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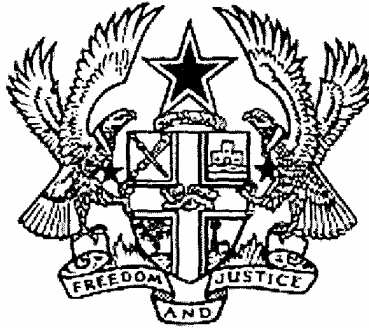
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THE SEVEN HUNDRED AND THIRTY -SECOND

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA

ENTITLED DOMESTIC VIOLENCE ACT, 2007

AN ACT to provide protection from domestic violence particularly for women and children and for connected purposes.

DATE OF ASSENT: *3rd May, 2007.*

ENACTED by the President and Parliament:

Domestic violence

Meaning of domestic violence

1. Domestic violence means engaging in the following within the context of a

previous or existing domestic relationship:

(a) an act under the Criminal Code 1960 (Act 29) which constitutes a

threat or harm to a person under that Act;

(b) specific acts, threats to commit, or acts likely to result in

(i) physical abuse, namely physical assault or use of physical force against another person including the forcible confinement or detention of another person and the deprivation of another person of access to adequate food, water, clothing, shelter, rest, or subjecting another person to torture or other cruel, inhuman or degrading treatment or punishment;

- (ii) sexual abuse, namely the forceful engagement of another person in a sexual contact which includes sexual conduct that abuses, humiliates or degrades the other person or otherwise violates another person's sexual integrity or a sexual contact by a person aware of being infected with human immunodeficiency virus (HIV) or any other sexually transmitted disease with another person without that other person being given prior information of the infection;
- (iii) economic abuse, namely the deprivation or threatened deprivation of economic or financial resources which a person is entitled to by law, the disposition or threatened disposition of moveable or immovable property in which another person has a material interest and hiding or hindering the use of property or damaging or destroying property in which another person has a material interest; and
- (iv) emotional, verbal or psychological abuse namely any conduct that makes another person feel constantly unhappy, miserable, humiliated, ridiculed, afraid, jittery or depressed or to feel inadequate or worthless;
- (c) harassment including sexual harassment and intimidation by inducing fear in another person; and
- (d) behaviour or conduct that in any way
 - (i) harms or may harm another person,
 - (ii) endangers the safety, health or well-being of another person, (iii) undermines another person's privacy, integrity or security, or (iv) detracts or is likely to detract from another person's dignity and worth as a human being.

Meaning of domestic relationship

2. (I) A domestic relationship means a family relationship, a relationship akin to a family relationship or a relationship in a domestic situation that exists or has existed between a complainant and a respondent and includes a relationship where the

complainant

- (a) is or has been married to the respondent;
- (b) lives with the respondent in a relationship in the nature of a marriage even if they are not or were not married to each other or could not or cannot be married to each other;
- (c) is engaged to the respondent, courting the respondent or is in an actual or perceived romantic, intimate, or cordial relationship not necessarily including a sexual relationship with the respondent;
- (d) and respondent are parents of a child, are expecting a child together or are foster parents of a child;

- (f) and respondent are family members related by consanguinity, affinity or adoption, or would be so related if they were married either customarily or under an enactment or were able to be married or if they were living together as spouses although they are not married;
- (g) and respondent share or shared the same residence or are co-tenants;
- (h) is a parent, an elderly blood relation or is an elderly person who is by law a relation of the respondent;
- (i) is a house help in the household of the respondent; or
- (j) is in a relationship determined by the court to be a domestic relationship.

(2) A Court shall in a determination under paragraph (i) of subsection (1) have regard to

- (a) the amount of time the persons spend together,
- (b) the place where that time is ordinarily spent,
- (c) the manner in which that time is spent, and
- (d) the duration of the relationship.

(3) A person is in a domestic relationship where

- (a) the person is providing refuge to a complainant whom a respondent seeks to attack, or
- (b) the person is acting as an agent of the respondent or encourages the respondent.

Prohibition of domestic violence

3. (1) A person in a domestic relationship shall not engage in domestic violence.

(2) A person in a domestic relationship who engages in domestic violence commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than two years or to both.

(3) The Court may in addition to imposing a fine or a prison term, order the offender in a case of domestic violence to pay compensation to the victim as the Court may determine.

(4) When a cause for complaint has arisen between persons in a domestic relationship and the persons do not cohabit, none of those persons shall enter into the residence of the other person without that other person's permission.

Domestic violence not justified by consent

4. The use of violence in the domestic setting is not justified on the basis of consent.

Number of acts which would amount to domestic violence

5. (1) A single act may amount to domestic violence.