

GROUP 2

PROTECTIVE MEASURES FOR VICTIMS OF CHILD ABUSE AND DOMESTIC VIOLENCE

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I. INTRODUCTION

The Group discussed the following agenda:

A. General Prevention

Raising public awareness through publicity and education

B. Minimizing Victimization

1. Encouragement to increase reporting
 - (i) Exemption from confidentiality
 - (ii) Mandatory reporting
 - (iii) Increasing channels to report victimization
2. Interdisciplinary coordination to respond to a report for early intervention
3. Providing safety to victims
 - (i) Seclusion from the perpetrator
 - (ii) Shelters and other living support
 - (iii) Counselling
 - (iv) Minimizing secondary victimization

C. Legal and Policy Solutions

1. Prompt and effective protective orders and criminalizing violation
2. Holistic legal affirmations

II. SUMMARY OF DISCUSSION

A. General Prevention Situations of Public Awareness in each Member's Country

1. General Discussion

The Group agreed that this topic is very important since domestic violence and child abuse are prevalent everywhere in the world. Some societies regard domestic violence and child abuse as private matters and they are not crimes.

The discussions started with the member from Kenya describing her country's effort in raising public awareness especially to children with the setting up of a Children's Department. Campaigns and seminars were organized by trained officers at the grassroots levels. They also have plays and songs to promote children's rights among the children and their teachers. The member from Sri Lanka said that his country has elected 300 CRPO (Child Rights Promotion Officers) to promote child rights to school teachers and staff, parents and also children. They have a 'flag day' for the children to create awareness among them and distribute leaflets and posters. The member from Malaysia spoke about the commitment of NGOs in her country to promote the same kind of awareness.

2. Proposed Measures

(i) *Public awareness through publicity and education*

The discussion continued focusing on public awareness programmes and measures for prevention of domestic violence and child abuse. The Group unanimously agreed that education about the subject is important and it should be publicized. Publicity, depending upon available resources in each country, comes in the form of print and electronic media and the contents should include:

- a) Understanding of the problems of domestic violence and child abuse is important and needs to be publicized widely. The nature, the extent and the causes of both issues should be understood by the general public. The examples in this case can be quoted from Japan and Malaysia where it has already been carried out by producing booklets, brochures and billboards on the subject. The same can be done in other countries in official and native/local/national languages.
- b) Rights of women and children should be made public. These target Groups should be well aware of their rights and this will make them realize that they have to play an active role in the restoration of these rights.
- c) The present position of the legislation and legal framework available in each country is another important step so that everyone knows the protection provided by the state.
- d) Cultural and religious values are the core of all societies. In some countries like Pakistan and Malaysia it is vital to inform the religious leaders to play a positive role in this drive against domestic violence. Fiji has Community Leaders and Kenya has churches to help deal with these issues.

It is important for people to know what support is available and provided by the government and non-government agencies. They need to be educated on the following issues:

- The reporting system available in the society;
- Counselling session outlets and their locations;
- Victim protection facilities i.e., shelters, kinds of treatment provided to victims and their interests; and
- Help centres established by state and private organizations (for example, TOUCH Child and Family Support Centre in Fuchu) and other social and awareness activities promoted by different organizations.

There is a need to publicize these issues in an effective manner. The Group discussed what mechanisms should be adopted in a persistent way to bring these points home for the public. These methods vary from country to country depending on their social and political set up and according to the demographic realities of each country. The Group discussed and agreed on the following points:

- Use of electronic and print media should be properly exploited to form public opinion in favour of protection of women and children's rights. Even in the absence of these facilities the message can be delivered by reaching the community in the home and playing dramas or street plays as mentioned by the Pakistani member.
- Approaching educational institutions and informing teachers and children about domestic violence and child abuse will be an effective tool to equip children with knowledge. The subjects should include all forms of violence – physical violence to sexual abuse and taught to children at an early age in a proper way by their teachers. The same can be done at colleges and universities.

