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Gazette of the Government of Maldives

Volume: 52 No:217 Date: 4 Rabeeul Awwal 1445 – 19 September 2023 Tuesday

Regulation Number 2023/R-159

Regulation on Delegating Responsibilities to the Local Councils Pursuant to Act no 3/2012
(Domestic Violence Prevention Act)

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(Emblem)

Family Protection Authority

Male'

Maldives

<p><u>REGULATION ON DELEGATING RESPONSIBILITIES TO THE LOCAL COUNCILS</u></p> <p><u>PURSUANT TO</u></p> <p><u>ACT NO 3/2012 (DOMESTIC VIOLENCE PREVENTION ACT)</u></p>			
<p>Chapter 1</p> <p>Preamble</p>			
Introduction and Title	1	(a)	This is a regulation enacted by virtue of S66 (a), read with S51 (e) of Act no 3/2012 (Domestic Violence Prevention Act), to prescribe the rules of delegating the responsibilities relating to the implementation of the said Act to the local Councils.
		(b)	This Regulation shall be cited as "Regulation On Delegating Responsibilities to the Councils Pursuant to Act No 3/2012 (Domestic Violence Prevention Act)".
Application of the Regulation	2		The rules and procedures stated in this Regulation shall be applicable on the Councils
Purpose	3		The general purposes of this Regulation are as follows.

		(a)	To create the pathway for the Councils to carry out the responsibilities of enforcing the Domestic Violence Prevention Act in their respective jurisdictions.
		(b)	To ensure the participation of the Councils in the implementation of the National Strategy on Domestic Violence Prevention.
		(c)	To specify the responsibilities to be delegated to the Councils in the implementation of the Domestic Violence Prevention Act and the rules of delegating the responsibilities to the Councils.
		(d)	To appoint each Council as the agent responsible for the enforcement of the Domestic Violence Prevention Act in their respective jurisdictions and to prescribe the manner in which the councils shall implement that Act.
		(e)	To specify a method by which the Council's level of conformity with this Regulation can be evaluated.
<p>Chapter 2</p> <p>Rules of Delegating responsibilities to the Councils</p>			
General rules applicable to delegation of responsibilities to Councils.	4		The Minister shall delegate responsibilities upon the Councils pursuant to the Domestic Violence Act, in a manner which enables the following.
		(a)	Response to domestic violence cases by the Councils shall enable the implementation of the National Strategy for Domestic Violence Prevention composed under the Domestic Violence Act.
		(b)	Enable (Councils) to work closely with the people to prevent domestic violence in the community.
		(c)	In addition to providing the means, training and assistance required to carry out the duties towards implementing the Domestic Violence Prevention Act in accordance with that Act, ensure that the Councils are vested with the authority to prevent and take action against domestic violence through the decentralized governance system.

		(d)	Empower the Councils to enable the successful implementation of the Domestic Violence Prevention Act through the decentralized governance system.
Agency through decentralized governance system	5	(a)	The Minister shall declare that the Councils shall carry out the responsibilities under the Domestic Violence Act as Agents appointed for their respective jurisdictions.
		(b)	The island Councils shall carry out the responsibilities prescribed in section 7 of this Regulation as Agents appointed by the Minister.
Agreement to assign responsibilities	6	(a)	After appointing the Councils as Agents, an agreement to assign the responsibilities shall be effected between the (Councils and) the Minister or any other party designated by the Minister.
		(b)	The Agreement to assign responsibilities referred to in subsection (a) of this section shall, in the least, include the following. <ul style="list-style-type: none"> (1) The responsibilities assigned; (2) If a responsibility assigned thereunder requires to be carried out within a specific timeframe, such duration; (3) The assistance and facilities that will be provided to carry out the responsibilities; (4) Provisions pertaining to reporting the details of how the budget extended to the Councils are spent; (5) Provisions pertaining to reporting the progress of work to any person designated by the Minister.
Responsibilities of the Councils	7		The responsibilities of the island and city Councils under this Regulation are as follows.
		(a)	If a domestic violence case is reported (to the Council) or if the Council receives information that a case of domestic violence is taking place in the island or if such a case comes to the attention (of the Council), report the matter immediately to the police station in the island or to a police station in the atoll if there is no police station on that island, and record (register) the case. The Councils shall report domestic violence cases to the police via the referral form in Annex 1 of this Regulation.
		(b)	Assist in accordance with instructions from the police, or the Family Protection Authority or the Family and Children's Service Centers of the Ministry, maintain record of the same (instructions and action taken in response), maintain record of

