

POLICY PAPER NO.1  
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**THE SHELTER NEEDS OF  
DOMESTIC VIOLENCE SURVIVORS  
AND THE AVAILABILITY  
AND ACCESSIBILITY OF SHELTERS  
AND RELATED SERVICES  
IN SELANGOR AND KUALA LUMPUR**

Research Funded by



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## A. INTRODUCTION

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### 1. Background

Women's Aid Organisation (WAO) opened the first shelter for domestic violence survivors in Malaysia in 1982. Subsequently, in 1989, it conducted the first national survey on domestic violence which estimated that 36% (1.8 million) of women over the age of 15 were abused by their partners.<sup>1</sup> Almost three decades and the passing of the Domestic Violence Act 1994 (DVA) later, domestic violence is still an extremely prevalent problem in Malaysia. In 2017, another study done by Women's Development Centre (KANITA), Universiti Sains Malaysia, found that 5% of females have undergone physical abuse, while 7.8% and 1.7% have been subjected to emotional and sexual abuse respectively (n=2640). According to the Ministry of Home Affairs, 1220 domestic violence related cases were charged in court from January to July 2017, and a total of 3201 cases in 2016. In comparison, a total of 5513 cases of domestic violence were reported to the Royal Malaysia Police in 2017, and 5796 in 2016. A disproportionate number of victims are women and children.

Domestic violence remains an under-reported and under-researched social issue in Malaysia.<sup>2</sup> The two biggest studies were done by Women's Development Research Centre (KANITA), USM, in 2013 involving 3215 women, as well as the study done by WAO in 2000 involving 1221 respondents nationwide. Both these studies were prevalence studies. Other studies done were much smaller studies involving specific focus groups,<sup>3</sup> a study on the feasibility of a screening tool for Violence Against Women (VAW),<sup>4</sup> and the primary health care system management of VAW.<sup>5</sup>

As of March 2019, there are currently no large-scale studies conducted at a national level on the accessibility and the availability of shelters for domestic violence survivors. In 2017, WAO conducted research on strengthening the accessibility and effectiveness of shelters for DV survivors. Among barriers identified by the study were limited accessibility to shelters for survivors, and that the effectiveness of shelters is hindered for survivors because of the limited availability of domestic

<sup>1</sup> Women's Aid Organisation, 'Domestic Violence' <data <[http://www.wao.org.my/Domestic+Violence\\_37\\_5\\_1.htm](http://www.wao.org.my/Domestic+Violence_37_5_1.htm)> accessed 29 January 2018.

<sup>2</sup> Ministry of Home Affairs, 'List of issues and questions in relation to the combined third to fifth periodic reports of Malaysia: Replies of Malaysia' (November 2017).

<sup>3</sup> Othman S and Adenan N.A.M 2008. Domestic violence management in Malaysia: A survey on the primary health care providers. *Asia Pacific Family Medicine*, 7(2): 1-8.

<sup>4</sup> Wong YL and Othman S. Early detection and prevention of domestic violence using the Women Abuse Screening Tool (WAST) in primary health care clinics in Malaysia. *Asia Pac J Public Health* 2008; 20(2): 102-16.

<sup>5</sup> Colombini M, Ali SH, Watts C and Mayhew SH, (2011). One Stop Crisis Centres: A policy analysis of the Malaysian response to intimate partner violence. *Health Res Policy Syst* 9(25):1-12 <<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3141786/>> Accessed 15 Aug 2011>

violence-specific services.<sup>6</sup>

### ***Malaysia's obligation with regards to the provision of shelters for women***

Malaysia is a State Party to the Convention on the Elimination of All Forms of Discrimination (CEDAW), and has an obligation to respect, protect, and fulfil women's rights to non-discrimination and the enjoyment of substantive equality. Domestic violence constitutes a violation of women's human rights and is recognised as a form of discrimination against women under CEDAW.<sup>7</sup> A State Party's obligation under CEDAW to address domestic violence includes the provision of sufficient numbers of safe and adequately equipped shelters for women, their children, and other family members.<sup>8</sup> This obligation is reaffirmed by the Special Rapporteur on Violence Against Women, who has elaborated on measures to be taken by State parties.<sup>9</sup> This includes allocating state funding (including to non-governmental organisations) which is secure, sustained, and adequate; providing round-the-clock toll-free telephone helplines that would facilitate emergency admission to shelters; ensuring that women (including non-citizen women) are able to secure immediate access to shelters and that access to shelters is not hampered by bureaucratic processes; and offering or ensuring the availability of services that support a woman's physical and mental health, such as health care, psychosocial and counselling support, access to justice and legal advice, and support with regards to securing adequate housing before leaving the shelter.<sup>10</sup>

