



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## Malaysia

Malaysia – MYS40514 – Women -  
Domestic Violence – Shelters – State  
Protection  
12 June 2012

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### 1. What are the attitudes towards domestic violence (DV) by the Government of Malaysia?

Whilst the Government of Malaysia displays an ongoing commitment to curtailing domestic violence (DV) via various legislative, public health and enforcement measures, many NGOs and DV rehabilitation service providers warn of discord between policy and practice.

According to statistics published by the United Nations Office of Drugs and Crime in 2010, reported cases of DV in 2009 translate into a rate of 12.8 per 100,000 population, putting Malaysia at the upper end of the third or the lower end of the highest quartile in the world.<sup>1</sup> The deputy minister of the Ministry for Women, Family and Community Development (MWFCD) Datuk Heng Seai Kie stated in a 2011 news report that 90% of victims of DV in Malaysia were women.<sup>2</sup>

The Malaysian government asserts that it possesses a policy commitment to eradicate violence against women in Malaysia via the Ministry for Women, Family and Community Development (MWFCD). Following DV legislative reforms in October 2011, the government stated that the issue of violence against women was a policy priority and that it held a zero tolerance for DV.<sup>3</sup> This forms part of a broader long term National Integrity Plan which prioritises the strengthening of familial institutions.<sup>4</sup>

The government seeks a holistic approach to the prevention of DV, “including removing impunity and prosecuting those who commit violence, as well as protecting and rehabilitating victims.” As a result, the government has sought to act in conjunction with established NGOs in the delivery of services to assist victims of DV in addition to legislative and policing measures.<sup>5</sup>

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<sup>1</sup> Malaysian Government Economic Planning Unit n.d., *MDG 3 Promote gender equality and empower women*, p.58 <[http://www.epu.gov.my/c/document\\_library/get\\_file?uuid=0ddfdc2a-52f3-41cd-8419-520aee023b08&groupId=34492](http://www.epu.gov.my/c/document_library/get_file?uuid=0ddfdc2a-52f3-41cd-8419-520aee023b08&groupId=34492)> Accessed 6 June 2012

<sup>2</sup> ‘Domestic violence module for cops’ 2012, *The Star Online* 18 April, <<http://thestar.com.my/news/story.asp?file=/2012/4/18/nation/11122911&sec=nation>> Accessed 6 June 2012

<sup>3</sup> Ministry of Foreign Affairs, Malaysia n.d., *Statement by the Honourable Mr. Nur Jazlan Mohamed Member of Parliament and Representative of Malaysia on Agenda Item 28 (A); Advancement of Women*, Official Website of Permanent Mission of Malaysia to the United Nations (UN), New York <[http://www.kln.gov.my/web/usa\\_un-new-york/s2011/-/asset\\_publisher/ME2g/blog/at-the-united-nations-general-assembly-11-october-2011?redirect=%2Fweb%2Fusa\\_un-new-york%2Fs2011](http://www.kln.gov.my/web/usa_un-new-york/s2011/-/asset_publisher/ME2g/blog/at-the-united-nations-general-assembly-11-october-2011?redirect=%2Fweb%2Fusa_un-new-york%2Fs2011)> Accessed 5 June 2012

<sup>4</sup> Office of the Prime Minister of Malaysia n.d., *Message Rt. Hon. Dato’ Seri Abdullah Haji Ahmad Badawi Prime Minister of Malaysia* <<http://www.pmo.gov.my/dokumenattached/Dasar/NIP.pdf>> Accessed 5 June 2012

<sup>5</sup> Ministry of Foreign Affairs, Malaysia n.d., *Statement by the Honourable Mr. Nur Jazlan Mohamed Member of Parliament and Representative of Malaysia on Agenda Item 28 (A); Advancement of Women*, Official Website of Permanent Mission of Malaysia to the United Nations (UN), New York <[http://www.kln.gov.my/web/usa\\_un-new-york/s2011/-/asset\\_publisher/ME2g/blog/at-the-united-nations-general-assembly-11-october-2011?redirect=%2Fweb%2Fusa\\_un-new-york%2Fs2011](http://www.kln.gov.my/web/usa_un-new-york/s2011/-/asset_publisher/ME2g/blog/at-the-united-nations-general-assembly-11-october-2011?redirect=%2Fweb%2Fusa_un-new-york%2Fs2011)> Accessed 5 June 2012

