



# FAMILY

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## LEGAL CLINIC

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### **DOMESTIC VIOLENCE ACT**

*Act number: 3/2012*

*Date: 02-06-1433 H.*

*23-04-2012 M.*

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## **DOMESTIC VIOLENCE ACT**

### **PART 1**

#### **INTRODUCTION AND SHORT TITLE**

*Introduction  
and short  
title*

1. (a) This Act makes provisions for the prohibition and prevention of domestic violence, outline measures taken against persons who commit acts of domestic violence, protection of and support of victims of domestic violence, the role of relevant state authorities in this regard and the collaboration between such State authorities, in the Maldives.
- (b) For the purposes of this Act, domestic violence refers to commission of any act described as an act of violence in this Act, by a person against another person or persons, where such persons are involved in a domestic relationship
- (c) This Act may be cited as “Domestic Violence Act”.

### **PART 2**

#### **PURPOSE**

- Purpose*
2. This Act intends to achieve the following main objectives:
    - (a) to establish that every act of domestic violence, under any circumstance, in any form, between people of any repute, is strictly unlawful;

- (b) to provide adequate protection and safety to the victim where an act of domestic violence occurs;
- (c) to serve justice within a convenient process, in a timely and cost-effective manner, to the victim of domestic violence;
- (d) to conduct adequate programs for the victim of domestic violence, in order to ensure recovery of the victim back to good health and a normal life;
- (e) to take all necessary steps to put an end to persons who commits acts of domestic violence, and facilitate their rehabilitation;
- (f) to facilitate enforcement of court orders and orders with legal authority from other State institutions; made in order to prevent acts of domestic violence;
- (g) to increase the competency of relevant State institutions regarding domestic violence and promote awareness among them in relation to it;
- (h) recognizing that health care professionals and social workers are typically the first point of contact with victims of domestic violence, and to establish the duty of care of health care professionals and social workers in providing appropriate support to those suspected of being victims of domestic violence, and to report the same to the Police;
- (i) to introduce and stipulate in an independent law, the civil liabilities on persons who commit acts of domestic violence, in addition to the criminal liabilities imposed on such persons under criminal laws and this Act;
- (j) To ensure that Maldives moves towards adoption of international standards for prevention of domestic violence, and to structure and

enforce the relevant principles of justice in accordance with those standards.

### PART 3

#### DEFINITIONS

*Domestic  
relationship*

3. (a) “**Domestic Relationship**” shall mean the relationships between person under the following circumstances:
- (1) persons who are or were married to each other;
  - (2) persons who live together in the same place of residence, or have recently lived together in that manner;
  - (3) being parents, or being a person entrusted with the upbringing of a child as a guardian or a custodian;
  - (4) persons who are family members related by consanguinity, affinity or marriage;
  - (5) domestic child care workers or domestic workers at home;
  - (6) persons who are in intimate relationships.
- (b) Court shall have due regard to the following in determining whether there exists an intimate relationship between two persons:
- (1) nature and type of relationship;
  - (2) the extent to which both parties perceive the significance of the relationship;
  - (3) amount of time spent together;
  - (4) extent to which personal matters are shared together;
  - (5) type of place where time is spent together;
  - (6) Duration of the relationship.

*Act of  
domestic  
violence*

4. (a) For the purpose of this Act, the “**Act of Domestic Violence**” shall mean any of the following acts, between persons in a domestic relationship; and the commission of which by one party towards the other party or parties in the relationship, may cause harm to the safety or health or well-being of, or may cause an apprehension of fear of such a harm being caused to the victim of domestic violence:
- (1) physical abuse;
  - (2) sexual abuse;
  - (3) verbal and psychological abuse;
  - (4) imposition of financial or economical restrictions;
  - (5) impregnating the wife, without concern for her health condition and against the advice of a medical doctor to refrain from impregnation for a specified period of time;
  - (6) impregnating a woman without her consent, while she is trying to get out of an abusive relationship;
  - (7) deliberately withholding property that belongs to another person in a manner that will prevent him from being able to use it;
  - (8) intimidation;
  - (9) harassment;
  - (10) stalking;
  - (11) destruction of property;
  - (12) entry into, and being present thereafter at the residence of the victim of domestic violence without consent, in cases where the parties do not share the same residence;
  - (13) any other act which may be perceived as an act of violence, or one of asserting control over the victim of domestic violence;

- (14) coercing, intimidating or forcing a person to do something which he would not have done or would not have wanted to do with his own volition;
  - (15) confining a person to a particular place without his consent, or restricting a person's movement from one place to another on his own volition, or restricting a person's movement or transportation on his own volition;
  - (16) attempting to commit any of the aforementioned acts, or causing apprehension of fear in a person that such an act may be committed;
  - (17) causing a child to witness or hear an act of domestic violence or presenting or placing a child in such situation where the child may witness or hear an act of domestic violence.
- (b) In defining an “**Act of Domestic Violence**”; for the purposes of this Act, a single instance of violence may be considered as an act of violence, and/or a series of acts that have been committed in a particular pattern over a given period of time which appear to have the characteristics of violence may be considered as an act of violence.

*Victim of  
domestic  
violence*

5. “**Victim of Domestic Violence**” shall mean any person, who is in a domestic relationship with a perpetrator; who is or has been subjected or allegedly subjected to an act of domestic violence, including any child in the care of the victim.

**PART 4**  
**STATUS OF THE LAW**

*Offence of domestic violence*      **6.** Any act stipulated as an act of domestic violence in this Act shall, carry civil liability where applicable, be prosecuted for where it constitutes a criminal offence, and for which principles laid down in this Act will be applicable, and be dealt with under this Act.

*Applicability of this Act*      **7.** (a) Criminal liability and conviction under another Act for acts of domestic violence under this Act shall not prevent the implementation of measures prescribed in this Act.  
(b) The provisions of this Act shall fully apply and measures prescribed, herein shall be fully implemented in respect of the perpetrator and the victim, regardless of and in addition to such perpetrator receiving criminal conviction and punishment under another Act for a criminal offense which is classified in this Act as an offense of domestic violence, provided the perpetrator and the victim are bound by a domestic relationship.