			the statistics relating to domestic violence and share the statistics with the Family Protection Authority as instructed by the Minister.
		(c)	Enable to procure the required assistance through Family Protection Authority, Ministry or the Family and Children's Service Centers of the Ministry if a victim of domestic violence requests the Council for assistance.
		(d)	Monitor and report to any person designated by the Minister in a format approved by the Minister, the progress of activities designed and conducted at island level to implement the Domestic Violence Act and the regulations thereunder.
		(e)	Conduct awareness programs against domestic violence, and engage Women's Development Committees of the respective islands, general public belonging to the respective jurisdiction and civil society actors in carrying out other activities related to the cause.
		(f)	Cooperate with Family Protection Authority in implementing the National Strategy for Domestic Violence Prevention.
		(g)	If domestic violence cases which are either reported to the Council or of which the Council receives information about, involves children, the Council shall uphold all principles prescribed in Act no 19/2019 (Child Rights Protection Act) to protect the rights of the children from offences against them.
		(h)	Conduct awareness programs to the public in collaboration with the Family Protection Authority to raise awareness about identifying and preventing domestic violence and aiding the victims of domestic violence.
Responsibilities of the Atoll Councils	8		The responsibilities of the atoll Councils under this Regulation are as follows.
		(a)	Provide assistance and cooperation to the Councils appointed as Agents by the Minister under section 5 of this Regulation in carrying out their responsibilities.
		(b)	Where emergency or immediate response is required in attending to a domestic violence case, facilitate the response through the atoll police or the Family and Children Center of that atoll or the Family Protection Authority.
		(c)	Conduct activities which the Ministry or the Family Protection Authority require to be conducted at atoll level in collaboration

			with the Family and Children's Service Center of that atoll and formulate the works assigned to the island Councils in collaboration with the Center.
		(d)	Establish a forum to facilitate regular consultations, share technical assistance and cooperation among the representatives appointed by the councils under section 14 of this Regulation to enable the Councils to work in a result-oriented manner in the domestic violence prevention works.
Providing the facilities	9	(a)	The responsibilities referred to in sections 7 and 8 of this Regulation shall be assigned to the Councils after providing the Councils with the facilities required for the disbursement of those responsibilities through the annual budget of the Family Protection Authority in accordance with section 15(b) of the Domestic Violence Prevention Act.
		(b)	In providing facilities required to carry out the responsibilities under subsection (a) of this section, consultations with each Council shall be conducted about the facilities the Councils already have, the challenges they may face in carrying out the responsibilities and the ways in which the challenges can be overcome.
		(c)	Notwithstanding subsection (a) of this section, where the Council requests for the assistance of the Authority in relation to the responsibilities assigned to the Councils, such assistance shall be provided.
<p>Chapter 3</p> <p>Rules applicable to Councils in carrying out their responsibilities</p>			
Collaboration mechanism	10	(a)	Police, Family and Children's Service Center's of the Ministry, hospitals, and health centers who are tasked with intervening and responding to domestic violence cases at island, city, and atoll level shall collaborate with the Council of that island in the implementation of the Domestic Violence Prevention Act.
		(b)	If an authority which is engaged in intervening and responding to domestic violence cases at island, city and atoll level, requests the Councils for their cooperation and assistance, the Councils shall provide the required assistance and cooperation.
		(c)	The Councils may employ 'IBAMA' or any other mechanism specialized to attend to social problems by the Council to

