

LIST OF OFFENCES AND PENALTIES



LIST OF OFFENCES AND PENALTIES: FAMILY ACT

Section	Offence	Elements	Penalty
62	Failure to register the marriage	Failure to make an application for registration of marriage in accordance with sections 19 (Registration of Marriage) and 22 (Marriages Solemnized Abroad).	MVR1,000 fine
63	Coercion to marry	Forcing a person to contract a marriage against their will.	Between MVR1,000–MVR5,000 fine Or Banishment for not more than 6 months
64	False information	Furnishing false information to contract a marriage or to register it.	Between MVR1,000–MVR10,000 fine Or Banishment or placed under house arrest for 1-2 years.
65	Contracting a polygamous marriage without leave of court	A man who contracts a polygamous marriage without obtaining leave in accordance with the law, while legally married to another woman. The woman who has contracted such a marriage shall also have committed an offence if she has knowledge of the existing marriage.	Not more than MVR5,000 fine
66	Marriage contracted to remove the bar on remarriage with the same spouse	A woman who is divorced 3 times by the same husband cannot marry another man with the intention of removing the bar on remarriage with her former husband. or husband.	Not more than MVR5,000 fine Or Banishment for not more than 6 months

Section	Offence	Elements	Penalty
67	Divorce without leave and out of court	<p>A person marrying in return of a gift or monetary reward with the intention of removing the bar on remarriage for the formerly married couple.</p> <p>Divorcing not according to the law in the Family Act</p>	<p>Not more than MVR5,000 fine</p> <p>Or</p> <p>Banishment for not more than 6 months</p>
68	Failure to notify the commission of an offence	<p>Failure to notify the authorities of a commission of an offence under the Family Act or commission of an act that goes against the Family Act.</p>	<p>Not more than MVR1,000 fine</p> <p>Or</p> <p>Banishment or house arrest for not more than 3 months</p>
69	Continuing conjugal relations after divorce, without revival of marriage	<p>A person who continues a sexual relationship with his/her former spouse after divorcing and without reviving the marriage according to the Family Act.</p>	<p>Not more than MVR1,000 fine</p> <p>Or</p> <p>Banishment or house arrest for not more than 6 months</p>
70	Contravention with this Act	<p>A person who goes against an order directing or prohibiting an act is in contravention of the Family Act. This does not include the specific offences listed above that have penalties attached to it.</p>	<p>Not more than MVR1,000 fine</p> <p>Or</p> <p>Banishment for not more than 6 months</p>

LIST OF OFFENCES AND PENALTIES: SPECIAL PROVISIONS ACT TO DEAL WITH THE SEXUAL ABUSE OFFENDERS OF CHILDREN

Section	Offence	Elements	Penalty	Comments
3	Sexual act with a child	<ul style="list-style-type: none"> - Person who touches a child's body with sexual intent - sexual intent meaning: <ul style="list-style-type: none"> (a) touching child's genitals/sexual organs or any other part that may cause sexual gratification to the offender (b) touching directly with one's own hand or object 	10-14 years imprisonment	
4	Engaging a child in a sexual act	<ul style="list-style-type: none"> - a person causes a child to participate in sexual activity 	10-14 years imprisonment	
5	Commission of a sexual act in the presence of a child	<ul style="list-style-type: none"> - a person intentionally performs a sexual act in the presence of a child or performs such an act with the intention of exhibiting it to a child, or with the knowledge it will be visible to a child 	7-10 years imprisonment	
6	Forcing a child to witness a sexual act	<ul style="list-style-type: none"> - a person forces a child to watch, listen, shows an image, photograph, film or scene in a film of a sexual act performed 	7-10 years imprisonment	
8	Aiding and abetting the commission of a sexual act by a child	<ul style="list-style-type: none"> - a person intentionally plans, aids, facilitates, arranges, enables or abets (encourages or assists) in making a child commit any of the acts stated in section 3, 4, 5 and 6 (listed above) 	7-10 years imprisonment	