**PART 5**  
**REPORTING**

*Reporting an act of domestic violence*      **8.** (a) When a person is of the belief that an act of domestic violence is taking place, or has taken place or is under the suspicion that such an act has taken place, the matter shall be reported to the police.  
(b) Where a person is of the belief that an act of domestic violence has is taking place or has taken place or is under the suspicion that such

an act has taken place, any of the following persons may report the matter under subsection (a) of this section:

- (1) victim of the act;
  - (2) person who witnesses the act;
  - (3) a family member of the victim;
  - (4) a friend of the victim;
  - (5) Authority or Ministry;
  - (6) an employee of health or social service provider;
  - (7) a responsible officer of a government institution which works against domestic violence;
  - (8) an employee or member of an association registered to work against domestic violence;
  - (9) mother, father, guardian, relative or custodian of a victim where the victim is a child;
  - (10) any person who has information of occurrence of domestic violence;
- (c) Reports may be filed orally or in writing by attending the Police, for the purpose of reporting an act of domestic violence under subsection (a) of this section. Or, it may be reported by calling the hotline or landline of such station by phone or by fax, or by any other means of communication.
- (d) A person described in subsection (b) of this section shall not bear any legal responsibility solely as a result of reporting the incidence under subsection (a) of this section, in circumstances where there is reason to believe that an act of domestic violence has been or is being committed or where the occurrence of such an act is suspected. Furthermore, any such person who, in good faith, reports an incidence of domestic violence shall not be held liable in



any legal action regardless of such act of domestic violence not being proven ultimately. And such person shall not be placed in a situation where they may have to bear any legal liabilities.

## **PART 6**

### **ROLE OF POLICE, HEALTH AND SOCIAL SERVICE PROVIDERS**

*Duty to report*

- 9.** It is an obligation on health social institution that take note of cases whereby a person is suspected of being a victim of domestic violence, to report the matter to the Police or the Authority for the safety and protection of the victim. Such health and social institutions shall further provide full support during the investigative and court stages of such cases of domestic violence, in a manner that does not compromise the welfare of the victim but ensures protection of the interests of the victim.

*Response to the report by Police*

- 10.** The Police shall initiate the process of investigation and take all necessary action upon receipt of occurrence of an act of domestic violence. Within 6 months from the date this Act comes into force, Police shall publish, as a Regulation made by the Police with reference to this section and published under this Act, a Regulation which stipulates the detailed standard operating procedures of the Police upon receipt of such a report.

*Duty to assist*

- 11.** Police shall attend the scene where the alleged act of domestic violence took place upon receipt of a report of such act having taken place, provided that the following can be observed from the report:
- (a) information about suspicions that an act of domestic violence is taking place or has taken place;

- (b) information, which reveals that under the given circumstance, it is highly unlikely that an act of domestic violence would not take place;
- (c) statement to the effect that a protection order is in place and that an act in breach of that order is likely;
- (d) statement to the effect that an act which may be considered as an act of domestic violence has previously taken place in the same location.

*Duty of  
healthcare  
providers*

- 12.** A healthcare provider, who takes note of an act of domestic violence by way of being notified by the Police of such a case, or having suspicions in any way of such an act having taken place, is required to do the following:
- (a) examine the victim of domestic violence to the highest possible degree;
  - (b) advise the victim of domestic violence about how other support options may be sought;
  - (c) assist the victim of domestic violence in seeking psychiatric support or counselling;
  - (d) carry out the following if, upon examination of the victim of domestic abuse if it is suspected that the victim has suffered from physical or sexual injuries:
    - (1) examine the victim to the highest possible degree;
    - (2) prepare a written report based on the examination carried out on the victim;
    - (3) Submission of the report prepared under sub-subsection (2) to the Police and Authority.

- Duty of social service centre* **13.** (a) A social service provider, who takes note of an act of domestic violence by way of being notified by the Police of such a case, or having suspicions in any way of such an act having taken place, is required to do the following:
- (1) advise the victim of support options available, assist the victim to obtain psychiatric or counselling support and guide the victim on all matters in connection with the foregoing;
  - (2) Report the matter to Police, if it was not the Police who reported the incident to social service centre;
  - (3) provide a social worker at the scene of domestic violence upon request by the Police. And in situations where a social worker is not available, a request to provide a person shall be made to the Authority. And, the Police must be notified of any such requests.
- (b) The social service provider shall explain to the victim of domestic violence in detail, the rights and remedies afforded and the victim under this Act.
- (c) In an effort to assist the victim of domestic violence, the social service provider shall take the victim to a protective shelter, or the residence of a friend or relative of the victim whom the victim trusts.
- Some duties of the Police* **14.** The Police shall do the following where a Police officer is present at the scene where an incident of domestic violence occurred, or the Police or a Police officer has attended the scene as soon as practicable, or where the Police receives a report of occurrence of an act of domestic violence:
- (a) inform the Authority of the domestic violence incident complaint;

- (b) request the Authority or a social service centre to dispatch a social service provider to the place where the incident of domestic violence occurred;
- (c) attend the house or place where the incident of domestic violence occurred despite the absence of a court warrant and clarify all relevant information upon receipt of a report of domestic violence;
- (d) take the victim to the nearest health facility for the purpose of ascertaining whether the victim of domestic violence involving physical or psychological abuse requires any medical assistance and ensure that the victim receives medical care. During escorting of the victim, the Police shall have the authority to prohibit any act which in the opinion of the Police may result in loss of evidence;
- (e) seek and meet all persons related to the case, obtain all relevant information from such persons, obtain witness statements from relevant witnesses, conclude the investigation of the case, and send the matter to the Prosecutor General for prosecution where it is believed that grounds for prosecution exists;
- (f) obtain witness statements of children in an environment suitable to them and in the presence of a social service provider where there are children among the witnesses or victims of domestic violence;
- (g) compile true and complete details of the act which constitutes an act of domestic violence;
- (h) advise the victim of the domestic violence of their rights and remedies under this Act, including:
  - (1) the right to make an application for the following types of court orders:
    - (aa) protection order;
    - (bb) custody order;

