



PROTECTION OF THE RIGHTS OF CHILDREN ACT

Act Number: 19/2019

Date: 23-03-1441 H.

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PART 1

INTRODUCTION

CHAPTER 1

INTRODUCTION AND PURPOSE

- Introduction and short title*
1. (a) This is an Act to provide for the rights available to Children, the duties imposed on them, the duties imposed on family, community, State and other parties with regards to Children, and the guidelines relating to provision of care and protection to Children, in order to protect Children's rights in the Maldives.
 - (b) This Act may be cited as "Protection of the Rights of Children Act".
- Purpose*
2. The purpose of this Act is to achieve the following outcomes:
 - (a) Protecting and ensuring the rights of Children in the Maldives in consideration of the Constitution of the Republic of Maldives and International Convention of the Rights of the Child;
 - (b) Determining the duties of family, parents, guardians, community, State and other parties in provision of care and protection to, and protection of the rights of Children;
 - (c) Facilitating the provision of assistance and co-operation to Children and their families who are in need of social protection and assistance;
 - (d) Determining guidelines for fostering of Children, bringing Children under the care of the State, and providing assistance and co-operation to Children

and their families who are in need of assistance by establishing a national mechanism for provision of care and protection to Children;

- (e) Bringing up criminal charges under the relevant Act which provides for the respective offence, or pursuing administrative action pursuant to the Regulation made under this Act, against those persons who do not provide care for Children, neglect them, are cruel to them, abuse them, take advantage of them, and those persons who perform other acts which have the effect of diminishing the rights of Children.

*Interpretation of
the Act* 3.

- (a) This Act shall be interpreted in accordance with the Constitution, the tenets of Islam, and in line with international covenants to which the Maldives is a party.
- (b) International Convention on the Rights of the Child, its Optional Protocols, other principles provided in the treaties to which the Maldives is a party, and the values that underlie an open and democratic society based on human dignity, equality and freedom shall be upheld when interpreting and applying the matters provided for in this Act.
- (c) Where the Maldives has made any reservations to a matter provided for in any of the international treaties to which it is a party, consideration shall be given to it when applying subsection (a) and (b) of this Section.

Children

- 4. In this Act, "Children" shall mean those children between the state of being conceived in their mother's uterus and being born, and those children who are under 18 years of age from Gregorian calendar after their birth.

Prioritising the interests of the Child

8. (a) Protecting the interests of the Child should be the utmost priority when making decisions with regards to the Child, whether the decision is made by State institutions, or courts of law, or the People’s Majlis, or State or private parties providing social protection services, or guardians.
- (b) Every Child’s case shall be considered subjectively, after considering the state of the Child and the surrounding circumstances, when making a decision about the Child in his best interest. Accordingly, the following general criteria shall be considered when making a decision about the Child in his best interest regarding a particular matter:
- (1) the Child’s opinion regarding the matter;
 - (2) the individuality of the Child;
 - (3) importance of the Child remaining in a family environment, and the importance of maintaining the family ties between the Child and members of the family;
 - (4) the care, protection and safety that ought to be received by the Child;
 - (5) right to remain in good health;
 - (6) right of the Child to an education;
 - (7) social or other status of the Child.
- (c) The extent to which the criteria relates to the Child, and the circumstances shall be considered when giving priority to a general criterion or criteria specified in subsection (b) of this Section. However, the general purpose specified in that subsection shall be considered under those circumstances as well.
- (d) Other factors important for protecting the interests of the Child in relation to the status of the Child shall be considered in addition to the general criteria specified in subsection (b) of this Section, and in a manner that would not contravene with those general criteria.

Right to express opinions

9. (a) Every Child who has the capability to form their own opinions shall have the right to express their opinions in all matters that relate to them.

- (b) The age, and the changing capabilities of the Child shall be considered when giving weight to their opinion, for the purposes of subsection (a) of this Section.

Care and protection

- 10. (a) Every Child shall have the right to protection and care needed for their growth, from their guardians, family, community and the State.
- (b) Although as a general rule the utmost duty to provide protection and care needed for the Child's growth is upon their guardians, it is the duty of the State to provide direct protection to the Child which does not fall within the duties of their guardians, and where the Child does not receive the protection from their guardians.
- (c) The State shall provide special protection and assistance to a Child who has been removed from the home environment either temporarily or more permanently, after considering their best interests.

Protection from sexual exploitation and sexual abuse

- 11. Every Child has the right to be protected from sexual exploitation and from being sexually abused. This includes the right to be protected from the following:
 - (a) being victimized to sexual abuse;
 - (b) being forced to participate in acts of exploitation such as prostitution;
 - (c) being forced to participate in the making or producing of pornography and having the same shown to them.

Protection from violence, abuse and negligence

- 12. (a) Every Child has the right to be protected from all abuses that hinder their growth, such as all forms of physical and psychological violence, abuse, negligence, cruelty, exploitation and sexual abuse.
- (b) The right prescribed in subsection (a) of this Section is available to the Child whenever they are under the care of the guardians or legal guardians, and irrespective of whether they are under the care of school environment, or

any other person who is in charge of the Child’s guardianship at that point in time. And the right prescribed in subsection (a) of this Section is available to the Child even where one of the acts specified in subsection (a) of this Section is carried out by the Child’s parents, or legal guardians, or within the school environment, or a representative of State institution responsible for the care of the Child, or any other person responsible for guardianship of the Child, or another Child, or from any other person.

- (c) For the purpose of subsection (a) of this Section, inaction towards the plight of Children or the sufferings of Children going through violence and abuse shall be considered as violence towards those Children.
- (d) While this Act recognizes provision of care and assistance to Children who are victims of violence and abuse, to be a duty of the State, the State shall, in the same vein, take prevention measures to ensure that Children do not become victims of violence and abuse.

*Protection from
immoral matters
of social and
cultural nature*

- 13.**
- (a) Every Child has the right to be protected from social and cultural matters that may have a negative impact on the Child’s interests, reputation and growth.
 - (b) It is the duty of the State to monitor the steps taken in accordance with the law in order to prevent the Child from social and cultural matters that may have a negative impact on the Child’s interests, reputation and growth.

*Registration of
live birth, and
the right to
name and
nationality*

- 14.**
- (a) Every Child has the right to have their live birth registered, and to be given a name acceptable under the law, when they are born.
 - (b) The right to have all information related to the Child’s birth registered, including a name acceptable under the law, sex, date of birth, place of birth, parents, nationality, are included within the right to have the Child’s live birth registered.

- (c) Every child born to a Maldivian citizen has the citizenship of the Maldives. And no Child who is a Maldivian citizen may be stripped of their Maldivian citizenship.

Right to maintain identity

15. (a) In order to maintain their personal identity, every Child has the right to have a record of the official information of their identity, the right to have such information protected, and the right to be protected from acts that may threaten their personal identity.
- (b) Maintaining their name, nationality, and family ties recognized by law are included within the meaning of right of the Child to maintain a personal identity.

Right to know the parents, and to receive their care

16. (a) Except where the Child's parents cannot be ascertained, every Child has the right to know who their parents are, and if the parents are alive, to grow up under their care.
- (b) Every Child has the right to live with their parents except where the Child has to be removed from the parents' care in accordance with the law in order to prioritise their interests, or where the Child needs to be kept away from the parents under the circumstances as required by a law.
- (c) A Child who lives away from their parents, or their mother, or their father, has the right to maintain regular contact with their parents, or their mother, or their father, where maintaining contact with them would not have a negative impact on the Child's interests.
- (d) When the best interests of the Child are considered, a Child shall not be removed from the parents' care without the Child's or the parents' consent, except where removing the Child from the parents' care would be the most beneficial decision in the interests of the child .

- Right to seek and obtain information*
17. Every Child has the right to seek and obtain information appropriate to their age from national and international sources, regarding their social, spiritual and disciplinary well-being, and that which are needed for their physical and mental growth.
- Children with disabilities*
18. (a) Every Child with a disability has the right to lead a full-dignified life with equal opportunity to participate in the community, and to make decisions for themselves to the best of their capabilities and in a manner, which would not prejudice their dignity.
- (b) Every Child with a disability has the right to special protection and care from their family, community and the State.
- (c) A Child having a disability shall not be a valid reason for removing the Child from their parents' care. A Child's parents having a disability shall not be a valid reason for removing the Child from their parent's care as well, except where that decision is the most beneficial one in the Child's best interest.
- Right to remain in good health and the right to adequate healthcare*
19. (a) Every Child has the right to the facilities required for a cure to the illness where they fall ill, and to the best available healthcare and services required for physical and mental well being.
- (b) The right to receive adequate and good quality healthcare; to information, facilities and services appropriate to the Child's age required for prevention of diseases; and the right to reproductive healthcare for the Child and the mother from conception; and other healthcare are included within the right to remain in a good health and the right to adequate healthcare stipulated in subsection (a) of this Section. It also includes the right to be prevented from cultural traditions and acts which may be harmful to the Child's health.
- (c) It is the duty of the Child's parents and the State to provide healthcare and services and facilitate such services from the Child's conception and after they are born.

- (d) It is the duty of the parents to vaccinate Children in order to provide them with the healthcare and services stipulated in subsection (c) of this Section. Parents do not have the right to refuse to vaccinate their Children.
- (e) It is the duty of the State to establish healthcare and services stipulated in this Section, facilitate such matters and ensure that no Child is singled out from such services.

*Quality of life
and social
protection*

- 20. (a) Every Child has the right to maintain their quality of life at an adequate level in order to achieve physical, mental, spiritual, disciplinary and social advancement.
- (b) Every Child has the right; to receive food and clean water required for their growth in good health; to receive services of an adequate sewage system; to receive adequate clothing and housing; and to be able to grow up in a clean environment which is beneficial for health.
- (c) The Child's parents or persons who have been assigned the Child's guardianship at any particular time will have the utmost responsibility of providing the Child with the standard of living required for the Child's growth, to the best of their ability and financial capacity.
- (d) It is the duty of the State to provide social protection for Children and their parents in need of social protection, to the best of the State's capacity and financial capability.

