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APPLYING DUE DILIGENCE STANDARDS
TO LEGISLATIVE APPROACHES ON
VIOLENCE AGAINST WOMEN

Outcome Document
Regional Expert Group Meeting

UN Women is the UN organization dedicated to gender equality and the empowerment of women. A global champion for women and girls, UN Women was established to accelerate progress on meeting their needs worldwide. UN Women supports Member States in setting global standards for achieving gender equality, and works with governments and civil society to design the laws, policies, programmes and services required to implement these standards. UN Women stands behind women's equal participation in all aspects of life, focusing on the following five priority areas: increasing women's leadership and participation; ending violence against women; engaging women in all aspects of peace and security processes; enhancing women's economic empowerment; and making gender equality central to national development planning and budgeting. UN Women also coordinates and promotes the UN system's work in advancing gender equality.

APPLYING DUE DILIGENCE STANDARDS TO LEGISLATIVE APPROACHES ON VIOLENCE AGAINST WOMEN

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Applying Due Diligence Standards to Legislative Approaches on Violence against Women

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about the author

Asmita Basu is a lawyer with over ten years of experience working on women's rights and human rights law and policy as a researcher, consultant and senior management in the development sector. She served as Coordinator of the Lawyers Collective (Women's Rights Initiative) [LCWRI], a national level Indian NGO from 2002-2009. As Coordinator, she was vested with the overall responsibility of implementing all advocacy and research programs undertaken by the LCWRI. As Coordinator, she led and authored empirical research projects to monitor and assess implementation of laws relating to women's rights, provided trainings and successfully advocated for changes in legal policy.

She has also undertaken research projects on broader issues relating to human rights, governance and health. She has significant experience in monitoring and reviewing the implementation of laws and has been called upon as a policy expert to review legislative approaches in dealing with violence against women in Bangladesh, Laos, Myanmar, Tajikistan and Pakistan.

Asmita graduated from the National Law School of India University in 1998. She has a LLM in Public International Law from the University of Nottingham (UK), which she pursued after being awarded the British Chevening Human Rights Scholarship in 2000.

list of acronyms

Cambodian DV Law	Prevention of Domestic Violence and Protection of Victims Act, 2005 (Cambodia)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSW	Commission on the Status of Women
DEVAW	UN Declaration on the Elimination of Violence against Women, 1993
DV	Domestic violence
Lao Law on Women	Law on the Development and Protection of Women, 2004
Malaysian DV Law	Domestic Violence Act, 1994 (Malaysia)
Philippines Anti VAWC law	Anti-Violence Against Women and their Children Act, 2004 (Philippines)
Thai DV Law	Domestic Violence Victim Protection Act, 2007 (Thailand)
UN Handbook on VAW	UN Women, Handbook for Legislation on Violence Against Women, 2010
UN Special Rapporteur on VAW	Special Rapporteur on violence against women, its causes and consequences
VAW	Violence against Women
VAWC	Violence against Women and Children
Viet Nameese DV Law	Law on Domestic Violence Prevention and Control (Viet Nam)

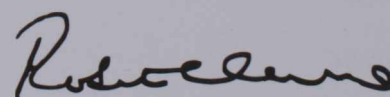
foreword

Ending violence against women is one of the thematic priorities of the UN Entity for Gender Equality and the Empowerment of Women (UN Women). UN Women supports states and civil society organizations to advocate, formulate and implement laws, policies and programmes which prevent, protect and punish all forms of violence against women.

With support of the Department of Foreign Affairs, Trade and Development (DFATD) this work has been pursued in South East Asia through the Regional Programme on Improving Women's Human Rights in South East Asia. The project aims to increase knowledge and skills to apply CEDAW compliance in the development and monitoring of new and revised legislative frameworks; increase awareness among formal, semi-formal and informal justice system actors of CEDAW commitment and strengthen the monitoring accountability mechanisms for implementation of CEDAW commitment. This publication is intended to be used to guide policy makers to effectively address violence against women and the adaptation of a zero tolerance policy towards VAW. Legislative approaches adopted should be comprehensive and contextually relevant to ensure effective implementation.

On behalf of UN Women, I wish to express our appreciation to the Government of Canada for its support to UN Women's work to accelerate the achievement of gender equality and the empowerment of women.