- (cc) order relating to place of residence;
- (dd) monetary compensation order;
- (2) the right to press charges where prosecution for a criminal offence is possible;
- (i) prepare relevant report and submit it to the Authority and the court;
- (j) take the victim of domestic violence to a protective shelter at the cost of Police, where the victim has undergone ordeal which warrants such a shelter;
- (k) provide adequate Police protection to the persons who report incidents of domestic violence;
- (l) where necessary, arrest the perpetrator of domestic violence;
- (m) disclose to the media, information regarding the perpetrator of domestic violence and the offence he committed;
- (n) ensure that a full investigation is carried out to assess whether the perpetrator may also be prosecuted under the Penal Code or any criminal laws for the time being in force for the perpetrator's acts of domestic violence if the facts disclose the commission of a criminal offence under those provisions such as assault and battery, grievous bodily harm, rape, other sexual offences and murder, and if so, forthwith send the matter to the Prosecutor General for prosecution of the perpetrator for the same.

*Advising of  
the rights*

- 15.** It is the duty of the Police to advise the victim of domestic violence of the following in detail, in a language and a manner the victim comprehends. Where the victim so requests, and if it is deemed necessary the same shall be provided to the victim in writing.

- (a) details of the investigating Police officer;

- (b) that the Police will make arrangements for transfer of the victim to a healthcare provider at the cost of the Authority, if the victim requires medical assistance as a result of the act of domestic violence;
- (c) that the Police will make arrangements for transfer of the victim to a protective shelter at the cost of the Authority where services of such a shelter is available;
- (d) that the victim of domestic violence may make an application for an order of court to restrain the perpetrator from contacting the victim;
- (e) that such an order will prohibit the following:
  - (1) cause any physical, sexual or psychological injury to the protected person;
  - (2) threaten to cause any physical, sexual or psychological injury to the protected person;
  - (3) cause or threaten to cause damage to the property of the protected person;
  - (4) commit or threaten to commit any act to intimidate, humiliate or cause psychological trauma on the protected person;
  - (5) the respondent of the order committing any of the prohibited acts against the protected person through an intermediary.
- (f) advice of the temporary remedies that the Police can provide in the event the domestic violence has occurred at a time during the night, over the weekend or on a public holiday;
- (g) that it is not a requirement to engage an attorney to obtain an order of court;

- (h) that the victim may seek assistance from the court to obtain the order.

*Preparing the  
domestic  
violence  
report*

- 16.** (a) The Police shall prepare and submit to the Authority a report, where the Police investigates a matter upon receipt of a report regarding an act of domestic violence.
- (b) The report stated in subsection (a) of this section shall be prepared with the inclusion of the following details, in addition to the information the Police wants to include:
- (1) relationship between the perpetrator and victim of domestic violence;
  - (2) gender;
  - (3) educational qualification;
  - (4) details of employment;
  - (5) time of complaint;
  - (6) date of complaint;
  - (7) investigator;
  - (8) whether a child or a person with disability is involved in the domestic violence or not; if so, details of the child or the person;
  - (9) details of the act committed;
  - (10) measures taken to resolve the matter;
  - (11) date and details of the protection order, where such order was issued;
  - (12) date and details of the permanent protection order, where such order was issued;

- (13) other information required to indicate how, why and the circumstances under which the act of domestic violence occurred.

*Preparation  
of annual  
report*

- 17.** (a) Upon conclusion of each Gregorian year, the Police shall prepare and submit to the Authority and court within the first 3 months of the next year, an annual report on the cases of domestic violence reported and the cases the investigation of which were concluded within the preceding year.
- (b) The following information shall be included when preparing the annual report stated in subsection (a) of this section:
- (1) number of reports filed;
  - (2) reports filed by women;
  - (3) reports filed by men;
  - (4) number of cases the investigation of which were concluded, out of the cases reported;
  - (5) the manner in which Police responded to resolve the issue when a report was filed, and the time taken in general;
  - (6) measures taken by the Police to resolve the matter;
  - (7) psychological, physical and financial damages caused.

**PART 7**

**PROTECTION ORDER**

*Protection  
order*

- 18.** (a) A protection order is lawful order made by the court upon occurrence of an act of domestic violence, ordering the perpetrator of domestic violence to, or prohibiting the perpetrator from doing



certain acts, with the intention of protecting the victim from repetition of such acts.

- (b) The court may also make a protection order with the intention of preventing an act of domestic violence or protecting a person from such an act where the court is of the opinion that there is an apprehension that such an act might occur.
- (c) The fundamental objective of a protection order is to ensure the physical and psychological protection of the victims or potential victims of domestic violence and to ensure their health and rights are protected and preserved.

*Application  
for a  
protection  
order*

- 19.** (a) A party in a domestic relationship may make an application to the court for a protection order against the other party in that relationship.
- (b) Where the application for an order is to be made by a child, the application shall be made through the child's parents or guardians or custodians, or through a person specified in section 8 (b) of this Act. In the alternative, the child may make the application himself.
  - (c) Where the application for an order is to be made by a person with a disability, the application shall be made through the person's parents or guardians or custodians, or through a person specified in section 8 (b) of this Act. In the alternative, if the person is fit to do so, he may make the application himself.
  - (d) Where the application for an order is to be made by a person who is not in a position to make the application in person due to circumstances stated in section 23 of this Act, and that person is not

a child, the application shall be made through a person designated by him.

*Applicable procedure when application for a protection order is made*

**20.** (a) No application for a protection order shall be interpreted in a manner that deprives the court the opportunity to hear from the child, even though the child makes such an application through the child's parents or guardians or custodians, or through a person specified in section 8 (b) of this Act.

(b) The court may, for the requirements of the court, summon the child to court or any other place designated by the court in order to hear from the child the submission he may want to make, where an application is made pursuant to subsection (a) of this section. However, the child shall only be summoned to the court accompanied by an employee of a social service provider.

(c) Court shall have the discretion to give weight to the submissions made by the child based on the age and maturity of the child.

