

Minister's Office

Ministerial Resolution

The Minister of Social Affairs,
Based on the power vested in the Minister of Social Affairs,

Upon perusal of the Protection against Harm System issued by the Royal Decree No. (52/M), dated 15/11/1434 AH, approving the Protection against Harm System, and upon perusal of the Executive Regulations of the Protection against Harm System issued by H.E. Minister for Social Development resolution no (43047), dated 8/5/1435 AH, and based on Article (16) of the Protection against Harm System, and

Based on what was presented by the Deputy Minister for Social Development.

Have decreed as follows:

First: Approve the Executive Regulations of the Protection against Harm System, in the form enclosed herewith, to replace Executive Regulations issued by Ministerial Decree No. 43047 dated 3/9/1428 AH, and repeal any other contradicting regulations.

Second: These Regulations shall be published in the Official Gazette and on the Ministry's website, and it shall be enforced from the date of its publication.

Third: The Deputy Minister for Social Affairs shall take necessary action to implement the said resolution.

Allah grants success 

Minister of Social Affairs



Eng. Ahmed bin Suleiman Al-Rajhi

Executive Regulations of the Law of Protection from Abuse

Article (1)

The following terms and phrases – wherever mentioned in this Regulation – shall have the meanings assigned thereto unless the context requires otherwise:

- **Ministry:** The Ministry of Labor and Social Development.
- **Minister:** The Minister of Labor and Social Development.
- System:** Protection against Harm System
- **Regulation:** Executive Regulation for Protection against Harm System
- **Multidisciplinary Team:** Team of health Professionals' who are members of different disciplines working in social protection entities (Houses, Centers, Teams), and shelter houses, and shall minimally include (Psychiatrists, Social Workers, and legal professionals).
- **Units / Centers / Teams:** Administrative and field units, centers, and teams established to handle reports of protection from domestic violence and abuse, and to deliver comprehensive services and care to victims and abusers.
- **Child Protection Centers:** Administrative and field centers / units designated to handle reports on protection of child from harm.
- **Social Protection Homes:** Homes designated to provide shelter for victims of domestic violence or abuse or others of need of shelter, whether affiliated with the Ministry or the charitable sheltering associations supervised by the Ministry.
- **Social Hospitality Homes:** Homes designated to accommodate women and girls who cannot be returned to their families.
- **Receiving Communications Center:** Helpline established to receive calls of abuse and domestic violence; Kingdom wide.
- **Person:** Natural or legal person, as the context may require.

- **Exploitation:** Cause harm to a person by any means or act, to achieve unlawful aim.
- **Physical Abuse:** The intentional use of physical or moral violent acts to cause bodily harm to another Person.
- **Psychological Abuse:** Any psychological harm caused by continuous behavior, with the aim of compromising the dignity of the abused person or his moral rights guaranteed by Sharia or the Law.
- **Sexual Abuse:** Expose a person to any unlawful sexual act, saying or exploitation by any means whatsoever, even once, and this includes exposing the abused person to pornographic, obscene materials, or sexual behavior.
- **Negligence:** any act or failure/negligence to act which results in direct or indirect harm to the victim.
- **Harm (Abuse):** any act or failure to act which results in harm to the protected person.
- **Guardianship:** An authority established by Sharia that authorizes the guardian to act and manage the affairs of another Person on his behalf in relation to his body, soul and money, provided that it does not negatively affect his legitimate rights.
- **Power:** A legal or legitimate relation, under which a Person has the right to impose his will on another Person based on the powers of family counseling and supervision. This includes cases supervised by the Ministry in hospitality homes house, cases supervised by charitable sheltering associations, and cases sponsored by foster families.
- **Responsibility:** a situation where a person is legally or legitimately responsible for the consequences of the actions of another Person, based on family relationships.
- **Dependency:** Financial support of one person to another because of family relationship and look after his affairs as well.
- **Sponsorship:** Person securing some or all basic needs of another Person, tied to him with family relationship, including cases sponsored by foster families, and the Charitable Sheltering Associations supervised by the Ministry.

- **Trusteeship:** Delegation of another person – by virtue of a will - to carry out tasks, duties and acts permitted by sharia law for the benefit of the Testator’s minor children.
- **Livelihood relationship:** A Person dependency on another Person to secure his basic life necessities.
- **Basic Needs of a Person:** Minimum fundamental requirements for a Person’s life necessary to fulfil his basic material and psychological needs.
- **Family Relationship:** A social, moral relationship between people, commonly based on filiation or conjugal relationships between husband and wife, children, grandparents and grandchildren, including blood and affinity ties.
- **Competent Authorities:** Relevant authorities from the governmental sector, private sector, and the third sector.

