

By S. INDRAMALAR
star2@thestar.com.my

THE proposed Domestic Violence (Amendment) Act 2017 – slated for its second and third reading in Parliament on Monday – will offer victims of domestic abuse more protection, a measure which the Women, Family and Community Development Ministry and women's rights groups have been pushing for, since 2013. The new bill is more progressive and addresses the grave and insidious nature of domestic abuse. "We are pushing for the bill to go through soon and are confident that it will. Police statistics show that domestic violence is on the increase, with 15,617 reported cases between 2014 and 2016. On a positive note, this shows that more victims are coming forward to report such abuse.

"Our priority is their welfare and safety. We need to see this bill through. We also need victims to know that there are laws to protect them from violence," said Women, Family and Community Development minister Datuk Seri Rohani Abdul Karim at a media briefing on the amendments to the bill this week.

The new bill is the result of four years of collaborative work by the ministry, the Joint Action Group for Gender Equality, the Women's Parliamentary Caucus and the Attorney General's Chambers. Other agencies involved in drafting the amendments include the police, Jabatan Kemajuan Islam Malaysia (Jakim) the Bar Council and the Malaysian Communications and Multimedia Commission.

Immediate protection

One of the key amendments to the bill is the introduction of an Emergency Protection Order (EPO) which allows social welfare officers to grant victims immediate protection against their abusers.

The EPO can be issued within two hours after an application is heard by a welfare officer. Victims don't need a police report or a court hearing to obtain the EPO, which is valid for seven days.

"In critical cases where the victim cannot physically come to the social welfare department to obtain the EPO, they can apply for it by calling the welfare office or even sending an email. The service is available to them 24/7," explained the ministry's legal advisor, Zahidah Zakariah, at the media briefing.

Some 1,600 welfare officers throughout the country are currently undergoing training at district and state level to empower them to assess cases and identify those who warrant EPOs.

"The EPOs are primarily for victims who are in immediate danger, those who have been physically abused or threatened with grievous harm. It is for victims who fear for their immediate safety. The EPO offers instant protection and can be obtained at any time, seven days a week," said Zahidah.

The EPO prohibits the abuser from harming the victim or inciting third parties to harass and harm the victim. It also prohibits a perpetrator from coming near the victim or in the vicinity of her safe space or shelter where she is seeking refuge.

The introduction of the EPO, say women's rights activists, is a huge step in boosting protection for victims of domestic violence.

"Currently, victims are required to make a police report and appear in court before they can obtain either an Interim Protection Order (IPO) or a Protection Order, which takes time. While waiting for these orders, victims have no protection whatsoever. Some victims fear making a



Women who experience domestic violence need to lodge a police report and obtain protection not only to seek justice but also to make the Government sit up and take notice of the severity of the problem. — Women's Centre For Change

More urgency in protecting victims

The proposed Domestic Violence (Amendments) Act 2017 puts victims' safety at the forefront.



Zahidah, Emergency Protection Orders are to offer immediate protection to victims 24/7.

police report for various other reasons.

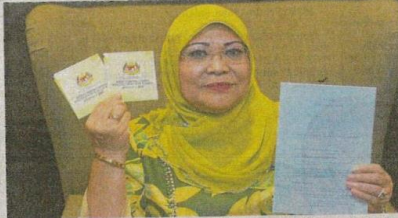
"The EPO, which is valid for a week, will offer them protection while they are considering their next move. The order also protects the safe space where the victim is seeking refuge whether it is a shelter or home of relatives or friends, family members who are helping them," said Women's Aid Organisation advocacy manager Yu Ren Chung.

Those found guilty of breaching the EPO face up to six months in prison.

Recognising victims' rights

On top of the EPO, the amendments also fortify the existing IPO by including additional safeguards for victims.

Presently, an IPO prohibits the perpetrator from harming the vic-



Rohani is confident that the amendments to the Domestic Violence Act will be passed soon, according to domestic violence victims more protection under the law. — Photos: RAJA FAISAL HISHAN/The Star

tim. It does not stop him from intimidating or harassing the victim.

With the new law, additional orders can be included – based on the severity of each case – which will stop abusers from coming near the victim, harassing her at her workplace or in her safe space.

"It can now act as a restraining order and will allow the police to act before any further violence happens," explains Yu.

With the new law, police are also mandated to keep victims updated on the status of their cases. This includes providing victims regular updates on their investigation, protection orders as well as the court dates for their trials and related developments.

This, says Women's Centre for Change's Senior Advocacy Officer Melissa Mohd Akhbar, is a positive move in recognising and validating the rights of the victims and empow-

ering them to seek justice for themselves.

"When survivors are left in the dark with few updates, they feel unsupported and it discourages them from pursuing their criminal case. This is why many domestic violence cases do not go through to trial," said Melissa.

Under the new law, the court can no longer order a victim to attend reconciliatory counselling with her abuser.

Presently, victims who are seeking a divorce are required to attend a marital tribunal where they often come face to face with the abuser. This practice puts victims in grave danger and leaves them vulnerable to further abuse.

"The aim of the law is to protect the victim. She must feel safe and if she feels she is in danger, no amount of counselling – which is the aim of the reconciliation programme – will work. With the new

law, reconciliation proceedings can only be carried out with the consent of the victim. This is not to punish either party but to protect the victim. You cannot force her to face her abuser," explained Melissa.

Expanded definition

The DVA was first amended in 2012 to include psychological, emotional and mental abuse as forms of domestic abuse.

However, unlike physical abuse where the scars on the victim are clear, the effects of psychological and emotional abuse are not so obvious.

As a result, victims are often disregarded and even turned away when they report such forms of abuse. Also, to determine psychological abuse, victims are required to undergo a mental state assessment at a government hospital (accompanied by a welfare officer). The report of her assessment will be submitted to the police as part of the evidence for investigations.

However, the new bill addresses this gap by defining the actions that cause psychological and emotional trauma (which includes threats, insulting the modesty of the victims, leaving distressing messages on electronic or social media and messaging platforms), making it clear to investigating officers that their complaints are legitimate.

"This is important. Presently, because of the lack of clarity about what constitutes psychological abuse, victims are sometimes turned away when they want to make a report. Victims also often worry about the stigma they may face with the term 'psychological abuse'. This way, we can avoid such additional distress on them," said Melissa.

The expanded definition of abuse under the new law will also include misappropriation of funds or property. This is particularly relevant for domestic violence cases involving the elderly, says Rohani.

"We tend to talk about the DVA only in relation to marital relationship but it in fact covers all types of familial relationship. Abuse occurs not only in a marriage but in other types of relationships within the family.

"We have been hearing of cases where the elderly are swindled or their pensions or property, too comes under the DVA," she