

Further, although the UN 'Handbook on VAW' recommends prohibiting mediation in all cases of VAW, some countries allow mediation in cases of DV. While this raises the question of whether such an approach meets the standard of treating DV as a violation of women's human rights, some countries, such as Cambodia and Viet Nam, allow women to pursue matters under criminal laws and do not make counseling mandatory. Further, in both countries, penalties and other sanctions are imposed if the terms of mediated settlements are violated.

Best Practices in Providing Reparations and Remedies

According to the UN Special Rapporteur on VAW, the obligation "to provide adequate reparations involves ensuring the rights of women to access both criminal and civil remedies and the establishment of effective protection, support and rehabilitation services for survivors of violence".¹⁵ The Rapporteur further points out that the right to reparation is located in the framework of the law on remedies, and includes both procedural and substantive aspects.¹⁶ Forms of reparation, which should be victim-centric, include:

- restitution including measures to restore the victim to her original bearings before the violation, such as a return to her place of residence, restoration of employment, return of property, etc.;
- compensation as appropriate and proportional to the gravity of the violation and lost opportunities;
- rehabilitation including medical and psychological care, as well as legal and social services;
- measures of satisfaction: including public disclosures of truth, public apologies, judicial and administrative sanctions against persons liable for violations;
- guarantees of non-repetition: including preventive measures, such as reviewing and reforming laws contributing to gross violations of women's human rights.

15. United Nations General Assembly, 'Report of the Special Rapporteur on violence against women, its causes and consequences,' Rashida Manjoo, A/HRC/20/16, May 2012, available online, http://www.ohchr.org/Documents/Issues/Women/A.HRC.20.16_En.pdf

16. Procedurally, remedies are processes where arguable claims of wrongdoing are heard and decided by competent bodies, whether judicial or administrative. Substantively, remedies are developed from the outcomes of the proceedings and, more broadly, the measures of redress granted to victims.