

Standing up to violence and seeking redress by [s. indramalar](#)



Take the first step: When Anna couldn't take her husband's abuse, she lodged a police report and sought help from an NGO.

With strong support, women can leave abusive relationships and even seek redress in court.

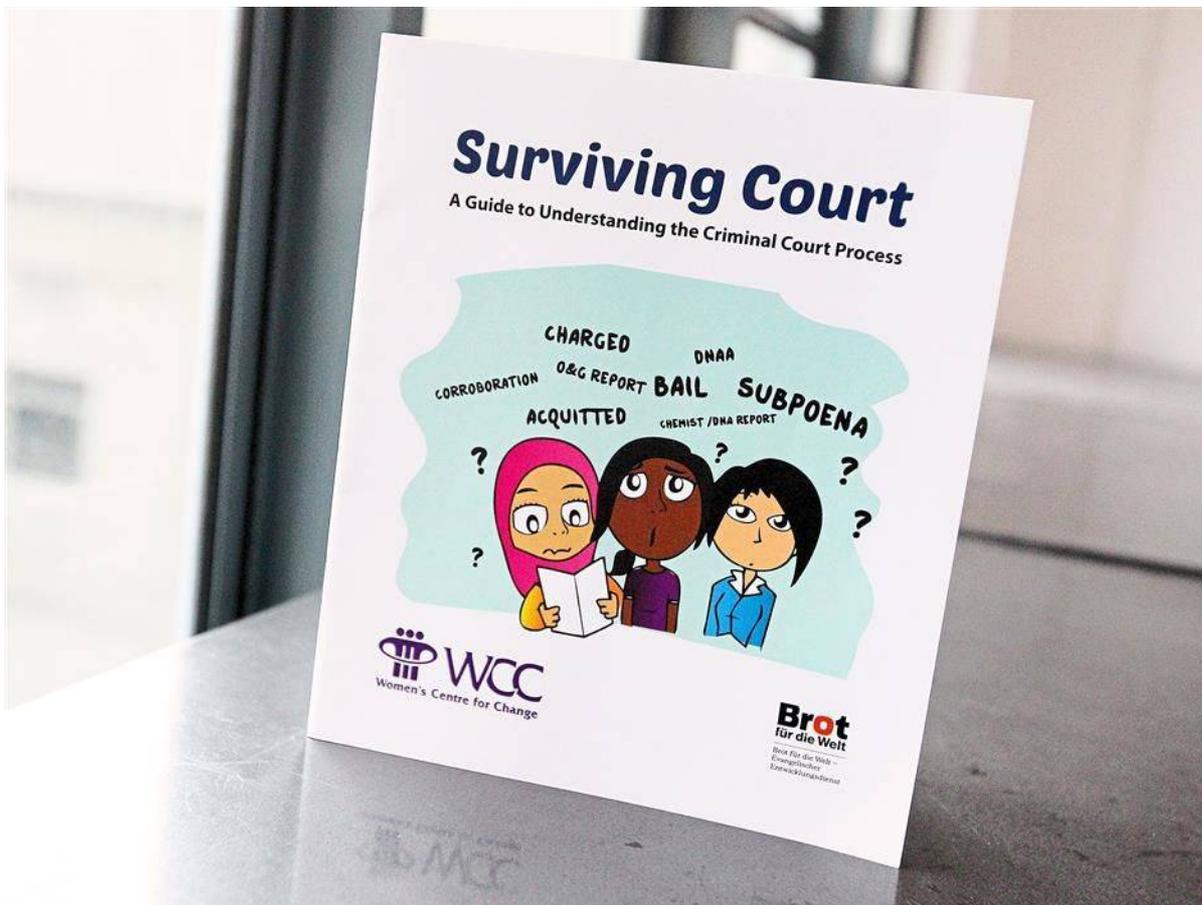
A Protection order couldn't keep Anna* safe. Her ex-husband continued to stalk her; humiliating and attacking her at work and in public. She had left him by then, but there was just no stopping him from continuing to abuse her.

Anna's husband blatantly disregarded the protection order from the court because as far as he was concerned, as a husband he had the right to "punish" his wife.

Penang magistrate court judge Diannee Ningrad Nor Azahar decided otherwise recently and sentenced Anna's ex-husband to 12 months imprisonment for breaching the protection order and 15 months imprisonment for criminal intimidation.

It's the first time in Malaysia that an abuser has been convicted and jailed for breaching a protection order.

The landmark judgement is a milestone, not only for Anna, but also for all victims of abuse as it irrevocably upholds that breaching a protection order is a serious offence that is punishable by law. Before this ruling, there had been many reported cases of perpetrators flouting protection orders taken against them with seeming impunity.



WCC's booklet aims to help battered victims prepare for court.

"This is a landmark ruling we are really very happy about. It is the first case we know of in Malaysia where a perpetrator has been convicted and sentenced for breaching a protection order. And, not only was he convicted ... the judge meted out the full punishment for the offence which means he got the full brunt of the law.