### ***"Safe Place" and "Shelter"***

The DVA establishes the category of "safe place," ie. "any home or institution maintained or managed by the Ministry or Department responsible for welfare services or by any other agency or voluntary organization approved by the Minister for the purposes of [the DVA]."<sup>11</sup> A "shelter," as defined under the DVA, is "any home, institution or any other suitable place of which the occupier or owner is willing to receive a victim temporarily," which may also include homes of friends and family of the survivor. All safe places are shelters, but not all shelters are designated safe places under the DVA.

As of March 2019, there are 43 shelters designated as safe places in Malaysia. Of these, 35 are run by the Welfare Department (Jabatan Kebajikan Masyarakat, or JKM), and seven by non-governmental organisations (NGOs). WAO runs one of the NGO shelters designated as a safe place.

<sup>6</sup> This research was conducted with the assistance of postgraduate students at the Centre for Applied Human Rights, University of York, who volunteered with WAO in November 2017. This research involved a comprehensive review of studies and statistics on the provision of shelter to survivors of domestic violence in Malaysia, a review of international good practice guidelines, and interviews with staff members of five NGOs providing services to survivors of domestic violence and a social worker working for the Malaysian government.

<sup>7</sup> United Nations, Committee on the Elimination of all forms of Discrimination Against Women, *General Recommendation No. 35 – on gender-based violence against women, updating general recommendation No. 19*, CEDAW/C/GC/35 (26 July 2017) available at <<https://www.ohchr.org/en/hrbodies/cedaw/pages/recommendations.aspx>> accessed 3rd May 2019.

<sup>8</sup> United Nations, General Assembly, *Report of the Special Rapporteur on Violence Against Women, its causes and consequences*, A/HRC/35/30 (13 June 2017) available at <<https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SheltersProtectionOrders.aspx>> accessed 3rd May 2019.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Domestic Violence Act 1994

## 2. Objectives

The main objective of this policy brief is to present an overview of the availability and accessibility of shelters and related services in the state of Selangor and the Federal Territory of Kuala Lumpur (KL) for domestic violence survivors who are women, as well to quantify the needs of women domestic violence survivors in Selangor and KL, for years 2013-2019.

This policy brief also aims to guide policy -making using evidence-based recommendations to improve shelter and service provision to women in Selangor and KL, and to provide a basis for increasing government budget allocations for domestic violence (DV) shelters and related services.

## 3. Research Methodology

Data for the research that informed this policy brief was obtained through face-to-face, telephone, and email interviews using a questionnaire. WAO researchers interviewed:

|   |  |  |  |
|---|--|--|--|
| Five (5) NGO shelter providers that take in domestic violence survivors | Four (4) NGOs that provide DV-related services except shelter for domestic violence survivors (ie. non-shelter services) | Three (3) JKM officers from the headquarters in Putrajaya, and state offices in Selangor and Kuala Lumpur respectively | One (1) JKM PKMD (Pejabat Kebajikan Masyarakat Daerah) from a JKM safe place in Selangor that provides shelter for |
|---|--|--|--|

## 4. Limitations

The research this policy brief draws on is limited in scope to shelters in Selangor and Kuala Lumpur, and data collected between 2013-2019. While it does not presume to speak for the entirety of the country, the research findings point to a need for a large-scale, adequately -resourced study that would give a comprehensive picture of the availability and accessibility of shelters nationwide for DV survivors.

Statistics from NGOs are scarce, given the resource limitations they operate under. As one interviewee pointed out, NGOs have to prioritise the immediate needs of their clients over data collection, which means that documentation is often lacking.

