



DOMESTIC VIOLENCE AND COVID-19: STRATEGIES FOR HELPING VICTIMS

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CONTENT

- INTRODUCTION
- CHALLENGES FACED
- PROTECTION UNDER THE LAW
- COMPARATIVE PERPECTIVE
- RECOMMENDATION
- CONCLUSION

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 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

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

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