- These publicity campaigns should not be limited to children and women only but the whole community should be involved. There is a need to approach the community leaders, notables, elders and religious leaders who matter in the social set up of each society. Youth leaders and unmarried young men and women should also be the targets of these education campaigns as they are potential parents and can work as watchdogs in their own specific spheres.
- These target groups should be involved in discussions, workshops and seminars. Training workshops should be arranged by state departments and NGO's to raise the level of public awareness. Youth leaders and community representatives should be educated in these workshops about the subject and they can carry this message to the community as their own.
- Government departments like the police, social welfare agencies, and women related departments, ministries of religious and cultural affairs and similarly all concerned official stakeholders should take an active part in publicizing and educating the general public about the issue.
- In this campaign, Non-Governmental Organizations should also be encouraged to come forward and play their part. Human Rights NGOs should also take this objective farther in collaboration with all interested Groups.
- Celebrating the special days of children and women is another way to highlight the issues specific to them. If the issue of domestic violence and child abuse is addressed particularly, then it can also help to stir the minds of the public.
- Continuity of these programmes should be stressed. Countries, which have severe financial constraints, should try to ensure proper funding beforehand. Continuous availability of resources is a prerequisite for these programmes and a source of satisfaction for all who are committed to this uphill task.
- Follow up campaigns should be carried out to assess the ongoing campaigns and any problems resolved.

The Group, after long deliberations, reached the above conclusions. One advisor pointed out that sometimes even educated people like doctors or teachers become perpetrators of domestic violence and child abuse. He raised the question whether the education system had not been successful in these cases to prevent violence by these people. However, most of the members expressed the view that although education may not be perfect and sometimes not effective, it is very important and the only means of creating public awareness and prevention.

B. Minimizing Victimization

1. Encouragement to Increase Reporting

(i) Exemption from confidentiality

Public servants and professionals, such as medical doctors and teachers, should be exempted from confidentiality as these are the persons most likely to recognize problems with regards to domestic violence and child abuse cases. A Japanese member reported a recent amendment on the exemption of confidentiality of doctors and lawyers, who are legally bound to keep their clients matters confidential on domestic violence and child abuse cases. In mandatory reporting, it might be a good option to exempt them from confidentiality.

(ii) Protection of the reporting source

The general public should also be encouraged to report freely and their identities should remain confidential. The Malaysian member explained that their DV Law provides protection of the source because they are not liable to incur any liability for defamation providing the reporting is done in good faith. A Japanese member pointed out that in spite of such provisions it is quite easy for the perpetrators to recognize the source of information.

(iii) *Mandatory reporting*

a) Child abuse

One of the approaches for encouraging reporting in child abuse incidents is mandatory reporting because a child is vulnerable and not capable of making decisions for himself/herself and usually dependent on the abuser. He/she might not be able to relay to other persons his/her plight. So it is very important and necessary that we should consider imposing mandatory reporting on those who are likely to discover child abuse first-hand such as:

- medical practitioners;
- law enforcement agents;
- child care takers/service providers;
- teachers; and
- family members other than parents.

An adviser explained the mandatory reporting policy in some states in the USA, where failure to report suspected child abuse can result in criminal liability (although the liability is typically a misdemeanour punishable by a fine) and can also result in civil liability. We then discussed the range of persons to be mandated to report suspected child abuse. In Malaysia, as reported by its member, medical practitioners, family members and child care providers are subject to mandatory reporting and failure to report constitutes an offence. A Japanese member, opposed to the mandatory reporting policy with criminal sanctions, pointed out that if doctors and teachers are forced to report then it might result in breaking the trust of the parents of the teachers and patients of the doctors.

With regard to family members being responsible for reporting violence and abuse in the home, a Japanese member questioned whether this imposed an excessive responsibility and penalization on them. On the other hand, the Pakistani member opined that it is important to impose these responsibilities on family members so that they do not become mere spectators of abuse. It was his view that they should play an active role to end this cycle of violence, especially in extended family systems.

During a plenary meeting the Group proposed discussing views and opinions on having mandatory reporting for third parties such as family members, neighbours and the public at large. A Japanese participant pointed out that making reporting mandatory for medical doctors could be a heavy responsibility for them and may discourage people sending their children to the doctor. The visiting expert from Canada pointed out that in Canada, as for child abuse cases, all citizens have to report because it is a crime, and medical doctors, teachers and psychologists are required by law, and they are exempted from confidentiality.