Finally, in relation to the term “domestic violence” itself, while WAO’s work includes intimate partner violence (IPV) generally, the Malaysian Domestic Violence Act (DVA) only encompasses violence between married couples (including de facto marriages) and family members, for example in a situation where an aged parent is abused by his or her adult children. Thus, official DV statistics recorded by the Royal Malaysia Police (also known as PDRM or Polis Diraja Malaysia) do not entirely reflect cases on the ground. A more accurate reflection of the actual numbers and context can be gleaned from prevalence studies by KANITA and WAO on women facing DV, as well as statistics provided by NGOs assisting DV survivors.



## B. RESEARCH FINDINGS

### 1. Estimating the Need for Shelter for DV Survivors

There are significant disparities between the number of DV cases reported to the police, the number of DV cases handled by JKM, and the number of DV survivors documented to have received shelter.<sup>12</sup>

Table 1: Nationwide Statistics on DV

| Year | PDRM DV reports - total (women & men) | JKM DV cases - total (women & men) | JKM DV cases - women only | DV survivors at JKM safe places - women only (JKM) | DV survivors who moved in with relatives or friends - women only (JKM) | DV survivors at WAO shelter - women only | DV survivors at Global Shepherds - women only |
|------|---------------------------------------|------------------------------------|---------------------------|--|--|--|---|
| 2018 | 5421                                  | 1233 <sup>13</sup>                 |                           |  |  | 59                                       |   |
| 2017 | 5513                                  | 775                                | 733                       | Not available                                      | Not available  | 58                                       | 18  |
| 2016 | 5796                                  | 898                                | 852                       | 31   | 62   | 93                                       | 16  |
| 2015 | 5014                                  | 667                                | 628                       | 50   | 51   | 111                                      |   |
| 2014 | 4807                                  | 731                                | 696                       | 32   | 92   | 110                                      |   |
| 2013 | 4123                                  | 488                                | 447                       | 40   | 76   | 93                                       |   |

The Association of Social Services and Community Development of Gombak Selangor (PSPK) estimates that of the 500 women it sheltered in 2013-2017, about 30 percent were domestic violence survivors. Unfortunately, most NGO-run shelters do not have the capacity to document and collate statistics on their residents.

WAO was not able to obtain statistics with the same level of granularity for individual states. However, an interview with an officer in JKM Selangor's Enforcement Division indicated that in Selangor, the department handles 28 to 30 cases every year that require DV survivors to be placed in JKM-run safe places. KL does not have a designated safe place. Survivors requiring safe places are referred to JKM Selangor and NGOs, and those successfully relocated to a temporary safe place run by JKM are reflected in the table above.

<sup>12</sup> The data in the tables was sourced from Polis Diraja Malaysia (PDRM), the NGOs themselves, JKM (Laporan Statistik Tahunan 2013-2017), and replies to Parliamentary questions asked by Member of Parliament Kasthuri Patto.

<sup>13</sup> JKM Statistics as reported in "Wanita 83 peratus mangsa keganasan rumah tangga berpunca dadah." *Berita Harian Online*. 22 July 2019. Available at: <https://www.bharian.com.my/berita/nasional/2019/06/577008/wanita-83-peratus-mangsa-keganasan-rumah-tangga-berpunca-dadah>

**Table 2: Selangor Statistics on DV**

| Year | PDRM DV cases | JKM DV cases - total (men & women) | JKM DV cases - women only |
|------|---------------|------------------------------------|---------------------------|
| 2017 | 775           | Not available                      | Not available             |
| 2016 | 938           | 154                                | 134                       |
| 2015 | 780           | 172                                | 161                       |
| 2014 | 657           | 174                                | 163                       |
| 2013 | 512           | 95                                 | 91                        |

**Table 3: Federal Territories (Kuala Lumpur) Statistics on DV**

| Year | PDRM cases | JKM DV cases - total (men & women) | JKM DV cases - women only |
|------|------------|------------------------------------|---------------------------|
| 2017 | 424        | Not available                      | Not available             |
| 2016 | 454        | 113                                | 111                       |
| 2015 | 208        | 96                                 | 91                        |
| 2014 | 201        | 86                                 | 80                        |
| 2013 | 243        | 62                                 | 64                        |

