

Joint Action Group for Gender Equality (JAG)

Press Release—For Immediate Publication

Kuala Lumpur, 8 March 2017

Protect Domestic Violence Survivors. Uphold their Protection Orders.

The Joint Action Group for Gender Equality (JAG) supports the Kuala Lumpur Magistrate Court's decision to uphold the Protection Order of domestic violence survivor Emilia Hanafi. This ruling emphasises that the authorities must proactively protect women and children from further abuse.

The Parliament passed the Domestic Violence Act 1994, to protect survivors and prevent further violence. Hence, the Court must fulfill this intent by enforcing Protection Orders which expressly prohibit the occurrence of further domestic violence.

On 20 May 2016, the Kuala Lumpur Magistrate Court granted Emilia Hanafi a Protection Order against her ex-husband. Subsequently, Emilia's ex-husband applied to set aside the Protection Order.

On 22 December 2016, Magistrate Zuhair Rosli dismissed Emilia's ex-husband's application to set aside the Protection Order, and affirmed that the said Order remains applicable until May 2017. Based on the evidence adduced including three police reports and the Welfare Department's domestic violence report, Magistrate Zuhair affirmed that Emilia needed protection.

In Magistrate Zuhair's decision, it appears that the Court would take into account the relevant police report, among other things, when deciding to issue a Protection Order. The deciding factor seemed to be whether there's a higher probability of further violence, or otherwise.

Referring to the police report, Magistrate Zuhair highlighted that Emilia's family member had tried to shield her from her ex-husband's beatings allegedly, an incident which would have traumatising effects on those who witnessed such domestic violence. Hence, Emilia and the victims involved needed the Protection Order, which also covers emotional abuse.

These court-issued legal documents — Interim Protection Orders (IPO) during the investigation, and Protection Orders (PO) when the criminal charge is being brought against the accused person in court — assure survivors that the authorities will take legal action over continuing abuse. IPOs and POs do not infringe on the rights of alleged abusers, as they simply prohibit further abuse and protect survivors of violence. No one has the right to assault or abuse another person.

Other than Emilia's case, there have been a number of cases where alleged abusers have applied to set aside Interim Protection Orders. This could put women and children's lives at tremendous risk of further violence.

Be that as it may, Magistrate Zuhair's ruling sends a strong message that domestic violence is a heinous crime against all survivors, especially women and children. The State must take comprehensive and effective action to protect women and children from such crimes. The State must continue to send a strong message that we will not tolerate domestic violence in our society.

###

This statement is endorsed by the following members of the **Joint Action Group for Gender Equality (JAG)**:

- Women's Aid Organisation (WAO)
- All Women's Action Society (AWAM)
- Association of Women Lawyers (AWL)
- Perak Women for Women (PWW)
- Persatuan Kesedaran Komuniti Selangor (EMPOWER)
- Persatuan Sahabat Wanita Selangor (PSWS)
- Sabah Women's Action-Resource Group (SAWO)
- Sisters in Islam (SIS)
- Women's Centre for Change (WCC)