

Annex – Proposed amendments to the Women’s Charter

S/N	Amendment
Strengthen protection of survivors of family violence	
1.	<p>Expand the type of additional orders that the Court may make when it makes a Personal Protection Order (PPO) or after a PPO has been made, to protect survivors of family violence.</p> <p>The proposed amendment will introduce <u>non-access orders</u> (which will prohibit a perpetrator from being in designated areas at certain times) and <u>non-visitation or non-communication orders</u> (which will prohibit the perpetrator from visiting or communicating with the survivor).</p>
2.	<p>Empower the Court to grant additional orders to a PPO, even after a PPO has been made.</p> <p>Presently, the Court may grant additional orders, such as a domestic exclusion order or a counselling order, when it makes a PPO.</p> <p>The proposed amendment will empower the Court to grant additional orders to a PPO after the PPO is made (e.g. to make an additional counselling order if the PPO respondent [i.e. the perpetrator of family violence] is subsequently found by the Court to have specific needs in relation to management of addictions that contributed and/or exacerbated the risk of family violence).</p>
3.	<p>Empower the Director-General of Social Welfare (DGSW) and appointed protectors to make third-party applications for PPOs or expedited orders on behalf of vulnerable persons experiencing family violence under exceptional circumstances, even without their consent.</p> <p>Presently, third-party PPO applications may only be made for persons under the age of 21 years or if they are incapacitated. These applications may only be made by a guardian, relative, or person responsible for the care of the relevant person, or any person appointed by the Minister for Social and Family Development for such purposes.</p> <p>There may be exceptional instances where survivors of family violence are unwilling to apply for PPOs to better protect themselves from further family violence, often due to the undue influence that their perpetrators have over them or because they wish to preserve the relationship with their perpetrators. The proposed amendment will enable DGSW and appointed protectors to make third-party applications for PPOs for vulnerable persons experiencing family violence, even without their consent.</p>

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4.	<p data-bbox="336 248 1391 427">Empower the DGSW and appointed protectors to enter homes to assess and obtain information about the persons experiencing family violence, and require persons experiencing family violence to be assessed by a registered medical professional or psychologist as necessary.</p> <p data-bbox="336 465 1391 611">Presently, MSF already provides emergency social service response to cases involving the possible abuse of children and young persons, and vulnerable adults. This emergency social service response is currently not available for other family violence cases.</p> <p data-bbox="336 649 1391 936">The proposed amendment will enable appointed social service professionals (e.g. DGSW, selected MSF officers who are appointed protectors for a start) to provide emergency social service response to family violence cases that do not involve vulnerable adults or children and young persons. The intent is to de-escalate tensions and address immediate risks of abuse and violence in the family, and to work with the family to put in place an immediate safety plan to ensure their safety until further interventions are worked out.</p>
5.	<p data-bbox="336 992 1391 1059">Introduce time-limited protection notices to be issued onsite to perpetrators in high-risk family violence incidents.</p> <p data-bbox="336 1097 1391 1350">The proposed amendment will empower appointed social service professionals (e.g. DGSW, selected MSF officers who are appointed protectors for a start) providing the emergency social service response to decide whether time-limited protection notices should be issued to ensure the safety of the survivors. These time-limited protection notices will be similar to expedited orders; any breach of the conditions in the protection notice would constitute a criminal offence.</p>
6.	<p data-bbox="336 1402 1391 1507">Prohibit publication or broadcast of any identifiable information or picture for family violence cases and provide for takedown orders to remove such prohibited publications or broadcasts.</p> <p data-bbox="336 1545 1391 1619">Presently, there is no prohibition for the publication of any information or picture that may lead to the identification of a survivor of family violence.</p> <p data-bbox="336 1657 1391 1877">The proposed amendment will prohibit publications and broadcasts of any information or picture that identifies or is likely to identify the specific individuals (including persons who are issued the proposed time-limited protection notice, and persons with ongoing PPO applications) as experiencing family violence, so that they may have time to recover and focus on repairing the relationship as necessary.</p>

S/N	Amendment
Enhance accountability and strengthen rehabilitation of perpetrators of family violence	
7.	<p>Empower the Court to order mandatory assessment and treatment for perpetrators of family violence.</p> <p>The proposed amendment introduces the mandatory assessment and treatment orders for perpetrators of family violence who have a PPO made against them. This order may only be made where <u>treatable mental conditions contributed to or exacerbate the risk of occurrence of family violence</u>, and may be made with or without a residency requirement.</p>
8.	<p>Expand the scope of counselling orders to include different types of programmes that match the risk profiles and needs of perpetrators of family violence.</p> <p>The proposed amendment will empower the Court to order attendance to other programmes, treatments, and interventions (e.g. parenting programmes, caregiver trainings, psychological assessments and interventions) that the Court thinks necessary to reduce the risk of recurrence of family violence. Such interventions will better match the risk profiles and needs of respondents of family violence, or for the applicants or children to undergo programmes to enhance their protection and safety.</p>
9.	<p>Disallow applications for the revocation of PPOs where the counselling order has not yet been completed.</p> <p>The proposed amendment will ensure that the counselling order is duly completed and the parties to a PPO receive the necessary rehabilitation, before the application for a PPO revocation is considered.</p>
10.	<p>Raise the maximum penalties for the breach of a PPO, an expedited order, or a domestic exclusion order to align with the penalties for a breach of a protection order under the Protection from Harassment Act.</p> <p>The maximum penalties for the breach of PPOs, expedited orders, and domestic exclusion orders against persons who are not vulnerable adults have not been amended since 1996.</p> <p>The proposed amendment will raise the penalties for the breach of a PPO, an expedited order, or a domestic exclusion order under the Women’s Charter to be minimally aligned to the penalties for a breach of a protection order under the Protection from Harassment Act.</p> <p>In particular, the MSF proposes raising the penalties of the breaches as follows:</p> <ul style="list-style-type: none"> • For first breach: Up to \$10,000 fine or 12-month imprisonment, or both.