According to Amnesty International, this approach contrasts historic policy and social attitudes which tended to regard DV “as a private matter, with the police and courts appearing unwilling to take action against those who may have assaulted their spouses or other relatives within the home.” In the past, there were reports of police officers advising women seeking to “lodge a report about being battered by their husbands, to return home and resolve the problem within the family.”<sup>6</sup>

Malaysia’s *Domestic Violence Act (1994)* (the Act), enacted 1 June 1996, states that the definition of domestic violence includes physical injury, fear of physical injury, unlawful detention and mischief or destruction to property “knowing that it is likely to cause distress to the victim.” The Act also states that domestic violence is perpetrated by persons against a spouse, former spouse, a child, an incapacitated adult, or “any other member of the family.”<sup>7</sup>

According to the US Department of State (USDOS), the Act was amended in October 2011 to expand the definition of domestic violence to include mental, emotional, and psychological abuse.<sup>8</sup> The amendment also expands the application of protection orders beyond the perpetrator to prevent third parties from physically abusing, or even communicating with, victims of domestic violence and allows police to arrest a perpetrator when a protective order has been violated.

The 2011 amendment further elevates the categorisation of DV to a ‘sizeable offence’ allowing for police to now act without an order to investigate from the deputy public prosecutor. According to a publication on the Malaysian Bar website, “[u]nder the Criminal Procedure Code, the police must first determine the nature of the offence, i.e. whether it is sizeable or non-sizeable. The police are only required to conduct immediate investigations in cases of sizeable offences.”<sup>9</sup> Prior to the amendment, according to information sourced from a 1999 *Malayan Law Journal* article, victims of domestic abuse “would have to file a private summons in a magistrate’s Court themselves to prosecute the abuser and naturally very few would go through this process as it is time-consuming and costly”<sup>10</sup> It also remains unclear whether victims in immediate danger are still required to file separate reports with the Social Welfare Department and the police when seeking an interim protection order while police undertake investigations or if the amendment has quashed this process.<sup>11</sup>

USDOS reports that whilst NGO service providers have largely welcomed the reform, many still fear that the amendment does not go far enough. Criticisms include the inability of the reforms to protect women from stalking and intimidation, the limited purview of the Act to assist women outside of marriage relationships and the continued omission of DV as a

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<sup>6</sup> Amnesty International 2005, *Towards Human Rights-Based Policing*, 7 May <<http://www.amnesty.org/en/library/asset/ASA28/001/2005/en/dom-ASA280012005en.html>> Accessed 9 January 2009

<sup>7</sup> *Laws Of Malaysia Act 521 – Domestic Violence Act 1994* (1 June 1996, P.U. (B) 226/1996) n.d., Attorney-General’s Chambers of Malaysia website, p.6 <<http://www.agc.gov.my/agc/Akta/Vol.%2011/Act%20521.pdf>> Accessed 14 January 2010

<sup>8</sup> US Department of State 2012, *Country Reports on Human Rights Practices 2011 – Malaysia*, 24 May, Section 6 Accessed 5 June 2012

<sup>9</sup> Hassan, M 2009, *Is domestic violence a crime?*, The Malaysian Bar, 18 June <[http://www.malaysianbar.org.my/general\\_opinions/comments/is\\_domestic\\_violence\\_a\\_crime\\_.html](http://www.malaysianbar.org.my/general_opinions/comments/is_domestic_violence_a_crime_.html)> Accessed 5 June 2012

<sup>10</sup> Immigration and Refugee Board of Canada 2000, *Malaysia: Assistance and protection available for Sikh women who are victims of domestic violence (update to MYS22272.E of 4 December 1995)*, MYS35707.E, 5 December, UNHCR Refworld <<http://www.unhcr.org/refworld/docid/3df4be751c.html>> Accessed 8 June 2012

<sup>11</sup> US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Malaysia*, April 8, Section 6

specific offence in the Penal Code. One NGO highlighted that the provisions of the amendment had yet to be implemented by the end of 2011.<sup>12</sup>

Women's groups also voiced further concerns in media outlets. *Bernama*, Malaysia's national news agency, reported in 2011 that many women's groups "believe that related laws such as the Evidence Act and the Criminal Procedure and Penal Codes have to be amended to accommodate the numerous changes." In the same article, Empower Malaysia executive director Maria China Abdullah said that "all the legal amendments in the world would not make a difference if frontline personnel at police stations were not sympathetic and supportive", flagging concerns over the sensitivity of enforcement agency personnel to deal with abused women. Abdullah warns that sometimes "it's the police who don't understand the law and they will ask the abused wives to go back home."<sup>13</sup>