After the plenary meeting, the Group discussed the issue of mandatory reporting at length. Many of the members were in favour of mandatory reporting. The Malaysian member remarked that in case a person fails to report abuse then he/she can be fined in Malaysia but in practice, this has not happened so far. The members from Fiji and Sri Lanka were also in favour of penalizing those who failed to fulfil the requirements of mandatory reporting. However, there were reservations about penalizing third parties in case of non-reporting. One Japanese member pointed out that this will amount to penalizing the public for an act they didn't do. So there should be some other means to involve the general public in reporting crimes of violence and abuse. One adviser mentioned that if someone reports such crime and it results in saving and protecting the victims then he/she might be rewarded for this noble act of exposing the violence and for helping the victim. According to him, a reward system might be a possible alternative to mandatory reporting with criminal sanctions.

b) Domestic violence

Members discussed the difference between violence to children and violence suffered by an adult. Children are vulnerable and may not be able to make decisions about their own safety and therefore mandatory reporting is important, whereas for adults mandatory reporting may not be necessary.

In regard to cases of domestic violence, a Japanese member pointed out that the consent of

victims should be respected. The professionals, such as medical doctors examining the victims, should ask the victim if they wish to report it or not. It should only be made mandatory to report regardless of her/his wish in cases where the injury is very serious and is suspected to constitute a criminal offence.

The Pakistani member suggested that reporting of violence is very important and even after reporting by a third party, the consent of the victim to proceed against the perpetrator/s through the criminal justice system can be ensured.

(iv) *Increasing channels of reporting*

Most of the members agreed that more channels for the victims should be made available in:

- the public sector (welfare, police, hospitals, courts, child guidance centres, one stop centres, etc.) and
- non-government organisations and human rights organisations.

However, one Japanese member thought that if there were too many channels, these would confuse the victim, or third persons going to report, because they basically have little knowledge of available channels.

Although some countries have hotlines or toll free lines, usually they are too long and not many people are aware of such numbers. All members agreed that the numbers should be simplified and easy to remember.

In domestic violence and/or child abuse cases, sometimes the victim or the third party does not want to initiate an investigation or penalize the perpetrator but merely wants to have psychological support or wants to prevent further abuse/violence. In this context, the number and types of channels, besides the police, should be increased. Here the Pakistani member mentioned the community police in some parts of Europe, like Kosovo where it is the police's job to settle domestic disputes and they may or may not follow it up by an official investigation.

Sometimes not only the victims and/or a third parties but also the perpetrators themselves report the abuse in order to receive support and help them overcome the problem. So there should also be outlets for them such as Child and Family Support Centres (like the one in Fuchu, Japan) where parents can consult with experts to resolve their problems.

2. Interdisciplinary Coordination for Early Intervention

Members listed up a number of agencies involved in interdisciplinary coordination, which can be government, or non-government agencies such as follows:

- Child guidance centres
- Schools (teachers/principals)
- Police and other law enforcement agencies
- Consultation support centres
- Hospital/medical services
- Courts
- Peer groups/community leaders/NGOs
- Welfare departments
- Children councils (as in Kenya and Sri Lanka)
- International organizations (UNICEF, JICA, Red Cross, etc)
- Media

The Group agreed that the key players in coordinating would be the first agency to receive the report, to form the Multi Disciplinary Team or Inter Disciplinary Team which are currently practiced in some countries.

From here the Group explored the current situation of interdisciplinary coordination for early intervention in the respective countries. The Malaysian member explained the establishment of a Child Protection Team where three permanent members i.e. protector (welfare department), medical officer and the police are required under the Child Act. A Japanese member explained that in Japan when a report is received in a centre for domestic violence, then they guide the victim and ensure her/his security. Then

necessary steps follow, for her/his financial support by the welfare department if she/he is in need of such support. She mentioned that it is one practical example of interdisciplinary coordination. The member from Kenya mentioned that there cannot be a single method of coordination and a single agency cannot always be the lead agency because the nature of domestic violence and child abuse cases varies enormously. So depending upon each case the response for intervention may be varied and key players also vary looking at the abuse from different perspectives.

The Pakistani member suggested that there should be a core group of departments who can play an active role to protect the victims and can intervene effectively. They should share the information and the kind of help they can extend for intervention. He mentioned that this core group should also invite private groups who run shelters and work for the common cause.

Members agreed that not only intervention after the incident occurred is important, but early intervention by inter disciplinary coordination prior to the serious/severe incident would act as prevention.