The data obtained through this study points to a need for more comprehensive research to accurately determine whether there are sufficient shelter spaces to accommodate the needs of domestic violence survivors. Certainly, the number of shelter places in Malaysia overall falls below the standards recommended by the Council of Europe (2008)<sup>14</sup> and reaffirmed by the Special Rapporteur on Violence Against Women (2017)<sup>15</sup>: one family place in a women's shelter per 7,500 inhabitants as an aspirational standard, and one family place<sup>16</sup> per 10,000 inhabitants as the minimum standard. Malaysia has approximately one shelter per 725,384 inhabitants.<sup>17</sup> Even if we assume each shelter has on average 10 family places or rooms, this means Malaysia only has approximately one family room per 72,538 inhabitants – far below the minimum recommended standard.

Interviews conducted with shelter providers point to other factors to be taken into consideration when estimating whether current shelter spaces adequately meet survivor needs. When asked about the relatively low number of survivors housed in JKM-run safe places, JKM officers interviewed point to the availability of other options for a survivor: NGO-run shelters, Interim Protection Orders (IPOs) that enable the survivor to continue living at home while requiring the perpetrator to move out, as well as living with family and friends. Statistics on JKM cases in Table 1 indicate that survivors tend to choose to stay with family and friends, instead of going to a JKM safe place.

JKM officers suggested that a reason could be that survivors balked at conditions set by JKM-run safe places. JKM safe spaces as well as many of the NGO shelters interviewed are “closed” shelters,

<sup>14</sup> The Council of Europe, ‘Combating violence against women: Minimum standards for support services’ (September 2008) EG-VAW-CONF, p18.

<sup>15</sup> Human Rights Council, “Report of the Special Rapporteur on violence against women, its causes and consequences” 23 June 2017, para 59.

<sup>16</sup> A “family place” refers to bed space for the mother and the average number of children in the country, i.e. more than a single bed space. See The Council of Europe, ‘Combating violence against women: Minimum standards for support services’ (September 2008) EG-VAW-CONF, p59.

<sup>17</sup> Based on 43 JKM safe places, and Malaysian population of approximately 32,385,000 in 2018.

ie. shelters that restrict the movements of survivors. While the restrictions are imposed for security reasons, survivors may lose their jobs as they cannot move freely in and out of the shelter—thus impacting their livelihoods--and their children cannot go to school while housed in the shelter. Thus, such shelters become a far less viable option for many survivors. Another factor to consider is whether facilities in current shelters are adequate for survivors, as all shelters interviewed cited resource limitations in meeting the needs of survivors, whether human (skills) or material.

**There is virtually no data available to give a clear, comprehensive picture of where survivors go after seeking help from the police, JKM, or NGOs.** Not all survivors would need to leave their homes to seek temporary shelter, however there is no data being collected to support hypotheses about their numbers and circumstances. Some of these may indeed be cases where the survivors withdrew their police reports, thus removing the need to be relocated to a safe place, as suggested in interviews with JKM officers. However, this then raises other questions that require further research, including the circumstances under which these survivors withdrew their report, and whether greater availability and accessibility of shelters would have made a difference. Another key question to ask, as well, is whether survivors have adequate access to DV-related services and support while living with family or friends.

## 2. Available Shelters and Intake Criteria

WAO attempted to contact 30 shelters in Selangor and Kuala Lumpur. Of these, eight reported that they take in DV survivors, 12 said they do not take in DV survivors, five are not in operation, and five were not responsive to our queries. Even assuming that the five shelters who did not respond do take in DV survivors, that leaves only 13 shelters to serve the needs of survivors of the estimated thousands of DV cases in KL and Selangor every year. However, for the purposes of the analysis here, only data from the five shelters and one JKM shelter interviewed will be included.