## 2. What (if any) women's refuges exist for victims of DV?

A number of public health initiatives have been developed by the Malaysian government to assist in the interception, shelter and rehabilitation of DV victims. In addition, NGOs and political parties maintain a number of independent women's shelters that coordinate their operation with government public health initiatives.<sup>14</sup> Whilst the development of such programs has generally been received positively by NGOs, activists continue to assert that support mechanisms for victims of DV remain inadequate.<sup>15</sup>

### Government Initiatives

According to a 2006 report on police interception published by The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, written by the Head of the Sexual Investigation Unit in the Criminal Investigation Department of the Royal Malaysia Police, "[i]t's the option of the victim whether to choose to stay in a safe house or otherwise. The Welfare Department has 28 houses all over Malaysia to give temporary shelter to these women. More are being designed to meet the purpose at the state level and these premises are called 'Rumah Nur' or House of Light."<sup>16</sup> The report claims that "[t]hese facilities are adequately equipped to ensure the comfort and safety of the victims and their children." No further information was located about the quality and nature of these shelter services.

According to a report published by the Japan International Corporation of Welfare Services (JICWS) under the Japanese Ministry of Health, Labour and Welfare in 2006, 'One Stop Crisis Centres' (OSCC) were also introduced into all Malaysian hospitals in 1996. The report asserts that OSCC seek to provide a centralised one-stop facility to assist victims of DV who attend public hospitals "by bringing help from all relevant departments in the hospital, as well as outside agencies, to the victim in the hospital" in an effort to minimise the trauma and stress for the victim. For a case of DV or alleged rape:

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<sup>12</sup> US Department of State 2012, *Country Reports on Human Rights Practices 2011 – Malaysia*, 24 May, Section 6 Accessed 5 June 2012

<sup>13</sup> Lee, R 2011, 'Concern over effective implementation of Domestic Violence Act', *The Star Online*, 27 December, <<http://thestar.com.my/news/story.asp?file=/2011/12/27/nation/10160395&sec=nation>> Accessed 5 June 2012

<sup>14</sup> US Department of State 2012, *Country Reports on Human Rights Practices 2011 – Malaysia*, 24 May, Section 6 Accessed 5 June 2012

<sup>15</sup> US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Malaysia*, April 8, Section 6

<sup>16</sup> Azilah, N & Jonit, H 2006, 'Country Report – Malaysia', in Tauchi, M (ed), Annual Report for 2005 and Resource Material Series No. 69, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders website <[http://www.unafei.or.jp/english/pdf/PDF\\_rms/no69/09\\_P118-130.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no69/09_P118-130.pdf)> Accessed 13 January 2010

... [I]f it appears that the victim will be in danger if she returns home, the doctor or counselor arranges for her to go to an emergency shelter or admits her to the accident and emergency ward for 24 hours.<sup>17</sup>

In addition:

... the hospital will call the police who would visit the victim at the OSCC to record the victim's report, while the social and welfare department officer or the legal bureau officer are contacted if needed, to offer appropriate help to the victim. In some urban centres, NGOs provide active support to the OSCC service by being "on-call" - to provide counselling, emotional support and assistance where needed.<sup>18</sup>

According to *Bernama*, the Malaysian state news agency, in 2008 there were approximately one hundred centres throughout Malaysia that provided integrated support services. As an example, the OSCC in Kuala Lumpur includes "examination, evidence management diagnosis, definitive care, appropriate referral, documentation and medical reporting with female doctors" as well as "therapeutic and medical intervention, multi-level crisis intervention, counselling and emotional support, temporary shelter as well as legal assistance."<sup>19</sup> As no further information was located about the diversity or quality of services provided by other OSCC it is unclear if this example is representative of all OSCC across Malaysia.

Under the amended version of the *Domestic Violence Act Amendment (2011)* enforcement officers are appointed in the first instance who assist victims by "removing them to alternate accommodation, arranging transportation to access medical assistance or shelter, or retrieving personal belongings from the residence".<sup>20</sup> In a 2011 report by UN Women, the Malaysian OSCC model was held to be "extremely successful in combining clinical therapeutic response with secondary preventive measures."<sup>21</sup>

The Social Welfare Department also provides a hotline number for any information from the public about any abuse that they know of. Any person who has reason to believe that an offence involving domestic violence is being or has been committed may give the information to an enforcement officer.<sup>22</sup>

The efficiency and coordination of OSCC service delivery has been questioned in the past. A 2011 case study of OSCC published in the *Journal of Health Research Policy and Systems*