One of the advisors mentioned that before any kind of intervention, it is important to assess the nature of the report and to decide about the possible responses. He further elaborated that in 'minor cases' there may not be any requirement of exhaustive coordination and it may be tackled by even a single agency. To this, another advisor mentioned that in many cases intervention by a single agency, like the police, creates problems for frontline officers who are not able to make decisions on their own due to limitations imposed by human rights directives. The Pakistani member mentioned the need to involve different agencies to expand the possibilities of intervention to avoid this situation.

After exploring the current situation of the respective countries, the Group discussed the effective implementation of interdisciplinary coordination. A Japanese member remarked that in all such groups where different departments are represented there is always a problem of conflicting interests and a lack of transparency of individual departments and this results in poor coordination. He further raised the question why there should not be a single department having the authority and capability to deal with the problem of domestic violence and child abuse.

On the other hand, the Malaysian member thought that the capability and role of each department is altogether different from other departments in essence. It is one common goal and objective which requires their input from different angles and it cannot be accomplished by one single department. One of the advisors mentioned that there may be some crisis management cells to deal with different issues on war footings. He mentioned the Homeland Security Department of the US as an example but he remarked that the overall cost and expense of such a set up would be far more than most countries could afford, so it is better to avail of the existing resources to deal with the issue.

The visiting expert from the World Health Organization (WHO) mentioned best practices models like US, Canada and Australia where they have established Child Protection Units. He also suggested setting up Child Death Review Teams, like the USA and Canada, in order to closely monitor the circumstances every time the death of a child takes place due to some kind of abuse. The team may comprise of different disciplines that share information.

He stressed the necessity of studying the weaknesses and bad practices of the system, and then came up with recommendations for future reference and guidelines. These guidelines must be formalized. Agreeing to that, the member from Malaysia mentioned again a 'working together document': guidelines on roles and responsibilities of each agency. The visiting expert from the WHO also mentioned joint training of those officers/workers concerned in order to strengthen the network and further understanding of the issue and response from all concerned agencies.

3. Providing Safety to Victims

(i) *Seclusion of victims from perpetrators, shelters and other living support:*

a) Domestic violence victims

All members agreed that seclusion of domestic violence victims from perpetrators is a very complex situation. Nevertheless, it's the victim's option to go out and get help in shelters provided both by government and non-government agencies and this seclusion is only on a

temporary basis to buy time to get out of a tense situation or maybe before a petition for a protection order (like Japan) or any other legal remedy, if available. A Japanese member was concerned about maintaining the secrecy of the movement of victims, because despite seclusion, the victim may not be actually 'safe' at the shelters.

The member from Kenya raised the point that this approach may not work in her community because of local traditions where cultural values are very strong. In Kenya when a husband pays Dowry money then it becomes almost impossible for the society to seclude the wife from him. Moreover, if she is not financially stable, the financial cost of bearing this victim along with her children becomes a liability for her parents or supporters. The member from Pakistan also supported this point of view and it was further corroborated by the Sri Lankan member. Both members voiced their opinion that this option of seclusion of the victim is possible only in those circumstances where there is an organized support mechanism available for victims.

The Pakistani member pointed out that in case of rural areas where there are no shelters made available by the state or any other agency, normally relatives of victims or some local elders do come forward to help the victim and seclude them from the perpetrators. One advisor mentioned that in Japan before setting up these shelters, some temples, mainly managed by women, were informally facilitating female victims suffering different hardships, including domestic violence. The member from Sri Lanka mentioned that there was no such activity in temples of his country. The member from Fiji mentioned that in his society shelters do not exist and this is still a private matter dealt with by the elders of each family.

The member from Kenya raised the point about the duration of stay of victims in these shelters. A visiting expert opined that in most of the cases it is for a very short duration but depending on the situation they may stay for either a long or short period of time. So along with counselling, the provision of vocational training skills is important for long term victims. The visiting expert from WHO mentioned that such arrangements incur a huge amount of resources.

