

Unofficial Translation of the

Domestic Violence Act

Act Number 3/2012

In accordance with Article 92 of the Constitution, the “Domestic Violence Bill” passed in the 5th sitting of the 1st session of the People’s Majlis held on Monday the 9th of April 2012, has become law and has been published in the Government Gazette upon its ratification by the President on Monday the 23rd of April 2012 (2 *Jumad’al Akhir* 1433).

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At the Request of

United Nations Population Fund (UNFPA)

Domestic Violence Act

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DOMESTIC VIOLENCE ACT

Part 1

Introduction and Citation

Introduction and Citation	1.	(a) This Act shall determine provisions for the prohibition and prevention of domestic violence; measures taken against persons who commit acts of domestic violence; protection of and support for victims of domestic violence; the role of the relevant State authorities; and the collaboration between such State authorities, in the Republic of Maldives.
		(b) For the purposes of this Act, domestic violence refers to commission of any act described as an act of violence under this Act, by the perpetrator against the victim, provided such persons are bound by a domestic relationship.
		(c) This Act shall be cited as the “Domestic Violence Act” .

Part 2

Purpose

<i>Purpose</i>	2.	<p>The purpose of this Act is to achieve the following objectives:-</p> <ul style="list-style-type: none"> (a) to determine that every act of domestic violence, under any circumstance, in any form or manner, among persons is strictly unlawful; (b) to provide adequate protection to victims of domestic violence, under the circumstance where such an act has occurred; (c) to serve justice in a cost-effective, timely, and convenient manner to victims of domestic violence; (d) to implement adequate programmes for victims of domestic violence and to ensure the recovery of such
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		<p>victims in order to resume their health and a normal life;</p> <p>(e) to take all necessary measures to stop persons from committing acts of domestic violence and to support them in their rehabilitation;</p> <p>(f) to facilitate enforcement of court orders and legitimate orders from other state institutions issued in order to stop acts of domestic violence;</p> <p>(g) to create awareness of the characterizing features of domestic violence among the relevant entities of the State and to increase the required competency of such entities;</p> <p>(h) recognising that health professionals and social workers are typically the first to come into contact with victims of domestic violence, to establish a duty of care on health professionals and social workers to provide appropriate support to suspected victims of domestic violence and to report the same to the Police or the Authority;</p> <p>(i) to introduce and lay down civil liabilities on persons who commit acts of domestic violence by way of a separate piece of legislation, in addition to the criminal liabilities imposed on such persons under criminal law and this Act; and</p> <p>(j) to comply with international standards for the prevention of domestic violence and to apply and enforce relevant principles of justice in accordance with such standards.</p>
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Part 3

Definitions

<p><i>Domestic relationship</i></p>	<p>3.</p>	<p>(a) “Domestic relationship” shall mean a relationship between persons in any of the following ways:-</p> <p>(1) Persons who are or were married to each other;</p> <p>(2) Persons who share or have recently shared the same residence;</p> <p>(3) Persons who are the parents of a child or are persons who have or had parental responsibility for that child;</p> <p>(4) Persons who are family members related by consanguinity, affinity or marriage;</p>
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		<p>(5) Persons who are domestic child carers or domestic workers; or</p> <p>(6) Persons who are in an intimate relationship.</p>
		<p>(b) In determining the existence of a domestic relationship between two persons, the court shall take into consideration the following factors:</p> <p>(1) the nature and type of relationship;</p> <p>(2) the level of commitment involved in the relationship;</p> <p>(3) the amount of time spent together;</p> <p>(4) the extent to which personal matters are shared between the person;</p> <p>(5) the type of place where such time is shared together; and</p> <p>(6) the duration of the relationship.</p>
<p><i>Acts of domestic violence</i></p>	<p>4.</p>	<p>(a) For the purposes of this Act, “domestic violence” shall mean any of the following acts by a perpetrator where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the victim(s), and provided the victim(s) and perpetrator are in a domestic relationship:</p> <p>(1) physical abuse;</p> <p>(2) sexual abuse;</p> <p>(3) verbal and psychological abuse;</p> <p>(4) economic or financial abuse;</p> <p>(5) Impregnating the spouse, without concern to her health condition and against any medical advice to refrain from impregnation for a specified period of time;</p> <p>(6) Impregnating a women, who is trying to remove herself from a harmful marriage, against her will;</p> <p>(7) Deliberately withholding the property of a person;</p> <p>(8) intimidation;</p> <p>(9) harassment;</p> <p>(10)stalking;</p>

		<p>(11) damage to property;</p> <p>(12) entry into, and being present thereafter at the victim's residence without consent, where the parties do not share the same residence;</p> <p>(13) any other act which may be described as controlling or abusive behaviour towards the victim;</p> <p>(14) coercing, intimidating or forcing the victim to commit an act which such person would not have consented to or committed by their own volition;</p> <p>(15) confining the victim to a place or restricting their movement against their will;</p> <p>(16) attempting to commit any of the foregoing acts or causing apprehension of such acts; or</p> <p>(17) causing a minor to witness or hear an act of domestic violence or presenting or placing a minor in such situation where such minor may witness or hear an act of domestic violence.</p>
		<p>(b) In defining "violence" for the purposes of this Act, a single instance of violence may be considered as an act of violence, or a series of acts that have been committed in a particular pattern over a given period of time which appear to have the characteristics of violence may be considered as an act of violence.</p>
<i>Victim</i>	5.	<p>"Victim" means any person, who is in a domestic relationship with a perpetrator and who is or has been subjected or allegedly subjected to an act of domestic violence, including any child in the care of the victim.</p>

Part 4

Status of the Law

<i>The offence of domestic violence</i>	6.	<p>Any act prescribed as an act of domestic violence under this Act shall carry both civil liability and be a criminal offence liable for criminal prosecution, which would be dealt with in accordance with the provisions of this Act.</p>
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<i>Civil liability and criminal prosecution</i>	7.	(a) Criminal liability and conviction under another Act for acts of domestic violence under this Act shall not prevent the implementation of measures prescribed in this Act.
		(b) The provisions of this Act shall fully apply and measures prescribed under this Act shall be fully implemented in respect of the perpetrator and the victim, regardless of and in addition to such perpetrator receiving criminal conviction and punishment under another Act for a criminal offense (which is classified in this Act as an offense of domestic violence), provided the perpetrator and the victim are bound by a domestic relationship.