*Right to
education*

- 21. (a) Every Child living in the Maldives has the right to education without discrimination.
- (b) It is compulsory for Children's parents and the State to educate Children living in the Maldives about elementary education, primary education and upbringing.
- (c) The State shall make arrangements to enable every Child to obtain an education through a system that teaches and promotes Islamic beliefs,

principles, Islamic upbringing, respecting human rights, importance of coexisting in peace and friendship with everyone in general.

- (d) To the best of their ability and financial capacity, the State shall create adequately safe and good quality spaces where Children can play and entertain themselves.
- (e) It is the duty of the State to establish an educational system stipulated in this Section, facilitate in reaching it, and ensure that there is no Child singled out from obtaining elementary and primary education.
- (f) It is the duty of the State to form a system that identifies Children who are not sent to schools and ensures that they are sent to school.

*Right to obtain
and transact
from property*

- 22.**
- (a) Every Child has the right to obtain, own, inherit, and transact from property in accordance with the law.
 - (b) Guidelines shall be made to provide for the use, sale, and transfer of property in Children’s names, or those properties they will receive in inheritance, for their need before they are 18 years of age.

*Right to rest,
entertainment,
and
participation in
cultural
activities*

- 23.**
- (a) Every Child has the right to rest, and to participate in entertainment activities appropriate for their age, and cultural and creative activities.
 - (b) The Child’s parents and the State shall continue to take adequate steps to ensure Children are given equal opportunity to participate in cultural, creative, entertainment and sports activities, to respect and support the right of Children to participate in cultural and creative activities.
 - (c) It is the duty of the State to provide, to the best of their ability and financial capabilities, the facilities needed for Children’s entertainment activities, and sports to be played in their free time, in a manner that would enable participation of every Child.
 - (d) The State shall, to the best of their ability and financial capabilities, provide the opportunities stipulated in subsection (c) of this Section to Children with disabilities as well.

- Right to meet parents, relatives and family* **24.** (a) Where a Child lives away from their mother or father, they have the right to maintain regular contact with the person living separately from them, except where maintaining contact with them would have a negative impact on the Child’s interests.
- (b) Relatives and those with close relative ties with the Child have the right to maintain regular contact with the Child, except where maintaining contact with them would have a negative impact on the Child’s interests.
- Marriage not to be contracted for Children* **25.** Given that Children have not achieved the same level of health and mental growth as adults, and since Article 35 (a) of the Constitution stipulates that they be given special assistance and special protection from their family, community and the State, marriage shall not be contracted for Children under 18 years of age, even though it may be stipulated otherwise in another law.
- No child labour* **26.** (a) Every Child has the right to be protected from having to do work that hinders their education or may have a negative impact on or pose a threat to their health, their physical, or mental, or spiritual, or social development.
- (b) It is prohibited to employ or engage for work, a Child who has not attained 16 years of age, except for the purpose of training them in relation to their education or upbringing.
- (c) It is an exception to the principle stipulated in subsection (b) of this Section to involve a Child who has not attained 16 years of age, with their consent, in the work carried out by their family, where the law so permits.
- (d) Although subsection (c) of this Section stipulates as such, involving a Child in the work carried out by their family is permitted where that particular work is not one that hinders their education or may have a negative impact on or pose a threat to their health, their physical, or mental, or spiritual, or social development.

- (e) The Labour Relations Authority formed under Act No. 2/2008 (Employment Act) shall form and monitor regulations stipulating the guidelines for involving Children in family businesses and for training, a detailed list of work in which Children are prohibited from being involved, and the standards to be upheld in order to protect the rights of Children who are involved in family businesses or in trainings.

Right to be protected from liquor, smoking and drug use

27. (a) Every Child has the right to be protected from acts such as use of liquor, smoking and drug use.
- (b) The State shall continue to take adequate steps through legal, administrative, social and educational means to protect Children against acts such as liquor consumption, smoking and drug use, and against the use of Children in the unlawful production, sale, and trafficking of such articles.
- (c) The State shall, to the best of their ability and financial capacity, make arrangements to provide facilities for treating Children who are victims of and have become addicted to drugs and liquor.

Obtaining testimony

28. A Child shall be afforded safety and protection under this Act where their testimony has been obtained in a case.

Criminal responsibility

29. (a) Children under 15 years of age shall not be considered to have to take criminal responsibility for offences, in consideration of the fact that Children have not achieved the same level of health and mental growth as adults, and since Article 35 (a) of the Constitution stipulates that they be given special assistance and special protection from their family, community and the State.
- (b) A Child who has attained a certain age shall not be presumed to have attained the required maturity to commit offences based on the Child's age alone, without considering the Child's mental and physical well-being and

the surrounding circumstances, even though the Child is of the age stipulated in subsection (a) of this Section, or older.

- (c) Even though Children under the age stipulated in subsection (a) of this Section do not have to take criminal responsibility for offences, this Section does not prevent them from being dealt under a special mechanism specially established for Children who commit acts contrary to the law.
- (d) No Child shall be given the death penalty, in consideration of the fact that Children have not achieved the same level of health and mental growth as adults, and since Article 35 (a) of the Constitution stipulates that they be given special assistance and special protection from their family, community and the State. In addition, death penalty shall not be given for offences committed before the Child had attained the age of 18, even after the Child has attained the age of 18.
- (e) For the purpose of subsection (d) of this Section, where a Child has been convicted of an offence that warrants the death penalty under any law, the sentence for the Child shall be substituted with one, which does not exceed three quarters of the next most severe punishment for that offence.
- (f) Unless proven otherwise, a person shall be presumed to be a Child and given the benefit afforded under this Act where law enforcement authorities are unable to determine whether the person is a Child or a person over the age of 18 for the purpose of taking any action against them.

*No violence, or
cruel, inhumane
punishment*

- 30.** No child shall be given cruel, inhumane or degrading punishment whether in the home they live in, or educational institutions, or care centres, or any other environment in which they live. Neither should they be subjected to any form of violence.

*Treatment for
Children who
are victims of*

- 31.** (a) Every Child who is a victim of violence, abuse and negligence shall have the right to physical and mental treatment needed to reconnect with the community.

*violence, abuse
and negligence*

- (b) The State shall make arrangements to provide facilities to enable Children to receive the treatment stipulated in subsection (a) of this Section.

*No arrests or
detention except
as provided for
by the law*

32. A Child shall not be arrested or detained except as provided for by the law, and except as a matter of last resort. Where a Child is so arrested or detained, in addition to ensuring that it is done for the shortest period required by law, the verdict passed upon the charge against the Child being proved which requires the Child to be detained, shall be one which can be reviewed regularly. Even after detention, treatment and services aimed at re-introducing the Child back into the society shall be continued to be provided for the Child.

*Not making
public,
information that
would harm the
reputation of
Children*

33. (a) No party shall make public, personal information of Children in a manner that would harm their reputation.
- (b) Any information which could directly or indirectly lead to the identification of a Child, or their picture; or personal information such as name, address, information about the educational institution of Children who are suspected of an offence, victims of crime, or in need of care and protection for any other reason, shall not be published in any media or any other medium.
- (c) Although subsection (b) of this Section specifies as such, information may be published to the extent permitted by a court of law or Children’s ombudsperson under permitted circumstances and reasons recorded, in the interest of the Child.

*Ensuring the
rights*

34. (a) This Act shall be read in the manner that is most beneficial to the Child, in order to provide the Child with the rights stipulated in this Chapter.
- (b) Every institution of the State shall ensure that all the employees in that institution undertaking work related to Children’s rights, work in the best interest of the Child or prioritise interests of the Child. They shall further ensure that such employees are adequately trained for the same.

- (c) This Act does not prevent giving the Children the benefit of another law, where that law provides Children with the same rights provided under this Act, in a wider area.
- (d) The Child or their guardians have the right to submit the matter to a court of law or relevant State authorities to find a just solution, where any of the rights or freedoms stipulated in this Chapter have been deprived or unlawfully withheld from a Child.

Provision of other rights

35. Every Child has the rights stipulated in in the second chapter of the Constitution or other laws, within the limits prescribed therein.

CHAPTER 3

DUTIES OF CHILDREN

Duties and responsibilities of the Child

36. While this Act and the Constitution ensures certain rights to every Child, there are certain duties and responsibilities that need to be fulfilled along with those rights. Since those rights and responsibilities are two bases, which cannot be independent of the other, it is the responsibility of every Child to carry out the following within the limits prescribed in this Act, and to the extent permitted by the Child's age and capabilities.
- (a) maintaining their lives and discipline in accordance with the instructions given by parents, family and educators;
 - (b) maintaining their lives with good virtue, by giving utmost priority to seeking knowledge and training;
 - (c) maintaining the lives of every Maldivian Child in accordance with the Islamic faith and upbringing;
 - (d) respecting oneself and others;
 - (e) staying away from crime and other immoral activities;
 - (f) always striving to make decisions which would result in positive outcomes in their daily lives;

- (g) striving to make use of the physical and mental capacity of each Child for the betterment of society and the nation;
- (h) Carrying out individual responsibilities in their capacity as Maldivian citizens as required under Article 67 of the Constitution.

CHAPTER 4

DUTIES OF PARENTS AND GUARDIANS

- Parents and guardians prioritizing interests of the Child*
- 37.** Parents and guardians of a Child shall make the interest of the Child the utmost priority when making all decisions related to the Child.
- Consideration to the Child's changing capabilities*
- 38.** (a) Parents and guardians of a Child shall consider the changing capabilities of the Child the utmost when making all decisions related to the Child.
- (b) For the purpose of subsection (a) of this Section, having due consideration to the changing capabilities of the Child means making decisions related to the Child based on the extent to which the Child is able to learn, gain knowledge, and understand things as the Child grows up and matures. And making decisions related to the Child in consideration of, and by accepting the fact that every Child's capabilities will develop as they grow up and mature.
- General duties*
- 39.** It is the fundamental duty of parents to look after, educate and bring up the child in consideration of the best interest of the Child. The following matters are included within the duty of care and upbringing of the Child:
- (a) protecting and safeguarding the rights of the Child;
 - (b) providing food, housing, clean water and other safeguards necessary for the Child to grow up in a good health;

- (c) providing the Child with the necessary vaccines, healthcare, and doing all things necessary to facilitate the Child's mental and physical well-being, their protection and development;
- (d) appointing a responsible person capable of protecting the Child's interest to look after the Child where the parents need to be away from the Child temporarily.

