DOMESTIC VIOLENCE AND COVID-19: STRATEGIES FOR HELPING VICTIMS

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INTRODUCTION

- During the outbreak of the COVID-19 pandemic, an increase in domestic violence cases has been reported worldwide.

- Government welfare hotline saw a 57 per cent spike in calls (although not all calls were to do with domestic violence)

- Women’s Aid Organisation (WAO) too had received 234 calls and messages from women in distress
CHALLENGES FACED

- Besides facing a global health crisis, humans are facing economic and social crisis too.

- Daily wage workers and others who have insufficient savings are unable to buy necessities.

- Without access to infrastructure like online banking and e-commerce, they are ill-equipped to deal with lockdown measures.

- Some workers are unable to work from home, nor do they work for large companies that can afford to grant paid leave.
PROTECTION UNDER THE LAW

- Malaysia government passed the Domestic Violence Act (Act 521) in 1994 (DVA 1994) to provide protection and compensation to the victims.

- The DVA 1994 provides protection in the form:
  - Emergency Protection Order (EPO)
  - Interim Protection Order (IPO)
  - Protection Order (PO)
PROTECTION UNDER THE LAW

- EMERGENCY PROTECTION ORDER (EPO)
  - EPO to provide immediate protection for victims.
  - Issued by social welfare officer within two hours after the application.
  - No need to make a police report.
  - Valid for a period of seven days.
  - EPO prohibits the abuser from causing violence & entering place of residence.
PROTECTION UNDER THE LAW

- **INTERIM PROTECTION ORDER (IPO)**
- Issued by the court during the pendency of police investigations.
- Once IPO obtained, police starts investigation.
- During IPO, victim is entitled to:
  - exclusive occupation of the shared residence;
  - prohibit from entering the residence, employment, school;
  - permit the protected person to enter the home to collect personal belongings accompanied by an enforcement officer;
  - requiring the abuser refrain from communicating with the victim and requiring the victim to continue use the vehicle.
PROTECTION UNDER THE LAW

- **INTERIM PROTECTION ORDER (IPO)**
  - IPO terminates when investigations completes.
  
  - An IPO shall stop when a criminal proceeding of domestic violence offence is instituted against the offender.
  
  - This indicates that once the investigation completes and the accused is proven to have committed the offence, criminal proceeding will be instituted against the abuser.
  
  - If victim still requires protection, victims will need to apply for Protection Order (PO).
PROTECTION UNDER THE LAW

- PROTECTION ORDER (PO)
- Granted by the court.
- The granting of a PO will be done within seven days after informing victim that a criminal proceeding will be instituted against the abuser.
- Similar to IPO, same remedies are available to victim:
  - exclusive occupation of the shared residence;
  - prohibit from entering the residence, employment, school;
  - permit the protected person to enter the home to collect personal belongings accompanied by an enforcement officer;
  - requiring the abuser refrain from communicating with the victim and requiring the victim to continue use the vehicle.
COMPARATIVE PERSPECTIVE

- Canary Island - uses a code word requesting for “Mask-19” at pharmacies which will indicate the need of help for domestic violence.

- French government - put victims of domestic violence in hotel rooms and finance pop-up counselling centres in grocery stores.

- Latin American countries, including Bolivia, Ecuador, and Argentina - introduce virtual court hearings for pre-trial.

- Malta – despite the closure of the courts, the court has been given the power to hear urgent/public interest cases exp: domestic violence.
COMPARATIVE PERSPECTIVE

- Scottish Government – held national campaign to reassure anyone experiencing domestic abuse and that support is available to them during these difficult times.

- Nova Scotia - a victim can apply for an EPO & it gives a victim exclusive occupation of the home for up to 30 days, temporary care and custody of a child and even remove the respondent from the home.
## RECOMMENDATIONS

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<tr>
<th>SUGGESTED RECOMMENDATIONS</th>
<th>BENEFITS</th>
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<td>Set up temporary shelters</td>
<td>Victims can be moved to safe places</td>
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<td>Virtual online hearing</td>
<td>Assist victims to obtain necessary protection orders during lockdowns</td>
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<td>Financial support</td>
<td>Help victims who suffers loss of jobs</td>
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<td>Toll-free numbers with adequate staff and easily accessible</td>
<td>Provide immediate help and direction to victims</td>
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<td>Clear exception to movement restriction during lockdown</td>
<td>Enable victims to seek help and protection in times of urgency</td>
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CONCLUSION

- Help is available for anyone who is, or is likely to become, a victim of domestic abuse.

- Even, before the global lockdown, Malaysia government have taken necessary steps to combat gender-based violence.

- Though we understand the government predicament, yet necessary measures need to be taken to ensure the safety of the victims in a domestic violence home.
THANK YOU