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	<ul style="list-style-type: none"> • For subsequent breaches: <ul style="list-style-type: none"> ○ <u>For orders relating to a vulnerable adult:</u> Up to \$10,000 fine or 18-month imprisonment, or both. ○ <u>For orders not relating to a vulnerable adult:</u> Up to \$10,000 fine or 12-month imprisonment, or both.
11.	<p>Strengthen the enforcement approach for breaches of counselling orders and take a strong enforcement approach for the new additional orders (i.e. non-access orders and non-visitation or non-communication orders) that can be made when or after a PPO is made.</p> <p>Presently, persons who breach counselling orders related to a PPO do not commit any criminal offence, and are not subject to enforcement action (e.g. prosecution in Court). Instead, the PPO applicant will need to initiate legal committal proceedings to take the PPO respondent to task for failing to comply with the counselling order.</p> <p>The proposed amendment will either criminalise the breach of a counselling order and mandatory assessment and treatment order, or take another form of stronger enforcement against the breach of such orders (e.g. a designated party initiating legal committal proceedings against the person who breached the order).</p> <p>MSF is also proposing for the breaches of non-access orders and non-visitation or non-communication orders to be introduced (see S/N 1) to be made arrestable criminal offences, as these orders directly affect the safety of survivors of family violence.</p>
12.	<p>Empower enforcement officers to perform their duties, such as investigating the breaches of new orders (i.e. non-access orders and non-visitation or non-communication orders) that MSF proposes to introduce in the Women’s Charter.</p> <p>The proposed amendment will empower the enforcement officers to perform the following duties:</p> <ul style="list-style-type: none"> • Enter, inspect, and search premises; • Photograph or make records of any premises or person or thing at the premises; • Inspect and make copies, seize, or require a person to give access or produce any document or thing; • Require a person to answer any question to the best of the person’s knowledge; • Carry or have in possession any truncheon, handcuffs, or other similar means of restraint for the purposes of executing his or her duties; and

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	<ul style="list-style-type: none"> Arrest, without warrant, any individual reasonably suspected to have committed an offence, search the person arrested and place in safe custody all articles found on him.
Enhance protection for women and girls under 21 years who are under DGSW's protection	
13.	<p>Empower the DGSW to produce a woman/girl for medical, dental, or psychological assessment and treatment where necessary, during her commitment to the care of a fit person or detention in a Place of Safety.</p> <p>Presently, section 160 of the Women's Charter empowers DGSW to detain women and girls under the age of 21 years in a Place of Safety, or to the care of a fit individual, if they are in need of protection. Examples include cases of women and girls under the age of 21 years who have been ill-treated by their parents.</p> <p>Some of these women/girls may require medical, dental, or psychological treatment when they are under DGSW's protection. For instance, there have been cases involving females under DGSW's protection who were suicidal, and required psychological/psychiatric assessment and psychiatric interventions. As the women/girls are under the age of 21 years, parental consent is required before medical interventions are made. However, in some cases, the parents or legal guardians of the woman/girl may refuse to consent to such assessments or treatments, although it would be in the best interest of the woman/girl.</p> <p>The proposed amendment will empower DGSW to produce a woman/girl for medical, dental, or psychological assessment and treatment where necessary, during her commitment to the care of a fit person or detention in a Place of Safety.</p>
14.	<p>Empower the Court to hear applications for and grant "takedown orders" to remove published information about the location of a Place of Safety or identity of a resident in a Place of Safety.</p> <p>Presently, it is an offence to publish or broadcast any information or picture that is likely to lead to the identification of the location of a Place of Safety or any resident of a Place of Safety, without the DGSW's approval. However, the Court is not empowered to make a takedown order on the unauthorised publications and broadcasts.</p> <p>The proposed amendment will empower the Court to hear applications for and grant "takedown orders" requiring the removal of any unauthorised publications and broadcasts.</p>

S/N	Amendment
Other Amendments	
15.	Protect persons who report suspected family violence cases from any criminal or civil liability in respect of the notification, if he or she has acted in good faith and with reasonable care.
16.	Remove the term “mental defective” and define the group of women to be protected.
17.	Clarify that the detention or commitment of an unmarried woman/girl for her safety is only until she attains the age of 21 or marries.
18.	Repeal provisions that permit the removal/reception of women or girls to/from Places of Safety in Malaysia, Brunei Darussalam, or Hong Kong.
19.	Allow Minister to establish or remove Places of Safety by way of a Gazette notification, instead of a subsidiary legislation.