*Registration of
live birth*

- 40.
- (a) Parents of the Child must register the Child's live birth in accordance with the law as soon as the Child is born.
 - (b) Where the parents neglect to register a Child in accordance with subsection (a) of this Section, either the State directly or through another party capable of protecting the Child's interests, shall register the Child's live birth.
 - (c) Parents of the Child will be presumed to have been negligent towards the Child, and action would be taken against them in accordance with this Act and the regulations made hereunder, where the parents do not register a Child's live birth in accordance with the law.

*Education and
upbringing of
the Child*

- 41.
- (a) It is the duty of parents to register a Child in and send them to school regularly, and to always act in a manner that would not have a negative impact on the Child's right to education, in order to provide the child with the right to education.
 - (b) A Child shall not be subjected to any form of violence, or cruel, inhumane punishment in the name of disciplining or otherwise, even though parents have the right to advise and instruct the Child in order to maintain their discipline and virtue. Neither shall they be subjected to any vile or degrading act.
 - (c) Action will be taken against parents of a Child in accordance with the law as a corrective measure, where the parents do not carry out their duties in the care and upbringing of a Child under this Act or any other law.

Right to be present before the law on behalf of the Child

42. A Child's parents or guardians have the absolute right to take on all the responsibilities of the Child, and to present themselves in front of the law on behalf of the Child.

Maintenance

43. (a) It is a fundamental duty of the parents to provide maintenance for the Child in accordance with the law.
(b) Parents of the Child shall provide maintenance to the party who takes on responsibility of the Child, where the State or any other party stipulated under this Act looks after the Child while the parents are alive.
(c) It is a duty of the State to hold the parents accountable where they are negligent in providing maintenance for their Children. It is also a duty of the State to provide Children with means for a living where their parents are unable to provide maintenance.

Responsibility for damages given to others by Children

44. (a) Parents shall be responsible in addition to the Child, for the damages or hurt given by the Child to others. Or where the Child is being looked after by persons other than the parents, such person shall also be responsible.
(b) This Act does not prevent a person who has suffered damages from bringing a claim in court for compensation, where a person specified in subsection (a) of this Section refuses to pay compensation for the damages caused by the Child.

Duties of the person who

45. (a) All the duties and responsibilities entrusted to the parents of the Child will be applicable to the person who looks after the Child, where the Child is being taken care of by a person other than the parents.

*looks after the
Child*

- (b) The person or persons looking after the Child will have power and discretion to do all things necessary for the benefit or protection of the Child in accordance with this Act.

CHAPTER 5

DUTIES OF THE STATE

*General duty of
the State to
provide rights*

46. (a) It is a duty of the State to take all necessary legal, administrative and other steps to ensure that the rights stipulated in Chapter 2 of this Act are available to Children.
- (b) It is a duty of the State to carry out all its responsibilities under the International Convention on the Rights of the Child, its optional protocols, and other international treaties relating to the protection of the rights of Children to which the Maldives is a party, and to take all steps necessary to implement matters in those treaties except those matters to which the Maldives has objected.
- (c) The State shall ensure that the laws and regulations in force in the Maldives protect the rights of Children and are laws that have been made in a manner that would not have any negative impact on the rights of Children.

*Assisting
parents and
holding them
accountable*

47. (a) It is a duty of the State to provide adequate facilities to enable parents to carry out their responsibilities in the care and upbringing of Children.
- (b) It is a duty of the State to hold the parents accountable and provide care and protection to Children where the parents are negligent in providing their Children with the right and protection they deserve.

*Private parties
who provide
services*

48. Where any of the services given to Children are privatized, the State shall establish a mechanism to monitor and hold accountable, the institutions that provide services to Children to ensure that their services are provided in accordance with the standards stipulated in this Act and the regulations made hereunder.

Participation of Children in deciding matters related to them 49. The State shall establish a mechanism to seek their opinion and ensure participation of Children as much as possible, where the State makes decision in matters related to Children.

Making information public 50. The State shall make public, information related to the rights of Children, their responsibilities, and the duties of parents and others, in order to raise awareness amongst stakeholders, and conduct programs to raise awareness amongst Children and the community about it.

CHAPTER 6

DUTIES OF OTHERS

Duties of family and community 51. (a) This Act entrusts the following duties to the family and community with regards to protecting and safeguarding the rights of Children:

- (1) protecting the rights of Children;
- (2) assisting Children, and doing what is necessary to provide care and protection to Children;
- (3) reporting cases of Children who do not receive care and protection and are victims to violence and abuse.

(b) In addition to the persons stipulated in subsection (a) of this Section, every person who is entrusted with looking after a Child must carry out the duties stipulated in subsection (a) of this Section.

Duties of individuals 52. This Act entrusts the following duties to individuals with regards to protecting and safeguarding the rights of Children:

- (a) adopting policies that will protect and prioritise the rights of Children in businesses and work environments;

- (b) participating in provision of care and protection to Children, and providing facilities for it;
- (c) acting in accordance with this Act and the Employment Act in provision of employment to Children.

Not doing something that has negative impact on Children's rights

- 53.** It is prohibited to speak in a manner that would have a negative impact on the rights of Children, and support matters that will have a negative impact on their rights. Where any person acts in contravention of this, the matter shall be investigated, and considering its gravity and repetition, the Minister shall take actions such as imposing fines on the parties involved, or where the party has a license to provide services to the public, revoking their license.

PART 3

APPLICATION OF LAW

CHAPTER 7

PARTY WITH UTMOST DUTY

Responsibility of the Minister

- 54.** (a) The Minister has the utmost duty to enforce the responsibilities stipulated in this Act, other than those which have been assigned to a specific party in this Act for protection of the rights of Children.
- (b) The Minister shall formulate the necessary policies for protection of the rights of Children, and for provision of care and protection to Children from the State.
- (c) The Minister is vested, under this Act, with all the direct powers that are required to carry out the responsibilities stipulated in subsections (a) and (b) of this Section, and all the powers that will facilitate to carry them out.

CHAPTER 8

COUNCIL FOR PROTECTION OF THE RIGHTS OF CHILDREN

- Council for protection of the rights of Children*
55. (a) The President shall create a Council for protection of the rights of Children within 60 days from the date this Act comes into force.
- (b) The President shall appoint and dismiss members to and from the Council.
- (c) The Council created under subsection (a) of this Section will be answerable to the Minister.
- (d) The Ministry will run and oversee the administration of the Council.
- Formation of the Council*
56. (a) The Council is made up of the following persons:
- (1) person appointed by the Ministry;
 - (2) person appointed by the Ministry of Health;
 - (3) person appointed by the Ministry of Education;
 - (4) person appointed by the Maldives Police Service;
 - (5) person appointed by the Prosecutor General’s Office;
 - (6) two persons appointed among civil society working for protection of the rights of Children.
- (b) The Council stipulated in subsection (a) of this Section may seek advice from the following parties, when it sees fit:
- (1) person appointed from the ministry related to youth and community empowerment;
 - (2) person appointed from the ministry related to Islamic matters;
 - (3) lawyer appointed by Attorney General’s Office;
 - (4) any other person determined by the Council.
- President and vice-president of the Council*
57. (a) The President shall appoint a president and a vice-president of the Council amongst the members.
- (b) Duties of the president of Council are to organize and administer the work of the Council, and to preside over meetings of the Council.

- (c) Duties of the vice-president of the Council are to assist the president of the Council to carry out his duties, and to carry out the duties of the president of the Council where he is excused from it.
- (d) Where the president or vice-president of the Council wish to do so, they shall submit resignation from their position to the President.
- (e) The President shall appoint a person within 30 days from the date the position becomes vacant, where the president or the vice-president of the Council resigns.

*Responsibility of
the Council* 58.

- The responsibilities of the Council are specified below:
- (a) advising the Minister on formulating policies for protection of the rights of Children, and provision of care and protection to Children;
 - (b) identifying the issues to be given utmost priority in the Maldives with regards to protection of the rights of Children, and provision of care and protection to Children, and advising the Minister on the steps to be taken;
 - (c) monitor the implementation of International Convention on the Rights of the Child, its optional protocols, and other international treaties relating protection of the rights of Children to which the Maldives is a party, and advise the Minister on the steps to be taken;
 - (d) advise the Minister on the steps to be taken to prevent violence against Children;
 - (e) advise the Minister on reviewing the services provided under the national mechanism to provide care and protection to Children, and on developing the services further;
 - (f) monitor the implementation of targets and policies formulated by the Minister for protection of the rights of Children, and provision of care and protection to them, review the work being carried out to implement those policies, and inform the Minister regularly;
 - (g) determine long term guidelines for releasing funds to State institutions and civil society organisations working to provide protection to Children, and

determine matters to be given priority when releasing funds under those guidelines;

- (h) establish working relationships between international organisations and Maldives civil society organisations working for protection of the rights of Children, and provision of care and protection to them, and co-ordinate activities carried out with such organisations;
- (i) Advise the Minister on formulating policies, standards and procedures that need be formulated in accordance with the purpose of this Act.

Meetings of the Council **59.** The manner of conducting Council meetings, and the procedure to be adhered to in running the Council shall be stipulated in the regulations made under this Act.

CHAPTER 9

CHILD AND FAMILY PROTECTION SERVICES

Child and Family Protection Services **60.** (a) An institution named “Child and Family Protection Services” with the special mandate for protection of the rights of Children and interests of Children in need of care and assistance, is established within 30 days from the date this Act comes into force.

(b) The Service established under subsection (a) of this Section is an institution of the Government working under the Ministry.

(c) The Minister shall be answerable to the People’s Majlis in matters related to Child and Family Protection Services.