In the second plenary meeting, commenting on the issue of seclusion of victims from perpetrators where there are no shelters or living support available, the member from Zimbabwe stated that the residence of a community leader becomes a temporary shelter and he/she provides all necessary support. The government also supports these leaders to discharge this responsibility effectively. A member from Japan stated that in these special circumstances the existing public buildings can be used for temporary relief for victims.

b) Child Abuse Victims

The Group agreed that children's seclusion from perpetrators is necessary in certain situations to secure their safety. A Japanese member mentioned that the Child Guidance Centre can take away a child from the parents even without the parent's permission with a Family Court order. A Kenyan member said in her country, seclusion of children depends on the report submitted by a Children's Officer to the Juvenile Court. From three to eight years old, the child can be taken to a Children's Home. From eight to twelve years old, the child can be sent to a rehabilitation centre until they attain the age of eighteen. While in the centres, the children are given formal education and vocational training. At the age of seventeen to eighteen, they will be committed to a National Youth Camp. There, they are also given vocational training in areas like carpentry and welding so they can get a job from the government for self-sustenance.

A visiting expert explained that in the Philippines, there was a protection order for the family to protect the whole family. The perpetrator is removed from the family by the Police to reduce the trauma on the child rather than taking the child away from the perpetrator. She also pointed out that if both the parents are abusive, then the child will be given to a suitable member of the extended family, who can give financial, emotional and psychological support to the child, or community services. The government will provide funds to support the child.

The Sri Lankan member said in his country, if a child of ten years and above has to be taken from the family it must be with the consent of the child. The member from Fiji mentioned that in his country, there is no standard law for seclusion of perpetrators. An adviser reminded the Group that the seclusion of a child from the family should be the last resort, because separation

can be more stressful for the child.

(ii) *Counselling*

The Group shared the view that it is important to provide counselling for domestic violence and child abuse victims and also for perpetrators. Counselling, a visiting expert said, is about behaviour modification; change from abnormal behaviour to normal behaviour and finding a solution with the information available. She added that counselling of perpetrators should not be ignored, and was also relevant in child abuse cases because it is important to modify their behaviour.

A Japanese member mentioned that in Japan, there is a shortage of professional counsellors, and they do it on a part-time basis. An adviser also suggested that school counsellors in every school should be trained by the Criminal Justice System to help abused children attend school. A Japanese member mentioned that in Japan, where a regular medical check for children is provided, public health officers, can also give counselling to children and perpetrators.

In regard to counselling programmes for perpetrators, a visiting expert stated that in the Philippines, there are counselling programmes for perpetrators to break the cycle of violence and to prevent repeated victimization. She also mentioned that there should be a case conference to exchange the good experiences and to find out best practices to deal with issues of children between concerned authorities. The Kenyan member said that in her country a Probation Officer will deal with the offender but not in a proactive manner like Canada or Japan. The Pakistani member suggested that home visitation can be used as a kind of counselling. The visiting expert thought targeting young perpetrators would be productive since they would be more receptive to new ways of thinking. The Malaysian member stated that in domestic violence cases, when a protection order is sought, the court may order counselling for the perpetrator with a protection order or either one of them or both.

As it relates to counselling programmes for victims, an adviser suggested that counsellors should be equipped with accurate information on the criminal justice system as well as social resources, which are available for victims. In regard to counselling child abuse victims, it was agreed by all members that in the case of children it has more intervention characteristics rather than just counselling. A visiting expert mentioned that a role-play or usage of dolls or sand play therapy will help the child better understand the situations and at the same time freely express what has happened to him/her.

(iii) *Minimizing secondary victimization*

The Group agreed on the scope of this topic; discussing victimization after the incident, by third parties, including the criminal justice system e.g. law enforcement agents, the media, members of the community and relatives. All the members were of the view that an interdisciplinary approach should be adopted to minimize secondary victimization. All members agreed to examine this subject by dividing it into four stages:

- a) reception of reports and investigation process;
- b) during the trial;
- c) post trial; and
- d) others, among the community in particular.

a) *Reception of reports and investigation process*

- Attitude towards victims in evidence collection
All members shared the view that, in the case of domestic violence, officers and investigators should be considerate to victims without bias and be empathetic with victims to understand their situation. In the case of child abuse, they should have a 'child friendly approach' to deal with the victims.
- Training and education for front desk officers and investigators
In order to change the attitude of officers and investigators, more training and education is necessary. It is more important for front desk officers who deal with these issues first-hand.
- Presence of female officers/volunteers
The Malaysian member mentioned that it was important to appoint female investigators to record testimony of the victims in domestic violence cases. Where there are no female

officers available, the presence of a female social worker or relative should be ensured to assist the victim.

