionalism in calling the husband to give his statement whilst the wife was in the police station. This shows the lack of understanding and sensitivity as the woman might be harassed and threatened by the perpetrator or his family to recant her report as seen in this case.

Case 20: Doctor takes initiative to identify signs of domestic violence and refer survivor to an NGO

S had been married for eight years and has two children. Her husband was abusive and did not contribute to the welfare of the home.

Doctor referred complainant to an NGO

During an argument in the car, S's husband punched her right eye. She sought medical treatment at a government hospital and the doctor advised her to contact PWW, and gave her two weeks medical leave. After the incident, S along with her two children returned to stay with her parents in another district.

S's daughter was traumatised. She had nightmares for some time as she had witnessed her father hit her mother. S's husband consistently persuaded her to return to him and eventually, she agreed to give him another chance and returned home with him.

Doctor takes initiative to rescue complainant

Two years later, S's husband expressed his intention to take a second wife. S was angry and hurt. Her husband punched her head several times during the heated argument. S contacted PWW and PWW managed to contact a doctor from the government hospital to rescue her at her house.

S was put in a ward under observation. She lodged a police report on the day of the incident. However, due to the hospitalisation, she could not pursue her interim protection order (IPO) application. The investigating officer (IO) came a week later to take her statement whereby she requested referral letter to apply for an IPO.

With the help a Social Welfare Department officer, S obtained her IPO. However, 10 days later, the IPO had still not been served to her husband because they could not locate him.

Police officers assist complainant to retrieve her belongings

S wanted to retrieve her belongings but her husband had locked the house. Later, she managed to retrieve her belongings with the help of the police. She took her children and returned to stay with her parents.

Currently S is waiting for her divorce process to complete. Her husband accused her of *nusyuz* for leaving the house.

Remarks:

- The doctor took the initiative to identify signs of domestic violence and refer S to PWW.

- Prompt response from agencies sends out a strong message and lowers risk of further violence to the complainant.

Case 21: Complainant not informed of right to obtain IPO; insensitivity of front desk officers

Y has been married to her partner for one and a half years. Her husband was abusive towards her, and would threaten her that if anything happened between them, their six-month-old baby would belong to him.

Y lodged a police report against her husband after he slapped her. She left to stay with her parents.

Survivor is advised by authorities to get back with alleged abuser

Y and her brother went to police station to meet the investigating officer (IO). She wanted to be with her baby, especially as she was still breastfeeding. After waiting for an hour, Y's brother finally called PWW for help. He also requested the IO to accompany them to take the baby and to retrieve her belongings. However, the husband was contacted instead. There was a lack of knowledge regarding the Interim Protection Order (IPO) from the IO.

The husband came with a relative without the baby. The Inspector advised Y to patch things up with her husband. Y had no option but to follow her husband home, as she did not want to be separated from the baby. However, when she arrived at the house, the baby was not there; the husband left the baby with his mother to force her to stay.

Soon, Y again contacted PWW. She could not endure the abuse and wanted to leave her husband. She feared that her mother-in-law who lived opposite her house would spot her. Her husband locked the back door. The conversation was cut short abruptly as her husband arrived home early that day.

PWW tried to contact Y but to no avail. Y's father went to the Syariah court and the Social Welfare Department to make a report.

Women's Aid Organisation (WAO)

Remarks:

- A social worker had to explain what an IPO was and advise the IO
- The husband was contacted, demonstrating a lack of awareness about domestic violence.

Case studies by Rose Virgine Good Shepherd (Ipoh), Pusat Kebajikan Good Shepherd

Case 22: Police officer handles case sensitively and proactively

The police called Rose Virgine Good Shepherd requesting shelter for a woman and her daughter, who had lodged a police report regarding domestic violence and was afraid to go home. The police had called her family to inform them of the client's situation.

R and her daughter were brought to the centre by the police. According to R, she and her daughter had managed to escape from the marital home when her husband was distracted. The husband had physically attacked R and threatened to kill her and their daughter. Both mother and child had only the clothes they were wearing and were barefooted.

R had fresh bruises on her left eye and on her arm. She also had a big bump on her forehead. The staff informed R about getting an interim protection order (IPO) and the need to seek immediate medical attention even if at that point she did not wish to take any action against her husband. Rose Virgine Good Shepherd staff brought her to a government hospital to get a medical report.

Remarks:

- The police were proactive in sending R and her son to the NGO shelter.
- The police acted sensitively.

Case 23: Welfare officer handles case thoroughly

A welfare officer brought M and her two children to the Rose Virgine Good Shepherd shelter. The officer had assisted M in making a police report.

The welfare officer brought M to lodge another report the next day as he felt what M said in the previous report was not strong enough. The police escorted M to take her belongings from her house.

During the month that the client was in the shelter, the welfare officer made regular phone calls to update Rose Virgine Good Shepherd staff on the progress of the case. He visited the shelter four times that month to engage with M and the shelter staff to discuss the case.