Responsibilities of Child and Family Protection Services **61.** (a) The responsibilities of Child and Family Protection Services are specified below:

(1) providing assistance and cooperation to Children and their families, who are in need of assistance;

(2) protecting and promoting the interests of Children in need of assistance;

- (3) investigating cases submitted relating to the rights of Children, and finding a solution to those cases with the assistance and cooperation from the relevant institutions;
- (4) making arrangements for provision of the following minimum services to provide care and assistance to Children:
 - (i) family conferencing services;
 - (ii) counseling and support services;
 - (iii) legal aid;
 - (iv) rehabilitation services.
- (5) coordinating with the National Drug Agency regarding provision of treatment to Children who are victims of drug addiction;
- (6) carrying out the responsibilities of the Minister under the laws in practice, with regards to Children who are brought under State care;
- (7) carrying out all the functions relating to fostering of Children brought under State care;
- (8) establishing cooperation between different fields in relation to Children brought under State care, and being fostered, and coordinating the work between such institutions;
- (9) providing the required assistance or services to Children in need of such assistance, with a focus on their needs;
- (10) maintaining a register of information related to the following matters:
 - (i) information of Children in need of special protection;
 - (ii) information of Children under State care;
 - (iii) information of Children under foster care and those Children who have been decided to be fostered;
 - (iv) information of care centres for Children;
 - (v) information of civil society organizations working to protect the rights of Children;
 - (vi) Other information relevant to protection of the rights of Children.

- (11) conducting research on protecting the rights of Children;
- (12) collecting and publishing data needed to plan, organize, monitor and evaluate the work carried out for protection of the rights of Children. Accordingly, collecting and publishing detailed data or disaggregated data on Children's age, sex, type of disability, geographic area where Children live in or belong to, and their social and economic conditions.

- (b) In carrying out the responsibilities stipulated in subsection (a) of this Section, the Child and Family Protection Services will act in accordance with this Act and the regulations made hereunder.

*Running the
Child and
Family
Protection
Services*

- 62.** (a) The funds needed for carrying out the responsibilities of Child and Family Protection Services fully shall be included in the State budget passed by the People's Majlis every year and released to those Services.
- (b) The Minister shall send to the Minister of Finance to be included in the State budget in accordance with Act No 3/2006 (Public Finance Act), the budget required to run Family and Child Protection Services.

CHAPTER 10

SOME OF THE DECENTRALISATION POLICIES

*Enforcing the
law within the
decentralization
mechanism*

- 63.** (a) In order to vest the island councils, atoll councils and city councils with the power to enforce this Act, and to facilitate them to take up the responsibility of enforcing this Act within their jurisdiction, the Minister may appoint under this Act, each of those councils as an agent for enforcement of this Act in the jurisdiction to which that council belongs.
- (b) Any power, obligation, or duty to enforce the law under subsection (a) of this Section shall only be delegated to island councils, atoll councils or city councils by the Minister after providing the council with facilities required

for enforcing the responsibility or power, and in accordance with the policies formulated by the Minister under this Act.

- (c) Persons carrying out the responsibility of protecting the rights of Children in the island councils, atoll councils and city council levels, persons working to raise awareness regarding protection of the rights of Children, and persons working to protect Children from violence shall be subject to the power and instructions of the Minister under this Act.
- (d) Island councils and city councils shall only be appointed as agents for that jurisdiction for enforcement of this Act pursuant to subsection (a) of this Section, after training the technical staff of the councils relevant to protection of the rights of Children. Accordingly, an employee shall be designated from each of the island and city councils to work on matters related to rights of Children, such work shall be included in their employment duties and they shall be given adequate training.

*Responsibilities
of councils*

- 64.** The main responsibilities of councils with regards to enforcement of matters related to protection of the rights of Children and provision of care and protection to them are specified below:
- (a) enforcing the policies related to protection of the rights of Children and provision of care and protection to them at the council level, in accordance with the instructions of the Ministry;
 - (b) planning and organizing different projects within constituencies or areas of the council's jurisdiction regarding protection of the rights of Children and provision of care and protection to them, and taking necessary relevant steps in accordance with instructions of the Ministry;
 - (c) monitoring the works being carried out to enforce this Act within the jurisdictions of the councils, and report to the Ministry as instructed by the Ministry;

- (d) reporting to the authorities designated under this Act, information about cases of negligence of parents towards their Children, and violence against Children;
- (e) seeking the participation of civil society organisations and citizens who belong to those councils, in carrying out the works related to protection of the rights of Children within the jurisdiction of those councils;
- (f) assisting the Ministry to enforce the regulations made under this Act within the council level;
- (g) carrying out other works conducted by councils pursuant to regulations made under this Act.

*Delegating
responsibilities
to councils*

65. (a) Where certain responsibilities are to be delegated to island council level or atoll council level or city council level, it shall be done so by explicitly specifying the powers or responsibilities under an agreement between the Ministry and the council.
- (b) The areas of responsibilities delegated to councils under this Act, the manner of procuring facilities for enforcing those responsibilities, the manner in which the Ministry, law enforcement institutions and councils will cooperate and work together, and guidelines for coordinating the works shall be specified in the agreement stipulated in subsection (a) of this Section.
- (c) The responsibilities that can be delegated to island councils, atoll councils and city councils shall be specified in the regulation made under this Act, and that Act shall be published in the Maldives Government Gazette.

PART 4

PROVIDING CARE AND PROTECTION TO CHILDREN

CHAPTER 11

NATIONAL MECHANISM FOR PROVIDING CARE AND PROTECTION TO CHILDREN

Establishing the national mechanism for providing care and protection to Children 66. The Minister shall establish a national mechanism for providing care and protection to Children, in order to provide assistance and cooperation to Children in need of assistance, care and protection, and their parents.

What should be provided under the national mechanism 67. The following things shall be provided under the national mechanism for provision of care and protection to Children pursuant to Section 66 of this Act:

- (a) service of providing social protection to Children and their families;
- (b) formulating a regulation which includes procedures for protection of Children's rights, and ensuring that it is a procedure that would work with the cooperation of relevant institutions;
- (c) establishing a mechanism for reporting cases of Children in need of care and protection;
- (d) establishing a mechanism for investigation and taking action about cases of Children in need of care and protection;
- (e) establishing facilities that will enable the removal of Children from unsafe environments and move them to a safe environment;
- (f) establishing a mechanism for fostering of Children in need of care and protection;
- (g) establishing a mechanism for taking action against persons who commit acts of violence, abuse and negligence against Children;
- (h) establishing a mechanism to coordinate activities of private parties, the State, community and families to provide protection to Children;

- (i) establishing a mechanism to save adequate data for identifying the extent to which rights of the Children are protected;
- (j) establishing a mechanism to monitor and assess the standard of services provided by parties who provide services to Children;
- (k) establishing a mechanism to distribute facilities required for protection of the rights of Children in an equitable manner;
- (l) Establishing a mechanism to take prompt action in issues related to Children through schools, hospitals, health centres, councils and the public.

*Bases of the
national
mechanism*

68. (a) The national mechanism for providing care and protection to Children shall be based on the following fundamentals:
- (1) non-discrimination amongst Children;
 - (2) to make decisions in a manner that would prioritise the protection of interest of Children in need of care and protection;
 - (3) not to remove a Child from the care of their parents or family unless it is in the best interest of the Child and unless as a matter of last resort;
 - (4) to make decisions in a manner that would protect the rights of Children who are in an especially precarious position and Children with disabilities;
 - (5) to seek participation of Children as much as possible in deciding matters related to them.
- (b) Persons who provide services under the national mechanism for providing care and protection to Children shall be ones who have attained special training for protection of Children.

CHAPTER 12

CHILDREN IN NEED OF CARE AND PROTECTION

- Children in need of care and protection*
69. (a) Children under any of the following circumstances will be deemed to be those in need of care and protection.
- (1) children who have been abandoned without the care of anyone;
 - (2) children living with parents who had neglected to protect the Child or provide a safe environment to the Child;
 - (3) children who are receiving physical or mental abuse from their parents;
 - (4) children who are addicted to drugs and have no means to get treatment for it;
 - (5) Children who have been a victim to an act of exploitation or live in an environment that could make the Child a victim to such an act;
 - (6) Children who are living in an environment that may threaten the physical, mental and social well-being of the Child, or those Children who are under a circumstance or circumstances that may introduce them to such an environment;
 - (7) children who have suffered physically or mentally due to negligence.
- (b) Where any person believes that a Child is in need of care and protection as stipulated in subsection (a) of this Section, the Child's case shall be reported in accordance with Chapter 13 of this Act to ensure that the Child is in fact under such a circumstance.

CHAPTER 13

REPORTING CASES RELATED TO CHILDREN

70. (a) The Minister shall establish and publish a mechanism for reporting cases under this Act, within 6 months from the date this Act comes into force.

Establishing a reporting mechanism

- (b) The purpose of the reporting mechanism stipulated in subsection (a) of this Section is to establish a confidential reporting or referral mechanism to confirm whether a child is likely to be in need of care and protection pursuant to Section 69 (a) of this Act, and to investigate cases of such Children and enable a resolution to such cases.

Persons who can report

71. Any person from the following persons may report a case related to a Child:
- (a) children in need of care and protection;
 - (b) parents of a Child in need of care and protection;
 - (c) relatives of a Child in need of care and protection;
 - (d) neighbours of a Child in need of care and protection;
 - (e) employee of the school to which a Child in need of care and protection belongs;
 - (f) doctor or healthcare professional of a Child in need of care and protection;
 - (g) any other person who has information about a Child in need of care and protection.

Duty to report

72. Any person who has reasons to believe that a particular Child is in need of care and protection shall report the matter to Child and Family Protection Service or the Maldives Police Service.

Steps that can be taken pursuant to a report

73. (a) Where the Child and Family Protection Service receives a report under this Act, they shall do the following:
- (1) advise the person who reported;
 - (2) where the reported case is about an unborn Child, provide assistance and advice to the mother and father; and ensure that the mother receives the assistance of the father in the matter;
 - (3) provide protection to the Child to whom the case refers, if the Child is in need of care and protection;
 - (4) provide advice and assistance needed for the Child and the family;

- (5) conduct case conferencing with relevant institutions when investigating the case, and informing other authorities where there is a matter to be brought to their attention;
- (6) maintaining records of cases reported.