Part 5

Reporting

<i>Reporting domestic abuse</i>	8.	(a) Any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, must give information about it to the Police.
		(b) Cases of alleged domestic violence pursuant to Section 8(a) may be reported by any of the following persons: <ul style="list-style-type: none"> (1) a victim; (2) a witness to the act of domestic violence; (3) a family member of the victim; (4) an acquaintance of the victim; (5) Authority or Ministry; (6) employee of a health or social service provider; (7) a responsible officer of a Government institution working against domestic violence; (8) an employee or member of a association or organization registered to work against domestic violence; (9) the parent, guardian, relative or caretaker of a victim that is a child; and

		(10) any other person who has information of occurrence of domestic violence.
		(c) For the purposes of Section 8(a), acts of domestic violence may be reported in person verbally or in writing at the Police station. Or, it may be reported by calling the hotline or landline of such station by phone or by fax, or by any other means of communication.
		(d) No liability shall be incurred by any person or authority described in Section 8(b) solely as a result of reporting the incidence under Section 8(a) in circumstances where there is reason to believe that an act of domestic violence has been, or is being committed or where the occurrence of such an act is suspected. Further, any such person who, in good faith, reports an incidence of domestic violence shall not be held liable in any legal action regardless of such act of domestic violence not being proven ultimately. And such person shall not be placed in a situation where they may have to bear any legal liabilities.

Part 6

Role of the Police, Health Professionals and Social Workers

<i>Duty to report</i>	9.	A duty of care is hereby established on health professionals and social workers to report suspected cases of domestic violence to the Police or the Authority in order to protect the victim(s). Health professionals and social workers shall further provide full support during the investigative and court stages of such cases of domestic violence, in such a manner that it does not compromise the welfare of the victim but ensures protection of the interests of the victim.
	10.	In the event the Police receive a report of an occurrence of domestic violence, they shall without delay instigate the processes required to investigate the incidence and take action. And, the Police shall compile, with reference to this Section, detailed standards for handling of such reports and publish the same in the form of a regulation made pursuant to this Act within 6 (six) months of enactment of this Act.
<i>Duty to Assist Victims of Domestic Violence</i>	11.	On receiving a report on domestic violence the Police shall visit the scene of the alleged domestic violence, provided that the following details are observed from the report:-

		<ul style="list-style-type: none"> (a) Information, which provides that domestic violence is taking place or is suspected to have taken place; (b) Information, which reveals that under the given circumstance, it is highly unlikely that the domestic violence has not taken place; (c) Statement that provides that a protection order is in place and that breach of such an order is imminent; or (d) Statement that provides that acts considered as acts of domestic violence have previously taken place in the same location.
<i>Duty of Health Professionals</i>	12.	<p>A health professional that that has been notified by the Police that an act of domestic violence may have been committed on a victim or who for any other reason otherwise suspects the same must carry-out the following:-</p> <ul style="list-style-type: none"> (a) Examine the suspected victim to the highest possible degree. (b) Advise the victim of support options available. (c) Assist the victim in seeking psychiatric or counselling support. (d) In situations where the health professional suspects, during examination, that an act of domestic violence involving physical abuse or sexual abuse is likely to be committed on a victim, then the health professional must carry out the following:- <ul style="list-style-type: none"> (1) Examine the suspected victim to the highest possible degree. (2) Prepare a written report based on the examination of the victim. (3) Submit the report prepared under Section 12(d)(2) to the Police and Authority
<i>Duty of Social Workers</i>	13.	<ul style="list-style-type: none"> (a) A social worker that that has been notified by the Police or the Authority that an act of domestic violence may have been committed on a victim or who for any other reason otherwise suspects the same must carry-out the following:- <ul style="list-style-type: none"> (1) The social worker must advise the victim of support options available, assist the victim to obtain psychiatric or counselling support and guide the victim on all

		<p>matters in connection with the foregoing.</p> <p>(2) In situations where the incidence was not reported by the Police, the social worker shall report the matter to the Police.</p> <p>(3) Provide a social worker at the scene of domestic violence upon request by the Police. And in situations where a social worker is not available, a request to provide a person shall be made to the Authority. And, the Police must be notified of any such requests.</p> <p>(b) The social worker shall advise the victim of domestic violence of their rights and remedies under this Act.</p> <p>(c) The social worker shall assist victims by taking them to a shelter, or a house of a relative or friend trusted by the victim, and shall further liaise with the Police in ensuring that protection orders are implemented.</p>
<p><i>Duties of the Police</i></p>	<p>14.</p>	<p>Any member of the Police that is present at the scene of an incident of domestic violence, or as soon thereafter as is reasonably possible, or when the incident of domestic violence is reported to him, shall perform the following duties:-</p> <p>(a) Inform the Authority of the domestic violence complaint.</p> <p>(b) Request the Authority or social service provider that a social worker be sent to the scene of the incident of domestic violence.</p> <p>(c) The Police shall, upon receiving a report of a case of domestic violence, enter the residence or place of such incidence, even without a court order, and ascertain all relevant facts.</p> <p>(d) Take the victim to the closest available health facility for the purpose of ascertaining whether the victim of domestic violence involving physical or psychological abuse requires any medical assistance, and ensure that the victim receives medical care. And, during escorting of the victim, the Police shall have the authority to prohibit any act which in the opinion of the Police may result in loss of evidence.</p> <p>(e) Seek and meet all persons related to the case, obtain all relevant information from such persons, obtain witness statements from relevant witnesses, conclude the investigation of the case, and send the matter to the Prosecutor General for prosecution where it is believed that grounds for prosecution exists.</p>