Though progress has been made in 2013 with the launch of the Three Year Cooperation Agreement with the Ministry of Justice on GBV/DV Law development and improving access to justice for women in Lao PDR among government authorities, National Assembly, UN agencies, INGOs and CSOs, and the long term agreement which aims to align UN Women's work in the legal and judicial areas with the legal Sector Master Plan (LSMP) 2020 to help ensure that Lao PDR fully performs its basic obligations. We must continue to develop plans of action which focuses on strengthening justice systems, promoting cultures of peace and respect for human rights of women and which looks at home where boys and girls are socialised. Addressing violence against women will require the allocation of necessary resources for training, for shelters, for social work and for curriculum reform within the education system; while bring changes to the administration of the law, with better trained judges, more sensitive to the social and economic realities of the people that are served by the justice system; with greater efficiency in policing and court processes, with better access to justice all of which is necessary for the maintenance of the rule of law; and finally people must understand the intent and purpose of legal change, think and act in the language of respect for the common humanity and human rights for all.



Roberta Clarke

Regional Director and Representative in Thailand
UN Women Regional Office for Asia and the Pacific

Bangkok, Thailand
June 2014

Legislative Approaches to Address Violence against Women

Violence against women (VAW) is a universal phenomenon and is both a cause and consequence of women's subordinate status *vis-à-vis* men. According to the UN, globally, the rates of women that will experience physical violence at least once in their lifetime vary from several per cent to over 59 per cent, depending on where they live.¹ VAW takes many forms including domestic violence (DV), sexual assault, sexual harassment in the workplace/schools, trafficking and sexual slavery and harmful practices (e.g. early/forced marriage, acid attacks, so-called 'honor' crimes, etc.). Of these, domestic violence, which takes place within intimate relationships, is the most pervasive form of violence faced by women.²

Under the international law, violence against women (VAW) is recognized as a grave violation of women's human rights and fundamental freedoms. Consistent with the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) - recognized obligations to respect, protect and fulfill women's rights, States are obligated to address diverse forms of VAW through appropriate measures, including legislation. States are also expected to exercise due diligence in **preventing** VAW, **protecting** victims/survivors, **punishing** perpetrators, and **providing** reparations and remedies in cases of violence against women (VAW), whether committed by state or non-state actors. The due diligence standard provides a framework for States to assess their own progress in implementing human rights, formulating human rights laws, policies and programs, and measuring progress and achievements as understood by different stakeholders across different regions.

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1. UN Statistics Division, 'The World's Women 2010: Trends and Statistics' available online, [http://unstats.un.org/unsd/demographic/products/Worldswomen/WW2010%20Report_by%20chapter\(pdf\)/violence%20against%20women.pdf](http://unstats.un.org/unsd/demographic/products/Worldswomen/WW2010%20Report_by%20chapter(pdf)/violence%20against%20women.pdf)
 2. According to the World Health Organization (WHO), "recent global prevalence figures indicate that 35% of women worldwide have experienced either intimate partner violence or non-partner sexual violence in their lifetime." WHO, 'Intimate Partner and Sexual Violence against Women', Fact Sheet Number 239, October 2013 available online, <http://www.who.int/mediacentre/factsheets/fs239/en/>

Legislative Approaches to Address Violence against Women

Since the 1990s, countries across the world have adopted different approaches to legislating VAW. Most have either reformed general laws or inserted specific provisions within general laws, either incrementally or at one time. Many countries have also adopted special laws on VAW. For example, as of 2011, 125 countries had enacted special legislation on DV.³

Internationally, it is recommended that a consistent and comprehensive approach involving a country's constitutional, civil, criminal and administrative laws is essential when formulating legal responses to VAW. The law reflects culture, regulates behaviour, and provides a foundation for the prevention and response to VAW. Hence, legal reform must first consist of changes in a law's administration to ensure gender sensitive and efficient responses, particularly in relation to policing and court processes and improved access to justice. Second, efforts to promote respect for women's human rights, counter discriminatory social norms, and provide support to victims/survivors of VAW must also be established.