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<sup>17</sup> UN Women n.d., *One-Stop Centres*, The Secretary-General's database on violence against women website, <<http://sgdatabse.unwomen.org/searchDetail.action?measureId=15467>> Accessed 6 June 2012

<sup>18</sup> Japan International Cooperation of Welfare Services 2006, *Support to Vulnerable People in Welfare and Medical Services Country Report: Malaysia*, Japan International Cooperation of Welfare Services website, <[http://www.jicwels.or.jp/about\\_jicwels/ASEAN&JapanHighLevelOfficialsMeeting/4th%20Mtg.%20Country%20Report%202006%20-Support%20to%20Vulnerable%20People-/Malaysia%20Health%201.pdf](http://www.jicwels.or.jp/about_jicwels/ASEAN&JapanHighLevelOfficialsMeeting/4th%20Mtg.%20Country%20Report%202006%20-Support%20to%20Vulnerable%20People-/Malaysia%20Health%201.pdf)> Accessed 6 June 2012

<sup>19</sup> Jamal, S 2008, 'One-Stop Crisis Centre For Domestic Violence Victims', *Bernama.com*, 16 January, <[http://www.bernama.com/news\\_lite.php?id=308139](http://www.bernama.com/news_lite.php?id=308139)> Accessed 6 June 2012

<sup>20</sup> UN Women 2011, 'Domestic Violence Legislation and its Implementation: An Analysis for ASEAN Countries based on International Standards and Good Practices'

<<http://cedaw-seasia.org/docs/DomesticViolenceLegislation.pdf>> Accessed 6 June 2012; *Domestic Violence Amendment Act (2011)* (PN(U)2748) n.d., Section 7, Parliament of Malaysia website <<http://www.parlimen.gov.my/files/billindex/pdf/2011/DR242011E.pdf>> Accessed 6 June 2012.

<sup>21</sup> UN Women 2011, 'Domestic Violence Legislation and its Implementation: An Analysis for ASEAN Countries based on International Standards and Good Practices', <<http://cedaw-seasia.org/docs/DomesticViolenceLegislation.pdf>> Accessed 6 June 2012

<sup>22</sup> Azilah, N & Jonit, H 2006, 'Country Report - Malaysia', in Tauchi, M (ed), *Annual Report for 2005 and Resource Material Series No. 69*, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders website < [http://www.unafei.or.jp/english/pdf/PDF\\_rms/no69/09\\_P118-130.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no69/09_P118-130.pdf)> Accessed 13 January 2010

asserts that the program has faced ongoing development challenges. It claims that the Ministry of Health (MOH) did not develop a formal policy on the health sector response to violence against women and the OSCC initiative for some time. The case study states that “in reality, it was very much left at the discretion of each hospital's director to develop its own procedures”. The lack of financial commitment on the part of the government was also flagged as a major flaw in the development of OSCC and constrained the roll out of services. As a result, “there was increasing "medicalisation" of services and disconnection of broader NGO inputs, leaving many OSCCs with minimal support in place.” The case study also notes the potential of the OSCC initiative to reach regional and rural areas.<sup>23</sup>

According to a 2011 USDOS report, sexual investigation units and triage services have been set up at each police headquarters in Malaysia to assist victims of sexual crimes and DV.<sup>24</sup> In response, women's rights activists claim that “police needed additional training in handling domestic abuse and rape cases” and that “cultural attitudes and a perceived lack of sympathy from the largely male police force resulted in many victims not reporting rapes.”<sup>25</sup> In an article published by *Bernama* in April 2012 the MWFCD stated that “it has received complaints that some police officers are not familiar with procedures to handle domestic violence cases” and that the ministry was seeking to develop a module on DV for police training centres this year to enhance the ability of the police to deal with cases of DV. According to the deputy minister Datuk Heng Sei Kie, “police stations were usually the first place victims of domestic violence would head to.”<sup>26</sup>

Criticisms of the capacity of police services to deal with DV have been an issue in the past. Malaysia's *The Star Online* newspaper reported in February 2009 that the United Nations Special Rapporteur on Violence against Women made a statement saying that many women in Malaysia did not report domestic violence due to their lack of faith in the system.<sup>27</sup> *The Star Online* also quoted the director of the Criminal Investigations Department in December 2008 who stated that “cases are not being reported to the police because it is so deeply embedded in our culture, making the problem almost invisible.”<sup>28</sup> According to USDOS in 2010 “a leading women's NGO estimated that only 10 percent of rape cases were reported to police” and that “courts were inconsistent in punishing rapists.”<sup>29</sup>