		<ul style="list-style-type: none"> (f) If any of the witnesses or the victims consist of minors, then obtain their statements in suitable environment in the presence of a social worker. (g) Gather the factual details of the act of domestic violence. (h) Advise the victim of the domestic violence of their rights and remedies under this Act, including: <ul style="list-style-type: none"> (1) the right to make an application to obtain he following court orders: <ul style="list-style-type: none"> (aa) a protection order; (bb) a custody order; (cc) a residence order; (dd) a compensation order. (2) the right to lodge a criminal complaint, if applicable. (i) Prepare the relevant report and dispatch it to the Authority and the court. (j) Escort the victim to a protection shelter if circumstances require, at the expense of the Police. (k) Provide protection to the persons who reported the incidence of domestic violence; (l) Arrest the perpetrator who committed the act of domestic violence, if required. (m) Disclose to the media details of the perpetrator and the acts of domestic violence committed by the perpetrator (n) Ensure that a full investigation is carried out to assess whether the perpetrator may also be prosecuted under any criminal laws for the time being in force for the perpetrator’s acts of domestic violence if the facts disclose the commission of a criminal offence under those provisions (for example (without limitation), assault and battery, grievous bodily harm, rape, other sexual offences, murder and manslaughter), and, if so, then to forthwith send the matter to the Prosecutor General for prosecution of the perpetrator for the same.
<p><i>Advising victims of their rights</i></p>	<p>15.</p>	<p>The Police shall fully advise the victims of domestic violence of their rights as stated below, using such language and in a manner which is comprehensible to such persons and, if it is reasonably</p>

		<p>necessary to do so, hand a notice to the victim with the same information, upon request:-</p> <ul style="list-style-type: none"> (a) contact details of the Police officer actively involved in the investigation; (b) that the Police will bear the expenses of escorting the victim to a medical facility, provided such victim requires medical assistance as a result of the abuse. (c) that the Police will bear the expenses of escorting of the victim to a protection shelter, where available, provided such victim needs to be taken to such shelter. (d) that the victim can make an application to obtain a court order restraining the perpetrator from interacting with the victim; (e) that such court order may prohibit the following acts: <ul style="list-style-type: none"> (1) actually committing physical, sexual and psychological abuse of the victim; (2) threatening physical, sexual and psychological abuse of the victim; (3) causing damage or threatening to cause damage to the property of the victim; (4) acts carried out with an intention to threaten, intimidate, humiliate or cause psychological distress to the victim or, threatening the commission of such acts; (5) the perpetrator carrying out any of the acts prohibited under the protection order through an intermediary. (f) advice of the temporary remedies that the Police can provide in the event the domestic violence has occurred at a time during the night, over the weekend or on a public holiday; (g) that it is not mandatory to seek the assistance of a lawyer in obtaining the court order; and (h) that the assistance of the court may be obtained in making an application for a court order.
<p><i>Preparing a report on domestic violence</i></p>	<p>16.</p>	<p>(a) In the event that a Police investigation into the occurrence of an incident of domestic violence has taken place, then a report on the same shall be prepared by the Police and dispatched to the Authority.</p>

		<p>(b) The report referred to in Section 16(a) shall contain the following details in addition to any other details which the Police may wish to include:</p> <ol style="list-style-type: none"> (1) the relationship between the perpetrator and the victim; (2) gender; (3) level of educational qualification; (4) employment details; (5) time of complaint; (6) date of complaint; (7) investigator; (8) whether or not domestic violence involves a minor or disabled person, and the details of such minor or disabled person, where applicable; (9) details of the act; (10) details of the measures taken to resolve the matter; (11) the date and details of a protection order, where applicable; (12) the date and details of a permanent protection order, where applicable; and (13) any other details necessary to provide information in relation to how, under what circumstances and for what reasons the act of domestic violence took place.
<p><i>Compiling an annual report</i></p>	<p>17.</p>	<p>(a) Within 3 months of the end of the Gregorian year, an annual report shall be prepared by the Police on the previous year's reported cases and concluded cases of domestic violence, and dispatched to the Authority and the Court.</p>
		<p>(b) The annual report referred to in 17(a) shall contain the details as follows:</p> <ol style="list-style-type: none"> (1) Number of reports filed. (2) Number of cases filed by women.

		<p>(3) Number of cases filed by men.</p> <p>(4) Number of reported cases, which has concluded its investigations.</p> <p>(5) The manner in which the Police responded to resolve the issue when a report was filed and the time taken in general.</p> <p>(6) Action taken by the Police to resolve a matter.</p> <p>(7) Psychological, physical and financial harm caused.</p>
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Part 7

Protection Orders

<i>Protection order</i>	18.	<p>(a) A protection order is a legal order made by the court to prohibit the commission or omission of certain acts by the person who committed the act of domestic violence, in order to protect the victim(s) from the recurrence of domestic violence.</p>
		<p>(b) The court may issue a protection order, in order to prevent the occurrence of domestic violence or with the intention of protecting a person, under the circumstances where the court believes that there is apprehension of domestic violence.</p>
		<p>(c) The fundamental objective of a protection order is to ensure the physical and psychological protection of the victims or potential victims of domestic violence and to ensure their health and rights are protected and preserved.</p>
<i>Making an application for a protection order</i>	19.	<p>(a) A person may make an application for a protection order to court against another person provided such two persons are bound by a domestic relationship.</p>
		<p>(b) Under the circumstance where the application for a protection order is being made by a minor, then such application shall be made by the minor's parent, guardian, relative or caretaker of the child concerned or by any other person under Section 8(b) of this Act. Or, the minor may make their own application for such order.</p>

		(c) Under the circumstance where the application is being made by a person with disabilities or a person with special needs, then such application shall be made by the person's parent, guardian or caretaker of the person concerned or by any other person under Section 8(b) of this Act.
		(d) In the event a person is reluctant to make their own application for a protection order due to reasons mentioned in Section 23 and, where such person is not a minor, then the application may be made through a nominee of such person. Or, such person may make their own application, if capable.
<i>Principles applicable to applications for orders made by minors</i>	20.	(a) Even though this Act requires a minor to make their application for a protection order through a minor's parent, guardian or caretaker of the child concerned or by any other person under Section 8(b) of this Act, such application shall not be construed in a way that would bar the court from hearing the testimony of such minor.
		(b) In the event an application referred to in Section 20(a) has been made, the minor may be summoned to the court or a place determined by the court in order to hear such testimony of the minor in relation to the case, if so required by the court. However, the minor shall be accompanied by a Social Worker at court.
		(c) The court shall have the right to take into consideration the testimony of the minor based on their age and maturity.
<i>Application for orders made by emancipated minors</i>	21.	Despite the provisions on this Act, an emancipated minor (under the age of 18 and who is married) shall make his or her own application for the protection order without the intermediation of the emancipated minor's parent, guardian or caretaker of the child concerned or by any other person under Section 8(b) of this Act.
<i>Application for order made by persons with disabilities</i>	22.	Persons who require special assistance under the following circumstances shall make their application for a protection order through the person's parent, guardian or caretaker of the person concerned or by any other person under Section 8(b) of this Act: <ul style="list-style-type: none"> (a) by reason of a disability; or (b) lack of mental capacity to make decisions related to personal welfare or, inability to judge the nature and importance of such matters; or