Section	Offence	Elements	Penalty	Comments
9	Sexual act by a person in a position of trust	<ul style="list-style-type: none"> - a person performs a sexual act with a child while in a position that required the child to trust him 	15-18 years imprisonment	
10	Causing a child to perform a sexual act while in a position of trust	<ul style="list-style-type: none"> - a person causes a child to perform a sexual act while he is in a position that requires the child to trust him 	15-18 years imprisonment	
11	Sexual act in the presence of a child, while in a position of trust	<ul style="list-style-type: none"> - a person performs a sexual act in the presence of and with the intention of exhibiting such an act to a child, while he is in a position that requires the child to trust him 	15-18 years imprisonment	
12	Causing a child to witness a sexual act while in a position of trust	<ul style="list-style-type: none"> - a person who is in a position of trust causes a child to watch a sexual act being performed, or forces the child to watch the act, or performs the act with the intention of exhibiting it to the child, or performs the act with the knowledge that the child is or may be watching, or forces the child to go to or enter a place with the knowledge that sexual acts are being performed in that place 	15-18 years imprisonment	
15	Sexual act with a family member	<ul style="list-style-type: none"> - a person performs a sexual act with a child who is a family member 	20-25 years imprisonment	

Section	Offence	Elements	Penalty	Comments
16	A family member abetting a child to perform a sexual act	<ul style="list-style-type: none"> - a family member of a child abets (encourages or assists) the child to perform a sexual act 	20-25 years imprisonment	
17	Sexual act with a child for a payment	<ul style="list-style-type: none"> - a person performs a sexual act with a child in return for financial or monetary paymentor leads the child to believe that the child will be paid for it 	15-21 years imprisonment	<p>'payment' refers to:</p> <ul style="list-style-type: none"> - financial/monetary consideration; or - discharging a financial obligation of a child; or - purchase of goods that the child desires; - payment towards a service that the child desires; or - gifting money; or - giving any valuables
18	Child prostitution and child pornography	<ul style="list-style-type: none"> - a person intentionally causes child prostitution, or involves a child in the creation of pornography or creates pornographic material where a child's sexual organ can be openly seen 	20-25 years imprisonment	
19	Prostitution and production of pornography by force	<ul style="list-style-type: none"> - a person engages a child in prostitution, or in the production of pornography by using force, or through control or by restraining the child in a manner that that would deprive the child's liberty 	20-25 years imprisonment	

Section	Offence	Elements	Penalty	Comments
20	Sexual acts by causing intoxication	<ul style="list-style-type: none"> - a person engages with or causes a child to engage in a sexual act, by administering an intoxicating substance or a substance to cause a child to lose free will or unable to think or feel properly 	25 years imprisonment	'administering substance' means to giving food or drink or any other form of administration of something into the body
21	Entering a house with the intent of performing a sexual act	<ul style="list-style-type: none"> - a person enters a house/place where a child lives with the intention of performing a sexual act with the child 	1-10 years prison	'house' or 'place' includes buildings and the space surrounding the building, and land transport vehicles and sea transport vessels
22	Displaying a sexual organ	<ul style="list-style-type: none"> - person displays to a child, any part of him which may be construed as his sexual organ, or if he exposes to a child, a sexual organ over his clothing 	3 years imprisonment	
23	Offence committed by more than one person	<ul style="list-style-type: none"> - regardless of the degree of participation in an offence listed under this Act, each person involved in committing such an offence with the same intention or purpose, is deemed to have committed the offence individually 	20-25 years imprisonment	

LIST OF OFFENCES AND PENALTIES: SEXUAL OFFENCES ACT

Section	Offence	Elements	Penalty	Comments
14	Rape	<ul style="list-style-type: none"> - insertion, however minute, of a person's sexual organ into a sexual organ or an organ which is not a sexual organ of another person without consent, where the two persons are not married 	<p>20-25 years imprisonment where a dangerous weapon was used during commission of the offence</p> <p>Or</p> <p>15-20 years if the offence was committed in any other manner</p>	<p>Definition of consent applies (refer to illustration at the end of this table)</p> <p>The convicted person will be registered for this offence in the 'Registry of Sex Offenders'</p>
15	Attempt to rape	<ul style="list-style-type: none"> - attempting to rape a person, and aiding and abetting (encouraging or assisting) in the rape of a person 	<p>10-15 years imprisonment where a dangerous weapon was used during commission of the offence</p> <p>Or</p> <p>7-10 years imprisonment if the offence was committed in any other manner</p>	<p>The convicted person will be registered for this offence in the 'Registry of Sex Offenders'</p>