*Application for an order by children who are married*

**21.** Notwithstanding anything contrary stipulated in this Act, where an application is made by a child who has not attained the age of 18 but is married, he may make the application in person without being required to make the application through his parents or guardians or custodians, or through a person specified in section 8 (b) of this Act.

*Application for an order by persons*

**22.** Where an application is to be made by a person under the following circumstances, such an application shall be made through his parents or

*with  
disabilities*

guardians or custodians, or through a person specified in section 8 (b) of this Act.

- (a) by reason of his disability; or
- (b) lack of mental capacity to make decisions related to personal welfare or, inability to judge the nature and importance of such matters; or
- (c) lack of the ability to express or communicate matters despite such person's mental capacity to appreciate personal welfare matters and consequences of their actions.

*Application  
for an order  
through a  
third party*

**23.** (a) Persons who are under the following circumstances may make an application to the court for a protection order by way of special provisions under this section through a third party:

- (1) practical incapacity due to present circumstances;
  - (2) apprehension of fear in making such an application;
  - (3) making such an application in his own name may compromise the interests and wellbeing of such person due to their present circumstances.
- (b) The third party specified in subsection (a) of this section include registered private associations, the family, relatives and friends of the victim of domestic violence.
- (c) The court shall make arrangements for acceptance of a third party to represent a person who makes an application for a protection order through the third party pursuant to subsection (a) of this section and afford the third party the opportunity to advocate and represent such person in court.

- (d) The court shall ensure the following where a person makes an application for a protection order through a third party pursuant to subsection (a) of this section:
- (1) that the person does in fact want to make the application for an order;
  - (2) that the third party who filed the case in, and made the application for an order to the court was appointed by the person;
  - (3) that the person has appointed a third party on his own volition;
  - (4) that the designated third party has accepted the appointment;
  - (5) that there is no conflict of interest between the person making the application and the third party representing the person.

*Power to  
issue  
protection  
order*

- 24.** (a) The court shall have the power to issue a protection order if the court is able to verify the following:
- (1) that the respondent of the order has committed, is committing, or may commit an act which may be deemed as an act of domestic violence for the purposes of this Act;
  - (2) that issuance of the order is absolutely necessary for the protection of the interests of the person making the application, his children, or a member of his family.
- (b) Court may order that the protection order be enforced through the most senior officer of the Police department which is located closest to the residence of the victim of domestic violence.

- (c) The hearings under this Act may be conducted in camera as a private hearing if the court sees it fit to do so having regard to nature of the case, or if so requested by a party to the case.
- (d) Court orders issued under this Act shall be enforceable throughout the Republic of Maldives.

*Other pending cases not a bar to issue an order*

- 25.** An on-going divorce, child custody proceedings related to the respondent or the person seeking an order, or any other civil or criminal proceedings as regards the relationship of the parties, shall not be, for that reason alone, a bar to issuing a protection order.

*Protection of a person other than the person who sought the order*

- 26.** (a) The person seeking an order of the court and his children shall be protected under the order where the court issues a protection order as submitted by him.
- (b) In issuing a protection order, the court may direct that the order be implemented to the extent required for the continued protection of the person who sought the order and any other person bound by a domestic relationship with the him.

*Protection order on a third party*

- 27.** In the event the respondent of the order has been using or encouraging a third party to commit act which may be deemed an act of domestic violence instead of directly committing such acts, the court may issue a protection order against such third party.

*General conditions of a protection order*

- 28.** The respondent of the protection order shall be prohibited from committing any of the following acts, although the same have not been specified in the protection order:

- (a) cause any physical or sexual injury to the protected person;

- (b) threaten to cause any physical or sexual injury to the protected person;
- (c) cause or threaten to cause damage to the property of the protected person;
- (d) commit or threaten to commit any act to intimidate, humiliate or cause psychological trauma on the protected person;
- (e) the respondent of the order committing any of the prohibited acts against the protected person through an intermediary.

*Condition of non-communication*

- 29.** (a) The court may require the respondent of the protection order to refrain from doing the following acts to the person who sought the protection order, where both parties share the same household except to that extent:
- (1) restricting the protected person from entering and exiting their private dwelling, place of work, employment, teaching, learning or any other commonly visited place; or following the victim at the times they enter such place with the intent to distress or to ascertain their whereabouts;
  - (2) stalking, going to the same place, stopping, bothering or verbally assaulting the protected person;
  - (3) entering or staying at the private dwelling of the protected person or other place where such person is present, without the express permission of such person;
  - (4) carrying out any of the following interactions with the victim using phones, letters, electronic mail, short message service (SMS) text messages or any other form, except to the extent required under the following circumstances:

- (aa) to the extent allowed in an agreement or order pertaining to visitation rights in respect of a child of the victim and, to the extent allowed under the special conditions of the protection order;
    - (bb) for, and to the extent necessary for taking part in a family gathering.
  - (b) The aforementioned conditions shall be applicable to each respondent of the protection order, where the order is made on multiple persons.
  
- Other provisions relating to condition of non-communication* **30.**
  - (a) The condition of prohibition from communication stipulated in section 29 (a) of this Act shall only be applicable in circumstances except where both parties share the same household with the express consent of the protected person.
  - (b) Where the protected person and the respondent of the order share the same household with the express consent of the protected person, the conditions of prohibition from communication shall be suspended but only to that extent.
  - (c) Where the express consent granted by the protected person to the respondent of the order to share the same household has been revoked, the non-contact conditions that had been suspended pursuant to this section shall come to an end, and such conditions shall thereafter come into force.
  - (d) For the purposes of this section, the non-contact conditions may be suspended or revived once or more than once.
  - (e) Where the protection order applies to more than one person, the aforementioned sections shall apply to each such person to the extent applicable under the given circumstances.