			provide collaboration to other authorities working together in domestic violence cases as required under subsection (a) of this section.
		(d)	Councils which have not constituted the 'IBAMA' teams shall appoint a focal point to represent the Councils in accordance with section 5 of this Regulation. The appointment of the focal points shall be informed, in addition to the Ministry, to the Police Station, Family and Children's Center of the Ministry in that island or city or atoll and the hospital or health center of that island.
		(e)	If the focal point appointed under subsection (d) is replaced for any reason, the concerned authorities shall be informed of the change at the earliest.
Assistance by the Councils	11		In the event a law enforcement authority requires assistance from the Councils, each Council shall assist within the budget and facilities available to that Council. In addition, this section does not prohibit the procurement of assistance from other parties of the island or city through the engagement of the Council.
Role of the Councils in islands which do not have an established law enforcement authority	12	(a)	In islands where a police station or its desk or a Family and Children's Center of the Ministry or its desk is unavailable, the Councils shall operate as first responders for domestic violence cases.
		(b)	In the event the Council is required to act as a first responder in a domestic violence case pursuant to subsection (a) of this section, the Council must follow the instructions of the police or the Family and Children's Service Center of the Ministry or the Ministry.
		(c)	Pursuant to this section, the Councils shall carry out the following until the police or the Ministry reaches the island to handle the case. <ol style="list-style-type: none"> (1) Provide immediate protection to those who need to be protected; (2) Obtain and record further information about the case reported; (3) Where information about a person related to the case is required, obtain such information; (4) Perform any other tasks instructed by the police or the Ministry or the Family and Children's Center of the Ministry;

			(5) Perform tasks as instructed by the Family Protection Authority.
		(d)	If a center of the Ministry or police requires that immediate protection be given to any person in accordance with subsection (c)(1) of this section, the expense of providing such protection shall be borne by the authority which made the request.
		(e)	Instructions to the Councils by the police or the Ministry under this section shall be communicated in writing as much as possible.
Confidentiality	13	(a)	All information received in carrying out the responsibilities of the Councils in relation to a domestic violence case shall be treated as confidential information.
		(b)	Information related to domestic violence cases shall not be shared with a third party either through media or otherwise. Confidentiality of the information shall be ensured even in the event information is shared under a court order or required by police in relation to an ongoing investigation and at all times the privacy of all persons involved shall be protected.
Chapter 4			
Administrative apparatus and budget of the Councils			
Appointing employees to attend to domestic violence cases specifically	14	(a)	Where Councils are required to act in response to domestic violence cases reported to the Council or which comes to the attention of the Council or wherein other authorities have requested assistance, (only) those employees who are appointed to attend to domestic violence cases may act on behalf of the Council.
		(b)	Pursuant to subsection (a) of this section, being considerate of the number of employees working in the office of the Council, each Council shall appoint one or two employees for this purpose. This section does not prohibit the employees appointed herein to be the Council representatives in "IBAMA".
		(c)	The responsibilities pertaining to attending to domestic violence cases by the employees appointed under subsection (b) of this section, shall be included in their job description.

		(d)	If a Council has appointed an employee to attend to social matters on behalf of that Council prior to the commencement of this Regulation, this section does not prohibit deeming of that appointment to be consistent with subsection (c) of this section.
		(e)	This section does not prohibit the appointed employee under this section to be an elected member of the incumbent Council.
		(f)	Councils which have not appointed any employee to attend to domestic violence cases reported to the Council or which comes to the attention of the Council and wherein other authorities have requested assistance in accordance with subsection (a) of this section, such appointment shall be made within 30 (thirty) days from the date of commencement of this Regulation and inform the same to the Family Protection Authority in accordance with this section.
Budgeting	15	(a)	Notwithstanding section 9(a) of this Regulation, this Regulation does not prohibit the Councils from apportioning an estimated amount required to respond to domestic violence cases and deliver assistance requested by other authorities from the budget allocated for social services in the Council's annual budget.
		(b)	In estimating the amount required to address domestic violence cases, the size of the population of the island, alternative support mechanisms available in the island to the public in domestic violence cases, the assistance that Council has previously provided and the projected programs by the Council to prevent such cases shall be taken into consideration.
Conducting required trainings	16	(a)	Responsibilities under this Regulation shall be assigned to Councils after the staff of each Council is trained in relation to domestic violence. In this regard, the employees designated under section 14 of this Regulation in each Council shall be trained adequately.
		(b)	Trainings required by the staff of the Councils pursuant to subsection (a) of this section shall be facilitated through Family Protection Authority to the Councils within 6 (six) months from the date of commencement of this Regulation.
		(c)	On the advice of the Minister, the Family Protection Authority shall determine the training requirement applicable to employees designated to attend to domestic violence cases