Section	Offence	Elements	Penalty	Comments
16	Sexual injury	- when a person inflicts sexual injury on a person	10-15 years imprisonment	Definition of consent applies (refer to illustration at the end of this table) The convicted person will be registered for this offence in the 'Registry of Sex Offenders'
17	Attempt to cause sexual injury	- attempting to inflict sexual injury on a person, and aiding and abetting (encouraging or assisting) in inflicting a sexual injury on a person	7-10 years imprisonment	The convicted person will be registered for this offence in the 'Registry of Sex Offenders'
18	Sexual assault	- causing sexual assault on a person	7-10 years imprisonment where a dangerous weapon was used during commission of the offence Or 3-7 years imprisonment if the offence was committed in any other manner	Definition of consent applies (refer to illustration at the end of this table) The only exemption applicable is in circumstances for:

Section	Offence	Elements	Penalty	Comments
19	Attempt to cause sexual assault	<ul style="list-style-type: none"> - attempting to cause sexual assault on a person, and aiding and abetting (encouraging or assisting) in causing sexual assault on a person 	<p>3-7 years imprisonment where a dangerous weapon was used during commission of the offence</p> <p>Or</p> <p>1-3 years imprisonment if the offence was committed in any other manner</p>	<p>(1) conducting a lawful search of a person's body licensed professional for medical purposes</p> <p>(2) The convicted person will be registered for this offence in the 'Registry of Sex Offenders'</p>

Section	Offence	Elements	Penalty	Comments
21	Sexual act with a Mahram	<ul style="list-style-type: none"> - a person performs a Sexual Act with a Mahram 	Where there is no consent: 15-25 years imprisonment	Where both parties consent, both parties are deemed to have committed and offence
22	Attempt to perform sexual act with a Mahram	<ul style="list-style-type: none"> - attempting to perform a Sexual Act with a Mahram, and aiding and abetting (encouraging or assisting) in performing a Sexual Act on a Mahram 	7-10 years imprisonment	Marham: <i>Unmarriageable kin; with whom marriage or sexual intercourse would be haram in Islamic law</i> The convicted person will be registered for this offence in the 'Registry of Sex Offenders'
23	Failure to report	<ul style="list-style-type: none"> - not to reporting to the Police or Family Protection Authority of a person who committed, commits or has committed a Sexual Act with a Mahram, while having knowledge of it 	not more than 6 months imprisonment	

Section	Offence	Elements	Penalty	Comments
24	Sodomy	<ul style="list-style-type: none"> - a person performs a Sexual Act with a person of the same gender, with the consent of both parties - a performs a Sexual Act with a person of the same gender without the consent of that other person 	Where both parties consent: 5-7 years imprisonment	The convicted person will be registered for this offence in the 'Registry of Sex Offenders'
25	Sexual act with an animal	- a person commits a Sexual Act with an animal which is alive or dead	Where there is no consent: 7-10 years imprisonment 5-7 years imprisonment	The convicted person will be registered for this offence in the 'Registry of Sex Offenders'
26	Sexual act with a cadaver	- performs a Sexual Act with a cadaver	20-25 years imprisonment	The convicted person will be registered for this offence in the 'Registry of Sex Offenders'
27	Zinah	- a person performs sexual intercourse out of wedlock	100 lashes of flogging and 1-3 years house arrest	
28	Sexual act with a person with disability	- a person performs a Sexual Act with a person with mental disability, knowing that the other person is incapable of giving consent, or understanding the nature of the act, or that the	15-20 years imprisonment	A person with mental disability is deemed to be not capable of the following: (1) understanding the nature of the act;

Section	Offence	Elements	Penalty	Comments
29	Prostitution	<p>other person has no means of giving consent to a sexual act by reason of the mental disability</p> <ul style="list-style-type: none"> - a person engages in prostitution in the Maldives, or for a Maldivian to engage in prostitution abroad - a person engages another person in prostitution in the Maldives, or for a Maldivian to engage another person in prostitution abroad or aiding and abetment in such an act 	Not more than 7 years imprisonment	<p>(2) making an autonomous decision whether or not to do an act;</p> <p>(3) the ability to relate the incident to another person.</p> <p>The convicted person will be registered for this offence in the 'Registry of Sex Offenders'</p>
30	Engaging a person for prostitution	<ul style="list-style-type: none"> - a person in Maldives, or for a Maldivian abroad engages or provides for a person to and with the intent of offering that person for prostitution 	7-15 years imprisonment	<p>The convicted person will be registered for this offence in the 'Registry of Sex Offenders'</p> <p>The convicted person will be registered for this offence in the 'Registry of Sex Offenders'</p>

