

Domestic violence during COVID-19

There have been reports of an increase in domestic violence during the lockdown, most likely due to couples being cooped up at home with no escape from the build-up of tension and the increased potential for arguments. [AWARE](#) has reported a worrying 112% increase in calls to its helpline regarding domestic violence in April – a record high since the helpline started operating in 1991.

Given the present situation, what can victims of domestic violence do to protect themselves when they have no choice but to remain at home with their partners almost all day?

One option is for the victim to move out of the home and relocate to a new address. Moving is still permitted during the lockdown. If this is not feasible, then the victim will have to consider having recourse to the law for protection.

[Section 65](#) of the Women's Charter (Cap 353) makes it possible for victims of domestic violence to apply for a personal protection order ('PPO') – a court order which has the effect of making any further acts of violence against a family member more likely to result in criminal penalties being imposed on the aggressor (for a first breach, a fine of up to S\$5,000 and/or imprisonment for up to 12 months).

You can apply for a PPO if you are at least 21 years old and a family member has been violent towards you, or there is evidence to show that such domestic violence is likely to occur. If you are under 21 years old, a parent or guardian would need to apply on your behalf. A Domestic Exclusion Order ('DEO') is another option, the effect of which is to exclude the aggressor from all or part of the shared residence.

If the criteria above do not apply to you, another option is to apply for a protection order ('PO') under [section 12](#) of the Protection from Harassment Act (Cap 256A). The PO is not limited to just family members, so if for example, your abuser is your unmarried co-habiting partner, you could apply for a PO against them.

Like a PPO, a PO is an order of court and has an effect similar to that of a PPO. If the offending behaviour continues, that would amount to a breach of the PO potentially leading to criminal penalties being imposed on your abuser (a fine of up to S\$5,000 and/or imprisonment for up to 6 months).

While the courts will generally not hear normal applications for PPOs and POs during the lockdown (although they can be filed now and heard later), they will hear applications for expedited versions of these orders during this time if the applicant claims that they are in imminent danger of violence.

An expedited order is granted by the court at short notice without giving the alleged perpetrator an opportunity to be heard but after the order is served on them, they are given the opportunity to have it vacated at an evidentiary hearing that is subsequently fixed. Accordingly, these expedited orders typically have a short expiry date as they are intended to be a stopgap measure. However, any such expedited orders that are due to expire during the lockdown period have been automatically extended for an additional four weeks.

If you think you may need an expedited PPO or PO, call a lawyer the next time you are able to safely leave your home. The lawyer will often be able to avoid calling you if you request for this and can take instructions from you by email or text message once you have engaged him/her.

If you have a PPO or a PO in place and your abuser re-offends, you should call the police and when you show them the PPO or PO, they may arrest and charge your abuser, and if there is sufficient evidence that he/she reoffended, he/she may be convicted and sentenced to a fine and/or imprisonment. A breach of a PPO is a criminal offence and if found guilty, the offence carries a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 12 months or to both.

However, bear in mind that a court order is just a piece of paper. While it is true that breaching the order can have criminal consequences, if your abuser is impulsive, irrational and prone to sudden bouts of uncontrollable rage, it is unlikely that they are thinking about the consequences of their actions and a piece of paper cannot protect you from physical blows. It merely punishes your abuser afterwards.

If you really fear for your safety, the best thing you can do is either arrange to have the locks changed and to leave your abuser's belongings outside the next time they leave the home, or alternatively, for you to leave the home yourself and find somewhere else to live.

In light of the constantly changing circumstances, this is a general overview and should not be treated as legal advice. The information presented is correct to the date of its publication.



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