			pursuant to subsection (a) of this section, its standards and conditions.
		(d)	In addition to the staff trained under this section, members of the Council also shall attend the trainings.
		(e)	This Regulation does not prohibit the Authority from requesting the Ministry for assistance in delivering the trainings under this section.
Training areas	17		Pursuant to this Regulation, in relation to domestic violence, Councils may be trained in the following areas.
		(a)	Roles and responsibilities of specific stakeholders under the Domestic Violence Prevention Act.
		(b)	Maintaining confidentiality in relation to domestic violence cases.
		(c)	Assisting victims of domestic violence.
Monitoring service provision	18	(a)	To enable monitoring of the performance of responsibilities by the Councils, information shall be shared with the Family Protection Authority in the manner required by the Authority. The solutions for the challenges faced by the Councils and the adequacy of the facilities and means available will be identified in light of the information shared.
		(b)	Pursuant to subsection (a) of this section it shall be the responsibility of the Secretary General of each Council to share information with the Minister or the Family Protection Authority on the performance of the responsibilities of the Councils regarding the implementation of the Domestic Violence Act.
		(c)	In consideration of the information shared with the Minister or the Family Protection Authority, if a matter needs to be brought to the attention of the Local Government Authority, the matter shall be addressed to that institution.
Chapter 5 Miscellaneous			
Matters not addressed in this Regulation	19		In the event a matter which is not addressed in this Regulation arises, it shall be dealt in accordance with the Domestic Violence Prevention Act as instructed by the Minister.

Councils to enact procedural rules	20	On the advice of the Family Protection Authority, each Council may compose procedural rules applicable to that Council in carrying out the responsibilities assigned to that Council under this Regulation.
Definitions	21	The following words and phrases shall have the meanings assigned hereinbelow, unless the use of phrase or word in this Regulation evidences a different meaning to it.
		(a) 'Domestic Violence Prevention Act', or 'Act' refers to Act no 3/2012 (Domestic Violence Prevention Act) and all amendments to it.
		(b) 'Councils' refers to the city councils, atoll councils and island councils instituted under Act no 7/2010 (Act to Govern the Local Constituencies of the Maldives on the Principle of Decentralization).
		(c) 'Ministry' refers to the ministry mandated to carry out the domestic violence prevention works at national level.
		(d) 'Minister' refers to the minister in charge of the ministry mandated to carry out the domestic violence prevention works at national level.
		(e) 'Family Protection Authority' or 'Authority' refers to the institution named "Family Protection Authority" established under section 52 of Act no 3/2012 (Domestic Violence Prevention Act).
		(f) 'First responders' refers to the immediate service providers attending to victims seeking services upon suffering domestic violence.
		(g) 'IBAMA' refers to the teams of service providers established under Guideline no 2022/G-33 (Guideline on Ijthima aee Badhahi Madhadhuverin 'IBAMA' (Team of multi sectoral Social Service providers') formed in all inhabited islands and cities of Maldives except Male' City to identify and assist vulnerable groups living among the communities of Maldives.
Commencement of Regulation	22	This Act shall come in to force on the date of completion of 3 (three) months from the date this Regulation is published on the Gazette of the Government of the Maldives.

Annex 1**Form number****Date****REFERRAL FORM FOR REPORTING DOMESTIC VIOLENCE BY INSTITUTIONS****Instructions**

- This Form shall be used to refer domestic violence cases to the concerned authorities upon your institution receiving a report of the same.
- Please complete this Form and send to concerned authorities and to the email address of Family Protection Authority at reporting@fpa.gov.mv or fax to 3010552.
- For further information about this Form, please contact Family Protection Authority at 3010551.

The person reporting the case shall be advised that the information shared by that person will be shared with other institutions where the law requires and that it will be used by the Family Protection Authority's statistics.