While a majority of survivors seeking shelter and/or services were residents of Selangor and KL, including non-citizens, NGO shelter providers take in a small number of survivors from outside both states. The exact numbers are not uniformly available, though one NGO shelter estimated that about one percent of its residents are from outside Selangor and KL.

Shelters do not only do their own intakes; virtually all NGO-run shelters we interviewed received referrals from other NGOs, government agencies (such as JKM, the police, and One-Stop Crisis Centres in government hospitals), and UN agencies. Shelters also refer cases to each other when they are full or do not feel that they have the resources to handle specific cases, though they are sometimes unsuccessful in doing so when the shelters they refer survivors to are also at or over capacity. All of the NGO-run shelters interviewed faced challenges with over-capacity and inadequate resources to manage current residents, which means that there is an unmet need that is not clearly reflected in the categories of data collected by Federal or state government.

Shelters have varied intake criteria and processes for their residents. WAO's intake process involves a social worker meeting with a survivor face -to-face and going through a form to determine her needs and whether the shelter is best suited for her. JKM-run safe places require that the survivors be assessed by a JKM officer and make police reports before they are able to access these safe places.



A number of shelters do not take in non-citizens. Others may require police reports or medical reports. One shelter requires survivors to give their husbands' phone numbers before they are taken in. The shelter would then call the husbands through a private number to "verify" information given by the survivors.

Several shelters are divided along religious lines, with their intake criteria clearly stating that they will only accept Muslim or non-Muslim women. Shelters for unwed mothers in particular tend to frame their residents as "fallen women" in need of correction according to specific religious faiths. Some offer religious guidance or counselling as a response to moral decay (terms used include "pemulihan akhlak" and "kecelaruan akidah").

### 3. Shelter Facilities

Shelters interviewed provide emergency or short-term shelter, with three providing long-term shelter. The length of stay varies, from as short as a few days to a few months, depending on the needs of the survivor. All except one shelter have no minimum or maximum length of stay for residents – one has a maximum limit of three months. Most will also assist with transportation for the survivors to get to the shelters.

A majority of survivors come to shelters with children, who have specific needs crucial to their development and wellbeing. Shelters generally do not take in boys over the age of 12 or 14 with their mothers, and either refer them out to other shelters or place them in a separate compound if the shelter has more than one facility. Facilities for children vary widely between shelters, such as transportation to schools and activities. The JKM safe place interviewed has a shared playground but does not provide transportation to school, as DV survivors generally only stay for between one week and a month, and movement outside of the compound is restricted for security purposes. Three of the five shelters WAO interviewed provide transportation for children to go to school, while others have informal home-schooling.

The only shelter that provides child care services is the one shelter that is an open shelter, where the survivors can go out to work.

### 4. Services Available to DV Survivors

**Telephone helplines:** Three of the five NGO-run shelters have hotline numbers, as do two of the other service-providing NGOs WAO interviewed who do not run shelters. Others use their office lines or personal mobile phones, and one only provide services through Facebook messaging.

**Counselling:** Counselling services are generally available across the board in shelters, but the types of counselling and available counsellors vary. Most have access to registered or intern counsellors,<sup>18</sup> though not always on a regular basis. A number make use of para-counsellors. Two of the shelters are able to call on clinical psychologists. Of the services-only NGOs, two have para-counsellors or intern counsellors in-house. In a JKM safe place, a counsellor will be sent from the JKM office to

<sup>18</sup> Intern counsellors refer to students who are pursuing a Masters in Counselling, and provide services during an internship or practicum as part of their course requirement.

meet with the survivor. There is a huge demand and need for counselling, both for the survivors and their children. As of September 2018, WAO clocked in 190 clients who needed counselling, with each client requiring up to 10 hours.

**Social work:** Social work needs of survivors include: help to file police reports, seek medical treatment, and get connected with legal aid and support during the court process, as well as assistance in obtaining protection orders. There is a wide variation in terms of social work available to survivors in the NGO-run shelters WAO interviewed. One can only provide help to get medical assistance, while two are able to give a full range of social work services in addition to specific needs such as official documents and school transfers. Others fall in-between. Similarly, the services-only NGOs provide some social work services, but two are not able to provide any. JKM provides all services obligated under section 19 of the DVA and refers out for legal assistance.