Article (2)

To achieve the objectives of the Law, the Ministry shall:

- 2.1 Conduct social and psychological evaluation for abused cases, engage the case to rehabilitation programs as appropriate for each case, and empower in a manner that guarantees assist the case to settle down and adapt to their family or social conditions.
- 2.2 Secure premises to use as sheltering homes - for reported abused cases requiring hosting or cases proved to be subject to abuse- in a way that ensures satisfactory protection, and plan to empower victims economically & socially, as a prelude to return to their families.
- 2.3 Coordinate with the relevant Competent Authorities to ensure provide the abused case with shelter, treatment, assistance, as well as moral, social, psychological, health and security care.
- 2.4 The Ministry shall, in cooperation with the relevant authorities, take all appropriate preventive measures for protection from abuse.
- 2.5 Coordinate with the Competent Authorities to develop mechanisms and procedures for dealing with common cases.

Article (3)

- 3.1 The Receiving Communications Center (helpline) will receive reports of abuse and domestic violence and refer to the Competent Authority to handle.
- 3.2 If it is proved that anyone is aware of a case of abuse and has not reported it, he shall bear full direct liability to Competent Authorities.
- 3.3 Receive reports of abuse from all family members, and refer to the police station and Child Protection Centers as appropriate.
- 3.4 Any employee who becomes aware of a case of abuse, by virtue of his work when dealing with the family members, must report such case immediately to his employer.
- 3.5 All entities are obligated to immediately notify the Ministry of Labor and Social Development or the police station of any case of abuse or domestic violence that may come to their attention or reported to them.
- 3.6 If the case of abuse requires urgent intervention, the center shall immediately report such case to the police station and the public prosecution, and shall maintain the confidentiality of the identity of the person reporting the case.
- 3.7 In the event that an employee reports a case of abuse, the workplace shall be liable for the consequences of reluctance or failure to report the case in the appropriate time. Such liability extends to the natural persons, representing the named employer at the time of occurrence of abuse. Being no longer its representatives at the time of accountability -for any reason whatsoever - shall not negate or mitigate their liability.
- 3.8 The Competent Authority in the Ministry shall provide the Receiving Communications Center agents (Helpline) with necessary training on the processes for receiving and handling complaints, details on their roles and responsibilities, guidelines for advising callers, and methods to assess severity of the reported case of abuse in accordance with Article 15 of these regulations.

Article (4)

- 4.1 Establishment of Receiving Communications Center (helpline), to receive complaints against domestic violence and abuse kingdom wide from victims , relevant security authorities, and other governmental or private entities. The center shall document the complaint, after ascertaining the report and assessing the case, verify the identity of the reporter if possible, review the report attachments if any, and follow up the report with the Social Protection Units/Centers.

- 4.2 The Center shall refer the complaint to the nearest Social Protection Unit to the victim's location, to take necessary action to deal with the abuse according to established mechanisms.
- 4.3 The Center shall use and maintain forms and records to regulate incoming calls, and will use an electronic documentation system for all incoming reports of abuse as well.
- 4.4 The Center shall record and document incoming calls by all means of communication.
- 4.5 The Center shall link the data of complaints records and statistics to the records of complaints submitted to other concerned entities such as police stations and hospitals.
- 4.6 The Center shall conduct periodic reports on the received complaints statistics, classified according to the type of abuse, severity, demographic characteristics of the victim and aggressor, and number of handled cases.
- 4.7 Without prejudice to the duties and responsibilities of the Receiving Communications Center, the Ministry Directorate of Social Protection shall receive reports of domestic violence and abuse cases and refer to the competent Social Protection Unit to investigate and handle, or refer to the directorate for its recommendation thereof.

Article (5)

The confidentiality of identity of a person reporting a case of abuse shall be maintained, and may not be disclosed except with his written consent and only as needed. The following cases shall be excluded:

- 5.A If the Social Protection Unit deems that the disclosure of the identity of a person reporting a case is necessary for substantial reasons determined by the Multidisciplinary Team handling the case , provided that this is within the minimal limits.
- 5.B The Social Protection Unit shall not reveal the identity of a person who reports abuse to the official authorities except upon receiving a formal justified request from the requesting entity. The requesting entity shall maintain the confidentiality of the identity of the reporting person, and shall not compromise in its disclosure. Anyone who violates this provision shall be held responsible for this disclosure.