		(c) lack of the ability to express or communicate matters despite such person’s mental capacity to appreciate personal welfare matters and consequences of their actions.
<i>Application for order made through a third party</i>	23.	<p>(a) Under the following exceptional circumstances, persons may make an application for a protection order of the court through a third party under this special provision:</p> <ul style="list-style-type: none"> (1) Practical incapacity due to present circumstance; or (2) Experiencing apprehension in making such application; or (3) Making such an application in their own name may compromise the interests and wellbeing of such person due to their present circumstances. <p>(b) The third party referred to in Section 23(a) may include relatives and family of the victim, a friend of the victim or a Registered NGO.</p>
		(c) In the event an application for a protection order has been made pursuant to Section 23(a) by a person through a third party, the court shall accept the third person on behalf of such person and give the opportunity for the third party to advocate and represent such person in court.
		<p>(d) In the event an application for a protection order has been made pursuant to Section 23(a) by a person through a third party, the court shall establish the following:</p> <ul style="list-style-type: none"> (1) Such person genuinely wants to make an application for such an order. (2) The application for the order has been made by the representative appointed by such person. (3) The representative has been appointed by such person by exercising their free will. (4) The representative has accepted the appointment. (5) There are no conflicts of interests between the appointed representative and the person.
<i>Jurisdiction</i>	24.	(a) The court shall have the jurisdiction to issue a protection order provided that the court has established the following:

		<p>(1) A person has committed or continues to commit an act referred to, for the purposes of this Act, as an act of domestic violence.</p> <p>(2) Such an order is absolutely necessary to protect the wellbeing of the victim, their child or member of the family.</p> <p>(b) The court may pass an order directing the officer-in-charge of the nearest Police station to the residence of the victim to assist in the implementation of the protection order.</p> <p>(c) If the court considers that the circumstances of the case so warrant, and if either party to the proceedings so desires, then the court may conduct the proceedings under this Act <i>in camera</i>.</p> <p>(d) Any order made under this Act shall be enforceable throughout the Republic of Maldives.</p>
<i>Other court proceedings not a bar to issuing a protection order</i>	25.	On-going divorce, child custody proceedings related to the victim or the perpetrator, or any other civil or criminal proceedings related to the victim or the perpetrator, for that reason alone, shall not be a bar to issuing a protection order.
<i>Protection of persons other than the victim</i>	26.	<p>(a) The victim and their children shall be protected by a protection order that has been issued by the court pursuant to an application made by the victim.</p> <p>(b) In issuing a protection order, the court may order the court order to be implemented to the extent required for the continued protection of the victim and any other person bound by a domestic relationship with the victim.</p>
<i>Protection order issued against a third party</i>	27.	In the event the perpetrator has been using or encouraging a third party to commit the act of domestic violence instead of directly committing such acts, the court may issue a protection order against such third party.
<i>General conditions of a protection order</i>	28.	<p>The perpetrator shall abstain from the following acts irrespective of its express provision in the protection order:-</p> <p>(a) Causing physical or sexual harm to the victim.</p> <p>(b) Threatening physical or sexual harm to the victim.</p> <p>(c) Causing damage to the property of the victim. Or threatening such damage.</p>

		<p>(d) Any act which is carried out to cause apprehension or humiliation or psychological harm to the victim. Or threatening the commission of such acts.</p> <p>(e) The perpetrator using a third person to commit an act which the perpetrator (of the court order) has been prohibited from committing against the victim.</p>
<p><i>Prohibiting interactions</i></p>	<p>29.</p>	<p>(a) Under the circumstances where the perpetrator and the victim share the same household, except to that extent, the court may impose the following prohibitions on the perpetrator in respect of the victim:-</p> <ol style="list-style-type: none"> (1) Restricting the victim from entering and exiting their private dwelling, place of work, employment, teaching, learning or any other commonly visited place; or following the victim at the times they enter such place with the intent to distress or to ascertain their whereabouts. (2) Stalking, stopping, bothering or verbally assaulting the victim. (3) Entering or staying at the private dwelling of the victim or other place where such person is present, without the express permission of such person. (4) Carrying out any of the following interactions with the victim using phones, letters, electronic mail, short message service (SMS) text messages or any other form, except to the extent required under those circumstances: <ul style="list-style-type: none"> (aa) To the extent allowed in an agreement or order pertaining to visitation rights in respect of a child of the victim and, to the extent allowed under the special conditions of the protection order. (bb) To the extent necessary in order to participate in compulsory family gatherings. <p>(b) In the event the protection order is issued against more than one person, then the above-mentioned conditions shall be applicable to the same extent, on each and every person against whom the protection order has been issued.</p>
<p><i>Further rules relating to the conditions</i></p>	<p>30.</p>	<p>(a) The non-contact conditions under Section 29(a) shall be applicable in all instances, except where the victim and the perpetrator share the same household with the consent of the</p>

<i>prohibiting interactions</i>		victim.
		(b) Under the circumstance where the victim and the perpetrator share the same household with the consent of the victim, the non-contact conditions shall be suspended but only to that extent.
		(c) In the event the permission granted by the victim to the perpetrator to share the same household has been revoked, the non-contact conditions that had been suspended pursuant to this Section shall come to an end, and such conditions shall thereafter come into force.
		(d) For the purposes of this section, the non-contact conditions may be suspended once or more than once. Or revoked more than once.
		(e) In the event the protection order applies to more than one person, the aforementioned sections shall apply to each such person to the extent applicable under the given circumstances.
<i>Inclusion of Special conditions</i>	31.	<p>(a) In issuing protection orders, the court may impose special conditions upon the perpetrator which the court deems is reasonably necessary to protect or provide for the safety of the victim or any child of such victim, including (without limitation):-</p> <ul style="list-style-type: none"> (1) a residence order; (2) a custody order; and/or (3) a compensation order.
		(b) Under the circumstance where the court finds that there are special interests of the victim which needs to be protected, the court shall determine and impose special conditions pursuant to Section 31(a) to the extent necessary to protect such interests.
		(c) In the event the court determines special conditions in a protection order pursuant to Section 31(a), such special conditions shall exist for the duration of the order, unless modified or withdrawn by the court.