**Legal information or assistance:** Most shelters do not provide in-house legal assistance, or refer the survivors to legal aid and pro bono lawyers. Two of the NGO-run shelters have chambering pupils, though in one shelter it is the social workers who provide legal information and accompany survivors to court. Of the services-only NGOs, all except one provide legal information and referrals to legal assistance for survivors. One NGO, Sisters in Islam, has a legal aid fund to help clients pay Syariah court fees.

**Financial assistance:** NGOs have limited to no in-house financial assistance for survivors. Where funds are available, financial assistance goes to a range of needs such as allowance for transport, court fees, children's school supplies, medical costs, and in one shelter, a small sum for items such as rent and groceries to assist the survivor with being independent after leaving the shelter. JKM refers survivors to relevant divisions within JKM, as well as other agencies for financial assistance. Financial difficulties render survivors more vulnerable – the officer from the JKM safe place interviewed noted that the survivors are usually women who are dependent on the perpetrators. The officer noted that while at the JKM safe place, these survivors want to contact their husbands due to cost of living and their children's schooling needs, which exposes them to further harm and potentially exposes the identity of the designated safe place.

**Skills training and job placement:** Job search and skills training assistance are provided in three NGO-run shelters. One services NGO funds and arranges for survivors to access external vocational and skills training.

As outlined above, there is a wide variation of services available for domestic violence survivors across different organisations and shelter providers. There is also the thorny question as to whether services provided are adequate to support a survivor during and after crisis. It should be emphasised here that of the interviewees, only one shelter and two services-only NGOs specialise in DV or, more broadly, gender-based violence. Survivors, at the point of crisis, do not have the luxury to “shop around” for the best fit for their needs -- it is thus more important to ensure that the survivor should have the same quality of services across the board, whether the service is provided in-house or through an effective referral system, no matter their first point of contact. As it is, the survivor may have significantly different experiences depending on who they turn to, given the uneven levels of funding, human resources, and expertise.

## 5. Resources and Funding

All of the shelters interviewed operate under resource constraints.

First, space. Shelters are only able to take in a limited number of survivors at a time, and the space constraints also apply to staff and volunteers working at the shelters. The largest NGO-run shelter has the capacity to house 85 residents, while the smallest can house 20. As noted above, all shelters interviewed faced the challenge of over-capacity. The capacity of JKM safe places depends on the individual shelters, as they take in cases other than DV and a separate compound is provided for DV survivors.

Second, human resources. Staffing is noted as a challenge by four of the NGO -run shelters. One noted that Home Ministry policies had an impact on its ability to staff its shelters due to the fact that they had been hiring migrant workers as they said that locals would not take caregiving jobs. The JKM safe place interviewed raised another concern: that its staff needed more exposure and expertise on domestic violence, the DVA, and how to best handle survivors who are traumatised. The interviewee noted that its staff tend to have more experience dealing with other groups such as persons with disabilities.

Third, funding. This was highlighted by virtually all NGOs interviewed, including both shelter -providing and services -only NGOs. Most draw their funding from a combination of public donations or corporate sponsorship and grants, but this comes nowhere near fulfilling the resource needs of the organisations given the work they do. Shelters provide not only a roof over one's head, but also services essential to the wellbeing and security of survivors.

## 6. Standard-Setting and Security

According to interviews conducted with JKM officers, JKM conducts both scheduled and random inspections of shelters designated as safe places to ensure that they comply with guidelines and regulations. A new standard operating procedures (SOP) document for safe places is awaiting endorsement at the federal level, which would include security and procedural guidelines, and standard forms. The SOP is expected to be endorsed and released sometime in 2019.

Shelters have a degree of independence in establishing their own internal SOPs, subject to regulations on building safety and so on, as well as more broadly laws governing the set-up of NGOs. One NGO shelter provider expressed concern over “new NGOs” and the need for better enforcement and monitoring of shelters. He felt a screening process should be put into place to ensure that the shelter providers are capable.