### NGO Initiatives

A number of NGOs also operate women's refuges that are designed to accommodate victims of DV. Searches were able to locate several active shelters in Malaysia that specifically cater for victims of DV. Shelters included the following:

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<sup>23</sup> Colombini, M et al. 2011, ‘One stop crisis centres: A policy analysis of the Malaysian response to intimate partner violence’, *Health Research Policy and Systems*, vol. 9, p.25 <<http://www.health-policy-systems.com/content/9/1/25>> Accessed 6 June 2012

<sup>24</sup> Daniel, S 2011, ‘Police Stations with services for sensitive complaints’, *The Star Online*, 21 September, <<http://thestar.com.my/news/story.asp?file=/2011/9/21/nation/20110921102419&sec=nation>> Accessed 6 June 2012; US Department of State 2012, *Country Reports on Human Rights Practices 2011 – Malaysia*, 24 May, Section 6 Accessed 5 June 2012

<sup>25</sup> US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Malaysia*, April 8, Section 6

<sup>26</sup> ‘Domestic violence module for cops’ 2012, *The Star Online* 18 April <<http://thestar.com.my/news/story.asp?file=/2012/4/18/nation/11122911&sec=nation>> Accessed 6 June 2012

<sup>27</sup> Yee, N 2009, ‘UN expert: Law reforms needed to better protect women’, *The Star Online*, 12 February <<http://thestar.com.my/news/story.asp?file=/2009/2/12/nation/20090212195150&sec=nation>> Accessed 6 June 2012

<sup>28</sup> ‘Domestic violence on the rise’ 2012, *The Star Online*, 21 December <<http://thestar.com.my/news/story.asp?file=/2008/12/21/nation/2867697&sec=nation>> Accessed 22 December 2008

<sup>29</sup> US Department of State 2012, *Country Reports on Human Rights Practices 2011 – Malaysia*, 24 May, Section 6 Accessed 5 June 2012



- The Women's Aid Organisation (WAO) provides integrated services for women including refuge, in-person and telephone counselling, child services and legal assistance. Long term shelter services were available and 18.4 percent of women who sought refuge from DV with the WAO in 2011 stayed longer than three months. The refuge is based in Selangor and housed 110 women and 112 children in 2011 with 68.2% seeking shelter from DV.<sup>30</sup> Fifty-three or 48.2% of clients at the refuge were from Selangor.<sup>31</sup> The WAO may provide the most accessible refuge service in the Selangor region.
- Women's Centre for Change (WCC) is based in Penang and provides similar services as the WAO, including hospital, assistance with police and court referrals. In 2010, WCC provided shelter to 14 abused women and 15 children. The length of stay varied from less than a week to one month.<sup>32</sup>
- The Rumah Perlindungan Sosial branch of the Young Women's Christian Association (YWCA) in Kuala Lumpur provides shelter and counselling for women and their children facing a DV crisis as part of a joint project with the National Council of Women's Organisation. Women and children seeking refuge here must be referred to the shelter by an NGO or by the government.<sup>33</sup>
- The Yayasan Sri Kencana Kalsom Shelter in Kuantan (the capital of Pahang) provides shelter and counselling services for women and children who have been the victims of DV. WCC claim that the maximum length of stay is three months and that access to the shelter requires a referral from a hospital, the police or the Department of Social Welfare.<sup>34</sup>
- The Good Shepherd Home in Ipoh, a major city 200 kilometres north of Kuala Lumpur, provides counselling and shelter for women and children in crisis.<sup>35</sup>
- The Shelter Home for (Abused) Women and Children in Seremban serves as a refuge for victims of DV including protection and counselling. Seremban is the ninth largest city in Malaysia.<sup>36</sup>

### **3. What assistance might a woman expect from police with respect to death threats by her husband and son?**

No information was located specifically detailing the availability of state protection for women in Malaysia who receive death threats from immediate family members. Reports were

<sup>30</sup> Women's Aid Organisation 2011, *Annual Report*, p. 8

<<http://wao.org.my/file/file/WAO%20Annual%20Report%202011.pdf>> Accessed 5 June 2012

<sup>31</sup> Women's Aid Organisation 2011, *Annual Statistics*, p.6-13

<<http://wao.org.my/file/file/WAO%20Annual%20Statistic%202011.pdf>> Accessed 5 June 2012

