



**FAMILY**  
**LEGAL CLINIC**

**SPECIAL PROVISIONS ACT TO DEAL WITH SEXUAL  
ABUSE OFFENDERS OF CHILDREN**

*Act number: 12/2009*

*Date: 25-11-1430 H*

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## **SPECIAL PROVISIONS ACT TO DEAL WITH SEXUAL ABUSE OFFENDERS OF CHILDREN**

### **PART 1**

#### **INTRODUCTION AND PURPOSE**

*Introduction  
and short title*

1. (a) This Act sets out special provisions to deal with detention of child sex abusers during investigation and trial and monitoring of abusers through a particular mechanism following their release from detention, and provision of a lower standard to allow evidence by the court, and to provide for procedures to award damages suffered by children as a result of sexual abuse.
- (b) This Act shall be cited as the “Special Provisions Act to deal with Sexual Abuse Offenders of Children”.

*Purpose*

2. This Act intends to achieve the following objectives:
  - (a) protection of children within the society from persons who could cause them harm and, to maintain that protection by detaining child sex abusers under custody during investigation and trial stages and monitoring of offenders under a particular monitoring mechanism even after they have served their sentences;
  - (b) control and monitoring in a continued manner, of child sex offenders by the State;
  - (c) provision of a lower standard to allow evidence by the court and allowing new forms of evidence to be admitted as proof of sexual

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abuse of children, in addition to the types of evidence admissible in court;

- (d) provide for severe punishment to sexual abusers of children and those who aid and abet in the commission of such acts;
- (e) enable recovery of compensation for injuries suffered by children due to sexual abuse;
- (f) cause the identity of sexual abusers of children to be known to the public;
- (g) ensure that children are not asked to demonstrate in the court through actions, or by other means, the manner in which the abuse was carried out or committed.

## **PART 2**

### **OFFENCES DEFINED**

- Sexual act with a child*     **3.** (a) A person commits an offence if he touches a child's body with a sexual intent.
- (b) For the purpose of this section, touching with a sexual intent shall mean the act of touching in any one of the following manners:
- (1) touching any of the child's genitals, other sexual organs, or any other part of the body which may be construed as one from which one may experience sexual gratification;
  - (2) touching directly with one's own hand or using an object.
- (c) A person found guilty of the offence prescribed in subsection (a) of this section shall be punished with imprisonment for a period between 10 years and 14 years.



- (b) Where a child referred to in subsection (a) of this section has attained 13 years of age, such a child's punishment shall be detention for a period not exceeding 5 years in a place suitable for detention of children. If the child has not attained 13 years of age at the time of commission of the offence, the parents of the child shall be bonded with the child's care and child shall be placed under house arrest for a period not exceeding 5 years.

*Aiding and abetting the commission of a sexual act by a child*

8. (a) A person commits an offence if he intentionally plans, or aids, or facilitates, or arranges, or enables or abets in making a child commit any of the acts prescribed in sections 3, 4, 5 and 6 of this Act.
- (b) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for a period between 7 years and 10 years.

*Sexual act by a person in a position of trust*

9. (a) A person commits an offence if he performs a sexual act with a child while in a position that requires the child to trust him.
- (b) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for a period between 15 years and 18 years.

*Causing a child to perform a sexual act while*

10. (a) A person commits an offence if he causes a child to perform a sexual act while he is in a position that requires the child to trust him.

*in a position of trust*

- (b) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for a period between 15 years and 18 years.

*Sexual act in the presence of a child, while in a position of trust*

11. (a) A person commits an offence if he performs a sexual act in the presence of, and with the intent of exhibiting it to a child, while he is in a position that requires the child to trust him.

- (b) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for a period between 15 years and 18 years.

*Causing a child to witness a sexual act while in a position of trust*

12. (a) A person commits an offence if he, being in a position that requires the child to trust him, causes a child to watch a sexual act being performed by persons, 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.

- (b) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for a period between 15 years and 18 years.