As noted earlier, almost all of the shelters WAO interviewed for this research are closed shelters, including the JKM safe place, which means that survivors cannot freely leave and return. Most cite security concerns, particularly shelters dealing with high -risk groups. These shelters may require that survivor's hand over their mobile phones for the duration of their stay. Two of the shelters interviewed noted perpetrators as a source of security risk for survivors and staff, as there have been cases of stalking and break-in attempts. Of the five shelters interviewed, four stated that the

location of their shelters is confidential, though one of these shelters share the same building as its other, non-confidential, shelter. One shelter stated that its location is not confidential.

## **7. Post-Shelter Needs of Survivors**

Most shelters do conduct follow-up with survivors when they leave, but this is limited to the resources they have: WAO conducts follow-up by phone for six months, but due to resource constraints it generally focuses more on survivors who are at risk. Other shelters do so on a case-by-case basis, or when they run programmes that former residents can take part in, or take their lead from survivors as to whether the survivors would like to be contacted.

An area of urgent concern is that all shelters noted that at least some of their former residents return to their abusive husbands or families after leaving the shelters. Some seek to return to the shelter after, when the abusive situation escalates again, though not all shelters accept returnees. Of the shelters who accept returnees, two point to recurring violence as a factor, as the survivors again require protection. One shelter actively pursues family reconciliation as an ideal outcome for survivors, and upon leaving former residents are generally not allowed back into the shelter.

## C. POLICY RECOMMENDATIONS

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There is a vast disparity between the capacity of existing shelters (both those designated as safe places and those not) and the demand for their services, meaning many women are unable to seek support and, as a result, face dire consequences. There is also a myriad of other issues that DV survivors must deal with that demand the addition of more DV shelters, which is a critical component of the government's obligation to provide response and protection to women survivors of violence.

### 1. Resource Allocation and Funding

Government agencies and NGOs running services for domestic violence survivors require sustained and adequate funding. The average shelter's operating budget is RM446,800 with annual budgets ranging from RM180,000 a year to RM1,000,000 a year.<sup>19</sup> A shelter's budget goes to rent, upkeep, staffing, services, and so on. However, adequate funding accounts for all of these, as well as for reserves for contingencies and future planning and development, including the provision of services.<sup>20</sup> State funding needs to be secure, sustained and adequate, and shelters should be jointly funded from central government budgets and from state budgets.<sup>21</sup>

Shelters and services -only NGOs, when asked what they would do with more funding, mentioned expanding and adding on services such as:

- Better case management and advocacy
- Capacity-building or skills training and programmes for financial self-sustenance
- Services such as in-house counselling, legal expertise, and medical and psychological support
- In-house educational programmes for children

These are all programmes and services that would contribute to the wellbeing and financial independence of survivors, especially post-shelter, and mitigate the risk of survivors returning to abusive situations. Given that JKM safe places do not currently have the capacity to meet the shelter needs of DV survivors, it falls to NGOs to provide services to a majority of survivors requiring shelter. Thus, it is crucial that they have the resources to do so.

JKM itself requires far more financial and human resources than it is currently allocated. Officers in

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<sup>19</sup> Based on the 5 NGO shelter providers we interviewed.

<sup>20</sup> United Nations, General Assembly, *Report of the Special Rapporteur on Violence Against Women, its causes and consequences*, A/HRC/35/30 (13 June 2017) available at <<https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SheltersProtectionOrders.aspx>> accessed 3rd May 2019.

<sup>21</sup> Ibid.



JKM who handle DV cases are also assigned other cases, and given the volume of cases – including cases involving senior citizens, persons with disabilities, orphans etc. – it is likely that JKM is in reality severely under-resourced. There should be at least one officer per district office assigned solely to handle DV cases.