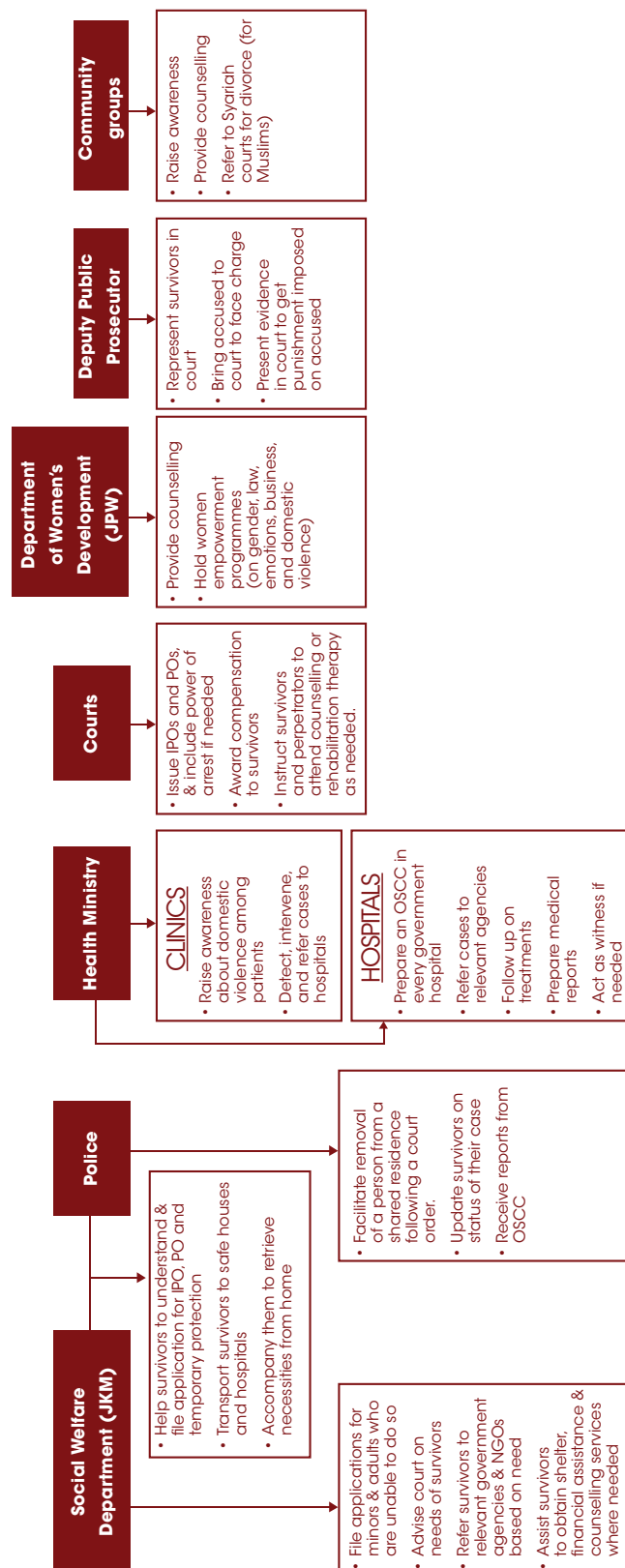
Women's Aid Organisation (WAO)
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After a month, a case conference was conducted by the welfare officer at the request of M for reconciliation between client and her husband. This was done in the presence of police personnel, counsellor, the husband, and his elder brother.

Remarks:

- The welfare officer handled the case professionally and thoroughly.

Roles of Stakeholders²⁰



20 Domestic Violence Act 1994; Women's Centre For Change (2013), Surviving Court, Jutaprint, Penang, Malaysia, pp. 12

Glossary

DVA	Domestic Violence Act 1994
IO	Investigation officer (police)
IPD	District police headquarters (<i>Ibu pejabat polis daerah</i>)
IPO	Interim protection order
JKM	Social Welfare Department (<i>Jabatan Kebajikan Masyarakat</i>)
PO	Protection order
PWW	Perak Women for Women Society
WAO	Women's Aid Organisation (WAO)
WCC	Women's Centre for Change, Penang
Working Together Document	Inter-Agency Working Together Document in Handling Domestic Violence Cases (<i>Dokumen Kerjasama Antara Agensi Bagi Mengendalikan Kes Keganasan Rumah Tangga</i>)
VIS	Victim impact statement

About WAO's services

In our service, we focus on critical interventions that limit the adverse consequences of domestic violence:

Our **refuge** is a crisis shelter that provides a temporary home to almost 300 women and children each year, and offers comprehensive support services. In 2014, we sheltered 169 women and 130 children. The availability of our refuge for these individuals ensured that they did not have to choose between homelessness and violence. The refuge is managed by our social workers.

The **child care centre** is a transitional home for children of survivors. On her request, we keep her children in the short-term, giving the survivor the time and support to viably re-establish a safe and independent life in the community of her choice. In 2014, we sheltered, counselled, and ensured access to education for 64 children while their mothers prepared sustainable and independent lives for them.

Social work provides for individual case advocacy, which includes engagement with the police, facilitating legal representation, access to health and other public services for almost 3,000 individuals each year. In 2014, our social workers followed the cases of 2,586 women and 194 children.

WAO counselling is multi-platform and is conducted by our social workers. It comprises individual sessions (face-to-face), the WAO Hotline, SMS text-based helpline (TINA, or "Think I Need Aid"), and emailed enquiries. Our hotline received more than 1,740 calls in 2014.

Aftercare support programmes offer follow-up support to all former refuge residents and their children, in order to empower survivors to break the cycle of domestic violence and maintain their independence. Our support programmes benefited 60 women and 81 children in 2014. These programmes are run and coordinated by our social workers.

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WOMEN'S AID ORGANISATION
PERTUBUHAN PERTOLONGAN WANITA

Helpline: +603 7956 3488
SMS "TINA": +6018 988 8058

P.O.Box 493, Jalan Sultan
46760 Petaling Jaya, Selangor
Malaysia

Tel: +603 7957 5636/7957 0636
Fax: +603 7956 3237

Email: womensaidorg@gmail.com

Website: www.wao.org.my

Facebook: www.facebook.com/womens.aid.org

Twitter: @womensaidorg

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ISBN 9789834032562



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