

Submission on COVID-19 and the Increase of Domestic Violence Against Women in Malaysia to the UN Special Rapporteur on Violence against women, its causes and consequences

Prepared by Women's Aid Organisation, 30, June 2020

Overview: Women's Aid Organisation (WAO) has observed a sharp increase in domestic violence in Malaysia since the implementation of the Movement Control Order (MCO) on 18 March, 2020 to slow the spread of COVID-19 in the country.

Enquiries to Women's Aid Organisation (WAO) domestic violence telephone and messaging services increased 3.4 times in May 2020 compared to pre-MCO levels. Reports of domestic violence to WAO have risen steadily since the start of the COVID-19 pandemic and the implementation of the MCO.

In the initial phase of the MCO, the response to survivors of domestic violence was mixed—in some cases the police successfully carried out rescues of survivors from their abusive homes, while in other cases survivors were turned away and told to come back after the MCO had ended.

WAO issued several statements on urgent actions the government should take to ensure the safety of domestic violence survivors during the restricted movement period, as well as on the continued availability of WAO's services and on the need for stimulus measures to be devised to reach women most at-risk, including domestic violence survivors:

- [Malaysia is witnessing a spike in people leaving the labour force due to unpaid care obligations](#) (19 June 2020)
- [Enquiries to WAO's domestic violence hotline spike to over 3 times pre-MCO levels, showing need for preparedness for next round of pandemic](#) (9 June 2020)
- [Penjana Stimulus Package positive for women's empowerment, but four further reform items needed](#) (6 June 2020)
- [COVID-19 Temporary Measures Bill tabled by the government in July must also protect women's employment, safety and health](#) (28 May 2020)
- [Gender issues amplified by COVID-19 sidelined by delay of full Parliament session](#) (15 May 2020)
- [Protection services for domestic violence survivors available during conditional MCO](#) (14 May 2020)
- [Defense Minister's statement on abuse welcomed, but 6 urgent actions needed to ensure survivors' safety](#) (14 April 2020)
- [Implement emergency response to domestic violence amid COVID-19 crisis](#) (9 April 2020)
- [Prihatin stimulus packages does not reach women who are most at-risk](#) (3 April 2020)
- [When home is not a safe haven: why communities should step up to help domestic violence survivors](#) (24 March 2020)
- [WAO domestic violence services available virtually](#) (18 March 2020)

Answers to the Special Rapporteur's Questions:

1. To what extent has there been an increase of violence against women, especially domestic violence in the context of the COVID-19 pandemic lockdowns? Please provide all available data on the increase of violence against women, including domestic violence and femicides, registered during the COVID-19 crisis.

Although comprehensive data is not available, enquiries to Women's Aid Organisation (WAO) domestic violence telephone and messaging services increased 3.4 times in May 2020 compared to pre-MCO levels. Reports of domestic violence to WAO have risen steadily since the start of the COVID-19 pandemic and the implementation of the MCO. The *Talian Kasih* hotline run by the Ministry of Women, Family, and Community Development has also seen a 57% increase during the MCO period; although the hotline is not exclusively dedicated to domestic violence and the government has not publicly shared information about this, we suspect that domestic violence is one factor contributing to the spike.

In addition to a rise in physical gender based-violence, there has also been a rise in gender-based cyberviolence. According to a recent UN Women report, quarantine and self-isolation measures that have been implemented to curb the spread of COVID-19 have resulted in increased internet usage of 50 to 70 per cent globally. Although we don't have data specific to Malaysia to show how gender-based cyberviolence has increased, we believe this global trend is applicable locally as well, and that there has been a rise in gender-based cyberviolence since the start of the MCO. Currently there is no comprehensive legal framework, and no reporting mechanisms or access to redress for survivors of cyberviolence.

2. Are helplines run by Government and/or civil society available? Has there been an increase in the number of calls in the context of the COVID-19 pandemic?

Upon the announcement of the MCO in March 2020, the Ministry of Women, Family, and Community Development announced that the operations of the *Talian Kasih* hotline would be suspended along with other non-essential services.¹ However, after criticism from fellow government officials, the Minister of Women, Family, and Community Development stated that the hotline services would remain available.²

There is also a psycho-social helpline run by the Ministry of Health (MOH) in collaboration with the NGO Mercy Malaysia. In mid-April, the Ministry of Health also listed WAO's Hotline through the Ministry's Crisis Preparedness and Response Centre (CPRC). All domestic violence related calls received on their Hotline number, 03 239359935, are being diverted to the WAO Hotline. Other NGOs are also running helplines. However, a concern raised by some NGOs is that there is a need to set up a child-specific line connected to the *Talian Kasih* one, as many lines don't have child protection policies in place.