<sup>32</sup> Women's Centre for Change 2011, *Annual Review*,

<[http://www.wccpenang.org/files/docs/WCC\\_Annual\\_Review\\_2010.pdf](http://www.wccpenang.org/files/docs/WCC_Annual_Review_2010.pdf)> Accessed 6 June 2012

<sup>33</sup> World YWCA 2012, *The World YWCA in Malaysia*, World YWCA website, 27 March

<<http://www.worldywca.org/YWCA-News/World-YWCA-and-Member-Associations-News/The-World-YWCA-in-Malaysia>> Accessed 5 June 2012

<sup>34</sup> Women's Centre for Change 2008, *Penang and Other Counselling Services in Malaysia*

<<http://www.wccpenang.org/files/docs/counselling.pdf>> Accessed 6 June 2011

<sup>35</sup> Women's Centre for Change 2008, *Penang and Other Counselling Services in Malaysia*,

<<http://www.wccpenang.org/files/docs/counselling.pdf>> Accessed 6 June 2011

<sup>36</sup> Department of Statistics - Government of Malaysia 2010, 'Population Distribution and Basic Demographic Characteristics'

<[http://www.statistics.gov.my/portal/download\\_Population/files/census2010/Taburan\\_Penduduk\\_dan\\_Ciri-ciri\\_Asas\\_Demografi.pdf](http://www.statistics.gov.my/portal/download_Population/files/census2010/Taburan_Penduduk_dan_Ciri-ciri_Asas_Demografi.pdf)> Accessed 6 June 2012

found, however, that discussed available levels of state protection more generally. Most reports that were located in relation to state protection for women in Malaysia focus on protection orders available for DV.

Malaysia's *Domestic Violence Act (1994)* (the Act) states that the definition of domestic violence includes fear of physical injury that "knowing that it is likely to cause distress to the victim." The Act also states that domestic violence is perpetrated by persons against a spouse, former spouse, a child, an incapacitated adult, or "any other member of the family".<sup>37</sup> A 2011 amendment has expanded the application of protection orders beyond the perpetrator to prevent third parties from physically abusing, or even communicating with, victims of domestic violence and allows police to arrest a perpetrator when a protective order has been violated.<sup>38</sup> Whilst in the past both interim and long term protection orders only prohibited the perpetrator from further DV,<sup>39</sup> the amendment now allows for a protection order to constitute an order to maintain a specified distance from the victim including restraining the perpetrator from entering a shelter.<sup>40</sup> Anyone who wilfully contravenes a protection order by using violence against a protected person may be punished by imprisonment of up to one year and a maximum fine of RM2,000 (\$630 USD).<sup>41</sup>

A number of practical limitations to the protection order process may affect the access a woman would have to a protection order under the Act. According to USDOS it remains a requirement of the Act that a woman be within a marriage relationship to access protection order provisions. The Head of the Sexual Investigation Unit in the Criminal Investigation Department of the Royal Malaysia Police (RMP) also commented in 2006 that police faced problems "serving the order upon the perpetrator as most of them try to avoid this by moving to a new address or place of work without leaving a forwarding address."<sup>42</sup> It also remains unclear whether victims in immediate danger are still required to file separate reports with the Social Welfare Department and the police when seeking an interim protection order while police undertake investigations.<sup>43</sup> This may impact the speed at which the RMP would be able to respond.

It is possible that the capacity of the RMP to enforce a protection order and respond to a request for assistance could be influenced by corruption and systemic inefficiency by police. Statistics from the Centre for Public Policy Studies Malaysia (CPPS) website indicate that the RMP employs a sufficient number of officers to provide protection for citizens in Malaysia, including in Kuala Lumpur.<sup>44</sup> The RMP reports that it employs 93,000 officers,<sup>45</sup> and CPPS

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<sup>37</sup> *Laws Of Malaysia Act 521 – Domestic Violence Act 1994* (1 June 1996, P.U. (B) 226/1996) n.d., Attorney-General's Chambers of Malaysia website, p.6 <<http://www.agc.gov.my/agc/Akta/Vol.%2011/Act%20521.pdf>> Accessed 14 January 2010

<sup>38</sup> *Domestic Violence Amendment Act (2011)* (PN(U)2748) n.d., Section 7, Parliament of Malaysia website <<http://www.parlimen.gov.my/files/billindex/pdf/2011/DR242011E.pdf>> Accessed 6 June 2012

<sup>39</sup> Azilah, N & Jonit, H 2006, 'Country Report – Malaysia', in Tauchi, M (ed), Annual Report for 2005 and Resource Material Series No. 69, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders website <[http://www.unafei.or.jp/english/pdf/PDF\\_rms/no69/09\\_P118-130.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no69/09_P118-130.pdf)> Accessed 13 January 2010

