

ENFORCE THE DOMESTIC VIOLENCE ACT 1994 EFFECTIVELY, 30 JUN 2013

MEMORANDUM: ENFORCE THE DOMESTIC VIOLENCE ACT 1994 EFFECTIVELY

Submitted to: Penang Chief Police Officer

The Women's Centre for Change (WCC), Penang is extremely concerned over the lack of enforcement of the Domestic Violence Act 1994 in Penang.

In a recent case of domestic violence, a woman suffered 60% burns after being allegedly burnt by her husband. It was reported that at least 5 police reports were made by the victim and her family members over the repeated abuse in recent years. Despite the woman's recent request for an Interim Protection Order (IPO), no effective action was taken to ensure the proper protection of this woman. Four days later, this woman was set alight by her husband, who reportedly was previously investigated for causing hurt to her under Section 323 of the Penal Code.

According to news reports pertaining to the case on 26 June 2013, the Head of the Penang Criminal Investigation Department, SAC Mazlan Kesah had stated to the effect that:

- a) IPOs should be obtained via the Welfare Department and not the police
- b) The police role is to investigate and present the findings to the Deputy Public Prosecutor for a decision whether to charge the suspect, and
- c) The police are unable to protect victims of domestic violence over 24 hours

These comments are extremely disappointing and show the failure to understand the role and duties of the police to enforce the Domestic Violence Act 1994 (DVA).

This includes:

- a) Section 2 of the DVA states that enforcement officers are police officers or social welfare officers
- b) Section 19 states that the duties of enforcement officers shall include assisting the complainant to obtain an IPO

After more than 15 years of the enactment of the DVA, it is unacceptable that:

- Enforcement officers are still unaware of their roles
- Victims are not automatically advised by enforcement officers of their right for a protection order
- Whenever victims request for an IPO, they receive little assistance or advice on how to proceed
- Domestic violence complaints are often not taken seriously and are regularly dismissed as "family issues"
- Repetitive violence in the family are not proactively acted upon or rarely receive suitable punishment to ensure that the victim is protected from possible violence.

The enforcement officers' poor assessment of the violence and trauma suffered by victims as well as their lack of understanding of their duties with regards to the DVA constitutes not just a dereliction of their duties and responsibilities, but as the recent case has shown us, can have a devastating impact on the victim, her children and the rest of the family.

Given the rising numbers of reports of domestic violence nationally and the severity of the levels violence (two women have reportedly been beaten to death by their husbands in the last 5 weeks in separate incidents), WCC therefore submits this memorandum demanding:

1. All complaints of domestic violence be considered seriously, and the appropriate action taken to prioritise the stopping of recurring violence and protecting the victim. This includes immediate and clear action on protection orders, including arresting and charging perpetrators when the orders are breached.
2. PDRM must consistently and effectively cooperate with the Social Welfare Department to effect quicker realisation of protection for victims instead of relegating responsibilities to the said department.
3. Enforcement officers must be well-trained to ensure proactive action and empathetic attitudes in the handling of domestic violence complaints.

Government agencies must act professionally in ensuring public interest as prescribed by the law. Lives are at stake.

Submitted by: Women's Centre for Change, Penang

28 June 2013