*Positions of trust*

13. For the purpose of this Act, if the following relationships exist between a person and a child, that person shall be deemed to be in a position that requires the child to trust him:
- (a) any one of the parents of the child;
  - (b) any one among the child's legal guardians;

- (c) any one among the child's guardians;
- (d) a person within prohibited degrees of marriage under the religion of Islam;
- (e) any one among persons who provide care or services to a child as required under a law;
- (f) a person who looks after a detention centre for children detained under a conviction or pending an investigation;
- (g) a person of the house where a child is kept;
- (h) a person from a hospital, clinic, a facility which provides services for children such as childcare houses;
- (i) a person of the house where the child resides;
- (j) a person from the institution where a child obtains education;
- (k) a person from the place of a child's employment or where a child obtains work experience;
- (l) a person in a position that requires him to give advice and guidance to a child;
- (m) a person entrusted with care of a child.

*Exception of marriage*

- 14.** Acts that can be considered sexual offences under this Act shall not be deemed an offence when carried out with a child with whom a person has entered into marital relations in accordance with the principles of Islamic.

*Sexual act with a family member*

- 15.** (a) A person commits an offence if he performs a sexual act with a child who is a family member.
- (b) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for a period between 20 years and 25 years.

- A family member abetting a child to perform a sexual act*
- 16.** (a) It is an offence for a family member of a child to abet the child to perform a sexual act.
- (b) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for a period between 20 years and 25 years.
- Sexual act with a child for a payment*
- 17.** (a) A person commits an offence if he performs a sexual act with a child in return for a payment, or if he leads the child to believe prior to the act that the child will be paid for it.
- (b) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for a period between 15 years and 21 years.
- (c) For the purpose of this section, “payment” shall mean a financial or monetary consideration. Or the discharge on behalf of the child, an obligation of the child to make a payment. Or purchase of goods that the child desires, or the discharge on behalf of the child an obligation of the child to pay for services, or a gift of money or something that has the value thereof.
- Child prostitution and child pornography*
- 18.** (a) A person commits an offence, if he intentionally causes child prostitution, or involves a child in the creation of pornography or creates pornographic material where a child’s sexual organ can openly be seen.



- (b) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for a period between 20 years and 25 years.

*Prostitution and production of pornography by force*

19. (a) A person commits an offence, if he engages a child in prostitution, or in the production of pornography by using force, through control or by restraining the child in a manner that that would deprive the child's liberty.

- (b) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for a period between 20 years and 25 years.

*Sexual acts by causing intoxication*

20. (a) A person commits an offence if he engages with or causes a child to engage in a sexual act, by administering an intoxicating substance or a substance to stupefy or cause a child to lose free will.

- (b) For purposes of this section "administering a substance", refers to giving food or drink or any other form of administration of something into the body.

- (c) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for 25 years.

*Entering a house with the intent of*

21. (a) It shall be an offence for a person to enter the house or the place where a child is staying, with the intent of performing a sexual act with the child.

*performing a sexual act*

- (b) For the purpose of this section the definition of “house” or “place” shall include buildings and the space surrounding the building, and also includes land transport vehicles and sea transport vessels.
- (c) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for a period between 1 years and 10 years.

*Displaying a sexual organ*

- 22. (a) A person commits an offence if he 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.
- (b) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for 3 years.

*Offence committed by more than one person*

- 23. (a) In spite of the differences in the degree of participation, where an offence prescribed under this Act is committed against a child by more than one person collectively, with a collective intention and objective, each person involved shall be deemed to have committed the offence with the child individually.
- (b) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for a period between 20 years and 25 years.

### **PART 3**

#### **CONSENT**

*Children under 13 years of age*

- 24. For purposes of this Act, a child under 13 years of age shall not be deemed to be in a position to give consent to perform a sexual act under

any circumstances. Even where the child consents, for purpose of this Act, such consent shall be considered null and void.

*Children above 13 years of age* **25.** Unless established otherwise, it shall be deemed that a child between the age of 13 and 18 years of age did not give consent to perform a sexual act. Unless established otherwise, it shall be presumed that the sexual act was carried out without the child's consent.

#### PART 4

##### WITHHOLDING CERTAIN RIGHTS

*Certain constitutional rights to be withheld* **26.** Out of the Constitutional rights available to a person detained or arrested on suspicion under this Act, the rights stipulated in the following sections of this chapter shall be withheld to the extent provided therein.

*Withholding the right to remain silent* **27.** In spite of the fact that Article 48 (c) of the Constitution has granted the right to remain silent, except to establish identity, that right shall not be available to any extent for a person detained on suspicion of an offence under this Act.

