

Law No. (17) of 2015
On Protection Against Domestic Violence

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.

Having reviewed the Constitution,

the Penal Code promulgated by Legislative Decree No. (15) of 1976, as amended,

Legislative Decree No. (17) of 1976 with respect to Juveniles,

Law on Attorneys promulgated by Legislative Decree No. (26) of 1980, as amended,

Legislative Decree No. (16) of 1991 with respect to the accession of the State of Bahrain to the United Nations Convention on the Rights of the Child, adopted by the General Assembly in November 1989, as amended by Legislative Decree No. (8) of 2000,

Legislative Decree No. (5) of 2002 approving the accession to the Convention on the Elimination of All Forms of Discrimination against Women, as amended, the Criminal Procedures Law promulgated by Legislative Decree No. (46) of 2002, as amended,

Law No. (18) of 2006 with respect to Social Security,

Law No. (19) of 2009 promulgating Family Provisions Law (Part One),

and Law No. (37) of 2012 promulgating Child Law,

The Shura Council and the Council of Representatives have approved the following law, which we have ratified and enacted:

Part One

General Provisions

Article (1)

For the purposes of implementing this Law, the following words and expressions shall have the meanings set out hereunder, unless the context otherwise requires:

Ministry: The Ministry of Social Development.

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Family: For the purposes of this Law, family members comprise of:

- 1– The husband and wife under Sharia’a-based or a legal marriage contract, and their children and grandchildren.
- 2– The children of one of the spouses from another Sharia’a-based or legal marriage.
- 3– The father and mother of either spouse.
- 4– The brothers and sisters of either spouse.
- 5– The person covered by the custody of a surrogate family.

Domestic violence: Any act of abuse which falls within the family’s scope by one of its members “the aggressor” against another “the victim”.

Domestic Violence Crimes: The following acts, in accordance with the provisions of this Law, are considered domestic violence crimes:

- 1– The act of physical abuse: Any assault by any means on the body of the victim.
- 2– The act of psychological abuse: Every act which results in psychological harm to the victim, including defamation and insult.
- 3– The act of sexual abuse: In accordance with the provisions of this Law, the following acts undertaken by the aggressor towards the victim are considered acts of sexual abuse:
 - A– Sexual assault, urging or exploiting the victim by any means, to satisfy the sexual desires of the aggressor or for it to be achieved for others.
 - B– Exposing the victim to sexual material or behavior.
- 4– The act of economic abuse: Every act which results in depriving the victim of his right or freedom to dispose of his monies to the detriment of the victim.

Protection order: The order issued by the Public Prosecution, the competent court, or the investigating judge to protect the victim in accordance with the conditions stipulated for in this Law.

Part Two

Family Guidance Department

Article (2)

A department called the Family Guidance Department shall be established in the Ministry and its purpose is to provide family guidance services and awareness in the field of domestic violence, followed by a number of family guidance centers or offices.

Article (3)

The Minister shall issue the provisions and decisions which regulate the terms of the licenses for family guidance centers.

Article (4)

With the exception of family guidance centers and offices established by the Ministry, no natural or private legal person may open a family guidance center except after obtaining a license to do so from the Ministry in accordance with the conditions and procedures issued by a decision of the Minister.

Article (5)

The competent technical bodies of the Ministry undertake the inspection of community centers or family guidance centers, to verify the implementation of the provisions of this Law and the decisions issued thereof.

Article (6)

The Minister of Justice, Islamic Affairs and Endowments shall issue a decision, in agreement with the Minister, authorizing some of the technical bodies stated in Article (5) of this Law the capacity of Judicial Investigation Officers.

Part Three

Protection Measures Against Domestic Violence

Article (7)

The Ministry shall work to provide services and take the following measures to limit domestic violence, in cooperation and coordination with all official institutions, each according to its jurisdiction, as follows:

- 1– Work on raising public opinion on the risks and effects of domestic violence.
- 2– Provide and disseminate adequate information on family guidance, treatment, rehabilitation and accommodation services, manner of obtaining them and the authorities which provide them.
- 3– Provide the necessary shelters to accommodate the victim of domestic violence crimes.
- 4– Provide family, psychological, social and health counseling services and rehabilitation services for the victim and the aggressor.
- 5– Provide legal aid to the victim when needed.
- 6– Follow-up on criminal cases related to domestic violence, through the presence of a representative in the sessions of the courts.
- 7– Provide specialized training programs and lectures in the field of domestic violence to personnel in charge of enforcing this Law, and to judges and public prosecutors.
- 8– Dissemination of data on domestic violence and the prevention thereof to limit domestic violence in such a way that it does not affect personal freedom and privacy.
- 9– Encourage and support scientific studies and research in the field of domestic violence.
- 10– Create a hotline to receive reports and complaints about cases of domestic violence.
- 11– Develop national indicators that monitor and measure cases of domestic violence, in cooperation with the relevant authorities.