Article (6)

- 6.1 Any person who reports a case of abuse is considered a bona fide individual, unless there is a proof or evidence to the contrary otherwise.
- 6.2 If it is proved that the report of abuse is false, the aggrieved person may file a complaint with the competent court and claim compensation according to the applicable Laws.

Article (7)

After receiving the Report of Abuse, Social Protection Units / Centers shall undertake the following actions:

- 7.1 handle the report of abuse Immediately by communicating with the case, assess its degree of seriousness, conduct a medical evaluation for the victim if necessary, and take all other necessary and appropriate procedures to deal with the case. Report acceptance and case handling shall not require the consent of the guardian or his equivalent.
- 7.2 When handling a case of abuse, the Social Protection Units shall gradually take the necessary procedures to deal with the case, priority shall be given to preventive and counseling measures, provide support and social and economic empowerment.
- 7.3 If the Social Protection Unit assumes that the interest of the victim requires only psychological, family and social guidance and counselling, or reconciliation between the parties of the abuse, the unit shall ensure that this assistance will not result in more severe harms to the case. This will be achieved by adopting the necessary measures that secures the case safety through family reform and reconciliation committee, with members limited to social and psychological specialists. This committee shall make all necessary reconciliation efforts to resolve the existing dispute between the two parties. If reconciliation is reached, a report shall be issued and signed by both parties and certify by the competent court.
- 7.4 The Social Protection Unit shall provide the necessary social and health care to victims of abuse, including medical and psychological treatment, economic and social empowerment programs. The support shall cover any person involved in the case of abuse by referral to the relevant medical or other support providers. The Ministry shall notify the Governor, if the treatment or other support required for the abuse parties is rejected by the hospital or relevant entity for necessary action.

- 7.5A** In cases of non-serious abuse, Social Protection Units and Centers may keep the case with his/her family or at his/her home, and take a restraining order against the aggressor and ascertain his commitment to ensure providing the victim with all his/her legitimate rights, perform his duties or responsibilities in providing basic needs. The aggressor will be subject to disciplinary actions in case of violation of any of the mentioned commitments thereof. The Victim will be enabled to communicate with the Social Protection Center, and the Center's specialists will also be enabled to contact him/her and visit him/her anytime to follow up the case whenever needed.
- 7.5B** In the event of recidivism of the abuse mentioned in the previous paragraph, the Social Protection unit shall directly notify the police station and the Public Prosecution Office to arrest the aggressor to record an official commitment not to repeat the abuse.
- 7.6** If the abuser refuses to report to the unit's premises or to the Social Protection Home, or respond to its instructions, the unit shall seek the security authorities' assistance to summon the abuser to its headquarters to investigate the submitted complaint. This procedure shall be applied to any of the case parties' violating the Unit's orders and instructions.

Article (8)

- 8.1** The case of abuse is considered serious if it results in a clear physical harm that request immediate intervention to stop, or prevent its occurrence, or if the abuse is proved by a Medical Report. It shall be also considered serious if it poses a continuous threat to the life of the victim or his safety or health, and in such cases the governor or the relevant security authorities should be notified.
- 8.2** If it appears to the Receiving Communications Center or the Social Protection Center that the case is serious, the security authorities and the Public Prosecution shall be notified and requested to take all necessary measures to deal with such case in accordance with its degree of seriousness.
- 8.3** Woman subjected to abuse shall be interviewed by the competent staff of the Social Protection Center/Unit, who will notify her with the recommended appropriate actions and procedures – that falls in the jurisdiction of the Ministry - for her approval. In case the victim refuses shelter; she shall be informed that her complaint will be followed up, and that appropriate actions will be taken against the aggressor. The victim feedback regarding such actions shall be taken into consideration.