*Withholding the right to liberty during the investigation stage* **28.** In spite of the fact that Article 49 of the Constitution states that no person shall be detained in custody prior to sentencing, unless there is a danger of the accused absconding or not appearing at the trial, for the protection of the public, or potential interference with witnesses or evidence dictate otherwise, this right shall be withheld herewith, in order to facilitate judges to order persons accused of commission of offences under this Act to be detained during investigation and trial stages, and for that purpose it shall be

deemed that the accused poses a danger to the society if released, and the accused will potentially interfere with witnesses or evidence.

- Article 16 of the Constitution to be considered when withholding rights*
- 29.** (a) The fundamental rights stated in sections 27 and 28 of this Act are withheld pursuant to Article 16 (b) of the Constitution.
- (b) In making a determination whether the rights withheld under this Act are so withheld pursuant to Article 16 (b) of the Constitution, the court shall recognize that the 6 grounds stated in Article 16 (c) of the Constitution were duly considered by the People’s Majlis in withholding the fundamental rights to the extent stated in this Act.

#### **PART 5**

#### **REMAND**

- Application for remand*
- 30.** (a) The Commissioner of Police may request the Prosecutor General to make an application to the court for an order that a person under suspicion of committing an offence prescribed under this Act be kept under remand during investigation and trial stages, where the Police is of the opinion that the special procedures set out under this Act need to be invoked.
- (b) When a request as stated in subsection (a) of this section is made to the Prosecutor General in writing, signed by the Commissioner of Police, the Prosecutor General shall review the request as per the standards, following which, he shall submit the request to court to obtain the order, as soon as practicable.
- What needs to be established*
- 31.** The Prosecutor General shall establish the following to the court, when making an application under section 30 of this Act:

- by the*  
*Prosecutor*  
*General*
- (a) the necessity of detention in custody of the accused in order to protect children of the society;
  - (b) that unless detained in custody, the accused may repeat such an offence or potentially interfere with witnesses or evidence of the case.
- Matters to be*  
*considered by*  
*the court*
- 32.** The court shall, prior to making an order under section 30 of this Act to detain a person under custody for the duration of the investigation and trial, give due consideration to the following:
- (a) opinions from experts in the field of health, psychology and psychiatry;
  - (b) offence committed by the accused;
  - (c) age and status of the victim as a result of the offence committed by the accused;
  - (d) whether the offence was committed by a person in a position of trust in relation to the child;
  - (e) whether the accused has in his past been accused of similar offences;
  - (f) the extent of cooperation given by the accused to investigate the offence;
  - (g) criminal record of the accused;
  - (h) degree to which the accused may potentially interfere with witnesses or evidence or repeat similar offence if the accused is not detained for the duration of the investigation and trial;
  - (i) other evidence and circumstantial evidence related to the case.
- Interim order*
- 33.** (a) The court shall have the power to make an interim order to detain the suspect during investigation of the offence, for a period not

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exceeding 30 days, pending a decision of the court where a case  
has been filed in court pursuant to section 30 of this Act.

- (b) The court may in its discretion, extend the remand of a suspect for a period not exceeding an additional 30 days, where the investigation could not be completed within the initial 30 days with reasonable efforts, during which time the suspect was held in remand.
- (c) The court shall expeditiously hear, within the period extended in subsection (b) of this section and deliver a judgement in the case submitted to court by the Prosecutor General pursuant to section 30 of this Act.

*Requests that  
may be made  
by the court*

- 34.** In deciding a case filed pursuant to section 30 of this Act, the court may appoint a psychiatrist or a child protection worker and ask for reports of their opinion.

*Remand order*

- 35.** (a) Where the court deems it necessary, the court may make an order to extend the remand of a suspect pending investigation and trial.
- (b) The order referred to in subsection (a) of this section may be brought to an end when the first stage of the trial ends, or the court which issued the order rescinds it.
- (c) Where the court issues an order stipulated in subsection (a) of this section, the grounds on which the court relied to issue the order shall be specified in detail.

*Review of the  
order*

- 36.** (a) The court shall review an order made to hold a person in remand pending investigation and trial, where court is of the opinion that the period in which the person is in remand has been too lengthy, or if such a complaint has been made to the court by the person's guardians.
- (b) The court shall obtain information about the work carried out till date as regards the case, the time spent, and the manner of treatment of the accused in determining a case pursuant to subsection (a) of this section. The information would be obtained in a court setting in the presence of the accused and the Police.
- (c) In reviewing a case by the court pursuant to subsection (a) of this section, the court may rescind the court order for detention where the court does not see the need for the accused to be detained pending investigation and trial, or the circumstances under which the remand order was issued had changed.

