

According to the UN Special Rapporteur, this aspect of due diligence requires further development. In most countries, compensation is available for damages sustained due to injuries or mental trauma or for expenditures incurred. In Malaysia, compensation may be obtained under the civil procedural law and tort law on damages in cases of DV. In the Philippines, claims for damages can be sought as part of criminal proceedings or separately, and remedies in cases of DV may also be obtained under family law. In China, compensation may be obtained in cases where divorce is obtained on grounds of DV. Lao PDR's Law on Women recognizes the rights of victims of trafficking to compensation for damages suffered and a loss of income, as well as the right to rehabilitation and reintegration. It is essential that remedies be victim-centric and broad-based so that women are able to choose appropriate and effective remedies.

However, availing of court-ordered compensation against perpetrators requires that women have financial means to pursue litigation<sup>17</sup> as well as the ability to overcome procedural barriers inherent in civil laws.<sup>18</sup> It is also important that the defendant has the money to pay for any damages. Hence, the UN Special Rapporteur on VAW urges States to also develop other effective ways to compensate victims for harms suffered, including tort law, insurance, and trust funds for victims and public compensation schemes<sup>19</sup>.

The Rapporteur also recommends that reparations should strive to bring about systemic changes and the reduction of gender hierarchies that are the root causes of violence against women (VAW).

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17. In cases where legal aid is not available.

18. For example, statutes of limitation and inadequate evidentiary standards for assessing damages, etc.

19. Ibid.