- 8.4 The abused child shall be interviewed in the presence of a psychologist or a social specialist of the Social Protection Unit. The child shall be asked in a manner that commensurate with his/her age, avoiding any threats that might intimidate or affect his/her will. He can be questioned alone if accompanied with any of his/her relatives, if his/her interest requires it.
- 8.5 If a child is harmed by one of his/her separated parents, and it deemed necessary to hand over the child under the legal age to one of his/her parents, the handover shall be done by the competent court, without prejudice to the provisions of any other laws providing better protection for the child.
- 8.6 The abused case shall be sheltered or hosted according to the following conditions:
- A. Sheltering or hosting is limited to women of all age and children under the age of eighteen.
 - B. If the victim was exposed to a crime of abuse specified in the Law and its Executive Regulations and could not be hosted by an alternative family of his/her relatives.
 - C. Sheltering of abused case shall not requires the consent of his/her guardian.
 - D. The case shall be informed with the sheltering or hosting regulations, sign a written consent to abide to these instructions to her interest, and her children's interest if hosted with her.
 - E. The Sheltering period is three days, and may be extended with the approval of the General Director of the Ministry competent department for a period not to exceed two months. If the case requires a longer period of treatment, sheltering can be extended for another period, with the approval of the competent Ministry agency.
- 8.7 When the sheltering or hosting of the case is approved, the Social Protection Unit shall take the following actions:
- 8.7.A. Confirm with the Police station if a report of absence or escape is submitted against the case. In all events, the case will not be transferred to the detention center unless convicted with a crime that requires arrest, or in case an indictment is issued against the case by an investigating authority, or if a court order of arrest it is issued against the case.

- 8.7.B. Carry out the necessary medical evaluation of the abused case, and if not possible in a timely manner, the victim shall be temporarily hosted in one of designated protection homes until medical evaluation is done and the case safety is ascertained. The Victim guardian shall be notified.
- 8.7.C. If the case suffers from a chronic psychological illness, it is referred to one of the psychiatric hospitals or centers for treatment. The issue shall be directly referred to the Governor, if treatment of said case was declined by the hospital.
- 8.7.D. The case shall be notified that hosting is temporary until his/her problem is solved, and a suitable alternative is agreed regarding stopping the abuse or the return to the family. The victim will be enabled to continue work during her hosting or sheltering, and in all cases, the victim shall not be prevented from communicating with his/her family, under the supervision and follow-up of the Protection Unit.
- 8.7.E. The sheltered cases shall be allowed to leave the sheltering houses only by their free will, provided that the unit will ensure that this dismissal will not poses a threat her life or her safety, and will coordinate with the family members to host the victim; if possible. The case will be readmitted to the hospitality home in case of occurrence of any threat to his/her life or safety. The Unit's communication with the victim's family to persuade their hosting of the case will continue throughout the sheltering period. The support of the Reconciliation committee may be sought if necessary, as well as engaging the case in economic and social empowerment programs.
- 8.8 The Hospitality Home will allow the victim free entrance and exit during his/her sheltering period, provided that it will not result in any harm to her. She/he will be allowed to attend his/her school/College classes, go to work if employed in a public or private entity, and go shopping to ensure fluffing her basic needs. The Protection Unit may also permit his/her participation in any cultural and entertainment events or activities outside hospitality home premises, provided his/her complete compliance with relevant instructions of the Social Protection Unit in this regard. Free Exit and entrance for such purposes will be in accordance to the regulations of the Social Protection Unit. The Unit will immediately inform the security authorities of the victim's absence or no show up for disclaimer of responsibility. The Unit will also notify the victim's family of her absence if justified. The mentioned absence will not preclude the sheltering of the case again – after conducting the necessary investigation regarding the absence incident and take necessary measure to prevent its repetition.

- 8.9 If the abuse is committed against a resident of one of the Ministry sheltering homes, or any other sheltering home supervised by the Ministry, the Social Protection Unit shall inform the police station of this case, to take measures within its competence, and to follow up this report, without prejudice to the right of the case to claim compensation.
- 8.10 The Ministry shall coordinate with the Ministry of Interior to provide the necessary security measures for the premises of Social Protection Units, Hospitality Homes and other facilities affiliated with the Ministry that requires security as Protecting from Abuse service providers.
- 8.11 The Ministry shall allocate workplaces for Public Prosecution in the Social Protection Centers/Units to receive direct reports from the Protection Units and handle according to the governing Law.

Article (9)

- 9.1 In all cases, the police station and other Competent Authorities are obliged to respond immediately to the request of the Social Protection Unit to bring the abuse parties to the Social Protection Unit premises, at the request of the Protection unit authorities.
- 9.2 In cases requiring urgent access to the place where the incident of abuse has occurred to handle the case; Social Protection Center/Unit shall immediately notify the competent security authorities to facilitate their entrance to the place, ensure the safety of the victim during investigation of the case. The security authorities shall enable the entrance of the Social Protection Center specialists to the location of abuse- in case refused by the occupants, ensure their safety, and avoid involving them in the raids or intrusions.
- 9.3 Upon access to the place where abuse has occurred, in case of the existence of an evident that constitutes a crime or may help reveal a crime, the criminal detective specialist shall record the findings in an official record, and refer immediately to the competent authority.