		<p>(d) The victim shall not be evicted or excluded from the shared household or any part of it by the perpetrator save in accordance with the procedures established by law. However, persons who do not have a filial relationship with the victim or who are not under the legal guardianship of the victim shall be exempt from this Section.</p>
		<p>(e) While passing a residence order, the court may:</p> <ol style="list-style-type: none"> (1) require the perpetrator to provide the court with a financial bond as security in order to discourage domestic violence. And such bond may be forfeited by the court in the event of a breach of the residence order by the perpetrator; (2) pass an order directing the officer-in-charge of the nearest Police station to the residence of the victim to give protection to the victim or to assist the victim in making an application for a court order or in the implementation of such order; (3) impose on the perpetrator obligations relating to the discharge of rent and other payments related to the residence of the victim, having regard to the financial needs and resources of the parties.
		<p>(f) Notwithstanding anything contained in any other law, the court may, at any stage of hearing the application for protection order, issue a custody order granting temporary custody of any children of the victim to the victim or the person making an application on her behalf provided that if the court is of the opinion that there is apprehension of circumstances that may be harmful to the children or to their interests. And such an order may specify the arrangements for visit of such children by the perpetrator. However, if the court is of the opinion that any visit of the perpetrator may be harmful to the interests of the children, then the court may prohibit the perpetrator from visiting the children.</p>
		<p>(g) In addition to other reliefs as may be granted to the victim under this Act, the court may, on application being made by the victim, pass a compensation order.</p>
		<p>(h) The court may, at any stage of the proceedings under this Act, may direct the Authority to make arrangements for the perpetrator or the victim to undergo counselling together or separately.</p>

<i>Duration of protection order</i>	32.	<p>(a) A protection order, with the exception of those emergency orders issued under exceptional circumstances, shall remain as a legitimate order until it has been withdrawn by the court. As such, a protection order shall be issued in the first instance for a maximum period of one year.</p> <p>(b) A protection order may be extended by a court ruling, upon application (by the victim or the perpetrator) for such extension. Such application shall be lodged with the court at least seven days prior to the expiration of the validity period of the previous court order.</p>
<i>Varying of protection order</i>	33.	<p>Upon the request of the victim or the perpetrator, the court may vary the protection order in any of the following manner provided such request is acceptable to the court:</p> <p>(a) Modify or remove a special condition.</p> <p>(b) Add a special condition.</p> <p>(c) Modify an order or remove the necessity to perform a certain act.</p> <p>(d) Provide advice on a particular matter.</p>
<i>Duration and Setting aside the protection order</i>	34.	<p>(a) Upon a request made by the victim or the perpetrator whilst the protection order is in effect, the court may set aside the protection order, by issuing another order, provided such request is acceptable to the court.</p>
		<p>(b) A protection order shall be withdrawn by court provided that the court believes that the circumstances under which the order was issued has changed or has come to an end.</p>
<i>Criminal offences</i>	35.	<p>(a) A perpetrator who commits any of the following acts is guilty of a criminal offence:</p> <p>(1) Breach of a protection order.</p> <p>(2) Non-compliance with any of the conditions of the protection order.</p> <p>(3) Breach of a residence order, a custody order and/or a compensation order.</p> <p>(4) Non-performance of a specific act (in the specified manner) ordered through a protection order.</p>

		(b) A perpetrator who commits an offence referred to in Section 35(a) shall be punished by up to a maximum term of 6 months imprisonment or fined with an amount not exceeding MRf. 15,000 (Fifteen thousand Rufiyaa).
		(c) A perpetrator who commits an offence referred to in Section 35(a) for a second time shall be punished by up to a maximum term of 1 year imprisonment or fined with an amount not exceeding MRf. 30,000 (Thirty thousand Rufiyaa).
		(d) A perpetrator who commits an offence referred to in Section 35(a) for a third time or more shall be punished by up to a maximum term of 3 year imprisonment or fined with an amount not exceeding MRf. 50,000 (Thirty thousand Rufiyaa) on each occasion.
		(e) In addition to prosecution under Section 35(a) of this Act, a perpetrator may also be prosecuted under other criminal laws for the time being in force for his acts of domestic violence if the facts disclose the commission of a criminal offence under those provisions: for example (without limitation), assault and battery, grievous bodily harm, rape, other sexual offences, murder and manslaughter.
		(f) Notwithstanding anything contained in criminal laws or procedures for the time being force, the offence under Section 35(a) shall be non-bailable.
		(g) Investigation, prosecution and examination in a trial proceeding shall be conducted according to the stipulations of the prevailing criminal procedural law, unless otherwise stipulated in this Act.
		(h) Notwithstanding anything contained in criminal laws or procedures, upon the sole testimony of the victim, the court may conclude that an offence under Section 35(a) of this Act has been committed by the perpetrator.
<i>Power to arrest</i>	36.	(a) Under this Act, the Police shall have the following powers:- (1) Arrest without warrant any person at the scene on an incident of domestic violence whom the Police officer reasonably suspects of having committed an offence containing an element of domestic violence against a victim.

		(2) Arrest a perpetrator under the circumstance where the Police have reasonable grounds to believe based on the given evidence that breach of a protection order, which is still in effect, has occurred.
		(b) In making arrests pursuant to this Act, the Police shall take into consideration the following: <ul style="list-style-type: none"> (1) The protection (of the victim) may be compromised if the Police fail to arrest the perpetrator at that given time. (2) The magnitude of the breach of the protection order. (3) The time elapsed since the breach of the protection order. (4) Reasonable belief that the perpetrator will continue to breach the protection order if the perpetrator is not arrested for such breach.