*Inclusion of  
special  
conditions*

- 31.** (a) In issuing protection orders, the court may impose upon the respondent of the order, special conditions which the court deems reasonably necessary to protect or provide for the safety of the protected person or any child of the protected person, including without limitation:
- (1) an order relating to the place of residence;
  - (2) custody order; and/or
  - (3) order for recovery of monetary damages.
- (b) Determination of special conditions under subsection (a) of this section, and the requirement to abide by those conditions may only be imposed where the court is of the opinion that there are special interests of protected person which needs to be protected, and to the extent necessary to protect those interests.
- (c) Where the court imposes a special condition in a protection order pursuant to subsection (a) of this section, that special condition shall prevail for the duration of the order, unless it is modified or revoked by the court.
- (d) The protected person shall not be evicted or excluded from the shared household or any part of it by the respondent of the order, save in accordance with the procedures established by law. However, persons who do not have a filial relationship with the protected person or who are not under the legal guardianship of the protected person shall be exempt from this section.
- (e) The court may require the following when making an order relating to a place of residence:
- (1) the perpetrator to deposit to the court a financial bond as security in order to discourage domestic violence. Such



- bond may be forfeited by the court in the event of a breach of the residence order;
- (2) pass an order directing the officer-in-charge of the nearest Police station to the residence of the victim to give protection to the victim or to assist the victim in making an application for a court order or in the enforcement of such order;
  - (3) obligations relating to the discharge of rent and other payments related to the residence of the victim, having regard to the financial needs and resources of the parties.
- (f) Notwithstanding anything to the contrary contained in any other law, the court may, at any stage of hearing the application for protection order, issue a custody order granting temporary custody of any children of the victim of domestic violence to the victim or the person making an application on behalf, provided that if the court is of the opinion that there is apprehension of circumstances that may be harmful to the children or to their interests. And such an order may specify the arrangements for visit of such children by the perpetrator. However, if the court is of the opinion that any visit of the perpetrator may be harmful to the interests of the children, then the court may prohibit the perpetrator from visiting the children.
- (g) In addition to the remedies available to the victim of domestic violence in this Act, the court may make an order for recovery of monetary compensation, where the victim of domestic violence makes an application to the court to that effect.

- (h) The court may, at any stage of the proceedings under this Act, direct the Authority to make arrangements for the perpetrator or the victim to undergo counselling together or separately.

*Duration of protection order*

- 32.** (a) A protection order, with the exception of those emergency orders issued under exceptional circumstances, shall remain as a lawful order until it has revoked by the court. As such, a protection order shall be issued in the first instance for a maximum period of one year.
- (b) A protection order may be extended by a decision of the court, upon application (by the victim or the perpetrator) for such extension. Such application shall be filed with the court at least seven days prior to the expiration of the previous court order.

*Variation of protection order*

- 33.** The court shall have the power to vary a protection order through any of the following means, upon application by the protected person or the respondent, and where the court is satisfied of such application:
- (a) removal or modification of a special condition;
- (b) addition of a special condition;
- (c) variation of the manner in which a certain act is to be performed, or removal of the requirement for performance of the same;
- (d) specify instructions for a specific matter in a specific manner.

*Duration and revocation of protection order*

- 34.** (a) The protection order may be revoked by another order of court, upon application by the protected person or the respondent during the subsistence of the order, and where the court is satisfied of such application.

- (b) The court may only revoke an order as specified in subsection (a) of this section where the court is satisfied that the circumstances that require subsistence of the protection order has come to an end.

*Breach of  
protection  
order*

- 35.** (a) A person commits a criminal offence if he does any of the following acts:
- (1) breach a protection order;
  - (2) failure to comply with a condition stipulated in the protection order;
  - (3) breach an order of the court relating to place of residence, custody order and/or an order for recovery of monetary compensation;
  - (4) failure to perform an act that is required to be performed pursuant to the protection order.
- (b) A person who commits the offence prescribed in subsection (a) of this section shall be punished with imprisonment for a period not exceeding 6 months or fined with an amount not exceeding 15,000 Rufiyaa.
- (c) A person who commits the offence prescribed in subsection (a) of this section for a second time shall be punished with imprisonment for a period not exceeding 1 year or fined with an amount not exceeding 30,000 Rufiyaa.
- (d) A person who commits the offence prescribed in subsection (a) of this section for a third time or for any instance exceeding the third time, shall be punished with imprisonment for a period not exceeding 3 years, or fined with an amount not exceeding 50,000 Rufiyaa.

- (e) This Act does not prevent the perpetrator from being given a punishment under any other criminal laws in addition to the punishment for the criminal offence stipulated in subsection (a) of this section, if the facts disclose the commission of a criminal offence during the act of domestic violence such as assault and battery, grievous bodily harm, rape, other sexual offences and murder.
- (f) Notwithstanding anything to the contrary contained in any other laws, the principles of bail shall not be applicable to a person detained under suspicions of having committed an act which is classified as an offence under subsection (a) of this Act.
- (g) Investigation, prosecution and examination in a trial proceeding shall be conducted according to the provisions of the prevailing criminal procedural law, unless otherwise stipulated in this Act.
- (h) Notwithstanding anything to the contrary contained in any other laws, the court has the power to determine that an act of domestic violence has been committed by the perpetrator, pursuant to subsection (a) of this section, based solely on the testimony of the victim.

*Power to  
arrest*

- 36.** (a) The Police shall have the power to do the following under this Act:
- (1) Arrest without a warrant, any person at the scene on an incident of domestic violence whom the Police officer reasonably suspects of having committed an offence containing an element of domestic violence against a victim.
  - (2) Arrest a perpetrator under the circumstance where the Police have reasonable grounds to believe based on the

given evidence that breach of a protection order, which is still in effect, has occurred.

- (b) The Police shall have regard to the following when arresting a person pursuant to subsection (a) of this section:
- (1) the extent to which safety of the protected person under the protection order may be compromised if he is not arrested at that time;
  - (2) the severity of the breach of protection order;
  - (3) the time elapsed since breach of protection order;
  - (4) reasonable belief that the perpetrator will continue to breach the protection order if the perpetrator is not arrested for such breach.

## **PART 8**

### **EMERGENCY ORDERS**

- Application for an emergency protection order*      **37.** (a) Unlike a protection order where both parties are summoned and heard in court prior to granting such order under the usual procedures laid down under this Act, an emergency protection order is an order granted without notice to the perpetrator and based solely only on the statements of the victim.
- (b) The court may issue a protection order as an emergency order, under the special circumstances stipulated in section 39 of this Act.
- Emergency order to*      **38.** (a) Emergency protection orders are temporary orders. Unless revoked, such an order shall prevail for a period not exceeding 3 months.