## **PART 6**

### **MONITORING ORDER**

*Application for  
a monitoring  
order*

- 37.** (a) The State may request the court to make an order requiring the State to monitor a person convicted of engaging in sexual acts with a child, even after the sentence for the offence have been served, in order to protect the society, or another child from harm and to prevent the commission of a sexual act against a child from the offender's family. Where the offender was found to have performed sexual acts with his own children, such a monitoring order may be sought until the said children attain 18 years of age.

- (b) The Prosecutor General shall make an application for the order provided in subsection (a) of this section, within the last 6 months of the offender' sentence.
- (c) When application for an order stated in subsection (a) of this section is made by the Prosecutor General, he shall submit to court a document by a certified psychologist, or a psychiatrist, or a doctor, stating that there is a possibility of the offender repeating the offence.
- (d) The Prosecutor General shall, within 7 days from the date the case is filed in court, deliver to a copy of the case to the offender and his guardian.
- (e) The Prosecutor General shall also deliver to the offender and his guardian, copies of any evidence, or documents, or any other information that are prepared to be submitted to court in a case proceeding under subsection (a) of this section.

*Making a  
determination  
after a  
monitoring  
order is sought*

- 38.** (a) The court shall make a determination as regards the monitoring order within 45 days, when an application for such an order is made pursuant to section 37 of this Act.
- (b) Where the court feels that the most befitting and preferred position with regard to the case is to make an order on the State to monitor the offender, the court may order that the opinion of the following persons with regard to the accused be obtained and



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submitted to court. Furthermore, the court may order the accused to cooperate in the work carried out by such persons.

- (1) two psychiatrists and a criminologist;
- (2) two psychologists and a criminologist;
- (3) a psychiatrist, a psychologist and a criminologist;
- (4) two psychiatrists, two psychologists and a criminologist;

*To issue an order or not*

**39.** (a) The case shall be brought to an end where the statements given by the persons specified in section 38 (b) does not reflect that the offender is likely to repeat such an offence, and such an order shall not be made.

(b) The court may order the State to monitor the offender under certain guidelines for a period not exceeding 3 years, where the statements given by the persons specified in section 38 (b) states that they are of the opinion that the offender may commit another offence.

(c) The State shall have the discretion to act in the manner stipulated by section 37 of this Act 6 months prior to expiry of the 3 years, where an order is made under subsection (b) of this section.

*Matters to be considered in making an order*

**40.** In addition to the matters considered by the court in the ordinary course, the following matters shall be considered prior to making a monitoring order of offender under section 38 of this Act:

- (a) maintaining the safety of the society;

- (b) information that can be derived from the statement of psychiatrists or psychologists or the criminologist appointed by the court;
- (c) extent of cooperation given by the offender to persons appointed by the court;
- (d) findings of the psychiatrists or psychologists or the criminologist;
- (e) recidivism of the offender, and persons who had committed similar offences through review of their history, dates and general statistics of such persons;
- (f) whether the offender has participated or has requested to participate in a rehabilitation program in an effort to make amends, or if participated in a similar program, the level of participation in the program;
- (g) criminal record of the offender;
- (h) Other factors which may corroborate the likelihood of him repeating a sexual offence.

*Commencement of monitoring order*

- 41.** (a) An order of court to monitor an offender pursuant to section 30 (b) shall be effective, from the date the order was made or upon expiration of the period of detention, whichever comes last.
- (b) The order stated in subsection (a) of this section shall come to an end upon expiration of the period given on the order.
  - (c) A corrections officer nominated by the authority mandated with matters related to prisoners shall implement the order on behalf of the State, after an order has been made under subsection (a) of this section.

*Conditions in  
the monitoring  
order*

- 42.** A monitoring order may be made by the court inclusive of any of the following condition or conditions. The court may further order that the offender abide by those conditions.
- (a) visits to the offender’s house, on a specified time, for a specified duration by the correction officer assigned to the offender;
  - (b) the offender to meet with the correction officer assigned to the offender, at specified periods;
  - (c) to inform the correction officer of any changes to the address of the offender;
  - (d) offender to participate in a rehabilitation or treatment program prescribed by the court or the authority mandated to look after prisoners;
  - (e) offender not to attend certain places or to be seen at certain places;
  - (f) offender not to live in a certain place;
  - (g) offender not to meet certain persons;
  - (h) prohibit contact with certain persons or persons of certain categories;
  - (i) offender not to perform certain acts or certain types of acts;
  - (j) offender not to engage in certain kinds of employment or forbid engaging in certain types of employment;
  - (k) prohibit change of name.

