


OCCUPATION ORDER

When the magistrate grants a PROTECTION ORDER they can also grant an occupation order

This allows

- The victim the right to live in the house even though the house may belong to the abuser
- Prevents the abuser from living in or occupying the same house.

WHO CAN APPLY FOR A PROTECTION ORDER

- ◇ Any of the persons who can get protection from the domestic violence act listed in this leaflet
- ◇ Any child  between the ages of 16 and 18 years can apply on their own behalf
- ◇ Children and adults who are disabled
- ◇ Qualified social workers (on behalf of victim)
- ◇ Lawyers including Legal Aid lawyers in Georgetown (on behalf of victims)
- ◇ Children under 16 years of age can also apply if the Magistrate is satisfied she/he has sufficient understanding
- ◇ Guardians



BREACH OF DOMESTIC VIOLENCE ORDERS

It is an offence to disobey any of the domestic violence orders granted by the court. If found guilty the penalty is a fine of \$10,000.00 and up to twelve (12) months imprisonment.



HOW LONG DOES PROTECTION AND OTHER ORDERS LAST

If the victim is in immediate danger an interim order can be granted as soon as the application is filed in the Magistrate court. Interim orders are usually granted for 14 days or less.

Protection and other orders will be given for a specific time (3,6 or 12 months). PROTECTION ORDERS can also be renewed for a further amount of time. The abuser can also request a discharge (stop) to the protection order, this will only be granted by another hearing in court

Before the granting of the protection, occupation or tenancy orders the Magistrate will consider such things as the safety, health, housing needs and well being of the victim. The Magistrate will also look at the income, assets and financial responsibilities of the abuser, as well as hardship that might be caused if the order is made.

POWERS OF THE POLICE

- * Police can enter any home where they believe a Protection order is being broken
- * Police can enter any home or premises where they believe domestic abuse is taking place or has taken place.
- * Police can arrest persons without warrant for domestic abuse.
- * Police have to make sure victims receive medical attention for injuries from domestic abuse, and move them to a safe place away from harm.

A life FREE of VIOLENCE
Is our RIGHT

For information contact:
Help & Shelter
Homestretch Avenue
Website: <http://www.hands.org.gy>
Email: hands@networksgy.com
Fax: 227-8353
Phone: 227-3454 or 225-4731



How it can help you

Information in this leaflet was taken from the Law and You booklet prepared by the Guyana Women Lawyers Association and the Domestic Violence Act

How can it help you or a friend leaflet prepared by the UNDP Guyana C 1997.

The Domestic Violence Act gives legal protection to any person, adult or child who is suffering from domestic abuse or is at risk of such abuse.

WHO CAN GET PROTECTION FROM THE DOMESTIC VIOLENCE ACT

- Any person adult or child who is suffering domestic abuse
- A wife or husband legally married or common law who live together or have lived together.
- A fiance/e
- A relative
- Anyone living in the household past or present (not tenants or employees unless there was a sexual relation with them)
- Any person with whom the victim has had a sexual relationship.



FORMS OF DOMESTIC ABUSE WHICH THE DOMESTIC VIOLENCE ACT PROTECTS YOU AGAINST

- * **PHYSICAL**— beating, hitting, punching, kicking etc.
- * **VERBAL**— cussing, insulting, name-calling, screaming etc.

- * Threats of physical or other abuse
- * Breaking things or damaging thing important to the victim.
- * Hiding things belonging to the victim
- * Watching over the house, workplace, school or anywhere the victim goes.
- * Sexual abuse or harassment including forcing victim to have unwanted sex.
- * Not allowing victim to see or have custody of his/her children.

HOW DOES THE DOMESTIC VIOLENCE ACT WORK

- ⇒ Any person who is suffering domestic abuse can go to the Magistrate's Court nearest to where they live and get a protection order form from the clerk of the court
- ⇒ The abused person (adult or child) has to fill out the form or get help to fill out the form
- ⇒ The clerk of the court will fix a date for you to have the matter heard. The protection order form you fill out will explain to the Magistrate what the matter is about.
- ⇒ Seven days after the PROTECTION ORDER is filed in the court a court hearing will be held.
- ⇒ All persons involved in the case will have to appear in court and will have the right to have their say including the abuser.

- ⇒ The person applying for the PROTECTION ORDER will have to explain the details of the abuse to the Magistrate. This can be done by appearing in Court in person or by 'Affidavit' (a written paper about the abuse prepared by the lawyer)
- ⇒ The victim can call witnesses to also give evidence about domestic abuse she/he suffered.
- ⇒ Medical reports of injuries suffered by the victim should also be presented in court.

TYPE OF ORDERS UNDER THE DOMESTIC VIOLENCE ACT

1. Protection Order
2. Occupation Order
3. Tenancy Order

TENANCY ORDER

- When the Magistrate grants a PROTECTION ORDER they can also grant a tenancy order. This allows the victim to become the sole tenant of the house that the abuser will have no right to live in the rented house.
- That the abuser can also be made to pay rent for the house even though he/she will have no right to live there.



PROTECTION ORDER

- * This is a document which the Magistrate's court will grant to the abused person after a court hearing. A PROTECTION ORDER will forbid the abuser to:
- * Harm or harass the victim or his/her children
- * Be in or around the place where the victim lives, works, or goes to school.
- * Be in or around other places the victim visits such as friends or relatives house.
- * Speak to or send unwelcome messages to the victim
- * Get anyone else to harass the victim or to remove his/her property.

The abuser may also be ordered to:

- ◆ Pay maintenance (money for the upkeep of his /her children)
- ◆ Pay or contribute to the welfare of the victim
- ◆ Return personal property of the victim
- ◆ Go for counselling