"Hopefully this will give victims of abuse hope that although the legal process may take a while, they can get justice in the end," says Joshua Teh, an advocacy officer at Women's Centre for Change (WCC), a non-profit organisation in Penang which helps women and children in crisis.

For Anna, her husband's concurrent imprisonment – even if only for 15 months – means that she is now able to, for the first time in more than a decade, live without the fear of being followed and attacked.

"It is the first time I can walk outside without having to look over my shoulder. I have not had this freedom in 12 years," says Anna, through her social worker Mangleswary Subramaniam.

Police statistics indicate a steady rise in domestic violence cases in Malaysia. In 2013, 4,123 police reports of domestic violence were filed nationwide, an 18% increase from the previous year. However, social workers and women's rights activists say the actual figure is much higher as many cases go unreported.

It is estimated that some 40% of Malaysian women are abused by their partners. The problem is largely hidden behind closed doors because preserving the family unit takes precedence over the victims' well-being. Many victims of domestic abuse have said they are often encouraged, if not persuaded to "reconcile" with their spouses and settle their "domestic disputes" privately when they lodge police reports.

Malaysian law regards battering as an offence punishable by both criminal law (under assault) and the Domestic Violence Act which was passed in parliament in 1994 and implemented in 1996.

With WCC's help, Anna did not only escape her violent marriage but also saw justice done.

"In Anna's case, thankfully, everything came together. Malaysia has good laws and was one of the first countries in the region to have a Domestic Violence law in place. This is one of the few times when the application had

matched the law. The prosecution took note of the repeated violence and objected to her husband getting bail. They recognised the severity of his actions and their investigations clearly showed the criminality of his behaviour. The judge, too, regarded the matter as criminal,” said WCC advocacy officer Melissa Mohd Akhir.

Persevering for justice

Seeing her husband punished for beating her had once seemed improbable to Anna.

For years, she was helpless against his abuse. She was a newly-married foreign wife and had no one to turn to even as the violence escalated.

At first, the abuse was verbal – he’d curse her and accuse her of being unfaithful. Soon after, the assaults became physical, emotional and psychological.

The 32-year-old mother was slapped, bitten, kicked and punched at home (in front of her two children, aged six and 10) and out in public. In one horrific incident, she was dragged from her workplace, repeatedly beaten and then scalded with hot tea, resulting in her having to seek medical treatment.

On another occasion, he followed her to work and tore off her blouse in public while accusing her of exposing her body for money.



Although she grew up in a conservative family where women are not encouraged to speak up or go out, Anna mustered up the courage to lodge her first police report against the abuse in 2005, three years into their marriage. But despite 17 police reports lodged over the years against her ex-husband by Anna and her employer who witnessed the assaults and was also attacked, the abuse she suffered was often dismissed as a “family matter”, with reconciliation seen as the best solution.

Two years ago, Anna was referred to WCC by a friend. There, she found the support she needed. She found a safe place for her and her daughter to live and received the legal support she needed to fight for justice.

At WCC, support for domestic violence victims is available at every stage – from helping victims lodge police reports to seeing them through the legal process. They also help victims get back on their feet and find them safe places to live. Victims are given physical support (treatment for physical injuries and finding a safe haven) and emotional support, as well as advocacy services.

“In Anna’s case, it was a long process, but we made sure she had support whenever she had to appear in court. There was always a social worker with her to make her feel safe and support her. We also had a watching brief lawyer to keep her informed. Going to court can be a traumatic experience. Every time she heard her ex-husband’s voice or even his name, Anna felt terrified. Even at the sentencing, he threatened Anna. He didn’t speak directly to her, but he spoke loudly to his family members, telling them that once he was out of prison, she would pay the price for his conviction,” Teh recounts.

Lengthy court processes and the lack of support are the two main reasons victims drop out of court hearings. This means victims often do not get the redress they deserve for the violence they have endured, and abusers go unpunished.

Realising this, WCC makes court support an integral service to victims who seek their help.

“We go through and explain the court process. Each time we go to court, we prepare our clients for the proceedings so they will know what to expect. We also make sure we explain what their rights in court are,” explains Teh.

To complement the services they offer (which are free), WCC has also published a booklet – *Surviving Court: A Guide To Understanding The Criminal Court Process* – to explain, as simply as possible, the legal processes in domestic violence cases.

The booklet is aimed at empowering victims and their families as well as witnesses so that they will be better prepared to present their case. Anna is grateful to WCC, which she likens to her “mother’s home in Malaysia” for seeing her through her husband’s prosecution.

“Throughout my turmoil, WCC was the only light I could see. Without question and without expecting anything in return, they helped me and the reason I am alive today is because of the help I received at WCC,” she says.

Although Anna’s ex-husband is behind bars, WCC’s work is not done yet. They will continue to help protect Anna by moving her somewhere safe. They will also try to get her another protective order to deter her ex-husband from harassing her after he is released from jail.

* *Not her real name.*

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