*become permanent* (b) The emergency protection order shall become a permanent order upon expiration of 3 months, unless revoked within the 3 months stipulated in subsection (a) of this section, or the respondent files a complaint regarding the order.

*Special circumstance s for issuance of emergency order* **39.** An emergency protection order under section 37 of this Act may be issued where the court is satisfied of the existence of the following circumstances:  
 (a) where granting an order after hearing from both parties may be of risk to the victim;  
 (b) justice sought by the victim may not be served;  
 (c) risk faced by the victim may be increased;  
 (d) the victim is a person who is in a difficult situation.

*Factors to consider before issuance of emergency order* **40.** The court shall have regard to the following before issuing an emergency protection order:  
 (a) seriousness of the complaint filed by the victim and the seriousness of the issues contained in the complaint;  
 (b) harshness or seriousness of the acts carried out by the respondent of the order;  
 (c) extent to which the interests of the victim are compromised as a result of the acts of the respondent of the order.

*Rights of the respondent when emergency order is issued* **41.** (a) The respondent of the emergency protection order shall have the following rights where the court issues the order:  
 (1) request the court for him to be heard before the order becomes permanent;  
 (2) request the court for variation or revocation of a condition or matter in the order;  
 (3) request the court for a revocation of the order;

- (4) let it be known that he objects to the order.
- (b) As in any other case, court hearings shall be conducted by presenting both parties (or their representatives) in the case where the perpetrator has filed a request in court in respect of any of the matters mentioned in this section. And the court shall make a decision whether to maintain, vary or revoke the temporary order.

*Conducting hearings*      **42.** The court may conduct hearings in the event the court believes that prior to making an emergency order permanent, justice would be best served by hearing the perpetrator or, by presenting the victim and perpetrator (or their representatives) in court and hearing the statements of both parties.

*Informing of the outcomes*      **43.** If the respondent of the order is present in court when any order under this Act is made, the court shall inform him of the following:

(a) legal consequences of breaching the order;

(b) procedures for amending or varying the order.

*Supplying copies of the order*      **44.** The registrar if the court shall, on behalf of the court, send copies of the order to the Authority and Police where a court makes any order under this Act.

*Appeal*      **45.** In the event a protection order has been issued pursuant this Act, or not issued, a person dissatisfied by such outcome shall have the right to appeal the case in High Court under the general procedures of appeal.

**PART 9**

**THAFRIQ OR FASKH**

- Thafriq*            **46.** *Thafriq* refers to the special right of a woman under Islamic *shariah* to demand the dissolution of a marriage where the court finds that any of the grounds stated under the Islamic *shariah* for *thafriq* continue to exist.
- Order of  
thafriq*            **47.** Any marriage shall be dissolved under this Act pursuant to a *thafriq* order of the court. The legal principles applicable to a court judgment shall be applicable to such an order.
- Circumstance  
s where  
thafriq is  
permissible*    **48.** In the event a male perpetrator bound by marriage with a female victim has committed an act of domestic violence against the female victim, for the purposes of this Act, their marriage shall be dissolved at the request of the female victim where the court finds the existence of any of the following grounds which have been prescribed under Islamic *shariah* as grounds under which *thafriq* is permissible:
- (a) seriousness of the act of domestic violence has caused an impediment to the resumption of a peaceful life between the male perpetrator and the female victim;
  - (b) safety and wellbeing of the female victim cannot be granted certainty due to the severity of such act of domestic violence;
  - (c) in spite of the implementation of other measures prescribed under this Act, the marital relationship between the two persons has irretrievably broken down as a result of the act of domestic violence that it is impossible to maintain the marital relationship any further.



- Outcome of thafriq*      **49.** (a)      Where the court has ordered for the dissolution of a marriage by *thafriq*, the marriage shall immediately come to an end. And, the principles of Islamic *shariah* applicable upon the dissolution of a marriage shall also apply to the two persons, thereafter.
- (b)      For the purposes of section 28 of the Family Law Act (Act Number 4/2000), the events specified in section 48 of this Act shall hereby further be deemed to be events that Islamic law allow for a marriage to be dissolved by *faskh*.

## PART 10

### ENFORCEMENT OF THE LAW

- Primary responsibility*      **50.** (a)      The Minister shall be the highest authority responsible for the implementation and enforcement of the provisions in the Domestic Violence Prevention Act; withstanding the responsibilities bestowed upon the court and the police under this Act, in respect to domestic violence prevention and prohibition.
- (b)      All powers, direct and subsidiary to the implementation and maintenance of the provisions in this Act shall be held by the minister, not including the responsibilities allocated to the court and Police under this Act in order to stop domestic violence.
- Decentralizati on principles*      **51.** (a)      To legitimize and facilitate the enforcement of this Act throughout the areas of jurisdiction belonging to the Island Councils, Atoll Councils and City Councils, the Minister may elect an agent, within

each council, respective to each area of representation, to enforce this act.

- (b) Delegation of powers or responsibilities, pursuant to subsection (a) of this section, to the Island Councils, Atoll Councils and City Councils is under the digression of the Minister; after providing the required facilities for the enforcement of such powers and responsibilities and by establishing a mechanism for the council to adopt in combating domestic violence.
- (c) The Minister has the responsibility to supervise the actions of, and provide guidance to the Island Councils, Atoll Councils and City Councils and any entities working on the same level to prevent domestic violence, create public awareness in order to prevent domestic violence acts and protect victims of domestic violence.
- (d) Specific powers or responsibilities delegated to the Island Councils, Atoll Councils and City Councils under this Act, shall be explicitly stated in writing.
- (e) Details of the responsibilities delegated to the Island Councils, Atoll Councils and City Councils under this Act, shall be provided under a regulation made pursuant to this Act, publicly announced and published in the Gazette. Such task shall be the responsibility of the Minister.