- (b) The records referred to in subsection (a) (6) of this Section shall be forwarded to a relevant committee in the People’s Majlis every 4 months.
- (c) Where the Maldives Police Service receives a report under this Act, they shall do the following:
 - (1) share information about the case with Child and Family Protection Service as soon as practicable;
 - (2) Carry out the things stipulated from (1) to (6) in subsection (a) of this Section.

Protection to persons who report

- 74.** Where a person reports a case under this Act in good faith, they will receive the following protections:
- (a) not presuming that his act of reporting is against the ethics and discipline of his job; and
 - (b) not taking any legal action against the person who reported, for having reported the case.

Keeping information of the reporter confidential

- 75.** Name, or any other information which can reveal the identity of the person who reported a case to Child and Family Protection Service and the Maldives Police Service under this Act shall not be shared with a third party.

Children’s helpline

- 76.** (a) A Children’s helpline that can provide service for 24 hours, and that every Child in the Maldives can reach shall be established in the Child and Family Protection Service.

- (b) The Children’s helpline shall be toll free and reachable whenever Children require assistance and protection.
- (c) The Children’s helpline established under subsection (a) of this Section shall be one that works independently and in a transparent manner.
- (d) Arrangements shall be made to provide information about Children’s rights, and how children who are in need of care and protection may file cases.
- (e) Children and Family Protection Service shall widely publish information about the Children’s helpline.
- (f) Statistics of cases submitted through the Children’s helpline shall be compiled and published in the Ministry’s website once a year.

CHAPTER 14

INVESTIGATION AND ORDER FOR INTERIM ASSESSMENT

- Investigation*
77. (a) Where the Police or the Child and Family Protection Service have sufficient reasons to believe that a Child is in need of care and protection, the Police has the power to investigate, and the Child and Family Protection Service has the power to conduct a social inquiry assessment in order to assess the Child’s status.
- (b) Where a case regarding a Child has been lodged with the Maldives Police Service, information about the case shall be shared with Child and Family Protection Service as soon as practicable.
- (c) Where it is presumed that an offence has been committed against a Child in a case reported to the Maldives Police Service, such information shall be shared with Child and Family Protection Service and other relevant authorities as soon as practicable.
- (d) Where the Child and Family Protection Service suspects that an offence has been committed against a Child in a case reported to them, the case should be submitted to the Maldives Police Service for investigation without delay.

- (e) Where the Child and Family Protection Service or the Maldives Police Service have been informed that a Child is in need of care and protection, the case shall be investigated, and necessary steps taken to protect the interests of the Child.
- (f) Investigations under this Section shall be carried out by officers who have been specially trained to conduct such investigations.
- (g) Police shall have the power to do the following while conducting an investigation referred to in this Section:
 - (1) enter a place or building with the permission of the owner or occupier, or by force where permission is not granted, in order to search the premises;
 - (2) power to seize items that may be important as evidence for the investigation from the place or building;
 - (3) power to take photographs and videography of the place and its contents; and
 - (4) power to inform persons to provide truthful information for the investigation to the extent of their knowledge, and to answer questions.
- (h) Except in the following circumstances, the powers stipulated in subsection (g) of this Section can be used pursuant to an order of the court:
 - (1) where the occupiers of a place or building refuse to grant access, or where they are unable to gain access; and
 - (2) where permission from an officer ranked sub-inspector of police or higher has been given in cases where there is sufficient evidence to conclude that delaying entry into the place may cause danger to the Child.
- (i) In exercising the powers stipulated in subsection (g) of this Section, employees of Child and Family Protection Services may be accompanied with the Police in consideration of its benefits and the circumstances surrounding the case.

- (j) No person shall be compelled to divulge information or information about transactions that are legally privileged.
- (k) In granting an order of the court pursuant to this Section, general procedures applicable for granting search warrants under the Criminal Procedure Code shall be applicable.

Keeping parents apprised of information related to the investigation

78. (a) Where an investigation is initiated to identify the nature of protection that needs to be given to the Child, in light of the damages the Child has or might suffer or in relation to such an event, the parents or either one of them shall be informed of the possible threat posed to or damages suffered by the Child without delay.
- (b) Upon conclusion of the investigation, the results of the investigation shall be shared with the parents of the Child or either one of them. Where the parents request for the information in writing, such information shall be shared with them in writing.
- (c) The investigating authority shall have the discretion to share information that is absolutely necessary at that point in time, while sharing information with the parents under the following circumstances:
- (1) where the authority is of the opinion that divulging the information under subsection (b) of this Section could hinder the investigation into an offence in cases where there are possibilities of pressing charges against persons as a result of violence or abuse against a Child; or
 - (2) Where it is presumed that the threat posed to the Child is from the parents, and if following subsection (b) of this Section may pose a threat to the Child.

Order for interim assessment

79. Where the consent of parents or guardian could not be obtained for doing what is necessary during an investigation to determine whether or not a Child requires care and protection, or where a circumstance arises which makes it impossible to

obtain the consent of parents or guardian, an order of the court may be sought for an interim assessment.

- Requesting for an order for interim assessment*
- 80.** (a) The Child and Family Protection Service, or the Maldives Police Service may submit to the court asking for an order for interim assessment.
- (b) The following shall be complete when submitting to the court for an order for interim assessment pursuant to subsection (a) of this Section:
- (1) the reason for requesting for an order among the reasons specified in Section 79 of this Act; and
 - (2) what is sought to be done pursuant to the order.

- Granting an order for interim assessment*
- 81.** (a) A court shall not grant an order for interim assessment except where a circumstance stipulated in Section 79 of this Act exists, and after clarifying all matters related to a submission made pursuant to Section 80 (a) of this Act.
- (b) A court shall only grant an order for interim assessment where it is satisfied that an investigation is necessary to ensure that the Child is in need of care and protection, and such investigation cannot proceed effectively without an interim assessment.
- (c) In granting an order for interim assessment, the court may grant an order for interim assessment without providing the parents with information about the submission or without their say, under the circumstances specified in Section 78 (c) of this Act.

- Powers under an order for interim assessment*
- 82.** (a) Court may grant power to Child and Family Protection Service or the Maldives Police Service to order to do any of the following under an order for interim assessment:
- (1) to continue maintaining relationship with the Child;

- (2) to conduct medical examinations necessary for the Child, and to provide healthcare, where the Child has an illness or has been a victim of violence; and
 - (3) the parents not to have any direct or indirect contact with the Child except in the presence a certain person, where the danger to the Child has been caused from their parents.
- (b) The order for interim assessment may permit to enter the premises where the Child is believed to be located, and do all things necessary to retrieve the Child, if the following are satisfied:
- (1) where the parents or guardians of the Child, or the person entrusted with care of the Child at that point in time refuse to grant access to the premises where the Child is located, or if the whereabouts of the Child are unknown; and
 - (2) Where entering that particular place is important to enforce the order effectively.
- (c) The investigating officer has the power to remain in the place specified in subsection (b) of this Section after entering it, in order to exercise the powers granted to the investigating officer under this Section effectively.
- Validity of order for interim assessment* **83.** (a) An order for interim assessment granted by the court under this Act shall specify the duration of its validity.
- (b) The duration specified in subsection (a) of this Section shall not exceed 5 days from the date on which the order is granted.
- (c) Where the validity of the order is not extended, the order shall cease to have effect on the expiry of the period specified in the order.
- Extending the validity of, and revoking the* **84.** (a) The Child and Family Protection Service or the Maldives Police Service may ask the court for an extension of the order for interim assessment granted in relation to a certain Child.

*order for interim
assessment*

- (b) In asking for an extension of the order for interim assessment under this Section, the procedure for seeking an order for interim assessment will be applicable.
- (c) The court shall grant an extension of an order for interim assessment, where the purpose of the order was not achieved even after reasonable efforts were made to achieve its purpose.
- (d) In relation to an application to the court for extension of the order for interim assessment, such an order shall not be extended for a period exceeding 5 days.
- (e) Where the applicant is of the opinion that the order for interim assessment granted pursuant to Section 81 of this Act is no longer of use, an application shall be made to the court for revocation of the order.

*Procedure before
entering a place*

- 85.
- (a) Where an officer of the Child and Family Protection Service or the Maldives Police Service enters a place under an order for interim assessment, they shall act in accordance with this Section.
 - (b) Reasonable effort shall be made to do the following before entering a place:
 - (1) the officer identifying himself to the person in the place to which he wishes to enter;
 - (2) provide the owner of the place with a copy of the order enabling entry into and search of the place;
 - (3) explaining to the owner of the place that the officer is empowered to enter the place and find the Child specified in the order; and
 - (4) provide the person with the opportunity to allow officers to enter and search the premises without the use of force.
 - (c) The officer shall show the person present at the particular place, a document identifying the officer pursuant to subsection (b) (1) of this Section.
 - (d) The requirements of this Section may be adhered to in the presence of a person who can protect the interest of the owner, under circumstances where the owner is not present when entering the place.

Clarifying the contents of the order for interim assessment

86. The following shall be done without delay, once an order for interim assessment has been granted:
- (a) provide at least one of the parents of the Child with a copy of the order;
 - (b) explaining the contents of the order and its implications to them;
 - (c) explaining that the parents or guardians of the Child have the right to appeal against the order.

Providing information regarding the order

87. If the order for interim assessment is sought by the Maldives Police Service, information relating to it, and a copy of the order shall be submitted to Child and Family Protection Service.

CHAPTER 15

IMMEDIATE MEASURES

Immediate measures

88. (a) Where pursuant to an investigation carried out under Chapter 14 of this Act by Child and Family Protection Service or the Maldives Police Service, there are sufficient reasons to believe that the Child to whom the investigation refers is in need of care and protection, or if there are reasons to believe that the chances of the Child encountering such a circumstance exists where Child remains in their current place of residence or place, the investigating officer has the discretion to do the following in order to take immediate measures for the protection of the Child:
- (1) remove the Child from the current environment and bring them under State care; and
 - (2) appointing someone else to take care of the Child.
- (b) In taking immediate measures under subsection (a) of this Section, every Child's case shall be concluded based on the circumstances and with priority given to protecting the interests of the Child.