*Breach of  
monitoring  
order*

- 43.** (a) Breaching a monitoring order or a condition therein, shall be an offence.
- (b) A person found guilty of such an offence shall be punished with imprisonment for a period not exceeding 2 years.

*Responsibilities of psychiatrists*     **44.** Any psychiatrist appointed to make an assessment of the offender or a suspect under this Act shall include the following in his report:

- (a) the likelihood of the offender or suspect performing a sexual act with a child, if he is not monitored within the monitoring system;
- (b) reasons for the psychiatrist’s opinion.

*Seeking and receiving information*     **45.** (a) The authority mandated with affairs of offenders shall provide health reports, psychiatric reports, reports prepared by detention centres and any other reports or information deemed important to carry out the work of a psychiatrist, when requested to do so for purposes of compilation of reports pursuant to this Act by the psychiatrist.

- (b) It is an obligation of a person in possession of information required as per subsection (a) of this section to provide such information when requested to do so, pursuant to this Act.
- (c) Obligations to uphold confidentiality under any law shall not be applicable when carrying out duties pursuant to this Act to the extent required for attaining purposes of this Act.

**PART 7**

**GUIDELINES RELATED TO TRIAL**

*Rights relating to trial*     **46.** The offender or the suspect shall have no bar under any section of this Act, to the following rights afforded to him during trial:

- (a) right of the offender to defend himself on his own or through a legal counsel;
- (b) present witnesses;
- (c) testify;

- (d) cross-examine a witness presented by party, through the judge;
  - (e) submission of other documents to be presented to court;
- 47.** The standard of proof for a criminal offence stated in another law shall not apply when charges are filed under this Act or, when establishing offence stated in this Act or in establishing the performance of a sexual act with a child where at least 5 types of evidences are available from the following types of evidences. Where the 5 types of evidences are available, such evidence shall be deemed to constitute sufficient evidence to establish the offence beyond reasonable doubt as stipulated in Article 51 (a) of the Constitution.
- (a) an official document which establishes that a sexual act was performed with a child;
  - (b) results of scientific investigations;
  - (c) statements of eye witnesses;
  - (d) evidence obtained from investigations and forensic clues;
  - (e) evidence from video records;
  - (f) statement given by the child to the child's parents, or relatives, or friend, or doctor, or health worker, or psychologist, or psychiatrist or police officer involved in the investigation, or a child protection worker, within a short period or duration from commission of the act;
  - (g) statement of the child's account of what happened to the child and how the events occurred;
  - (h) the child's narration of the events where a long time had not elapsed between the time of the event and the narration, and there being no grounds to believe that slander is being uttered against a person;

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- (i) Corroboration between the child’s statement and medically established physical injury, and findings of forensic investigation;
- (j) the person who performed a sexual act with the child being a person who has performed a sexual offence in the past;
- (k) physical evidence;
- (l) child’s account of the events when interviewed by the investigators;

*Obtaining a child’s testimony*

**48.** Where testimony of a child is needed for purposes of this Act, testimony of the child shall be obtained through an interview which shall be filmed. The interview shall take place out of court and trial proceedings and the police station and be carried out in a familiar environment for the child, in the presence of familiar or trusted persons to the child. Furthermore, where the child has a disability, the interview should be filmed and carried out in the presence of a trusted or familiar person to the child, in addition to a person qualified to translate what the child narrates.

**PART 8**

**GENERAL PRINCIPLES**

*Free from legal responsibility*

**49.** A person who carries out an act stipulated in this Act, as stipulated herein, in good faith, without intention to harm another, and with the intention of enforcing this Act, shall not bear any responsibility as regards his acts or omissions.