<sup>40</sup> *Domestic Violence Amendment Act (2011)* (PN(U)2748) n.d., Section 7, Parliament of Malaysia website <<http://www.parlimen.gov.my/files/billindex/pdf/2011/DR242011E.pdf>> Accessed 6 June 2012

<sup>41</sup> US Department of State 2012, *Country Reports on Human Rights Practices 2011 – Malaysia*, 24 May, Section 6 Accessed 5 June 2012

<sup>42</sup> Azilah, N & Jonit, H 2006, 'Country Report – Malaysia', in Tauchi, M (ed), Annual Report for 2005 and Resource Material Series No. 69, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders website <[http://www.unafei.or.jp/english/pdf/PDF\\_rms/no69/09\\_P118-130.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no69/09_P118-130.pdf)> Accessed 13 January 2010

<sup>43</sup> US Department of State 2011, *Country Reports on Human Rights Practices 2010 – Malaysia*, April 8, Section 6

<sup>44</sup> Centre for Public Policy Studies Malaysia n.d., *Policy Fact Sheet Police* <<http://www.cpps.org.my/downloads/factsheets/Police%20factsheet.pdf>> Accessed 1 November 2010

reports that the ratio of police to population is 3.6 officers to 1,000 citizens.<sup>46</sup> For comparison purposes, Australia's ratio is 2.1 officers per 1,000 citizens.<sup>47</sup> Many sources caution that police to population ratios alone are not a comprehensive measure of crime fighting capabilities.<sup>48</sup> The same CPPS report comments that the RMP is fairly effective at fighting crime in several categories, presenting statistical data from 2003-2004 (unsourced and characterised as the most recent publicly available data) that claims that two thirds of attempted murder and successful murder cases were solved.<sup>49</sup>

The 2010 Freedom House *Countries at the Crossroads - Malaysia* report states that “[b] regional standards, Malaysia’s police appear to be reasonably organized... But their effectiveness is limited by low salaries and endemic corruption. The police are frequently alleged to be providing protection for drug trafficking, prostitution, and loan sharking.”<sup>50</sup> USDOS reported in 2010 that “Several NGOs conducted local surveys on government corruption and identified the police as among the country's most corrupt government organizations.”<sup>51</sup> A Home Ministry survey across Malaysia in 2009 found that 70 per cent of respondents had bribed police officers under duress. Reported police offences included accepting bribes and theft.<sup>52</sup> According to a 2009 *Malaysiakini* editorial, corruption is part of daily life in Malaysia.<sup>53</sup>

The Performance Management and Delivery Unit of the Malaysian Government acknowledges police corruption and claims to be implementing reforms as part of the ‘Government Transformation Programme’ to rectify the problem, including more effective compliance units within the RMP.<sup>54</sup> In contrast, USDOS reported in 2010 that the status of reforms, “including the formation of an independent police complaints and misconduct commission, remained pending at year's end [and that] NGOs complained that the government's reform efforts lacked transparency.”<sup>55</sup> According to the 2010 Freedom House report *Freedom in the World – Malaysia*, “[p]olice reform has been inhibited by resistance at the highest levels of the police force and, according to many, by the attorney general.”<sup>56</sup> Police inefficiencies are also reported to be compounded by ineffectiveness in the Malaysian

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<sup>45</sup> ‘Royal Malaysian Police Force’ 2009, Royal Malaysian Police website  
<<http://polismalaysia.brinkster.net/Royal%20Malaysian%20Police%20Force%20-%20About.asp>> Accessed 16 December 2009

<sup>46</sup> Centre for Public Policy Studies Malaysia n.d., *Policy Fact Sheet Police*  
<<http://www.cpps.org.my/downloads/factsheets/Police%20factsheet.pdf>> Accessed 1 November 2010

<sup>47</sup> NationMaster.com website, Statistics Tab n.d., *Crime statistic - police per capita by country*  
<[http://www.nationmaster.com/graph/cr\\_i\\_pol\\_percap-crime-police-per-capita](http://www.nationmaster.com/graph/cr_i_pol_percap-crime-police-per-capita)> Accessed 1 November 2010

<sup>48</sup> International Association of Chiefs of Police n.d., ‘Research Center Directorate Perspectives Police Officer to Population Ratios Bureau of Justice Statistics Data’  
<<http://www.theiacp.org/LinkClick.aspx?fileticket=LF7xdW11tPk%3D&tabid=87>> Accessed 21 December 2009

<sup>49</sup> Centre for Public Policy Studies Malaysia n.d., *Policy Fact Sheet Police*  
<<http://www.cpps.org.my/downloads/factsheets/Police%20factsheet.pdf>> Accessed 1 November 2010

<sup>50</sup> Freedom House 2010, *Countries at the Crossroads 2010 – Malaysia*, UNHCR Refworld website, 7 April  
<<http://www.unhcr.org/refworld/docid/4be3c8c80.html>> Accessed 24 May 2010.