- (c) In appointing another person to take the Child pursuant to subsection (a) (2) of this Section, priority shall be given to temporary appointments in a manner which can maintain continuity of custody.
- (d) Even though subsection (c) of this Section specifies as such, where there are reasons to believe that appointing a member of the Child’s family to take care of the Child may have a negative impact on the interests of the Child, the Child shall be kept in an alternative care facility specified in Chapter 17 of this Act, instead of handing the child over to a member of their family.

Submitting to court to make a determination about the Child

- 89. (a) The State shall submit to court to make a determination regarding the Child as soon as practicable after the Child is brought under State care pursuant to Section 88 (a) (1) of this Act, and in any case within 5 days.
- (b) The court may issue any of the following orders after a submission is made to the court pursuant to subsection (a) of this Section, having due consideration to the best interest of the Child, and the surrounding circumstances of the case:
 - (1) protection order; or
 - (2) supervision order.
- (c) Where a case is submitted to the court pursuant to subsection (a) of this Section, the court shall as soon as practicable, and in any case within 7 days, make a determination in the case and issue any of the orders specified in subsection (b) of this Section.

CHAPTER 16

PROTECTION ORDERS AND SUPERVISION ORDERS

Protection order

- 90. (a) A protection order is an order issued by the Court ordering that the Child who has been assigned to be taken care of by someone pursuant to Section 88 (a) of this Act, be kept with the person who has been temporarily assigned to take care of the Child, until the Child can be returned to the parents or

guardians, or arrangements can be made for a permanent manner of providing protection to the Child.

- (b) Court shall only issue a protection order where the court is satisfied that the Child to whom the order refers is in need of care and protection, and that the Child may be harmed even more if the Child is kept in the same place of residence.
- (c) Where the Court issues a protection order pursuant to subsection (a) of this Section, the rights of the Child’s parents or guardians shall be restricted to the extent specified in the order. In such a case, the primary obligation to take care of the Child will be passed on to the State.

Duties of the State under a protection order

- 91. (a) It is the duty of Child and Family Protection Service to do the following for as long as a protection order is in force.
 - (1) providing care and assistance required for the child to whom the order refers, for as long as the order is in force;
 - (2) parents of the child to perform their duties with regards to the Child;
 - (3) establishing a relationship with the Child and providing the Child with instructions and assistance; and
 - (4) all things necessary to enforce the order.
- (b) The Child and Family Protection Service have the discretion to arrange meetings between the Child and parents where there exists a protective supervisory order in relation to the Child.
- (c) The discretion afforded to Child and Family Protection Service under subsection (b) of this Section shall be used if it is in the best interest of the Child.

Meetings between parents and Children under care

- 92. (a) The Child and Family Protection Service shall provide the Child with adequate opportunity to maintain a relationship with their parents during the period in which the Child is under care of the Child and Family Protection Service.

- (b) The court may issue an order determining the most appropriate matter the court sees fit to establish a relationship with the Child or to enable the Child to meet a certain person, upon application by the Child or the Child and Family Protection Service.
- (c) The court may issue an order determining the most appropriate matter the court sees fit to establish a relationship with the Child or to enable the Child to meet a certain person, upon application by the Child's parents.
- (d) The court has the discretion to vary an order issued pursuant to this Section, upon application by the Child and Family Protection Service, the Child or the person referred to in the order.
- (e) The court shall do the following prior to issuing an order for the care of the Child:
 - (1) identify the arrangements made or proposed by the Child and Family Protection Service for meeting with a Child specified in this Section; and
 - (2) summon the person to court and seek his opinion in order to understand his perspective on the arrangements.

*Supervision
order*

- 93.**
- (a) A supervision order is an order issued by the court giving the discretion to Child and Family Protection Service or the Maldives Police Service to closely monitor the daily life of a Child in order to verify whether there is a danger to the Child, where the Child is living with the parents, while the case of the Child who is under the care of someone pursuant to Section 88 (a) of this Act is submitted to court pursuant to Section 89 (a) of this Act, or for an order for supervision under Section 89 (b) (2) of this Act.
 - (b) Where the Court issues a supervision order pursuant to subsection (a) of this Section, the Child and Family Protection Service and the Maldives Police Service shall be ordered to monitor and supervise matters related to the Child. They shall be answerable to the court in relation to the order, in a manner prescribed by the Court.

- Right to be heard and right to appeal*
94. The Court shall provide the parents or guardians of the Child with an opportunity to be heard in issuing a protection order pursuant to Section 90 of this Act or a supervision order pursuant to Section 93 of this Act. Parents or guardians of the Child shall also have the right to appeal the order, where the court issues such an order.

CHAPTER 17

ALTERNATIVE CARE SERVICES

- Establishing alternative care facilities*
95. (a) The Minister shall establish adequate number of residential facilities that offer alternative care services in different areas of the Maldives, in order to provide alternative care services to Children who are provided temporary shelter by the State under this Act.
- (b) The quality of the centres established by the Minister under this Act, the minimum standards, safety standards, operating procedure for employees of the centres, procedures to deal with Children in the centres and the services that should be provided for them shall be prescribed in the regulation made under this Act, with the advice of the council for protection of the rights of Children. Such standards shall be formulated in conformity with the International Convention on the Rights of the Child, and other international standards accepted by democratic societies.
- Children who can be kept in the alternative care facilities*
96. (a) The State has the discretion to take care of Children by keeping them in alternative care facilities under the following circumstances:
- (1) Children who are under the circumstances where they are not provided with a safe environment while their parents, guardians, or legal guardians are alive, and those Children who have to be provided protection by the State due to their parents' or guardians' violence or negligence towards them;

- (2) Children whose parents or guardians have to go to jail to serve sentences due to an offence they committed;
 - (3) among the Children who have mental disabilities, a Child whose condition is so serious due to the illness that they cannot be in the public or within the family, and where their actions may pose a danger to others and themselves;
 - (4) Children with disabilities, who have been abandoned by their parents or legal guardians;
 - (5) Children who require temporary protection in cases of domestic violence;
 - (6) Children who are under the care of legal guardians who are incapable of or unable to take the responsibility to care for another person;
 - (7) poor and orphan Children who do not have a legal guardian alive or anyone else to take care of them; and
 - (8) Children who have been stipulated under another Act to be taken under State care.
- (b) The Minister shall determine in the regulation made under this Act, and with the advice of the council for protection of the rights of Children, the guidelines to be followed when deciding to bring a Child under State care.
- (c) The Child and Family Protection Service shall ensure the following as much as possible, before moving a Child to an alternative care facility under this Section:
- (1) obtaining the Child's opinion about a place to stay when making arrangements for it; and
 - (2) Attempt to do things for the Child in consideration of the Child's age and the degree of the Child's maturity.

*Not moving to
alternative care*

97. (a) Even though Section 95 of this Act specifies as such, before moving a Child to alternative care under this Act, reasonable effort shall be made not to remove or distance the Child from their family environment. And in the first

except as a last resort

instance, attempt shall be made to hand over the Child to another member of their family.

- (b) Where it is not possible to hand over the Child to another member of their family after reasonable effort pursuant to subsection (a) of this Section, attempt shall be made then to hand over the Child to a person willing to foster the Child pursuant to Section 99 (a) of this Act.
- (c) Transfer of the Child to alternative care shall be made as a matter of last resort, where it is in the best interest of the Child and where it is not possible to act in accordance with subsections (a) and (b) of this Section.

CHAPTER 18

PROVISION OF FOSTER CARE SERVICES

Establishing a foster care system

98. (a) The Minister shall establish, under this Act, a foster care system whereby of Children brought under State care, the duty of looking after and upbringing of Children who cannot be handed over to their families for different reasons, can be handed over to some other persons.
- (b) The Minister shall establish, in accordance with the principles stipulated in this Act, the foster care system specified in subsection (a) of this Section, within 6 months from the date this Act comes into force.

Handing over the Child to another person to be fostered

99. (a) The State has the discretion to submit to the court to ask for a Child to be handed over to another person for fostering, where the State is of the opinion that the Child cannot be handed over to the parents or another member of the family.
- (b) A Child shall only be handed over to another person for fostering pursuant to subsection (a) of this Section, after ensuring that the person is capable of providing the necessary protection, safety and care for the Child.
- (c) In handing over a Child for fostering under this Section, the court shall look at what is most beneficial in the best interest of the Child.

- (d) In handing over a Child for fostering under this Section, the Child can be handed over for fostering in any of the two manners:
 - (1) handing over the Child for fostering to a person who will look after the Child temporarily; or
 - (2) handing over the child for fostering until the Child attains the age of 18, after changing the legal guardianship of the Child to the person who fosters the Child.
- (e) The guidelines to be followed by persons who foster Children pursuant to subsection (d) (1) of this Section, their duties towards the Child, procedure for such persons reporting to the State, and the guidelines for provision of aid to such persons shall be stipulated in the regulations made under this Act.
- (f) The duties stipulated in Section 106 of this Act is also applicable to persons to whom Children are entrusted for fostering pursuant to subsection (e) of this Section.
- (g) Where a Child brought under State care pursuant to this Act is a Child under the circumstances specified in Section 96 (a) (7) of this Act, subsection (d) (2) of this Section shall be followed when fostering the Child.
- (h) A Child shall be handed over to another person for fostering pursuant to this Section under an order of the Court.
- (i) For the purpose of this Section, “Fostering” shall mean handing over Children who cannot be handed over to their families, or those who do not have any living guardians, to someone else temporarily or with legal guardianship, to be looked after, brought up and disciplined.

*Children who
can be fostered*

- 100.** Among the Children brought under State care, the Children who can be fostered are those that fulfil the following conditions:
- (a) of the Children who are brought under State care, those who have living parents or legal guardians, but who are abandoned or whose parents or legal guardians refused to look after them;

- (b) of the Children who are brought under State care, those who cannot live with their family for any reason;
- (c) of the Children who, during the period in which they were under State care, the records showed were not visited by or checked up on by their families or whose families did not maintain any relationships with them; or
- (d) of the Children who, during the period in which they were under State care, although the records showed they were visited by or checked up on by their families or that whose families did maintain a relationship with them, whose families excuse themselves from taking care of or assuming the responsibilities of the Children due to their current state of affairs.