3. UN Women, "2011-2012 Progress of the World's Women: In Pursuit of Justice," 2011

LAWS ON VAW ADOPTED IN SELECT ASIAN COUNTRIES

Philippines: Grounded in constitutional human rights guarantees, a number of special laws to address different forms of VAW—including rape, rape victim assistance and protection, trafficking, violence against women and their children and sexual harassment—have been adopted in the Philippines. The Philippines also has a Magna Carta of Women (2009) which serves as a basis for aligning other measures on VAW with human rights principles and standards.

Thailand: Legal approaches to tackle VAW in Thailand include reforms in criminal law to address rape, including marital rape, and the adoption of special legislation on DV and human trafficking. In addition to broad equality provisions, the Thai Constitution also contains a provision on the right to proper treatment in cases of sexual violence.

Viet Nam: Viet Nam's Law on Gender Equality, 2006 prohibits all forms of gender based violence. Special laws on DV and trafficking were enacted in 2006 and 2011 respectively. Sexual harassment at the workplace is addressed under the recently adopted Labor Code (2012).

Cambodia: Cambodia has enacted special legislation to address domestic violence, trafficking and sexual exploitation, and acid attacks. Rape and non-consensual sexual acts are covered under its penal law and criminal procedure code. Provisions on sexual harassment in the workplace are included in its Labor Law.

Malaysia: Malaysia has special laws on DV and people trafficking. Domestic violence is also addressed through criminal and family laws and tort law on damages and injunctions. Sexual harassment in the workplace is dealt with under the employment laws. Provisions on rape and sexual violence are included in its Penal Code.

China: China's national Penal Code criminalizes rape, abduction, trafficking and severe abuse of women. The Chinese Protection of Rights and Interests of Women Law, 1992, prohibits different forms of VAW, and in 2005, the law was clarified to expressly prohibit DV and recognize state obligations to prevent and eliminate domestic violence. Additionally, from 2000 onwards, special anti-DV laws have been promulgated in 28 provinces across the country. A separate law on DV is currently on China's legislative agenda.

Lao Peoples' Democratic Republic (PDR): The Law on the Protection and Development of Women, 2004 is used to address DV and trafficking. This law also includes provisions recognizing equality rights of women. Rape and sexual violence is addressed under the Penal Law.

Best Practices in Defining Violence against Women

Internationally, violence against women is defined to include all forms of gender based violence that is directed at women or affects women disproportionately. VAW may occur in women's public or private life and results in or is likely to result in physical, sexual or psychological harm or suffering to women.

Under due diligence standards, States are required to adopt comprehensive definitions of VAW that, *inter alia*:

- Recognize VAW as a human rights violation. For example, the Philippines reformed its rape laws to categorize rape as a crime against a person instead of a crime against chastity, which is associated with gender-stereotypical roles; reflect the full range of women's experience of violence, as forms and manifestations of VAW vary depending on specific social, economic, cultural and political contexts.

For example, it is internationally recommended that definitions of DV should include physical, sexual, psychological, emotional and economic violence.⁴ Hence, DV is commonly defined to include, in addition to acts of physical violence:

Declaration on the Elimination of Violence against Women (DEVAW)
Definition of VAW in domestic settings:

"Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence, and violence related to exploitation."

4. However, it must be noted that not all acts of DV, as defined under special laws, amount to criminal offences. Under special legislation, definitions of DV are aimed at providing protection orders and access to supportive services. Acts of DV that result in grave injury or amount to an offence under penal law are criminalized.

- » Acts, omissions or threats that inflict harm to a family member's physical or mental health (e.g. Thailand's DV law);
- » Acts of psychological violence that cause emotional suffering or offend human dignity (e.g. DV laws in the Philippines⁵ and Viet Nam);
- » Attempts to make a woman financially dependent (e.g. the Philippines' Anti-Violence Against Women and Their Children (VAWC) law);
- » Acts that cause damage to property or assets (e.g. Malaysian, Lao PDR and Viet Nameese DV laws);
- » Acts of sexual violence (e.g. the Philippines' VAWC includes marital rape and sexual harassment within intimate relationships in its definition of sexual violence);
- » Harmful practices in domestic settings (e.g. the Viet Nameese DV law includes forced child marriages and forced marriages.).

A comprehensive law on VAW, as is required under the due diligence standard, should have a comprehensive inventory of relationships within which VAW may occur and clearly define those falling within its ambit of protection. For instance, laws on DV should include all domestic and current and past intimate relationships, in addition to marital relationships.