*Family  
Protection  
Authority*

- 52.** (a) A Family Protection Authority is hereby established under this section of this Act, whose mandate will be to combat domestic violence; create public awareness on the issues of domestic violence; provide the required services to the victims of such violence; co-ordinate the work of relevant government institutions including the Police and the Health Sector, coordinate various local

- efforts made by individuals (to protect victims of domestic violence) by bringing such effort under a national policy and implementing such policies and; to undertake a leading role in carrying out similar work on a national scale.
- (b) The Authority established pursuant to subsection (a) of this section shall be governed by a Board comprising 7 (seven) members appointed by the President. The Chief Executive Officer shall direct and oversee the work of the Authority, in consultation with the Board.
  - (c) The Authority shall be answerable to the Minister. The Minister's power shall be exercisable over the authority.
  - (d) The persons appointed to the aforementioned Board, shall be determined by giving priority to gender balancing, and such persons shall have the educational and practical competency to contribute to the efforts made to prevent and mitigate domestic violence in a constructive manner. additionally, any persons on the Board shall not be a person who has been alleged or convicted of a criminal offence or domestic violence offence.
  - (e) The aforementioned Authority has the power to carry out any responsibilities of the Authority under this Act, either by itself or by delegating such responsibilities under supervision to health care providers, social service providers, or non-profit organizations. However, under such circumstances, details of the applicable procedure shall be prescribed in a regulation made under this Act.
  - (f) In implementing and enforcing the responsibilities entrusted to the Authority under section 53 of this Act, the Authority shall have the power to establish various services.

*Mandate of*

*Family*

*Protection*

*Authority*

**53.** The responsibilities of the Authority are listed below:

- (a) determine and enforce national policies for combating domestic violence;
- (b) determine the programmes necessary to combat domestic violence, the objectives of such programmes and the standards for implementing such programmes;
- (c) establish multi-stakeholder mechanisms for implementing policies and programmes for combating domestic violence;
- (d) require compliance with the objectives and principles referred to in subsection (b) of this section by Authority centers within the jurisdiction of the councils;
- (e) enter into agreements local and international parties and, organize and implement programmes with such parties in order to implement this Act and stop domestic violence;
- (f) establish shelters with adequate staff and facilities in order to prevent domestic violence and to provide temporary support services for victims of violence; to determine the services provided from such shelters; and to provide such services in a sustainable manner;
- (g) determine the standards and policies which need to be introduced in order to improve the responsiveness (in all required areas) to incidents of domestic violence and; take all necessary steps in relation to that;
- (h) conduct research and collect data on the extent; spread and occurrence of domestic violence in the country; the reasons and personal characteristics related to occurrence of such violence and;

- the measures which could be taken to stop such violence and publish the required information from such findings;
- (i) determine and enforce the standards that have to be maintained while responding to victims of domestic violence and, the types, nature, extent and standard of social services that has to be provided to such persons;
  - (j) establish temporary shelters for the purpose of providing safe locations to the victims of domestic violence in order to help such persons resume a healthy living; aid other entities administering such shelters and; determine and monitor the standards, rules and objectives of such centres;
  - (k) provide support for perpetrators through anger management therapy and counselling support in order to rehabilitate them as healthy individuals;
  - (l) determine the entities providing services to victims of domestic violence; the standard of such entities; type, nature, extent and standard of social services;
  - (m) determine the standards, policies and code of conduct to be complied with by employees of the Authority; investigating cases of breach of code of conduct, and advising the Minister in respect of the actions to be taken in such cases;
  - (n) advise and provide information on domestic violence to law and policy makers;
  - (o) determine the operational standards and policies for centres providing temporary protection to victims of domestic violence, and to determine the standard of service at such centres.

- Employees*
- 54.** (a) The Board of the Authority shall determine job designations, requirements, remuneration and other benefits; and appointing persons for such designations is under the desgression of the Authority.
- (b) The employees of the Authority shall not be considered as employees of the Civil Service. Nevertheless, the employees of the Authority shall receive the protection afforded under the Civil Service Act (Act Number 5/2007) to the extent applicable.
- Budget*
- 55.** (a) Sufficient funds shall be remitted to the Authority and the Police for the purpose of combating domestic violence and providing support to victims, though the People’s Majlis annual budget, if said budget is passed during the current year.
- (b) When the People’s Majlis passes the following year’s budget during the current year, sufficient funds shall be remitted to the Authority for the purpose of administering the Authority; enforcing this Act; and effectively carrying out the works of the Authority as required under this Act.
- (c) In allocating funds pursuant to subsection (b) of this section, the People’s Majlis shall facilitate allocation of the funds requested by the Authority and the Police to the greatest extent possible.
- (d) The funds allocated under subsection (b) of this section must be released separately from the funds allocated under subsection (a) of this section.

**PART 11**  
**GENERAL PROVISIONS**

- Non-disclosure of certain details*      **56.** Publishing information, divulging information or distributing information to unrelated parties regarding protected persons or their children under a protection order issued pursuant to this Act except as provided for by the court, is prohibited by this act.
- Gathering information*      **57.** Information required for the fulfillment of the Authority's obligations under this Act, shall be disseminated to the Authority by every institution in the Republic of Maldives. This Act imposes an obligation on any such requested party to provide any such information when requested by the Authority.
- Access to records*      **58.** (a) The Authority shall be provided with any information or record of a patient in a hospital or health center when the Authority requires access to in the performance of their duties.  
(b) The Authority shall be provided with any information or record maintained by the Police in relation to an act of domestic violence, which the Authority requires access to in the performance of their duties.
- Determination of matters to be reported*      **59.** Matters that should be reported in relation to an act of domestic violence, and to whom it should be reported to, shall be specified in the regulations made under this Act.