What needs to be done before handing over for fostering

- 101.** (a) It is the duty of the Minister to do the following through the Child and Family Protection Service prior to handing over a Child brought under State care to someone else for fostering:
- (1) attempt to get the word of the parents of the Child brought under State care, or their guardians where the parents are not alive or where the parents are not known; and
 - (2) undertake an assessment of the foster parents in accordance with the regulation made under this Act.
- (b) The Minister may form a committee or panel, which represents relevant authorities in order to achieve the objectives specified in subsection (a) of this Section. Accordingly, the manner of formulating the panel, the persons to be included in the panel, and the guidelines to be followed by the committee or panel shall be formulated and published in the Government Gazette within 3 months from the date this Act comes into force.
- (c) The Ministry shall formulate and publish a regulation, which stipulates the procedure to be followed prior to handing over a Child for fostering, and the guidelines to be followed for conducting the assessment specified in this Section.

- Vesting a foster parent with legal guardianship* **102.** (a) The State shall submit to court with a request in order to vest legal guardianship of a Child who qualifies for fostering under this Act, to foster parents.
- (b) In an application to court by the State pursuant to subsection (a) of this Section, the assessment of the foster parents conducted by the Minister under Section 101 (a) (2) of this Act shall be submitted to court.
- (c) The court shall prioritise the protection of the rights of the Child in deciding any application made to court under subsection (a) of this Section.
- (d) Where any of the following circumstances occur, the court shall determine that what is most beneficial for the Child should be to vest the Child’s legal guardianship to foster parents:
- (1) Ministry is unable to get word of the parents or legal guardians of the Child after two attempts; or
- (2) parents or legal guardians of the Child being alive and objecting to the change in legal guardianship of the Child while refusing to take care of the Child.
- Period in which court shall make a determination as to an application* **103.** The court shall conduct hearings and make a determination within 60 days from the date the court receives an application stipulated in Section 102 (a) of this Act.
- Vesting legal guardianship of the Child vide an agreement* **104.** This Act does not prevent the transfer of legal guardianship of a Child under State care to the foster parents vide an agreement between the State and foster parents, where the court decides to vest the legal guardianship of the Child under State care to the foster parents.
- Consequences of vesting legal* **105.** (a) Except for poor and orphan Children who do not have any living legal guardian, or any other person to take care of them, a decision of the court to

- guardianship of the Child to foster parents*
- vest the legal guardianship of a Child under State care to the foster parents shall remain in effect until the Child attains the age of 18 years.
- (b) The regulation made under this Act shall stipulate when fostering shall come to an end for poor and orphan Children who do not have any living legal guardian, or any other person to take care of them.
- Duties of foster parents*
- 106.** (a) The duties entrusted with parents of a Child under this Act with regards to looking after and bringing up of a Child is applicable to foster parents.
- (b) A Child may be removed from the guardianship of the legal guardian and brought under State care, where the State is of the opinion that persons who assume responsibilities of legal guardianship of a Child under this Section has been negligent in preventing something that will harm the reputation of the Child under any of the circumstances specified in Section 105 of this Act. The procedure for removing a Child from the care of their parents and bringing them under State care as specified in this Chapter of this Act shall be applicable in such circumstances.
- Determining the policies for fostering*
- 107.** The Minister shall with the advice of the council for protection of the rights of Children, determine the policies for fostering by including the following:
- (a) manner of application to be a foster parent;
- (b) requirements of a person applying to be a foster parent;
- (c) guidelines for choosing a foster parent;
- (d) guidelines for handing over Children to foster parents;
- (e) guidelines for monitoring Children who are being fostered;
- (f) guidelines for formulating a supporting system to assist foster parents;
- (g) role of the Ministry; and
- (h) role of the foster parents.

CHAPTER 19

PROVISION OF SOCIAL ASSISTANCE

- Provision of social assistance*
- 108.** (a) Unless stated otherwise in another law, the policies to be adopted to provide social assistance to Children shall be determined in accordance with the policy for protection of Children formulated by the Minister pursuant to Section 54 (b) of this Act, and the relevant guidelines formulated by the council for protection of the rights of Children.
- (b) Guardians of a Child may request the Child and Family Protection Service for assistance and protection under this Act, where adequate protection is not provided, or assistance is needed in the upbringing of Children.
- (c) The Minister shall establish, pursuant to the regulations made under this Act, a mechanism for providing assistance to those who seek assistance and protection from Child and Family Protection Service pursuant to subsection (b) of this Section.

CHAPTER 20

DETECTING CHILDREN FROM CRIME

- Duty of the State to deter Children from crime*
- 109.** (a) The State shall formulate policies to prevent and deter Children from committing crime and provide special assistance and protection to Children who are prone to commission of crime.
- (b) The State shall organize and conduct programs to provide special assistance and protection to Children under subsection (a) of this Section.
- (c) The State shall take urgent measures to prevent and deter those Children who are younger than the age stipulated in Section 27 of the Juvenile Justice Act and are prone to crime, from committing crime, and make arrangements to provide assistance, rehabilitation and other treatments necessary for such Children.

Conducting programs to deter Children from crime

- 110.** (a) For the purpose of Section 109 (c) of this Act, the programs by the State shall be conducted by the Department of Juvenile Justice, with the advice of relevant authorities.
- (b) In conducting the programs pursuant to subsection (a) of this Section, attempt shall be made to conduct the programs to rehabilitate Children who are prone to crime, along with their parents, families, educational institutions and other parties.
- (c) The regulation made under this Act shall specify the programs conducted for Children under this Section, and other procedures related to the programs.

Not to presume kids prone to violence to be offenders

- 111.** In conducting programs for Children pursuant to Section 110 of this Act, no measures shall be taken within the criminal justice system against Children who are younger than the age of criminal responsibility.

Duty of parents, guardians, family and community to deter Children from crime

- 112.** (a) Parents and guardians of the Child shall take necessary measures to prevent and deter Children from committing crime.
- (b) It is the duty of parents and guardians to make the Child take part in, and cooperate with programs conducted by relevant authorities of the State pursuant to Section 110 of this Act to prevent and deter Children who are prone to crime from committing crime, and take part in such programs themselves where necessary.

PART 5
MONITORING THE EXTENT OF LAW ENFORCEMENT
CHAPTER 21
CHILDREN'S OMBUDSPERSON

*Appointing a
Children's
ombudsperson*

- 113.** (a) There shall be an independent Children's ombudsperson appointed to monitor the extent to which the matters specified in this Act are enforced.
- (b) The President will appoint a person to the position of the Children's ombudsperson.
- (c) The President shall submit one or more names to the People's Majlis whenever a Children's ombudsperson is to be appointed.
- (d) The President shall appoint as Children's ombudsperson, the person who is approved by the majority of members present and voting in a sitting of the People's Majlis, among the names submitted to the People's Majlis by the President pursuant to subsection (c) of this Section.
- (e) The President shall in accordance with this Section, submit to the People's Majlis for appointment of the first Children's ombudsperson appointed after coming into force of this Act, within 60 days from the date this Act comes into force. The People's Majlis shall make a determination as to appointing a person to that position, within 30 days from the date the President submits to the People's Majlis to appoint a person to the position.
- (f) The Children's ombudsperson appointed under this Act shall be answerable to the People's Majlis with regards to his duties, and matters related to carrying out his responsibilities and the results of investigations conducted.
- (g) Office of the Children's ombudsperson is an independent institution. The State shall provide facilities and employees necessary to carry out the responsibilities of the Children's ombudsperson.

- Carrying out ombudsperson's responsibilities independently* **114.** In carrying out the responsibilities of his position, the Children's ombudsperson shall work independently, without any prejudice.
- Responsibilities of the Children's ombudsperson* **115.** The responsibilities of the Children's ombudsperson are listed below:
- (a) Identifying the extent to which State institutions adhere to this Act, and insist on doing all things necessary to enforce this Act;
 - (b) Identifying the extent to which State institutions adhere to the Convention on the Rights of the Child, and doing all things necessary to ensure that the convention is adhered to;
 - (c) Monitor and evaluate the authorities and employees involved in protection of the rights of Children in the Maldives; and
 - (d) Investigate and review the actions of authorities and employees involved in protection of the rights of Children in the Maldives.
- Qualifications of the Children's ombudsperson position* **116.** (a) The following requirements shall be fulfilled in a person appointed as the Children's ombudsperson:
- (1) being a Maldivian citizen;
 - (2) attained 30 years of age;
 - (3) not have been convicted of a criminal offence for which *hadud* punishment is prescribed in Islam, or fraud, or violence against Children;
 - (4) not a person in an elected or appointed position of the State;
 - (5) not being a member of a political party or being involved in activities of a political party; and
 - (6) Having the capacity to carry out the functions of the Children's ombudsperson specified in this Act, and having attained a minimum of a bachelor's degree in law, social or policy related field along with

a field related to the rights of Children or Child rights education, and with a minimum of 7 years of experience in any of those fields.

- (b) In addition to the requirements stipulated in subsection (a) of this Section, a person appointed to the position of Children’s ombudsperson shall not have been involved in violence or negligence against a Child in any form or be accused of such an act.
- (c) Where there are any reports filed with any relevant authorities regarding any of the accusations stipulated in subsection (b) of this Section against a person who contests for the position of Children’s ombudsperson, and any such reports are being investigated, the person shall be deemed to have such an accusation made against him.

*Term of
Children’s
ombudsperson*

117. A person is appointed as the Children’s ombudsperson for one term consisting of 5 years. However, the People’s Majlis may extend the term of a person appointed as the Children’s ombudsperson for a period not exceeding 5 years, except for those persons who have been removed from the position pursuant to Section 119 of this Act.

*Resignation
from position*

118. The Children’s ombudsperson may resign from the position by writing under his hand submitted to the President, and the position shall become vacant when the resignation is received by the President.

Removal

119. The Children’s ombudsperson may be removed from his position in accordance with subsection (b) of this Section, under the circumstances stipulated in subsection (a) of this Section.

