

and prevents secondary victimization throughout the legal process. Mandatory arrests and special prosecutorial services are also internationally recommended in cases of VAW. All acts of VAW and any breach of protective orders should be criminalized by the law regardless of the relationship between the perpetrator and the victim/survivor. Punishment in cases of VAW should be premised on the principle that VAW is not justifiable and should be aimed at holding perpetrators accountable. In this regard, some countries have adopted intervention programs and alternative sentencing.¹³ The goal of punishment, generally and in cases of VAW, is to prevent recidivism, rehabilitate and reintegrate perpetrators, and deter others from committing similar offences.

All acts of DV, included in definitions in special statutes, are not criminalized unless they result in grave injury or constitute an offence under the country's penal code. However, in some instances, general offences that fall within the definition of DV may be treated differently. For instance, in Malaysia, a protection order may be sought in criminal proceedings. In China, killing a person within the home as a form of DV is treated differently from other murder or manslaughter offences.

Special evidentiary and procedural standards have also been applied in some countries to protect victims/survivors. Provisions in the Philippines bar the introduction of evidence in rape prosecutions on the complainant's past sexual conduct. This Philippine law also protects women's right to privacy, by providing that the public can be barred during proceedings and prohibiting the public disclosure of information that can establish the victim's identity. The Thai DV law has similar provisions on protecting victims/survivors' privacy and also allows for punishment if privacy rights are violated. Philippine Anti VAWC law also recognizes Battered Woman Syndrome as a justifying circumstance that may exempt a woman from criminal or civil liability for crimes committed against her perpetrator.

Approaches towards criminalizing DV have varied across the region. In some countries, for example Thailand, Viet Nam, Cambodia and Lao PDR, special laws on DV focus on preventing VAW, protecting victims and promoting family harmony instead of criminalizing acts. This is in contrast to the Malaysian DV law which, pursuant to the demands of the country's women's movement, is applied in the criminal justice system¹⁴ and explicitly penalizes the breach of protection orders.

13. According to the UN 'Handbook on Violence Against Women,' alternative sentencing refers to all sentences and punishments other than incarceration, including community service. Some countries, for example Australia, adopt accountability based psycho-educational interventions for perpetrators. Designated authorities are directed, usually in pending court cases, to speak to perpetrators instead of imprisoning them. However, these interventions are firmly grounded in the principles of victim safety and perpetrator accountability.

14. Applications for protection orders are sent to the Magistrate who is part of the criminal justice system.