In Queensland, a state in Australia with a population comparable to Selangor, the state government allocated AUD7,001,329 (approx. MYR20,357,297 with current exchange rates) in 2016, specifically to address homelessness among domestic and family violence survivors. The Commonwealth government supplemented this with AUD13,590,815 (approx. currently MYR39,523,624) bringing total state funding to AUD20,592,144 (approx. currently MYR59,886,815). The total state and commonwealth government funding for all domestic and family violence programmes (including shelters) was AUD103,814,510 (approx. currently MYR301,917,098). This amount covers government funding for other services such as legal representation, legal aid and information, dispute resolution services, community education, funding for community justice groups and so on.<sup>22</sup>

In Selangor, the state government allocated RM50,000 in 2016 to WAO for its domestic violence shelter work. While this is welcome, support for survivors requires sustained, adequate funding with clear budget lines at state and Federal levels. Currently, in both state and Federal budgets, these allocations if available are buried under budget lines going generally towards women or welfare, and tend to be irregularly allocated.

**Recommendation:** Clear budget lines in annual Federal and state budgets for funding to go towards the provision of services to DV survivors, including but not limited to shelters, legal aid, capacity building for service providers, and community education on DV. To explore sustainability funding and alternatives resources such as *Zakat*, *Waqaf* and crowdfunding to make sure the needs for long-term funding is secured.

## 2. Data Collection

An immediate and obvious challenge in conducting the research for this policy paper is the scarcity of statistical data. This is especially notable among NGOs, and is a direct consequence of resource constraints. However, in terms of Federal and state governments, standard statistical data sets and their availability to the public are problems that hinder evidence-based policy-making and the effectiveness of programmes targeting specific groups.

**Recommendation:** Standard statistical data sets for all agencies dealing with domestic violence at all levels, as well as NGOs, and funding to ensure that they be able to collect these data.

## 3. Multi-stakeholder Networks and Collaborations

NGOs and JKM officers alike felt that they should have a collaborative working relationship with each other. More dialogues and trainings were often raised as a recommendation during interviews.

<sup>22</sup> Domestic and Family Violence Services Audit: Queensland - Department of the Premier and Cabinet (2016), prepared by KPMG. <<https://www.csyw.qld.gov.au/resources/campaign/end-violence/dfv-services-audit-report.pdf>> accessed 3rd May 2019.

In addition, a clear referral mechanism between government agencies and NGOs was also suggested.

**Recommendation:** Recognise the government-NGO relationship in addressing domestic violence and formalise a multistakeholder platform where government agencies and NGOs can share concerns and information, and improve case management.

#### 4. Capacity Building

Capacity-building on domestic violence is needed for government agencies and NGOs. In conducting research for this policy paper, WAO found that shelters specialising in specific issues (e.g. people living with HIV, unwed mothers) do not enquire at intake if their clients also experience DV. Shelters for teenage, unwed mothers may have DV cases, including that of incest, but most state that they only take teenage mothers and not DV survivors. This means they do not understand that survivors of incest are also DV survivors.

As noted above, an officer from a JKM safe place also raised the need for internal capacity-building among JKM staff at JKM safe places. Capacity building should also focus on gender sensitising service providers and addressing patriarchal notions that lead to harmful practices.

**Recommendation:** Collaborate with experts on DV who can offer services individual shelters may not have otherwise, such as through WAO's shelter network, as well as with NGOs to train staff to ask about DV at intake and assess the needs of survivors. A specific example includes having the Institute Social Malaysia (ISM) organise regular trainings for its staff, including shelter staff, and inviting NGO experts as resource persons.

#### 5. Law and Policy Reforms

There is a need for shelter standards and case management standards to ensure that survivors receive the best possible care, based on principles that place the wellbeing and agency of the survivors at the centre. A possible model to ensure the participatory creation and implementation of these standards is a multi-stakeholder platform with government agencies and NGOs.

Better implementation and enforcement of the DVA, including the adequate allocation of resources toward its implementation, is also a key component to improving access to services for DV survivors. This would include funding, human resources, and a participatory platform for stakeholders to coordinate with each other.

**Recommendation:** The formulation of survivor-centered shelter standards and case management standards with the full participation of NGOs,<sup>23</sup> with implementation aimed at the progressive realisation of these standards, supported by sustained, adequate funding.

<sup>23</sup> WAO has developed the "Domestic Violence Shelter Standards and Toolkit" in 2016, which could be useful as a reference document. <<https://wao.org.my/publications/domestic-violence-shelter-standards/>> accessed 3rd May 2019.

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