Part 8

Emergency orders

<i>Filing an emergency protection order</i>	37.	(a) An emergency protection order (unlike a protection order where both parties are summoned and heard in court prior to granting such order under the usual rules) is an order granted without notice (to the perpetrator) based only upon the statements of the victim.
		(b) The court may grant an emergency protection order under the special circumstances referred to in Section 39 of this Act.
	38.	(a) An emergency order is a temporary order. And such order shall remain effective for a period of 3 (three) months unless withdrawn.
		(b) The protection order shall become a permanent order upon the expiry of the 3 month period referred to in Section 38(a) provided the protection order is not withdrawn within those 3 months, or where the perpetrator has not filed a defence in

		respect of the order.
<i>Special circumstances for granting an emergency order</i>	39.	<p>An emergency order shall be granted pursuant to Section 37 of this Act where the court finds that the following circumstances are present:</p> <ul style="list-style-type: none"> (a) The court believes that granting an order after hearing both parties may be of risk to the victim under the given circumstances. (b) (The court) believes that the justice required by the victim may not be served under the given circumstances. (c) (The court) believes that the risk faced by the victim may be increased. (d) The victim is a person who is in a difficult situation.
<i>Considerations prior to granting an emergency order</i>	40.	<p>Prior to granting an emergency order, the following matters shall be taken into consideration:</p> <ul style="list-style-type: none"> (a) The seriousness of the complaint filed by the victim and the seriousness of the issues contained in the complaint. (b) The harshness or seriousness of the acts carried out by the perpetrator (c) The extent to which the interests of the victim is compromised as a result of the acts of the perpetrator.
<i>The rights of the perpetrator of the emergency order</i>	41.	<p>(a) Under the circumstance where a special order has been granted, the perpetrator shall be afforded the following rights:</p> <ul style="list-style-type: none"> (1) Making a request to the court in order to be heard prior to the order becoming a permanent order. (2) Making a request to the court in order to modify or withdraw a condition or another matter contained in the order. (3) Making a request to withdraw the order. (4) Notifying their objections to the order.
		<p>(b) Prior to issuing another order, court hearings shall be conducted by presenting both parties (or their representatives) in the case where the perpetrator has filed a request in court in respect of any of the matters mentioned in this Section. And a decision whether to maintain, modify or withdraw the</p>

		temporary order shall be reached by the court.
<i>Conducting court hearings</i>	42.	The court may conduct court hearings in the event the court believes that prior to making an emergency order permanent, justice would be best served by hearing the perpetrator or, by presenting the victim and perpetrator (or their representatives) in court and hearing the statements of both parties.
<i>Stating the result of the order</i>	43.	In making any order pursuant to this Act, the court shall make known the following to the perpetrator, if present. <ul style="list-style-type: none"> (a) The legal consequences of breaching the order. (b) The rules for modifying or amending the order.
<i>Dispatching a copy of the order</i>	44.	In the event, any order has been made pursuant to this Act, the registrar of the court, on behalf of the court, shall dispatch a copy of the order to the Police and the Authority.
<i>Appeal</i>	45.	In the event a protection order has been issued pursuant this Act, or not issued, a person dissatisfied by such outcome shall have the right to appeal the case in High Court under the general principles of appeal.

Part 9

“Thafriq” or “Fasakh”

Thafriq	46.	<i>Thafriq</i> refers to the special right of a woman under Islamic Shari’ah to demand the dissolution of a marriage where the court finds that any of the grounds stated under the Islamic <i>Shari’ah</i> for <i>thafriq</i> continue to exist.
Order for dissolution	47.	Any marriage shall be dissolved under this Act pursuant to a <i>thafriq</i> order of the court. The legal principles applicable to a court judgment shall be applicable to such an order.
Circumstances under which “thafriq” is allowed	48.	In the event a male perpetrator bound by marriage with a female victim has committed an act of domestic violence against the female victim, for the purposes of this Act, their marriage shall be dissolved at the request of the female victim where the court finds the existence of any of the following grounds which have been prescribed under Islamic Shari’ah as grounds under which

		<p><i>"thafriq"</i> is permissible:-</p> <p>(a) The seriousness of the act of domestic violence has caused an impediment to the resumption of a peaceful life between the male perpetrator and the female victim.</p> <p>(b) The protection and wellbeing of the female victim cannot be granted certainty due to the severity of such act of domestic violence.</p> <p>(c) In spite of the implementation of other measures prescribed under this Act, the marital relationship between the two persons has irretrievably broken down as a result of the act of domestic violence that it is impossible to maintain the marital relationship any further.</p>
Outcome of <i>"thafriq"</i>	49.	<p>(a) In the event the court has ordered for the dissolution of a marriage by <i>thafriq</i>, the marriage shall immediately come to an end. And, the principles of Islamic <i>Shari'ah</i> applicable upon the dissolution of a marriage shall also apply to the two persons, thereafter.</p> <p>(b) For the purposes of Section 28 of the <i>Family Law Act (Act Number 4/2000)</i>, the events specified in Section 48 of this Act shall hereby further be deemed to be events that Islamic law allow for a marriage to be dissolved by <i>fasakh</i>.</p>

Part 10

Implementation of the Law

<i>Highest authority</i>	50.	<p>(a) The Minister shall be the highest authority responsible for the implementation and enforcement of the provisions in this Act (with the exception of those responsibilities allocated to the court and the Police under this Act) in respect of stopping domestic violence.</p>
		<p>(b) The Minister shall have all powers, direct and incidental to the implementation of the provisions in the Act (with the exception of those responsibilities allocated to the court and the Police under this Act) necessary to stop domestic violence.</p>
<i>Decentralization</i>	51.	<p>(a) In order to give legitimacy and facilitate the enforcement of this Act within the areas of jurisdiction of the Island Councils, Atoll Councils and City Councils, the Minister may determine that each such council (within their respective areas of</p>