¹ "Minister Rina Harun lifts Talian Kasih hotline suspension after bipartisan criticism." Malay Mail. 18 March 2020. Available at: <https://www.malaymail.com/news/malaysia/2020/03/18/minister-rina-harun-lifts-talian-kasih-hotline-suspension-after-bipartisan/1847826>

² Ibid.

Public Service Announcements (PSAs) by the National Security Council were also disseminated to remind survivors that they could report to the police or call the Talian Kasih hotline for help.

As discussed above under Question 1, there has been an increase in calls and enquiries to both WAO's own hotline as well as to the government's hotline.

3. Can women victims of domestic violence be exempted from restrictive measures to stay at home in isolation if they face domestic violence?

Yes, with the issuance of PSAs by the National Security Council, it was clarified that domestic violence survivors could leave their homes and seek help. Prior to these PSAs, there had not been any publicly issued guidance related to exemptions to the MCO for domestic violence survivors.

4. Are shelters open and available? Are there any alternatives to shelters available if they are closed or without sufficient capacity?

Throughout the MCO, it has not been made clear whether government shelters were remaining open, and WAO has not been able to successfully refer a case to government shelters during the MCO period. WAO is not aware of any alternatives set up by the government in the event domestic violence shelters are closed or without capacity.

During the initial phase of the MCO, without shelters being designated as essential service providers, it was unclear whether both government and many NGO shelters remained open. However, with the announcement of the Recovery Movement Control Order (RMCO) by Prime Minister Tan Sri Muhyiddin Yassin on 8th June, currently, to WAO's knowledge, many non-government shelters are either open or operating at limited capacity.

WAO's shelter has been open throughout the MCO and has consistently been at maximum capacity, and we had to establish a waiting list and a temporary emergency shelter. During the MCO, some survivors contacted WAO asking for shelter, and we were unable to place them anywhere. Prior to the PSAs issued by the National Security Council, some survivors resorted to sleeping in their cars, only to be caught by the police.

5. Are protection orders available and accessible in the context of the COVID-19 pandemic?

During the first month of the MCO there were no clear guidelines issued related to the availability of protection orders during the MCO period. Although both Emergency Protection Orders and Interim Protection Orders were thought to still be available, based on the experience of WAO's clients, in some cases survivors were turned away from police stations (from where they would need to obtain a referral letter for an Interim Protection Order (IPO) after filing a police report) and told to come back after the MCO period had ended.

With reduced court operations, it was unclear how survivors would be able to obtain court-issued IPOs, and survivors received differing feedback on whether they could apply for an IPO, with some being told that they could, but that they had to make arrangements with the court, while another survivor was told to wait to get an in-person court date. At this stage, WAO urged the government to advise survivors on obtaining Emergency Protection Orders, which are issued by the Social Welfare Department.

Subsequently, the Courts clarified that to get IPOs, the Social Welfare Department could call the registrar directly, and they circulated a contact list to other agencies. However, this was not made known by the government to the public at large.

6. What are the impacts on women's access to justice? Are courts open and providing protection and decisions in cases of domestic violence?

As mentioned above, during the MCO courts reduced their hours of operation, and as of now, critical services—including the issuance of protection orders and decisions in domestic violence cases—have not been shifted online. During the initial period of the MCO, all criminal and civil court cases were to be postponed until after the MCO; there have been no further announcements made on this. The Syariah courts were also closed, but applications could still be made online.

With the RMCO, all Syariah Courts in the country are back in full operation as usual in accordance with guidelines issued by the National Security Council (NSC) and the Ministry of Health Malaysia (MOH).³

7. What are the impacts of the current restrictive measures and lockdowns on women's access to health services? Please specify whether services are closed or suspended, particularly those focusing on reproductive health.

The National Population and Family Development Board (LPPKN) clinics—which provide reproductive healthcare, subsidised mammograms, and other services—have been closed during the MCO period, a move which has hindered women's access to contraception.⁴ WAO has learned of at least one case of a woman who has had an unintended pregnancy and was told she could only access an abortion (already limited in Malaysia) through a private clinic after the MCO period had ended and by which time the woman would be into her second trimester.

8. Please provide examples of obstacles encountered to prevent and combat domestic violence during the COVID-19 lockdowns.

WAO has heard from survivors who have been turned away at police stations when they have gone to file reports and seek protection orders. Furthermore, without clear guidance from the government on what the SOPs are to obtain protection orders during the MCO period, many survivors—as well as NGOs providing support services—have faced uncertainty.