Article (8)

Without prejudice to Article (9) of the Criminal Procedures Law or in any other law, every domestic violence victim or any member of the family has the right to submit a report on the incident of domestic violence, and anyone who becomes aware of a domestic violence incident is required by virtue of their work or

medical or educational profession to inform the Public Prosecution or police stations of his knowledge.

Article (9)

Both the Public Prosecution and the police stations are obligated to:

- 1– Ensure the protection of the person who reports the incident of domestic violence, by not disclosing his name and identity unless judicial procedures require otherwise.
- 2– Listen to parties and witnesses, including children, in appropriate separate rooms, and allow each of them to give their statements freely and confidentially.
- 3– Maintain confidentiality in all communications, correspondence and procedures related to domestic violence cases.

Article (10)

The Public Prosecution or police stations shall receive reports and complaints related to domestic violence and they shall take all necessary legal procedures.

Article (11)

The Ministry of Education shall work to develop educational curricula to contribute to the promotion and dissemination of a culture of renouncing domestic violence and strengthening family ties.

Article (12)

In case of receiving reports of domestic violence, the police stations shall take the following procedures:

- 1– Transfer the victim to the nearest hospital or health center for treatment, if necessary.
- 2– Upon an order issued by the Public Prosecution, the victim shall be transferred to one of the Ministry's shelters in cases of domestic violence, especially children, as quickly as possible.

Article (13)

The Public Prosecution may issue a reasoned interim decision to transfer the victim outside the family for protection, provided that the victim is brought before

the Lower Criminal Court if he is a minor or incompetent, within two weeks to determine the person who will take care of victim, whether temporarily or permanently.

Article (14)

When receiving a report on domestic violence, the Public Prosecution shall issue a record containing the following data:

- 1- The hour, date and place of receiving the report.
- 2- The name of the person who reported and his personal data.
- 3- The time of the start and completion of the investigation.
- 4- The type of violence committed against the victim and the tool used, if any.
- 5- Indicate violence against children, its occurrence in their presence or its extension to them.
- 6- Any other data that indicates the circumstances, causes and consequences of violence occurrence.
- 7- Any documents that are relevant or the victim wishes to attach.
- 8- Any protective procedures taken when the report was received.

Article (15)

The Public Prosecution may issue a protection order on its own initiative or at the request of the victim, obliging the aggressor to:

- 1- Not to be subjected to the victim.
- 2- Not to approach the places of protection or any place stated in the protection order.
- 3- Not to damage the personal property of the victim or any of the family members.
- 4- Enable the victim or his representative to receive the necessary personal belongings.

The protection order shall not exceed one month, and the protection order may be renewed by an order of the Lower Criminal Court in the event of its violation

or breach by the aggressor provided that the protection period does not exceed three months.

Either party to the dispute may file a grievance against the protection order within seven days from the date of its declaration to him requesting its cancellation or amendment, and the grievance shall be before the Lower Criminal Court regarding the order issued by the Public Prosecution. If the order is issued by the Lower Criminal Court, the grievance shall be before the Higher Criminal Court in its appellate capacity.

Chapter Four

Penalties

Article (16)

Whomever violates the protection order shall be punished with imprisonment for a period not exceeding one month and a fine not exceeding one hundred dinars, or either of these two penalties.

Article (17)

Without prejudice to any more severe penalty in the Penal Code or any other law, whomever violates the protection order by using violence against any of the persons covered by the provisions of this Law shall be punished with imprisonment for a period not exceeding three months and a fine not exceeding two hundred dinars, or either of these two penalties.

Article (18)

Whomever establishes a family guidance center or office without obtaining a license to do so or continues the activity of a licensed center after the issuance of an administrative decision to revoke the license or temporarily close the center, shall be punished with imprisonment and a fine of not less than two hundred dinars, or either of these two penalties.

Chapter Five
Final Provisions

Article (19)

Without prejudice to the provisions of Article (9) of the Criminal Procedures Law, the victim or his representative, as the case may be, may waive the complaint in domestic violence crimes in any status the case was in, and the criminal proceedings shall be terminated by waiver. Waiver is not permissible in felonies.

Article (20)

The Prime Minister and the Ministers – each within his jurisdiction – shall implement the provisions of this Law, and it shall come into force from the day following the date of its publication in the Official Gazette.

King of the Kingdom of Bahrain

Hamad bin Isa Al Khalifa

Issued in Riffa Palace:

Date: 20 Shawwal 1436 AH

Corresponding to 5 August 2015