		representation) is the agent appointed for that area to enforce this Act.
		(b) The Minister shall delegate any of powers or responsibilities pursuant to Section 51(a) in respect of enforcing this Act, to the Island Councils, Atoll Councils and City Councils after providing the required facilities for the enforcement of such powers and responsibilities and by establishing a mechanism for the council to adopt in combating domestic violence.
		(c) The guidance and authority of the Minister shall apply to entities, which are working at the same level as the Island Councils, Atoll Councils and City Councils to prevent domestic violence, create of public awareness in order to prevent such domestic violence, protect victims of domestic violence.
		(d) Any specific powers or responsibilities delegated to the Island Councils, Atoll Councils and City Councils under this Act, shall be clearly stated in writing.
		(e) Details of the responsibilities delegated to the Island Councils, Atoll Councils and City Councils under this Act, shall be provided under a regulation made pursuant to this Act, publicly announced and published in the Gazette. Such task shall be the responsibility of the Minister.
<i>Establishment of a Family Protection Agency</i>	52.	(a) A Family Protection Agency is hereby established under this Section of this Act in order to combat domestic violence; create public awareness on issues of domestic violence; provide the required services to the victims of such violence; co-ordinate the work of the relevant government institutions including the Police and the Health Sector, coordinate various local efforts made by individuals (to protect victims of domestic violence) by bringing such efforts under a national policy and implementing such policies and; to undertake a leading role in carrying out such work on a national scale.
		(b) The Authority established pursuant to Section 52(a) shall be governed by a Board comprising 7 (seven) members appointed by the President. The Chief Executive Officer shall direct and oversee the work of the Authority, in consultation with the Board.
		(c) The Authority shall be accountable to the Minister. And, the

		Authority shall be under the power of the Minister.
		(d) The persons appointed to the Board shall be appointed by giving priority to gender balancing, and such persons shall have the educational and practical competency to contribute to the efforts being made to stop domestic violence, in a constructive manner. And any person on the Board shall not be a person who has been alleged or convicted of a criminal offence or domestic violence offence.
		(e) The Authority shall have the power to carry out any responsibilities of the Authority under this Act either by itself, or by delegating such responsibilities under supervision to health care providers, social service providers, or non-profit organizations. However, under such circumstances, details of the applicable procedure shall be prescribed in a regulation made under this Act.
		(f) In implementing and enforcing the responsibilities entrusted to the Authority under Section 53 of this Act, the Authority shall have the power to establish various services.
<i>Responsibility of the Authority</i>	53.	<p>The responsibilities of the Authority are as follows:</p> <ul style="list-style-type: none"> (a) to determine the national policy for combating domestic violence and enforcing such policy; (b) to determine the programmes necessary to combat domestic violence, the objectives of such programmes and the standards for implementing such programmes; (c) to establish multi-stakeholder mechanisms for implementing policies and programmes for combating violence; (d) to obligate compliance with the objectives and principles referred to in Section 53(b) by Authority centres within the jurisdiction of the councils; (e) to enter into agreements local and international parties and, organize and implement programmes with such parties in order to implement this Act and stop domestic violence; (f) to establish shelters with adequate staff and facilities in order to prevent domestic violence and to provide temporary support services for victims of violence; to determine the services provided from such shelters; and to provide such services in a sustainable manner;

		<ul style="list-style-type: none"> (g) to determine the standards and policies which need to be introduced in order to improve the responsiveness (in all required areas) to incidents of domestic violence and; take all necessary steps in relation to that; (h) to conduct research and collect data on the extent of (spread and occurrence of) domestic violence in the country; the reasons and personal characteristics related to occurrence of such violence and; the measures which could be taken to stop such violence and publish the required information from such findings; (i) to determine and enforce the standards that have to be maintained while responding to victims of domestic violence and, the types, nature, extent and standard of social services that has to be provided to such persons; (j) to establish temporary shelters for the purpose of providing safe locations to the victims of domestic violence in order to help such persons resume a healthy living; provide assistance to other entities administering such shelters and; determine and monitor the standards, rules and objectives of such centres; (k) to provide support for perpetrators through anger management therapy and counselling support in order to rehabilitate them as healthy individuals; (l) to determine the entities providing services to victims of domestic violence; the standard of such entities; type, nature, extent and standard of social services; (m) to determine the standards, policies and code of conduct to be complied with by employees of the Authority; investigating cases of breach of code of conduct, and advising the Minister in respect of the actions to be taken in such cases; (n) to advise and provide information on domestic violence to law and policy makers; (o) to determine the operational standards and policies for centres providing temporary protection to victims of domestic violence, and to determine the standard of service at such centres.
<i>Employees</i>	54.	(a) The job designations, requirements, remuneration and other benefits shall be determined, and persons for such designations shall be appointed, in a manner determined by the Board of the Authority.

		(b) The employees of the Authority shall not be considered as employees of the Civil Service. Nevertheless, the employees of the Authority shall receive the protection afforded under the <i>Civil Service Act (Law Number 5/2007)</i> to the extent applicable.
<i>Inclusion in the budget</i>	55.	When the People's Majlis (Parliament) passes the following year's budget during the current year, through such budget, sufficient funds shall be remitted to the Authority and the Police for the purpose of combating domestic violence and providing support to victims.
		(a) When the People's Majlis (Parliament) passes the following year's budget during the current year, sufficient funds shall be remitted to the Authority for the purpose of administering the Authority; enforcing this Act; and effectively carrying out the works of the Authority as required under this Act.
		(b) In allocating funds pursuant to Section 55(b), the People's Majlis shall facilitate allocation of the funds requested by the Authority and the Police to the greatest extent possible.
		(c) The Authority may seek the assistance of the Police in carrying out their work. And in the event such assistance has been requested, the Police shall provide such assistance.
		(d) Whilst the Authority is carrying out its work within its mandate under this Act, no person shall restrict or obstruct such work.
		(e) Not granting permission to enter a private dwelling without a court order shall not be considered as an obstruction to the work of the Authority, for the purposes of this Act.
<i>General provisions</i>	62.	It shall also be a criminal offence to contravene this Act or any provisions, herein, in addition to those offences determined under this Act and for which penalties have been determined. The penalty for such offences shall be the imposition of a fine not exceeding MRf 10,000 (ten thousand).
<i>Exemption from any legal action</i>	63.	Employees of the Authority shall be exempt from legal action for acts carried out, with good intent, to enforce the obligatory requirements under this Act or any regulation made pursuant to this Act. And the employee shall further not be subject any legal