*Non-applicability of parole and bail*

**50.** The principles of parole or bail shall not be applicable to a person detained under this Act.

- Compensation*      **51.** (a) A separate civil lawsuit may be filed in court to recover monetary compensation for physical injuries suffered by the child, costs incurred for medical treatment needed for recovery, the psychological trauma caused and the terrifying ordeal suffered by the child, where it is proven that a person has performed a sexual act with a child.
- (b) The decision of the court establishing guilt of the offender shall be sufficient proof to establish a case stated in subsection (a) of this section.
- Categories of compensation*      **52.** (a) The separate categories of compensation that may be sought in a civil lawsuit filed under section 51 of this Act include the following:
- (1) physical injuries suffered by the child;
  - (2) compensation for costs incurred due to expenditure for the physical injuries suffered by the child;
  - (3) compensation for psychological trauma suffered by the child;
  - (4) compensation for damage caused as a result of the terrifying ordeal suffered by the child;
  - (5) compensation for damage caused to the child's standing in society at a young age.
- (b) The court shall have due regard to the following when determining the quantum of damages to be awarded to the child in a lawsuit filed under subsection (a) of this section.
- (1) age of the child;
  - (2) prospects of the child to pursue an education;
  - (3) prospects of the child to be a responsible citizen;
  - (4) extent of psychological injuries caused to the child;

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- (5) expenses that will have to be incurred for the child to lead a normal life;
- (6) financial capabilities of the child's guardians or custodians to spend on the child;
- (7) the social standing of the child's family in the society;
- (8) the standing of the child in the society.

*Failure to report* **53.** (a) It shall be an offence for a person not to report to the police, information about an offence prescribed under this Act taking place, having taken place or about to take place.

(b) The offence prescribed in subsection (a) of this section shall be punishable with imprisonment for a period between 6 months and 3 years.

*Non-disclosure* **54.** This Act does not permit disclosure of information about a child against whom an offence prescribed under this law had been committed, by either an authority in possession of the information or the media. The proceedings of cases submitted pursuant to this Act shall not be held publicly.

*Counseling* **55.** The State shall, at its expense and in a manner organized by it, provide counseling services required to support a child to become a responsible citizen, and to relieve potential psychological distress caused to a child, against whom an offence prescribed under this Act had been committed.

*Financial assistance* **56.** The State shall provide financial assistance in a manner prescribed by it to the parents or guardians of a child against whom an offence



prescribed under this Act had been committed, where financial assistance is required by the parents or guardian for the child's upbringing.

*Publishing  
offender  
registry*

**57.** State authority responsible for the protection of children shall publish and make available to the public, information of offenders who had committed offences prescribed under this Act. In this regard, for the safety and protection of other citizens from offenders, and to eliminate possibilities for repetition of such offences, complete information about the offenders shall be published in an internet website providing easy access to the information, and a mechanism shall be established to identify offenders by their national identification numbers via short message service (S.M.S).

*Making and  
enforcing  
regulations*

**58.** The Attorney general shall make and enforce the Regulations that need to be made under this Act. Such Regulations shall be published 6 months from the date this Act comes into force.

*Entry into force*

**59.** This Act shall come into force from the date it is published in the gazette of the government of Maldives, after it has been passed and duly ratified into law.

*Interpretation*

**60.** The following words and terms shall have the following meanings ascribed to them, unless stated otherwise in this Act:

- (a) **“Person”** means a person who has attained 18 years of age, and is of sound mind;
- (b) **“Child”** means a person who has not attained the age of 18 and includes newborns. Persons with special needs suffering from

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mental disorders shall be included within the definition of “child” in spite of being above the age of 18.

- (c) “**Sexual Intent**” means the decision to act in a manner in order to fulfill sexual desire. Or an act carried out to achieve such objective.
- (d) “**Sexual Act**” means whether the act be intercourse, touching, or commission of any other act, which to a reasonable man’s thinking could be deduced as an act committed to achieve sexual gratification. Or in view of the situation of commission of the act, it cannot be deduced that the act was committed for a purpose other than for sexual gratification.
- (e) “**Consent**” means the ability to make a decision or make a choice free from coercion with free will. Or the ability to choose or decide.
- (f) “**Presence of a child**” means, carrying out a sexual act in the presence of a child with the intention of exposing to the child.
- (g) “**Family**” shall mean the following persons in relation to a child:
  - (1) mother, father, grandfather or grandmother, great grandfather, or great grandmother; or
  - (2) siblings, or half brothers or sisters; or
  - (3) aunts or grand aunts, or uncle or great uncle; or
  - (4) siblings due to breastfeeding from a common person; or
  - (5) legal guardians as per Islamic *shariah* in addition to the persons stated above.