

WHAT-YOU-THINK

Domestic Violence Act already protects men — Joint Action Group for Gender Equality

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AUG 6 — Two events occurred last week which have highlighted the government's misplaced priority on domestic violence. Firstly, it is heartbreaking to note yet another domestic violence death of a wife who has succumbed to her burn injuries, allegedly inflicted by her husband. Secondly, the minister of women, family and community development announced that efforts are being made to draft laws to protect men from domestic abuse as existing laws seem to lean towards protecting women.

We are compelled to inform the minister that men who may become victims of domestic violence are already accorded protection under the existing Domestic Violence Act (1994). In fact, the Act is gender neutral and covers not only a spouse, but also a former spouse, a child, an incapacitated adult or any other member of the family. It is important to demystify the fact that the Act only protects women.

Yes, men too can become victims of domestic violence. However, the reality on the ground unfortunately shows that the majority of victims are women. According to police statistics of reported domestic violence cases in Malaysia in 2011 and 2012, around 75 per cent of victims are women. Looking at this context holistically, domestic violence is still primarily an ugly reality faced by women.

Rather than drafting new laws to protect men from domestic abuse, efforts should be spent on strengthening the implementation and enforcement of the Domestic Violence Act instead so victims, regardless of gender, are given the protection they need. It is horrifying that in 2013 alone, three domestic violence deaths have been reported in the media. In two of those cases, numerous police reports had been lodged by the victims prior to their deaths. One could argue that the lack of action taken by the authorities, or in other words the failure to enforce the Domestic Violence Act, may have contributed to their unfortunate demise.

The dynamics in domestic violence are such that it revolves around the fear, threat and intimidation that are repeated overtime in an abusive setting. In a genuine domestic violence situation, fear will overwhelm the victim. Hence, it is important to find out if there is in fact a trend of men being abused, i.e. aside from the physical abuse, are men victims also confined in the house, restricted in their social activities, totally controlled by the wife and living in fear? Domestic violence is not only about the incidence itself, but also about the fear of witnessing the violence to occur and the trauma afterwards. These impact women so much more. Furthermore, one can state that the reason why most victims of domestic violence have historically been women is because men perpetrators usually believe they have a special privilege to control women due to decades of patriarchal culture.

The Joint Action Group for Gender Equality (JAG) has submitted various memorandums to the government to include "Domestic Violence as a separate offence in the Penal Code, with weighted punishments for varying levels of physical, psychological, emotional or sexual violence. Having the Domestic Violence Act read together with the Penal Code, as per the current practice, does not address the specific dynamics of domestic violence and the urgency for investigation and prosecution. Although domestic violence is recognised as a crime, the charge to charge the abuser in the Penal Code is treated like an average offence, not reflective of the serious and persistent nature of the crime. The law needs to be changed immediately as leaving it in the current form will not do justice to the severity of domestic violence as a crime.

Malaysia was the first country in the Asia-Pacific region to pass a specific law on domestic violence in 1994. While this is an achievement to be commended, the government must note that the implementation and enforcement of the Act needs to be drastically improved. Efforts must be channelled to tackle this issue, failing which the consequences can be deadly as unfortunately shown in the three domestic violence deaths reported so far this year, and perhaps the many more that went unreported.

*** Issued by Women's Aid Organisation, on behalf of the Joint Action Group for Gender Equality which includes the Women's Aid Organisation (WAO), Women's Centre for Change, Penang (WCC), All Women's Action Society (AWAM), Perak Women for Women Solidarity (PWW), Persatuan Kesedaran Komuniti Selangor (EMPOWER), Persatuan Sahabat Wanita Selangor (PSWS), Sabah Women's Action Network (SAWO) and Sisters in Islam (SIS).**

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