Best Practices in Prevention

According to the UN Special Rapporteur on VAW, as a general rule, States have sought to discharge their obligations to prevent VAW by adopting specific legislation, developing awareness raising campaigns, and training specified professional groups.⁶

While adopting special laws on VAW, it is essential that underlying causes of VAW are addressed. In this regard, many countries in Asia have adopted gender specific DV laws (e.g. Viet Nam and Cambodia) that acknowledge that women's and men's experiences of violence differ and that violence against women is a manifestation of historically unequal

5. The Philippines' Anti-VAWC law also includes intimidation, harassment, stalking, and marital infidelity in its definition of psychological violence.

6. United Nations Economic and Social Council, 'Integration of the Human Rights of Women and the Gender Perspective: , The Due Diligence Standard as a Tool for the Elimination of Violence Against Women,' Report of the UN Special Rapporteur on VAW, Yakin Ertürk, January 2006, available online <http://unispal.un.org/UNISPAL.NSF/0/5BC588B7F61EDFFE8525710900583DCE>

power relations between men and women.⁷ The Philippines adopted a broader gender sensitive approach in its Anti-VAWC law. Recognizing that gender based violence may also occur within same sex relationships, the Philippines DV law defines persons who can commit acts of VAW to be both men and women, while limiting its definition of offended parties to cover only women and their children.

It is also important that intersectional perspectives are adopted in legislative reform processes by promoting laws that benefit diverse groups of women and address the distinct barriers that some women may face because of their status, condition, abilities or location (e.g. within military zones), as well as on account of religious or cultural norms and practices prevalent in their communities.⁸

Law reform that challenges cultural norms may be difficult, in terms of its acceptance and implementation, but it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights. In its 2013 Agreed Conclusions, the Commission on the Status of Women (CSW) urged States to refrain from invoking any custom, tradition or religious consideration as an attempt to avoid their obligations to eliminate VAW.⁹

The elimination of VAW requires comprehensive approaches, both in terms of legal frameworks adopted and broad-based educational programming on VAW, including programs to engage boys and men to prevent VAW and transform discriminatory mindsets. Special legislation in most Asian countries covers one or, in rare cases, two forms of VAW e.g. Lao PDR addresses DV and trafficking under one law. The UN's 'Handbook on VAW' states that comprehensive legislation that includes criminal sanctions, civil remedies, provisions on creating awareness, etc. is fundamental for an effective and coordinated response to violence against women (VAW).

This means that laws should be comprehensive in presenting methods that achieve the elimination of multiple forms of VAW and that protect victims/survivors. However, experience from the Philippines, where a number of special laws on different forms of VAW have been enacted in a piecemeal fashion, indicates a need for these laws to be assessed also for consistency and coherence in their perspectives. Information on the implementation of such standards can be provided in separate or sub-laws leaving room for flexibility to adjust and improve implementation processes.

7. United Nations Department of Economic and Social Affairs, Division for the Advancement of Women, 'Handbook for Legislation on Violence Against Women,' 2010

8. Eleanor Conda, 'Note by Secretariat, Regional Campaign to End VAW,' ECOSOC Asia-Pacific, 2009

9. Commission on the Status of Women, 'The Elimination and prevention of all forms of violence against women and girls: Agreed Conclusions,' March 4-15, 2013, available online, http://www.un.org/womenwatch/daw/csw/csw57/CSW57_agreed_conclusions_advance_unedited_version_18_March_2013.pdf

Best Practices in Protection

An effective legislative approach requires not only the criminalization of all forms of Violence against Women (VAW), but also the prevention of VAW, the empowerment of, support to and protection of survivors, effective implementation and enforcing the accountability of implementing agencies. To achieve these objectives, it is essential that legislation be supported by adequate budgetary allocations for its implementation, links to national plans, and development of protocols to ensure multi-sectoral responses and coordinated delivery of quality services at the ground level.

Most Asian countries include a range of protection orders in their DV laws that are reflective of the causes and consequences of DV. For example, restraint orders are available under 2013 Chinese Civil Procedure Law; in the Philippines, temporary and permanent protection orders can be issued by the courts and certain reliefs can be obtained also at the Barangay or village level for limited periods; Malaysia's DV law provides interim protection orders while investigations are being conducted, and the Thai DV law provides for financial relief/assistance and temporary shelter for victims/survivors. In many countries, the breach of a protection order is treated as an offence.