- False information*      **60.** (a) False information shall not be given as an answer to any question posed by the Authority under the powers vested to them pursuant to this Act, while knowing the truth.
- (b) A person commits a criminal offence if he acts in contravention to subsection (a) of this section. Such an offence shall be punishable with a fine not exceeding 15,000 Rufiyaa.
- Obligation to assist*      **61.** (a) The Authority shall be provided with any assistance when requested for it; from the landlord of a place of residence, in betterment of the Authority's obligation to stop, reduce or protect the general public from an act of domestic violence.
- (b) The Authority may request Police assistance in matters related to their work. The Police shall aid when request by the Authority.
- (c) No person shall restrict or obstruct the work, within the mandate, of the Authority while it is being executed.
- (d) Not granting permission to enter a private dwelling without a court warrant shall not be considered as an obstruction to the work of the Authority, for the purposes of this Act.
- General offences*      **62.** It shall also be a criminal offence to contravene this Act or any provisions, herein, in addition to those offences determined under this Act and for which penalties have been determined. The penalty for such offences shall be the imposition of a fine not exceeding 10,000 Rufiyaa.
- No liability*      **63.** Employees of the Authority shall be exempt from legal action for acts carried out, with good intent, to enforce the obligatory requirements under this Act or any regulation made pursuant to this Act. And the employee shall further not be subject any legal liabilities.



- Assistance of a lawyer*    **64.** Any party to proceedings in terms of this Act may be represented by a lawyer. And, the State shall be responsible for the provision of lawyer, upon request, to those victims without the financial means.
- Costs*    **65.** The court may only make an order against the plaintiff to pay for the costs incurred as a result of filing of the domestic violence case, if it is satisfied that such case was filed frivolously, vexatiously and without reasonable cause or proof.
- Making and enforcing regulations*    **66.** (a) With the exception of the work assigned to the Police and the court, regulations shall be made and implemented by the Authority in respect of all other work. The regulations related to the work assigned to the Police shall be made by the Police. The regulations related to the work assigned to the court shall be made by the court.
- (b) Regulations made pursuant to subsection (a) of this section shall be made and published within 12 months from the date this Act comes into force.
- Interpretation*    **67.** Unless otherwise prescribed in this Act, the following terms and phrases shall be given the meaning as follows:
- (a) **“Protection Order”** means an order issued pursuant to Section 18 of this Act;
- (b) **“Registered Private Association”** means any registered association in accordance with the laws and with the Authority, which works on a non-profit bases with the objective of protecting the rights and interest of victims of domestic violence;

- (c) **“Reporting”** means informing the Police or the Authority under this Act under the circumstance where an incidence of domestic violence is suspected, or is likely to be taking place or, is unlikely that such violence is not taking place;
- (d) **“Verbal and psychological abuse”** means a pattern of degrading or humiliating conduct towards a victim. This includes the following:
  - (1) repeated insults, ridicule or name calling;
  - (2) repeated threats to cause emotional pain;
  - (3) exhibition of acts of obsessive possessiveness or jealousy, which is such as to constitute a serious invasion of the victim’s privacy, liberty, integrity or security;
- (e) **“Intimidation”** means uttering or conveying a threat, or causing a victim to receive a threat, which induces fear;
- (f) **“Guardian”** means the person responsible under law or Shariah for the care of their own child, person or a minor;
- (g) **“Child”** or **“Children”** means any person defined as a child under Act Number 9/91 (Protection the Rights of Children Act);
- (h) **“Court”** means the Family Court under all circumstances, except in respect of criminal offences under Section 35 of this Act, which shall be adjudicated by the Criminal Court. Or the Magistrate Courts having similar jurisdiction as the said courts;
- (i) **“Family”** refers to the following persons:
  - (1) married persons;
  - (2) children of the spouse (born from the current marriage or from a previous marriage);
  - (3) blood relatives and relatives of the spouse; or
  - (4) from the persons sharing the same household, the person who provides the financial assistance and their

corresponding dependents, if there are persons who are being cared for and financially assisted by another person's financial assistance.

- (j) **“Shared household”** means a household where the victim lives or at any stage has lived in a domestic relationship. This includes households owned by the victim and the perpetrator, households tenanted either singly or jointly by the victim and the perpetrator, and households which may belong to the joint family of which the perpetrator is a member, irrespective of whether the perpetrator or the victim has any right, title or interest in the shared household;
- (k) **“Authority”** means the Family Protection Agency established pursuant to section 52 of this Act;
- (l) **“Minister”** means the minister of the Government responsible for the Authority or under whom the mandate for the prevention of domestic violence on a national scale lies;
- (m) **“Economic abuse”** includes the following:
  - (1) the unreasonable deprivation of economic or financial resources to which a victim is entitled under law or which the victim requires out of necessity, including household necessities for the victim, and payment of rent or mortgage bond repayments in respect of the shared household; or
  - (2) the unreasonable disposal of household effects or other property in which the victim has an interest.
- (n) **“Ministry”** means the ministry of the government responsible for combating domestic violence at a national level;
- (o) **“Damage to property”** means the willful damaging or destruction of property belonging to a victim or in which the victim has a vested interest;

- (p) **“Stalking”** means repeatedly following the victim of domestic violence, going to places where the victim goes, harassing and bothering the victim;
- (q) **“Compensation”** means the compensation provided by way of a court order issued pursuant to section 31 (a) of this Act directing the perpetrator to pay compensation and damages for physical and emotion injuries caused by the acts of domestic violence committed by the perpetrator against the victim;
- (r) **“Residence Order”** means a court order issued pursuant to section 31 (a) of this Act:
  - (1) court order restraining the perpetrator from dispossessing or in any other manner disturbing the possession of the victim from the shared household, whether or not the victim has a legal or equitable interest in the shared household;
  - (2) court order directing the perpetrator to remove himself from the shared household;
  - (3) court order restraining the perpetrator or any of his relatives from entering any portion of the shared household in which the victim resides;
  - (4) court order restraining the perpetrator from alienating or disposing off the shared household or encumbering the same;
  - (5) court order restraining the perpetrator from renouncing his rights in the shared household except with the leave of a judge of the court;
- (s) **“Domestic violence”** means the acts stated in section 4 (a) of this Act;

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

- (bb) “**Chief Executive Officer**” means the main administrative officer responsible for the implementation of the decisions of the Board of the Authority and the daily administration of the Authority;

*Entry into  
force*

- 68.** This Act shall come into force from the date of ratification and publication in the gazette of the government of Maldives, after it has been passed.