<sup>51</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Malaysia*, 8 April, Section 1

<sup>52</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Malaysia*, 8 April, Section 4

<sup>53</sup> Yang, S 2009, ‘Corruption, our national scourge’, *Malaysiakini*, 19 November  
<<http://www.malaysiakini.com/news/117852>> Accessed 17 November 2010

<sup>54</sup> Government of Malaysia n.d., *Fighting Corruption Overview*, Malaysian Government Transformation Programme website, <[http://www.pemandu.gov.my/gtp/Fighting\\_Corruption-@-Fighting\\_Corruption\\_Overview.aspx](http://www.pemandu.gov.my/gtp/Fighting_Corruption-@-Fighting_Corruption_Overview.aspx)> Accessed 6 June 2012

<sup>55</sup> US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Malaysia*, 8 April, Section 1

<sup>56</sup> Freedom House 2010, *Freedom in the World – Malaysia (2010)*, June  
<<http://www.freedomhouse.org/template.cfm?page=363&year=2010>> Accessed 10 September 2010.



legal system, the operation of which is hampered by a huge backlog of criminal cases in both the lower and high courts.<sup>57</sup>

A 2009 article in the *New Straits Times*, lauding the government's efforts to fight crime, a reporter commented that "there is a serious problem of many criminal cases not being reported to the police because of the lack of confidence in the police force".<sup>58</sup> Another 2009 article in the same newspaper describes slow police response times with anecdotes such as:

I made a fruitless trip to the Batu Pahat police station. My conversation with the officers there left me wondering how the police are able to do any effective crime-busting given that their standard operating procedures (SOP) seem to be out of touch with reality.<sup>59</sup>

According to the 2011 Transparency International corruption perception index (CPI) Malaysia was ranked 60<sup>th</sup> in the world<sup>60</sup> after falling from 56<sup>th</sup> in 2010 and 2009.<sup>61</sup> A *Malaysiakini* article notes that Malaysia's 2009 CPI score was the country's worst ranking and score in 15 years and states that "corruption has become institutionalised in the country".<sup>62</sup>

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<sup>57</sup> Reporters Without Borders 2008, 'Authorities order ISPs to block access to Malaysia Today news website', Reporters Without Borders website, 28 August <<http://www.rsf.org/Authorities-order-ISPs-to-block.html>> Accessed 11 June 2012

<sup>58</sup> Yesuiah, S 2009, 'Crime Fighting: Keep faith in our police force', *New Straits Times*, 17 November <[http://www.nst.com.my/Current\\_News/NST/articles/18coa/Article/index.html](http://www.nst.com.my/Current_News/NST/articles/18coa/Article/index.html)> Accessed 16 December 2009

<sup>59</sup> T.Y.S. 2009, 'Crime: Police must respond faster', *New Straits Times*, 24 November <[http://www.nst.com.my/Current\\_News/NST/articles/18crimee/Article/index.html](http://www.nst.com.my/Current_News/NST/articles/18crimee/Article/index.html)> Accessed 21 December 2009

<sup>60</sup> Transparency International 2012, *Corruption Perceptions Index 2011*, <<http://cpi.transparency.org/cpi2011/results/>> Accessed 7 June 2012

<sup>61</sup> Transparency International 2011, *Corruption Perceptions Index 2010*, <[http://archive.transparency.org/policy\\_research/surveys\\_indices/cpi/2010/results](http://archive.transparency.org/policy_research/surveys_indices/cpi/2010/results)> Accessed 7 June 2012; Transparency International 2010, *Corruption Perceptions Index 2009*

<[http://archive.transparency.org/policy\\_research/surveys\\_indices/cpi/2009/cpi\\_2009\\_table](http://archive.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table)> Accessed 7 June 2012

<sup>62</sup> Santiago, C 2009, 'Slogans alone can't combat corruption', *Malaysiakini*, 19 November <<http://www.malaysiakini.com/news/117786>> Accessed 17 November 2010

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