

## Domestic violence in Malaysia

### 1. The situation

Even though Malaysia has had a Domestic Violence Act (DVA) in place since 1994, women continue to suffer in silence because they see domestic violence as a stigma and as bringing shame to the family. Moreover, problems in implementing and enforcing the DVA are manifold. These problems may be due to deep-seated cultural attitudes and lack of operational know-how by implementing agencies, as well as the assumption by government agencies that women will automatically have access to laws and policies once they have been set in place.

Malaysia's 1994 Domestic Violence Act has not stopped violence in the home.

### Statistics

At present, there are no official national statistics on DV. However, police departments, hospitals, and welfare organizations do collect some data. The following table shows the national statistics on DV collected by the Police Headquarters from January 2000 to July 2002.

**National Statistics on Domestic Violence, Jan 2000 - July 2002**

States	2000	2001	2002
Perlis	39	27	24
Kedah	177	179	99
Pulau Pinang	399	431	163
Perak	269	185	61
Selangor	877	855	556
Kuala Lumpur	264	162	75
Negri Sembilan	349	318	167
Melaka	92	56	44
Johor	377	379	119
Pahang	150	161	124
Trengganu	24	29	5
Kelantan	33	36	32
Sabah	102	86	36
Sarawak	316	203	139
<b>TOTAL</b>	<b>3468</b>	<b>3107</b>	<b>1644</b>

Source: Police Headquarters, Bukit Aman, 2002

In the table above, the number of domestic violence cases appears to be declining. However, this decline does not necessarily indicate a fall in the incidence of cases – it could instead be due to other reasons, such as a decline in reporting.

**Police Statistics** from Bukit Aman in 2002 show the following trends:

- The number of domestic violence cases is higher with Malays (784 cases as of July 2002), as compared to other ethnic groups such as Indians (426 cases as of July 2002).
- The number of domestic violence survivors is highest in the 26-35 year age range.
- The motives for domestic violence seem to be miscommunication among the partners (455 cases), jealousy (184 cases), and financial problems (171 cases).

## 2. Existing policies and laws

The government has the following policies regarding services for survivors of DV:

- **One-stop crisis centers have been set up** in every state to deal with cases of violence against women and children (especially rape and domestic violence). Their effectiveness in dealing with cases has yet to be evaluated.
- **Since 1989, a special Sexual Assault Unit has been working** out of the Police Headquarters, Bukit Aman, to deal with cases of violence against women and children.
- **A committee was established by the Ministry of Women and Family Development** to review the Domestic Violence Act of 1994 and its implementation procedures to ensure that adequate protection is provided for survivors of domestic violence.

## 3. Current status of the Domestic Violence Act

**Malaysia has had a Domestic Violence Act since 1994. However, because there are some shortcomings in the DVA, women's NGOs are lobbying for the amendment of the DVA and for effective implementation of the DVA.**

#### 4. Availability of services

Malaysia has several One-Stop Crisis Centers designed to provide all the needed assistance for violence victims. The first center was established at the University Hospital in Kuala Lumpur in 1986, as the result of a campaign by women's organizations. It took eight years for another center to open, at the General Hospital in Kuala Lumpur. Finally, after women's organizations lobbied the Ministry of Health to make the services more widespread, in 1996 the Ministry directed all state hospitals to set up One-Stop Crisis Centers. By 1997, they were established in 90 percent of state hospitals.

One-Stop Crisis Centers are now established at 90 percent of state hospitals.

The National Council of Women's Organizations recruits and trains teams of volunteer counsellors to provide assistance at the Service Centers. In addition to the volunteer training, programs are also being conducted by the All Women's Action Society and the Women's Crisis Center to sensitize social and medical workers to gender issues like VAW.

#### 5. Activities of the EVAW network

The EVAW network in Malaysia has undertaken the following activities and projects:

##### 1. Raising public awareness to create pressure to enact the Domestic Violence Act.

Awareness-raising activities included the following:

- The All Women's Action Society (AWAM) carried out training and road show seminars for the public and for service providers, police, doctors, social welfare workers, and lawyers.
- AWAM also organized a public protest after two years of non-implementation of the Domestic Violence Act, 1994. A memorandum was presented to the Ministry of National Unity and Social Development to lobby them to set up the procedures for the DV Act quickly and efficiently.

##### 2. Conducting media campaigns that helped to serve various goals:

- To publicize the issues surrounding domestic violence and to demystify misconceptions on the causes of domestic violence.
- To gather public support for the enactment of the Domestic Violence Bill in the 1980s.
- To raise public awareness of the poor implementation of the Domestic Violence Act, 1994.

##### 3. Establishing one-stop crisis centers (OSCCs) in every state to provide comprehensive services – that is, medical care, police assistance, and shelter – at a single point.

##### 4. Working to amend the DVA, particularly by adding implementation procedures for service providers.

5. **Setting up the National Steering Committee on VAW (NSCVAW)** in October 2000. The NSCVAW is comprised of GOs and NGOs, and aims to study and monitor current laws, and propose new policies and laws to overcome domestic violence.
6. **Providing educational trips for women and children survivors of DV.** The purpose of these trips is to create a space for survivors to receive training, share their experiences, and generate support for each other.

## 6. Malaysia's needs and recommendations for future interventions

The National Steering Committee on Violence Against Women (NSCVAW), composed of members from both GOs and NGOs, has proposed the following recommendations for amending the DVA:

1. **Improve the procedure for applying for Interim Protective Orders (IPOs)** by:
  - Removing restrictions on who may apply
  - Instituting standard reporting procedures
  - Removing the need for a referral letter from the police
  - Removing the need for a report from a welfare officer before an IPO is issued
  - Standardizing and expanding IPO formats
  - Allowing certification of police reports by any OCPD from any area
  - Including power of arrest in all IPOs and POs issued
  - Serving IPOs and POs within 24 hours of receipt from the court
  - Monitoring the IPO pending police investigation
  - Instituting measures to prevent contravention of IPOs and POs
  - Providing right of exclusive possession of shared residence
  - Requiring counseling
2. **Make substantive legal reforms to the DVA** and other legislation in order to broaden the definition of domestic violence.
3. **At present, DV is classified as a non-seizable offence in Malaysia**, which basically means that an IPO cannot be issued until after the Deputy Public Prosecutor issues an order to investigate the offence. This delay in processing may result in additional harm to the victim. This problem can be resolved by either making domestic violence a seizable offence or allowing IPOs to be issued before an order to investigate is issued.
4. **Implement non-legal responses**, including protection of informants and public officers and ongoing training courses.

Prepared by the All Women's Action Society

