



DOMESTIC VIOLENCE DURING MCO: A TRAGIC REALITY

On 18 March 2020, the Malaysian Prime Minister announced the Movement Control Order (MCO) to combat the rising cases of COVID-19 pandemic. Citizens were required to stay at home during the initial periods of MCO. Employees turn their homes into makeshift offices for cloud meetings while students adapt to online classes. Some might perceive the MCO period as a positive occurrence, with the gathering of family members and having more time to unwind. Not to mention, some of us are having a great time trying out famous recipes such as “Dalgona Coffee” and others. The other side of the coin depicts that MCO is a difficult time for everyone, and many of us are heavily affected during this pandemic especially regarding financial stability. But amidst the economic turmoil, domestic violence victims being stuck at home with their abusers is also a social issue that needs to be addressed. What happened behind those closed doors are stories that most of the victims are afraid to tell. Imagine being trapped in your own house with your abusive partner for more than two months whilst not having immediate resolutions.

During the Second Meeting of the 3rd Session of Fourteenth Parliament (2020), , Member of Parliament for Libaran, Datuk Zakaria Bin Mohd has asked the Ministry of Women, Family and Community Development about the statistics of domestic violence and sexual cases during the enforcement of MCO period. The answer provided was based on statistics by the Department of Social Welfare Malaysia (DSW) in which since the enforcement of MCO until 12 May 2020, 190 cases were reported in regards to domestic violence in marriage including sexual cases across the country. From the 190 cases, 9 of them were male victims, and 181 were female victims. Based on the statistics, the fraction of the victims according to age is listed as follows:

- i. one (1) children aged between 7-12 years old;
- ii. 160 cases aged between 18-45 years old;
- iii. 26 cases aged between 46 -74 years old; and
- iv. 3 cases aged 75 years old and above.

The Ministry of Women, Family and Community Development also stated that the statistics of the domestic violence victims according on the Malaysian states show that Selangor state has the highest victims of domestic violence of 70 cases. The second highest is the Johor state with 21 cases followed by Wilayah Persekutuan Kuala Lumpur with 20 cases.¹

Apart from cases and statistics of the domestic violence mentioned from The Ministry of Women, Family and Community Development, there was a particular case that has been reported by a local newspaper; *The Star*. The case took place on April 2020 where a 40-year-old woman living in Bangi, Selangor was repeatedly beaten by her jobless husband. The police tried to intervene with the situation, but the couple

¹ Second Meeting of the 3rd Session of Fourteenth Parliament, 27 July 2020.

promised that they would resolve the dispute amongst themselves peacefully. However, the case turned into a tragedy when the husband stabbed the wife and his father-in-law and proceeded to hang himself. The father-in-law fortunately survived the attack.²

Moreover, the Women's Aid Organisation (WAO), a Malaysian NGO that provides free shelter, counselling, and crisis support to women and children who experience abuse stated that since MCO on 18 March 2020; the case of physical and emotional abuse has increased and they have been receiving 234 calls and messages from women in distress during the third week of April 2020, which reflected a four-fold increase as compared to the average of 63 calls and messages they received on a weekly basis prior to the imposition of MCO.³

In addition, the cases reported and investigated by the Bukit Aman Police Station have increased from the commencement of MCO until the end of April 2020. Based on the statement by Superintendent Siti Kamsiah Hassan who is the assistant director of Bukit Aman Sexual, Women and Child Investigations Division, she explained that there were 526 investigation papers opened related to domestic violence issues during the MCO period. She also added that based on the police statistics on domestic violence in general, 45 percent of such cases were caused by misunderstandings over family issues, 20 percent caused by drug abuse and 10 percent of the cases were caused by the financial problems and other factors such as drunkenness, jealousy, hot temper and tussles over property.⁴

For some women, home might be one of the safest places they can be. However, there are still some women who feel frightened to stay home with their abusive partners. MCO has made violence at home more dangerous and frequent, but many women are finding it difficult to reach out for help where the movement of an individual during MCO is limited and controlled. The victims are trapped in the house while their abusive partner may be monitoring their actions.

Thus, The National Domestic Violence Hotline USA has issued the safety planning for victims of domestic violence while living with the abusive partner. First of all, the victim needs to identify the partner's use and level of force so that they can access the risk of physical danger. Next, the victim needs to make trusted friends and neighbours aware of the situation and develop a plan and visual signal for whenever the victim needs help. The victim also needs to keep weapons like knives locked away and as inaccessible as possible. It is advisable for the victim not to run to where the children are, as the victim's partner may hurt the children as well. However, if the violence is unavoidable, make yourself a small target. The victim need to dive into corner and curl up into a ball with the face protected and arms around each side of your head, fingers entwined. The victim is also advised to not wear scarves or long jewellery that could be used to strangle them. One of the crucial aspects that needs deliberation is he or she needs to identify the safe areas of the house where there are no weapons and there are ways to escape. If arguments occur, try to move to those areas. The victims are advisable to have a phone accessible at all times. Please save the emergency numbers

² "MCO Sees Spike In Domestic Violence Cases". The Star, 20th May 2020.

³ "Getting Help for Domestic Violence". Woman Aid Organisation, <https://wao.org.my/getting-help-for-domestic-violence/>.

⁴ Thasha Jayamanogaran, "Bukit Aman: Cases of domestic violence against women dropped during MCO but parental abuse by adult children increased". Malay Mail Newspaper.

in the phone and for the safety purposes, the victims are also advised to delete the call history once the victim has contacted the emergency numbers.⁵

In fact, to overcome with the domestic violence issue, the Ministry of Women, Family and Community Development will take an action under the Domestic Violence Act 1994 (Act 521). Through this act, the government provides the protection in the situation where the domestic violence or related with it occur. For example, based on Part II, Section 5 of the Domestic Violence Act 1994 provides that;

5. (1) The court may, in an application involving a complaint of domestic violence,

issue any one or more of the following protection orders:

- (a) a protection order restraining the person against whom the order is made from using domestic violence against the complainant;*
- (b) a protection order restraining the person against whom the order is made from using domestic violence against the child;*
- (c) a protection order restraining the person against whom the order is made from using domestic violence against the incapacitated adult.⁶*

It is such a relief to acknowledge that the government and the law are protecting the victims from the abusers. The abusers cannot forever escape from the crime that they have committed. If the victims or someone you personally know that truly needs help, please do not hesitate to reach out to any of the organisation such as Women's Aid Organisation (WAO). They have extended their hotline to 24 hours and continue to provide advice and support virtually through the phone and WhatsApp. A legal officer will be on standby to assist as well. If you feel unsafe to make a phone call at home, you can come and consult with any lawyers at the law firm to reach help and find a better solution.

⁵ National Domestic Violence Hotline, <https://www.thehotline.org/>.

⁶ Section 5, Domestic Violence Act 1994.

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