Section	Offence	Elements	Penalty	Comments
31	Trafficking a person for prostitution	<ul style="list-style-type: none"> - Trafficking a person into the Maldives knowing that the person is coming or is being brought for prostitution or aiding and abetment in such an act - Trafficking a person from one island to another within the Maldives knowing that the person is being trafficked for prostitution or and abetting (encouragement or assistance) - Trafficking a person out of the Maldives knowing the person is going or is being sent for prostitution or encouragement or assistance in doing so. 	7-10 years imprisonment	The convicted person will be registered for this offence in the 'Registry of Sex Offenders'
32	Using revenue from prostitution	<ul style="list-style-type: none"> - A person who engages another person in prostitution to live off of the revenue generated from engaging another person in prostitution. - A person uses the revenue generated from prostitution, knowing that he is living off 	Fine of MVR25,000- MVR75,000 Or Not more than 3 years imprisonment	If the court finds that the money or property in question was obtained by committing this offence, all monies and property will belong to the State.

Section	Offence	Elements	Penalty	Comments
		<p>of revenue generated from engaging another person in prostitution.</p> <ul style="list-style-type: none"> - Continuously living in a place without informing the relevant State institution, knowing that the house, place or a part of it is being used to operate a brothel. 		<p>=</p> <p>The convicted person will be registered for this offence in the 'Registry of Sex Offenders'</p>
33	Setting up a brothel	<ul style="list-style-type: none"> - To set-up, maintain, manage a brothel (house where persons visit prostitutes) or take part in any such activity 	Not more than 5 years imprisonment	The convicted person will be registered for this offence in the 'Registry of Sex Offenders'
34	Intimidation	<ul style="list-style-type: none"> - a person in Maldives, or a Maldivian abroad forces a person to perform a Sexual Act with him or with another person by threat or instilling fear or scaring. - abetting (encouraging or assisting) a person to commit such an act 	5-7 years imprisonment	The convicted person will be registered for this offence in the 'Registry of Sex Offenders'

Section	Offence	Elements	Penalty	Comments
35	Blackmail	- a person blackmails a victim or a family member of a victim pursuant to rape, sexual injury, sexual assault, or a sexual act.	3-5 years imprisonment	The convicted person will be registered for this offence in the 'Registry of Sex Offenders'
36	Misrepresentation	- a person in Maldives, or for a Maldivian abroad to compel a person to perform sexual act with him or with another person by misrepresentation or by omission of facts	5-7 years imprisonment	
37	Forced intoxication	- intoxicating a person with any substance amounting to liquor or drugs as prescribed by the Drugs Act (Act No 17/2011) that inhibits the person's own control of their body or to make a person to go into a state of unawareness that allows a person to perform a sexual act	10-15 years imprisonment	The convicted person will be registered for this offence in the 'Registry of Sex Offenders'

Section	Offence	Elements	Penalty	Comments
38	Forcing upon another person to perform a sexual act	a person performs a sexual act forcing oneself on to the other person where the other person has lost his mental faculties, is in a state of insanity, or has no power to physically defend himself.	10-15 years imprisonment	The convicted person will be registered for this offence in the 'Registry of Sex Offenders'
39	Abduction	<ul style="list-style-type: none"> - abducting a person from his guardians/family members/ husband/ wife/people with whom he lives, and take him to another place, or place him elsewhere, or detain him without his consent, with the intention to: <ol style="list-style-type: none"> (1) rape; or (2) sexual injury; or (3) sexual assault; or (4) perform a sexual act; or (5) force him/her to have sexual intercourse out of wedlock with another person; or (6) cause him/her a sexual injury by another person; or (7) cause him/her a sexual assault by another person. 	7-10 years imprisonment	The convicted person will be registered for this offence in the 'Registry of Sex Offenders'

Section	Offence	Elements	Penalty	Comments
40	Detention	<p data-bbox="151 263 352 686">- keeping a person in a certain place or to detain a person by prohibiting his movements without his consent, for the purpose of rape, causing sexual injury or sexual assault</p> <p data-bbox="358 263 392 686">(a) detained in a place; or</p> <p data-bbox="397 263 448 686">(b) kept in a place in a manner that will not allow him to make any movements; or</p> <p data-bbox="453 263 593 686">(c) no freedom for him to go out of the place on his own will; or</p> <p data-bbox="599 263 967 686">(d) possibility for him to free himself from the place of detention upon the fulfillment of condition of either removing and leaving his clothes behind or leaving behind his property or any other possession; or</p> <p data-bbox="828 263 967 686">(e) where he is given the choice to leave only upon leaving something behind without which he cannot leave.</p>	7-10 years imprisonment	