Reported by: Victim <input type="checkbox"/> Other than the Victim <input type="checkbox"/>	Date of incidence:	Date of Reporting:
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Whether this case has been previously reported to another authority? YES NO

DETAILS OF THE VICTIM

Name	Age	Sex
Permanent Address: Contact Address:		NID Card No:
<input type="checkbox"/> Person with disability	<input type="checkbox"/> Person with mental illness	
<input type="checkbox"/> Person on substance abuse	<input type="checkbox"/> Person with a medical condition or illness	

DETAILS OF THE PERPETRATOR

Name	Age	Sex
Permanent Address: Contact Address:	NID Card No:	Relationship with victim
<input type="checkbox"/> Person with disability	<input type="checkbox"/> Person with Mental illness	
<input type="checkbox"/> Person on substance abuse	<input type="checkbox"/> Person with a medical condition or illness	

DETAILS OF VIOLENCE COMMITTED

DETAILS OF VIOLENCE COMMITTED			
Place of incidence:		Atoll and Island:	
Act of Domestic Violence Committed / Section 4(a) of Domestic Violence Prevention Act*			
<input type="checkbox"/>	(1) Physical violence	<input type="checkbox"/>	(9) Abusing
<input type="checkbox"/>	(2) Sexual Violence	<input type="checkbox"/>	(10) Stalking
<input type="checkbox"/>	(3) Verbal assault or psychological violence	<input type="checkbox"/>	(11) Destroying property
<input type="checkbox"/>	(4) Financial or economic oppression	<input type="checkbox"/>	(12) While the victim and perpetrator are not cohabiting, entry of the perpetrator into the living quarters of the victim except with express clear consent from the victim.
<input type="checkbox"/>	(5) Impregnating wife against doctor's advice to avoid pregnancy for a given period of time.	<input type="checkbox"/>	(13) Any other act which can be deemed as an act of control or violence over a victim of domestic violence.
<input type="checkbox"/>	(6) Impregnating a woman against her will while she is in the process of obtaining divorce from an abusive marriage.	<input type="checkbox"/>	(14) Compelling a person to do or not do an act against the free will of that person by threatening or by use of force.
<input type="checkbox"/>	(7) Intentional withholding of a property from being disposed of by its owner.	<input type="checkbox"/>	Confining a person against his or her will or inhibiting the free movement of a person from place to place as willed by that person or to inhibit transportation or mobility of a person.
<input type="checkbox"/>	(8) Threatening	<input type="checkbox"/>	(16) attempting to carry out any of the above or creating fear in the mind of any person of such act taking place.
<input type="checkbox"/>	(17) Intentionally, exposing a minor to the scene or noise of an ongoing domestic violence incidence or letting a minor in to a situation where such a scene or noise may be witnessed.		
Whether any of the following took place or was noticed during the violence.			
<input type="checkbox"/> Threatening to kill <input type="checkbox"/> Strangling / suffocating <input type="checkbox"/> Use of sharp object <input type="checkbox"/> Neglect <input type="checkbox"/> Rape <input type="checkbox"/> Blackmailing by threatening to leak photos / videos			

If any further detail is required to be recorded regarding the case, please use the space provided

REFERRALS MADE TO OTHER AUTHORITIES REGARDING THE CASE

Was the victim referred for medical services?

Yes

No - This service was provided by your institution

No – This service was received before arriving at your institution

No – This service is not applicable.

No – Victim refused this service

No – Service was not available

Was the victim referred for psychosocial support services?

Yes

No - This service was provided by your institution

No – This service was received before arriving at your institution

No – This service is not applicable.

No – Victim refused this service

No – Service was not available

Was the victim referred for legal support services?

Yes

No - This service was provided by your institution

No – This service was received before arriving at your institute

No – This service is not applicable.

No – Victim refused this service

No – Service was not available

Was the victim referred for support services from the Police?

Yes

No - This service was provided by your institution

No – This service was received before arriving at your institute

No – This service is not applicable.

No – Victim refused this service

No – Service was not available

If another institution has been referred for a service, provide the details of the reference in this space.

Name and designation of the employee

Contact number of the employee