- Single desk approach
OSC (one stop centre in Police Stations and OSCC (one stop crisis centre) in hospitals can lighten the physical/psychological burden of victims.
- Guidelines for questioning by different Agencies
A visiting expert mentioned that principle officers from agencies such as police, prosecutors, social workers and correction officers should organize workshops and decide the minimum required questions to be answered by victims to save her/him from the trauma of repeating her/his plight to different agencies.
- Sharing victim's testimony
As the Malaysian member explained, a video recording of a child's testimony can be shared by other agencies, if applicable.

b) During the trial

- All members were in favour of *in camera* proceedings for certain cases in order to remove the presence of spectators in the courtroom.
- A legal response for victim friendly procedures e.g. video recorded testimony & video link testimony can be adopted like in Japan and similar steps, at the introductory level in Malaysia and Pakistan, as mentioned by their members in the Group.
- A shield between the perpetrators and the witness/victim are effective to prevent victims from facing perpetrators.
- A different perspective of court officials towards testimony of a child also could cause secondary victimization as mentioned by the Malaysian member. It was also suggested by two visiting experts that not only judges should be trained but also police officers, public prosecutors and lawyers should be aware of the sensitivity of the issue. Moreover, a code of ethics in law schools and institutions should be taught with special focus on victim friendly practices.

c) Post trial

In some countries, such as Japan, they have a system to inform victims of the date of the release of offenders in order to prevent victims from 're-victimization'. However, this may result in a flashback and trauma for the victims and is another form of secondary victimization.

d) By the community

Secondary victimization by the community, such as the stigma of being abused that is attached to victims through no fault of their own. The member from Fiji mentioned that the victim is normally ignored by the community and even family members start avoiding her/him in many cases. One visiting expert stated that in many cases it's the victim's own family which stops her/him being accepted by the community. She/he is taunted and targeted by friends as being abused and this results in secondary victimization from the people who are supposed to support the victim in her rehabilitation and reintegration in society. The Pakistani member mentioned that it is crucial for the community to be aware that such allusions and references and whispers are detrimental to the victim and cause secondary victimization. All members agreed that only public awareness can result in minimizing secondary victimization by society.

In the second plenary meeting members discussed the issue of the role of community in minimizing secondary victimization. A visiting expert mentioned that public education is one vital means of creating mass awareness and this may start from schools to higher levels as a form of primary prevention. A member from Japan mentioned that seminars in public by the police, with close coordination in the community, may result in better understanding of the common problem and this issue of secondary victimization can be addressed effectively.

C. Legal and Policy Solutions

1. Prompt and Effective Protective Orders and Criminalizing Violations

(i) *Domestic violence cases*

In Japan, Malaysia and Sri Lanka the court is entitled to issue protection orders. Regarding the promptness of the issuance of protective orders, in Malaysia, an interim protection order can be issued by the court once an investigation of the abused has commenced and it has to be accompanied with a medical report of the victim which may take a little bit of time. A Japanese member said that in Japan there are no temporary protection orders. It takes about one week to issue a protection order after the receipt of a petition from a victim because of the time taken for official correspondence between the court and the perpetrators. An adviser introduced here the Stalking Prevention Law of Japan, which stipulates that each Prefectural Public Safety Commission, instead of the courts, is authorized to issue Stalking Protective orders, so timely action can be taken for the safety of victims of stalking. A Japanese member stated that in Japan victims who ask for protection orders from the court are usually protected by shelters or by their own families and since the contents of the protection orders includes strict restrictions on the perpetrators rights, such as a prohibition against going home, which might be his own property, hearing from the perpetrator is necessary.

Likewise, the Kenyan member mentioned that in her country a community leader in remote areas has the same power to issue protective orders and violation of these orders is also criminalized. The Pakistani member agreed that the same is being done by elders in his country informally. The visiting expert from the Philippines mentioned that the Barangay (the village leader) is given the authority to issue an interim protection order before the actual proceedings of the court.

Relating to the contents of the protection order, a Japanese member asked whether counselling can also be included in the order. Most of the members supported the Malaysian practice, where the court may issue a protection order, counselling, either one or both depending on the case.

The Group agreed that violation of the order should be criminalized like in Malaysia and in Japan. A Japanese member thought that having only a fine for such a violation is not enough. The Malaysian member added that both a fine and imprisonment are stipulated in the Malaysia DV law for contravention of the order. A Japanese member explained that it is the discretion of the court to impose either a fine or imprisonment depending upon the severity of the case.