At least two survivors informed WAO that without any accessible shelter, they have had to resort to sleeping in their cars, with one of these women having subsequently been stopped by police. Without

³ “All Shariah Courts are back in operation yesterday”. The Edge Market. 11 June 2020. Available at: <https://www.theedgemarkets.com/article/all-syariah-courts-back-operation-yesterday>

⁴ “Family planning clinics still essential during MCO, groups tell Putrajaya.” Malay Mail. 4 April 2020. Available at: <https://www.malaymail.com/news/malaysia/2020/04/14/family-planning-clinics-still-essential-during-mco-groups-tell-putrajaya/1856400>

additional temporary shelters being provided by the government, many survivors will have nowhere to turn.

Misogynistic messaging by the Ministry of Women, Family, and Community Development has served to undermine the dangers of domestic violence, suggesting that women should not 'nag their husbands' while at home during the MCO period.⁵

9. Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by Governments.

The decision to keep open the Talian Kasih hotline (albeit after the initial announcement to close it) during the MCO period has been critical to domestic violence survivors being able to access advice and support even while they are isolated at home with their abusers.

The Ministry of Health listed WAO's Hotline through their Crisis Preparedness and Response Centre (CPRC). All domestic violence related calls received on their Hotline number, 03 239359935, are being diverted to the WAO Hotline.

Public Service Announcement (PSA) by the National Security Council also played an important role in reminding survivors that they could report to the police or call the Talian Kasih hotline for help.⁶

10. Please provide examples of good practices to prevent and combat violence against women and domestic violence and to combat other gendered impacts of the COVID-19 pandemic by NGOs and NHRIs or equality bodies.

WAO and other partner NGOs have continued to offer virtual services to DV survivors. WAO has also engaged in extensive efforts to publicise our services to survivors and to urge the government to issue clear guidelines for obtaining protection orders during the MCO period. During the MCO period, WAO worked with the police to help coordinate the rescue of a domestic violence survivor from her home.

With WAO's primary shelter at capacity, we established a temporary emergency shelter with the goal of taking in more survivors in need.

Additionally, the state of Selangor is also forming a task force led by the state executive councilor on women and health, in collaboration with some civil society groups, aimed at addressing issues arising during the MCO period. This includes mental health issues, domestic violence, child malnutrition, and access to aid and food.

⁵ "Don't Nag Your Husband During Lockdown, Malaysia's Government Advises Women." NPR. 1 April 2020. Available at: <https://www.npr.org/2020/04/01/825051317/dont-nag-your-husband-during-lock-down-malaysias-government-advises-women>

⁶ "Minister advises domestic violence victims to call women's ministry hotline for quick police action." Malay Mail. 12 April 2020. Available at: <https://www.malaymail.com/news/malaysia/2020/04/12/minister-advises-domestic-violence-victims-to-call-womens-ministry-hotline/1855937>

The National Human Rights Commission, SUHAKAM, has held two consultations with civil society stakeholders to understand the issues faced by at-risk individuals on the ground as a result of the COVID-19 pandemic.

11. Please send any additional information on the impacts of the COVID-19 crisis on domestic violence against women not covered by the questions above.

In addition to the obstacles faced by women in obtaining shelter and protection orders during the current MCO period, it is also of note that many survivors have been left out of the stimulus packages agreed on by the government.

When the first round of the stimulus package was announced, we saw this with women in vulnerable employment being left out of wage subsidy programmes, and non-citizens—including foreign wives who are domestic violence survivors and have Malaysian children—not being entitled to direct relief payments. With the current round of the stimulus (Penjana Stimulus Package) we've seen some positive, gender-responsive components, including childcare subsidies, flexible work arrangement incentives, and cash transfers for single mothers. However, some women have still fallen through the cracks.

For example, women who are in the process of obtaining a divorce from their abusers don't yet qualify as 'single' to be eligible to collect the direct payments being issued by the government. In some cases, survivors and perpetrators are actually competing to access funds; in one case in which WAO assisted, an episode of abuse happened by a woman's husband after she accessed the relief funds first. In another case, a woman with five children was not able to access the relief funds because her perpetrator-husband had received approval first.

Additionally, survivors without bank accounts—such as those rendered bankrupt as a result of extreme financial abuse by their husbands—may not be able to collect relief payments, and nor will non-Malaysian survivors who are divorced from their abusive husbands.

In Malaysia, approximately one-fourth of working women fall under the category of vulnerable employment, where they are either self-employed, informal workers, or unpaid family workers. These women lack the security of those employed in the formal sector and are heavily susceptible to partial or total income loss during the pandemic.

Finally, Malaysia is also witnessing a spike in people leaving the labour force due to unpaid care obligations during pandemic. As reported by the Department of Statistic Malaysia (DOSM), between January and April 2020, a net total of 183,960 prime-age workers had already left the labour force. Among this group, most individuals cite care obligations as the primary reason for giving up employment and some may also be women who might have decided to permanently exit the labour force due to care responsibilities.