Section	Offence	Elements	Penalty	Comments
41	Compelling a person to participate in a sexual act	<ul style="list-style-type: none"> - a person forces or obliges another person to take part in a sexual act with him, without the other person's consent. 	3-5 years imprisonment	
42	Forcing a person to watch a sexual act	<ul style="list-style-type: none"> - a person forces another person to watch a sexual act being performed, or shows another person a picture, video, image of a video, film, or an image of a film depicting a sexual act or listen to the sound of such an act being performed. 	1-3 years imprisonment	
43	Production of pornography	<ul style="list-style-type: none"> - Making or manufacturing of pornography - publish through any medium, the pornography produced 	1-3 years imprisonment 3-5 years imprisonment	The convicted person will be registered for this offence in the 'Registry of Sex Offenders'
44	Forcing to produce pornography	<ul style="list-style-type: none"> - a person compels another person to participate in production of pornography without his consent, or if he produces pornography that shows a sexual organ of the other person. - publish through any medium, the pornography produced by force 	5-7 years imprisonment 15-20 years imprisonment	

Section	Offence	Elements	Penalty	Comments
45	Forcing to participate in pornography	<ul style="list-style-type: none"> - producing pornography of a person by forcing or controlling him, or by forcing him to participate in production of pornography - publishing through any medium, the pornography produced by force 	7-10 years imprisonment	The convicted person will be registered for this offence in the 'Registry of Sex Offenders'

Interpretation of consent:

For 'consent', a person is not deemed to have given consent if it was obtained:

- (a) through violence or with the threat of death or violence against the victim, or consent obtained through threat of death or violence against a person in close relationship with the victim through either family or marriage; or
- (b) based on false facts, by misrepresentation; or
- (c) by deceiving the person as to that act in question; or
- (d) by deceiving the person as to his or her relationship with the offender.

LIST OF OFFENCES AND PENALTIES: GENDER EQUALITY ACT

Section	Offence	Elements	Penalty
30	Penalties for non-establishment of complaint mechanism	Failure by the employer to establish a complaints mechanism stipulated in s 20(g) of the Gender Equality Act	The Minister may: (1) publicise information on such entities; (2) fine not exceeding MVR 25,000, on the responsible of the public-sector institution whose duty and responsibility is to establish the complaints mechanism stipulated in subsection (g) of Section 20 of this Act; (3) fine not exceeding MVR 25,000, if the noncompliant entity is a private-sector employer.

LIST OF OFFENCES AND PENALTIES: PROTECTION OF THE RIGHTS OF CHILDREN ACT

Section	Offence	Elements	Penalty
122	Exploitation of Children	<p>(a) making a Child work by force, coercion or deceit; or</p> <p>(b) using a Child to obtain a benefit to someone else, by force, coercion or deceit; or</p> <p>(c) using a Child in the commission of a criminal offence; or</p> <p>(d) recruiting or grooming a Child to commit a criminal offence.</p>	<p>3 years imprisonment; or</p> <p>5 years if the accused was in a position of trust of the child</p>
123	Grooming	<p>(a) Grooming a child for sexual abuse</p> <p>(b) mother or father or guardian or person who has been entrusted with the care of a Child to groom a Child for sexual abuse</p>	<p>For (a):</p> <p>10 years imprisonment; or</p> <p>15 years if the accused was in a position of trust of the child</p> <p>For (b):</p> <p>5 years imprisonment</p> <p>3 years imprisonment</p>
124	Neglecting a Child	When a person entrusted with the duty to provide protection to a Child deliberately commits an act that has a negative impact on the Child's health or safety or interest, or where the Child suffers a harm due to his failure to take measures to prevent such an act from happening.	

Section	Offence	Elements	Penalty
125	Negligence to save a Child from an act of violence	It is an offence not to prevent or mitigate an act of violence against a Child while being a person who works in a centre relating to Children, knowing that there is a danger of such an incident occurring, and being in a position to prevent or mitigate it	3 years imprisonment
126	Failure to report an offence of violence against Children	It is an offence if a person knows that the following acts have been committed against a child and failed to report it without valid reason: (1) sexual abuse; (2) major physical or mental abuse; (3) acts of exploitation.	2 years imprisonment If the person has attained any form of financial gain 5 years imprisonment

USEFUL CONTACT INFORMATION

Maldives Police Service

Emergency	119
Family and Child Protection Department (FCPD)	3006000

Ministry of Gender, Family, and Social Services

Hotline	3328393
Child Helpline	1412

Family Protection Authority (FPA) (for domestic violence issues)

3010551