(ii) *Child abuse cases*

As for the child, the Group thinks that a protection order is important and should be delivered as early as possible for the safety of the child. Criminalizing a violation is necessary and even tougher penalties should be imposed upon the violator. The Pakistani member mentioned in case both parents are perpetrators, then a protection order should be issued for the child. The Malaysia member mentioned that a protection order for a child can be issued to the perpetrators in domestic violence cases as stipulated in DV law and the perpetrators can be the parents.

2. Holistic Approach (ex. Unified Family Courts)

Most of the members expressed their agreement on the idea of having a legal holistic approach such as Unified Family Courts. Members considered whether the idea could be implemented in their own countries by exploring each circumstance. A Japanese member explained that in Japan there are three types of courts. district civil courts are responsible for issuing protective orders. Then if there is any case of domestic violence then it is dealt with by a district penal court as there are no separate domestic violence and child abuse courts in Japan. The family courts do exist in Japan but they are used to disposing of cases of divorce and matters of granting custody of children to the parents. So he explained that there is no unified family court in Japan. It was suggested by the member that if these protection orders are issued by family courts then it's also a type of holistic approach.

One advisor explained that a holistic approach aims at dealing with all the cases of a family by one judge only. He elaborated that if there is a domestic violence case between a couple and there is another case concerning their delinquent child then it may be dealt with in the same court so that the judge can be aware of all the issues of the family; an ideal holistic approach. The Pakistani member expressed his understanding

that a holistic approach may be adopted to deal with all the cases between the same litigants, whether of a civil, criminal or familial nature between the same couple. He explained that this will involve professional training of all the staff and will require a legal basis to establish such courts. The Malaysian member added that in her country, family courts are about to be established but their formation and full scope is not clear yet. Notwithstanding, the idea of a holistic approach still exists as the magistrates who issue the protection orders is also hearing the criminal proceedings in the same case between the litigants. Therefore, victims do not have to approach different courts and different judges.

Some members mentioned that it is difficult to set up such a specialized branch of the judiciary due to a scarcity of resources in underdeveloped and developing countries. An advisor mentioned that it is not necessary to establish a new building and resources can also be allocated to deal with these issues separately.

The Pakistani member said that they have family courts and this holistic approach can be experimented with if the prerequisites of the promulgation of DV law and proper funding are met. An advisor added that a holistic approach of unified courts also requires cross training and long tenures for judges in the same court. She pointed to the drawbacks of such an approach that if the judge is biased then one party will be suffering in all cases. The Group agreed that a unified family court can be very easy from a victim's point of view, but its administrative and operational implications should be carefully examined before a final implementation of this approach.

III. RECOMMENDATIONS

After detailed deliberations the Group came up with the following recommendations which can help protect victims of domestic violence and child abuse.

1. In order to promote general prevention the role of education and public awareness is critical. Media and private sector participation at the grass roots level in this campaign is a key to success.
2. The target of these awareness raising campaigns should be people from all strata of society including public officers, community and religious leaders, young couples, children, victims and perpetrators.
3. In order to encourage reporting, protection of the source of the information should be ensured and professionals with information on victims should be exempted from confidentiality.
4. Depending on different social and cultural backgrounds, a system of mandatory reporting may be implemented to encourage the public to report domestic violence and child abuse.
5. Maximum channels should be available to the public to approach in order to get relief and a well organized interdisciplinary coordination mechanism can result in providing relief to the victims at their doorstep.
6. A timely and appropriate level of intervention is vital to provide safety to victims by secluding the victims from the perpetrators to prevent repeated victimization and victims should be encouraged to approach shelters and other help centres.
7. Counselling is not only important for victims to empower them to deal with the situations but perpetrators should also be targeted to improve their behaviour and break the cycle of violence.
8. Public education is a major way of minimizing secondary victimization by the community. Moreover, criminal justice practitioners should also be aware of the plight of the victims and equipped with skills to deal with victims appropriately.
9. A legal framework for effective and prompt protective orders should be in place and violations of these orders should be criminalized.
10. A Holistic approach e.g. Unified Family Courts is an alternative solution to the problem but its practical difficulties should be taken into account. The prime importance is providing relief and protection to victims and it should be envisaged in existing and future judicial set-ups.