In order to increase women's access to justice mechanisms and support services, some countries appoint special officers to assist women. For instance, in Malaysia, Enforcement Officers¹⁰ are required to assist women who have filed applications for protection orders to help them access support services and provide information on their rights, enforce protection orders, etc. In Cambodia, Judicial Police Agents provide support to victims/survivors by providing representation and coordinating between the police and civil society. In addition to individual functionaries, most laws in the region recognize and allow multiple agencies and individuals to receive complaints in cases of VAW and provide support to victims/survivors.¹¹

10. Social Welfare Officers and police have common and separate duties as provided in the law.

11. See Viet Nameese and Lao PDR laws.

In addition, other protective measures—such as legal aid, medical assistance, shelter services, and psycho-social counseling—are made available by all countries in the region.¹² In this regard, it is relevant to take note of the Philippines' Anti VAWC law which lays down a comprehensive set of guidelines and programs for the delivery of such services. Support services are delivered through a range of state sponsored facilities, such as health facilities, shelter homes, counseling centers, etc. The establishment of one-stop crisis centers—for example in Malaysia, rape crisis centers in the Philippines, counseling centers in Lao PDR, and government social protection centers in Viet Nam—allow women to access multiple services in a single location.

It is also essential that measures are taken to ensure that law enforcement officers and public officials responsible for implementing laws/policies on VAW and delivering services receive training to sensitize them to the needs of women. For instance, special laws in the Philippines mandate trainings on human rights and gender sensitivity for all government personnel involved in the protection and defense of women.

Other important components of effective implementation include education programs, the creation of interagency/multi-sectoral bodies to promote coordinated and cohesive implementation, and institutionalized monitoring and evaluation processes and systems.

Best Practices in Prosecution and Punishment

A fundamental obligation of the State under the due diligence standard is to investigate and appropriately punish acts of VAW. Meeting this obligation requires clearly defining the powers and duties of law enforcement functionaries – particularly the police – including the duty to investigate and record complaints, to track police accountability; to reduce delays in court proceedings and encourage timely and expedited proceedings, and other measures to foster confidence in the police and judiciary. The due diligence standard also entails the recognition of women's agency and the adoption of a victim-centric approach to prosecution that guarantees appropriate privacy, safety and respect,

12. The adequacy and outreach of these services remains a challenge.

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.

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.

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 litigation¹⁷ as well as the ability to overcome procedural barriers inherent in civil laws.¹⁸ 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".¹⁹

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).

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.

Drafting, Reforming and Implementing Laws on Violence against Women

To effectively address VAW through the law requires the adoption of a zero tolerance policy towards VAW by the State and the recognition of the centrality of the victim/survivor while formulating laws and policies on VAW. Legislative approaches adopted should be comprehensive and contextually relevant to ensure effective implementation. Effective implementation is also dependent on the availability of support services and trained personnel, an accountable system of justice, and supported by strong and ongoing prevention measures.

Three steps to follow while drafting and reforming laws on VAW are:²⁰

1. Defining a clear legislative goal that deems VAW to be a violation of women's human rights and applies due diligence standards in terms of prevention, protection of victim/survivors, ensuring effective investigation, prosecution and punishment, and providing remedies to victim/survivors.
2. Consulting with relevant stake holders. Wide-ranging consultations should take place with affected parties and relevant stakeholders, including implementing and law enforcement agencies, civil society organizations, service providers, lawyers, relevant government departments and statisticians. This will ensure that both local barriers and best local practices are reflected in the law.
3. Adopting an evidence-based approach to legislative drafting that will ensure the effectiveness of legislation. An evidence-based approach calls for a review of existing legislation so that existing mechanisms and effective strategies can be built upon and laws be made locally relevant. It is equally important to ground law reform in data and research on the prevalence of VAW, as well as its causes and consequences. An examination of lessons learnt and good practices from other countries in preventing and addressing VAW is also an important step to ensure the adoption of effective strategies for implementation.

20. UN, 'Handbook on VAW'

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