- (a) Where the Children’s ombudsperson commits an act that is unbecoming of his position, or under circumstances where he cannot carry out the obligations of his position, or where he is deemed to be incompetent to carry out his position;

- (b) Where a committee of the People’s Majlis finds that a circumstance specified in subsection (a) has occurred, and where majority of the members present and voting in a sitting of the People’s Majlis votes to remove the person from the Children’s ombudsperson position, he is removed from his position.

Vacation of position **120.** Where the Children’s ombudsperson no longer has any one of the qualifications stipulated in Section 116 of this Act, he shall be removed from his position.

Remuneration **121.** The People’s Majlis will determine the remuneration for Children’s ombudsperson.

PART 6

OFFENCES AND PENALTY

CHAPTER 22

SOME OF THE OFFENCES AGAINST CHILDREN

- Offence of exploitation of Children* **122.** (a) Acts committed by the following persons under the following circumstances amounts to an offence:
- (1) making a Child work by force, coercion or deceit; or
 - (2) using a Child to obtain a benefit to someone else, by force, coercion or deceit; or
 - (3) using a Child in the commission of a criminal offence; or
 - (4) recruiting or grooming a Child to commit a criminal offence.
- (b) A person who commits an offence stipulated in subsection (a) of this Section shall be subject to a punishment of 3 years’ imprisonment.
- (c) Where the person who commits an offence stipulated in subsection (a) of this Section is a person in a position of trust of the Child, he shall be subject to a punishment of 5 years’ imprisonment.

*Offence of
grooming*

- 123.** (a) It is an offence to groom a Child for sexual abuse.
- (b) It is an offence for the mother or father or guardian or person who has been entrusted with the care of a Child to groom a Child for sexual abuse.
- (c) For the purpose of subsection (a) of this Section, grooming a Child refers to establishing an emotional connection with the Child by giving the Child money or any other materialistic thing and attempting to secure the Child's trust in order to commit an act stipulated in that subsection with a Child.
- (d) For the purpose of subsection (b) of this Section, grooming a Child by the Child's mother or father or guardian or person who has been entrusted with the care of the Child refers to establishing an emotional connection with the Child by giving the Child money or any other materialistic thing and attempting to secure the Child's trust in order to commit an act stipulated in that subsection with a Child.
- (e) A person who commits an offence stipulated in subsection (a) of this Section shall be subject to a punishment of 10 years' imprisonment.
- (f) Where the person who commits an offence stipulated in subsection (a) of this Section is a person in a position of trust of the Child, he shall be subject to a punishment of 15 years' imprisonment.
- (g) A person who commits an offence stipulated in subsection (b) of this Section shall be subject to a punishment of 5 years' imprisonment.

*Offence of
neglecting a
Child*

- 124.** (a) A person who has been entrusted with the duty to provide protection to a Child commits an offence when he 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.
- (b) For the purpose of subsection (a) of this Section, the duty to provide protection to a Child includes to the duty on such person specified in that subsection to save the Child from violence, and the duty on such person to provide a safe environment to the Child.

- (c) For the purpose of subsection (a) of this Section, a Child's mother or father or guardian or person who has been entrusted with the care of the Child shall be deemed to have the duty to provide protection to the Child.
- (d) A person who commits an offence stipulated in subsection (b) of this Section shall be subject to a punishment of 3 years' imprisonment.

Negligence to save a Child from an act of violence

- 125.**
- (a) 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.
 - (b) For the purpose of subsection (a) of this Section, a centre relating to Children shall include the following:
 - (1) centres that look after Children;
 - (2) Children's detention centres;
 - (3) Children's educational institutions;
 - (4) sports centres;
 - (5) healthcare centres;
 - (6) other centres that provide treatment or services to Children.
 - (c) For the purpose of subsection (a) of this Section, a person who works at a centre related to Children shall mean employees, contractors and volunteers working in such places.
 - (d) A person who commits an offence stipulated in subsection (a) of this Section shall be subject to a punishment of 3 years' imprisonment.

Failure to report an offence of violence against Children

- 126.**
- (a) It is an offence for a person who knows that a person or persons are committing one of the following acts against a Child, not to report it without a valid reason especially to the Police or Child and Family Protection Service or a State institution that works in the interest of Children.
 - (1) sexual abuse;
 - (2) major physical or mental abuse;

- (3) acts of exploitation.
- (b) A person who commits an offence stipulated in subsection (a) of this Section shall be subject to a punishment of 2 years' imprisonment.
- (c) Where a person who commits an offence stipulated in subsection (a) of this Section has attained any form of financial gain for not reporting he shall be subject to a punishment of 5 years' imprisonment.

PART 7
MISCELLANEOUS
CHAPTER 23
GENERAL PROVISIONS

- Welfare report of the Child* **127.** (a) In deciding any cases related to Children, the courts shall order that the Child and Family Protection Service report to court regarding the Child and give consideration to the report duly prepared by them.
- (b) The regulations made under this Act shall specify what is to be included in the welfare report prepared under this Section.
- (c) The Child and Family Protection Service shall adhere to the order of court to formulate a report pursuant to this Section.
- Acts of domestic violence* **128.** Out of the Children who are determined to be in need of care and protection under this Act, when dealing with Children who have become victim to domestic violence, the Child and Family Protection Service or the Police shall work along with the Family Protection Authority specified in Section 52 of Act No 3/2012 (Prevention of Domestic Violence Act).
- Contravention with the law* **129.** (a) Where an act by parents or guardians or persons entrusted to look after a Child in contravention with an obligation entrusted to them under this Act is a criminal offence, they will be charged under Act No 9/2014 (Penal Code of the Maldives).

- (b) Where the act specified in subsection (a) of this Act is not determined to be a criminal offence, the Ministry shall take administrative action against persons who committed such acts pursuant to the regulations made under this Act.
- (c) The administrative action under subsection (b) of this Section shall be prescribed in consideration of the extent of the act committed. In order to ensure that such measures taken are not reciprocal to the act committed, the Minister shall consider the international principles adopted when taking administrative action against persons who are negligent towards Children in taking such administrative action.

Coming into force of the Act **130.** This Act will come into force 3 months from the date it is passed, ratified and published in the Maldives Government Gazette.

Formulation and implementation of regulation **131.** (a) The Ministry shall formulate and implement regulations to be made under this Act, except for those regulations to be made by the relevant courts.

(b) Relevant courts shall make regulations, which they are required to make under this Act.

(c) Unless specified otherwise in this Act, the regulations to be made under this Act shall be made and published in the Maldives Government Gazette within 6 months from the date this Act comes into force.

Laws and provisions repealed **132.** The law specified in subsection (a) of this Section, and the provisions of the law specified in subsection (b) of this Section shall be repealed from the date this Act comes into force.

- (a) Act No 9/91 (Protection of the Rights of Children Act).
- (b) Section 44 (a) and (e) (1) of Act no. 9/2014 (Penal Code of Maldives).

Definitions **133.** Unless the use of the word or phrase in this Act signifies another meaning entirely, the following words and phrases shall have the meaning given to them below:

- (a) "Child" or "A Child" means any child referred to in Section 4 of this Act.
- (b) "Mental Abuse" means where there are apparent reasons to believe that a Child may have a disability of the mind or mental well-being and where there are apparent reasons to believe that the circumstance is caused due to the mental abuse given to the Child by someone, the disability of the Child's mind or mental well-being, anxiety, depression, loneliness, rage and stunted growth and evidence of any other mental abuse.
- (c) "Guardian" means parents, legal heirs, custodians, legal guardians and other person who are in-charge of the Child's guardianship at that point in time. Legal heirs, custodians and legal guardians shall be defined in accordance with Act No 4/2000 (Family Act) and regulations made thereunder.
- (d) "Child's Mother" means the mother who gave birth to the Child.
- (e) "Child's Father" means the male who had contracted a valid marriage under Act No 4/2000 (Family Act), whose wife had given birth to a child within the gestation period stipulated in Section 52 of that Act, and who has not denied paternity of the Child by way of *lian*.
- (f) "International Convention on the Rights of the Child" means the Convention on the Rights of the Child.
- (g) "Exploitation" means all inhumane acts, which will have a negative impact on the physical and mental well-being and growth of the Child, for any kind of benefit.
- (h) "Negligence" means all those acts or omissions of the parents or guardians or persons, under whose care the Child is, which could or would cause physical or mental harm to the Child.
- (i) "Court" means the Family Court. Or any Magistrate Court, which has the jurisdiction to oversee the matters, specified in this Act.
- (j) "Parents" means the Mother and Father of the Child.

- (k) “Minister” means the minister in the government’s ministry that is mandated with the obligation to protect the rights of Children at any point in time.
- (l) “Ministry” means the ministry of the government, which is mandated with the obligation to protect the rights of Children at any point in time.
- (m) “State Institution” includes the Executive, People’s Majlis, Judiciary, independent institutions, independent positions, security services and councils elected under the Constitution. And it includes any institution that carry out the duties of the State in its governance, any institution that implements the State budget and any institution that is run with the assistance of the State budget.
- (n) “Physical Violence” means the intentional harm to part of the Child’s body by use of an item or force. Such harm includes lacerations, bruises, cuts, scars, fractures or other damages to bones, dislocation of joints, twists, bleeding, rupture of blood vessels, burns, blisters, a stop or change in physiological functioning or consciousness and damage to hair or teeth.
- (o) “Sexual Abuse” means any sexual act towards, against or exhibited to a Child, whether by a person in a family relationship with the Child or otherwise.
- (p) “Healthcare Treatment” specified in Section 19 of this Act means the prenatal treatment, treatment from gestation until birth and post-natal treatment, and all treatments and things necessary to maintain the health and well-being of the Child and the Child’s Mother.
- (q) “Personal Information” specified in Section 33 of this Act means the name, address, school of the Child, or any information that can directly or indirectly reveal the identity of the Child, or the Child’s picture.
- (r) “Case Conferencing” means the joint meeting of the relevant parties to make a determination as to providing all-encompassing assistance in the Child’s case.



- (s) “Violence” specified in Section 116 (b) of this Act means causing physical or materialistic or life-threatening or bodily harm or abuse to a Child.
-