		liabilities.
<i>Legal representation</i>	64.	Any party to proceedings in terms of this Act may be represented by a lawyer. And, the State shall be responsible for the provision of lawyer, upon request, to those victims without the financial means.
<i>Costs</i>	65.	The court may only make an order against the plaintiff to pay for the costs incurred as a result of filing of the domestic violence case, if it is satisfied that such case was filed frivolously, vexatiously and without reasonable cause or proof.
<i>Making and implementing regulations</i>	66.	(a) With the exception of the work assigned to the Police and the court, regulations shall be made and implemented by the Authority in respect of all other work. The regulations related to the work assigned to the Police shall be made by the Police. The regulations related to the work assigned to the court shall be made by the court.
		(b) Regulations made pursuant to Section 66(a) shall be made and announced publicly within 6 months of enactment of this Act.
<i>Meanings</i>	67.	<p>Unless otherwise prescribed in this Act, the following terms and phrases shall be given the meaning as follows:</p> <p>(a) “Protection Order” means an order issued pursuant to Section 18 of this Act;</p> <p>(b) “Registered NGO” means any voluntary association registered in accordance with the laws and with the Authority, with the objective of protecting the rights and interest of victims of domestic violence;</p> <p>(c) “Reporting” means informing the Police or the Authority under this Act under the circumstance where an incidence of domestic violence is suspected, or is likely to be taking place or, is unlikely that such violence is not taking place.</p> <p>(d) “Verbal and psychological abuse” means a pattern of degrading or humiliating conduct towards a victim. This includes the following:-</p> <ol style="list-style-type: none"> 1. repeated insults, ridicule or name calling; 2. repeated threats to cause emotional pain; 3. the exhibition of acts of obsessive possessiveness

or jealousy, which is such as to constitute a serious invasion of the victim's privacy, liberty, integrity or security;

- (e) **"Intimidation"** means uttering or conveying a threat, or causing a victim to receive a threat, which induces fear;
- (f) **"Guardian"** means the person responsible under law or *Shariah* for the care of their own child, person or a minor;
- (g) **"Child" or "children"** means any person defined as a child under Law Number 9/91 (Law on Protecting the Rights of Children);
- (h) **"Court"** means the Family Court under all circumstances, except in respect of criminal offences under Section 35 of this Act, which shall be adjudicated by the Criminal Court. Or the Magistrate Courts having similar jurisdiction as the said courts;
- (i) **"Family"** refers to the following persons:
1. married persons;
 2. children of the spouse (born from the current marriage or from a previous marriage);
 3. blood relatives and relatives of the spouse; or
 4. from the persons sharing the same household, the person who provides the financial assistance and their corresponding dependents, if there are persons who are being cared for and financially assisted by another person's financial assistance;
- (j) **"Shared household"** means a household where the victim lives or at any stage has lived in a domestic relationship. This includes households owned by the victim and the perpetrator, households tenanted either singly or jointly by the victim and the perpetrator, and households which may belong to the joint family of which the perpetrator is a member, irrespective of whether the perpetrator or the victim has any right, title or interest in the shared household;
- (k) **"Authority"** means the Family Protection Agency established pursuant to Section 52 of this Act;
- (l) **"Minister"** means the minister of the Government responsible for the Authority or under whom the mandate for the prevention of domestic violence on a national scale lies;

(m) **“Economic abuse”** includes the following:-

1. the unreasonable deprivation of economic or financial resources to which a victim is entitled under law or which the victim requires out of necessity, including household necessities for the victim, and payment of rent or mortgage bond repayments in respect of the shared household; or
2. the unreasonable disposal of household effects or other property in which the victim has an interest;

(n) **“Ministry”** means the ministry of the government responsible for combating domestic violence at a national level.

(o) **“Damage to property”** means the wilful damaging or destruction of property belonging to a victim or in which the victim has a vested interest;

(p) **“Stalking”** means repeatedly following the victim of domestic violence, going to places where the victim goes, harassing and bothering the victim;

(q) **“Compensation”** means the compensation provided by way of a court order issued pursuant to Section 31 (a) of this Act directing the perpetrator to pay compensation and damages for physical and emotion injuries caused by the acts of domestic violence committed by the perpetrator against the victim;

(r) **“Residence Order”** means a court order issued pursuant to Section 31 (a) of this Act:

1. court order restraining the perpetrator from dispossessing or in any other manner disturbing the possession of the victim from the shared household, whether or not the victim has a legal or equitable interest in the shared household;
2. court order directing the perpetrator to remove himself from the shared household;
3. court order restraining the perpetrator or any of his relatives from entering any portion of the shared household in which the victim resides;
4. court order restraining the perpetrator from alienating or disposing off the shared household or encumbering the same;
5. court order restraining the perpetrator from

renouncing his rights in the shared household except with the leave of a judge of the court;

- (s) **“Domestic violence”** means the acts mentioned in Section 4 (a) of this Act;
- (t) **“Perpetrator”** means any person who is or has been in a domestic relationship with a victim and who has committed or allegedly committed an act of domestic violence against the victim;
- (u) **“Domestic relationship”** shall have the meaning as defined in Section 3 (a) of this Act;
- (v) **“Harassment”** means engaging in a pattern of conduct that induces the fear of harm to a victim, including:
1. stalking and loitering outside of or near the building or place where the victim resides, or works, teaches, studies or happens to be;
 2. bothering the victim by making telephone calls or inducing another person to make telephone calls to the victim;
 3. bothering the victim by repeatedly sending letters, telegrams, packages, facsimiles, short message service (SMS) text messages, electronic mail, or other messages or objects to the victim;
- (w) **“Health professional”** means a doctor, nurse or health worker engaged in any medical facility on an inhabited island providing services to members of the public;
- (x) **“Medical facility”** means such facility as may be notified by the Authority to be a designated medical facility for the purposes of this Act;
- (y) **“Programme”** means ventures, projects, recovery phases and other work implemented to stop domestic violence;
- (z) **“Sexual abuse”** means any conduct that abuses, humiliates, degrades or otherwise violates the sexual integrity of the victim;
- (aa) **“Physical abuse”** means any act or threatened act of physical violence towards a victim;
- (bb) **“Chief Executive Officer”** means the main administrative officer responsible for the implementation of the decisions of the Board of the Authority and the daily administration of the Authority;

<i>Enactment</i>	68.	This Act shall be enacted from the date of publication in the government gazette upon ratification.
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