9.4 In the event that any of the Social Protection Centers employees is assaulted because of his duties, the Protection Unit Director shall do the following:

- State the incident in an official record, signed by two witnesses of the assault, and submit to the competent department.
- Notify the investigating authority, and provide them with a copy of the record to take necessary action to investigate the incident, in accordance with the relevant Laws.

Article (10)

In accordance with Article 4 and 7 of this regulation, the Social Protection Center - when dealing with cases of abuse - shall take in consideration the following:

10.A The interest of the case shall be considered in all measures taken to protect from abuse.

10.B Dealing with cases of abuse in accordance with Article 7 and 8 of the regulation shall take into account the degree (serious, tolerable or habitual) , kind and frequency of violence in daily life, and provide the victim with assistance, treatment, protection, sheltering or hosting if necessary and as required in view of the type of abuse.

Article (11)

If the Social Protection Center/ Unit deems that the incident of abuse constitutes a crime, or if - during handling the case of abuse- it detect another committed crime or a threat to commit against the reported case, it shall notify the police station and competent detecting authority to take necessary legal action.

Article (12)

12.1 The Competent authority in the Ministry shall set scientific and practical mechanisms to follow up the lawsuits it refers to the competent detecting and recording authorities, and monitor the finding regularly. The set mechanism shall be circulated to Social Protection Units Kingdom wide to act accordingly and follow up on its implementation.

12.2 The Security and other competent detecting and investigating authorities shall update the Ministry – on regular basis – of the procedures followed with cases of abuse referred to them for handling. The aforementioned parties shall also respond to the Ministry's employees inquiries rapidly, and provide them with any necessary information on the case.

Article (13)

13.1 For cases of abuse handled by the Social Protection Unit/Center and referred to the judiciary for further action, the Unit shall enclose to the case file a detailed social report that includes alternative recommended penalties appropriate for each case, to be used by the competent court as a guide if it deems necessary to render an alternative sentence.

13.2 In case of recidivism, the punishment shall be doubled, and the competent court may issue a more severe punishment as it deems necessary.

Article (14)

14.1 All entities relevant to the protection from abuse should take initiatives to reduce cases of abuse incidents, and support abused cases in accordance with the provisions of their prevailing regulations to achieve the objective of the Law and its Executive Regulations, and not to conflict with.

14.2 Provisions and procedures provided for in this Law and its executive regulations shall not prejudice any more favorable right of protection from abuse stipulated in another law or an international convention to which the Kingdom is party.

Article (15)

The Ministry shall, in cooperation with the relevant authorities, take all appropriate preventive measures for Protection from Abuse. To this end, it may, without limitation, do the following:

15.1 Raise awareness of community members, particularly the most vulnerable to abuse, of the concept of abuse, its seriousness and adverse effects on an individual's personality as well as stability and solidarity of the community; the necessary measure to prevent abuse and deal with it if occurs; raise awareness of their rights under Sharia or law, intensify family counseling programs, economic, social and psychological empowerment , that help address undesirable social behavior conducive to creating an environment leading to the occurrence of abuse.

The Ministry shall cooperate with the relevant authorities to achieve the above.

15.2 Support and conduct scientific research and studies relating to protection from abuse. Organize specialized training programs for all persons involved in dealing with abuse cases, including judges, detecting and recording officers, investigation officers, physicians, specialists and other parties related to protection from abuse.

15.3 Monitor, collect and document data and information of abuse - Kingdom wide, coordinate with other parties dealing with abused cases to provide accurate authenticated statistical data on abuse cases to be utilized in devising treatment mechanisms and the conduct of scientific research and studies specialized in the protection from abuse phenomenon.

Article (16)

16.1 These Regulations shall be effective as of the date of its issuance.

16.2 The Minister shall issue necessary executive rules, controlling measures or mechanisms pertinent to the implementation of this Regulation or any of its articles.

Article (17)

The Competent department at the Ministry shall review and evaluate the implementation of the provisions of this Regulation on a periodic basis, every two years from the date of its issuance, and shall present to the Minister whatever proposals it deems appropriate to take what he deems necessary.