

A Review of Global Gender-Based Violence Laws and their Effectiveness in Providing Timely Justice to Victims

Prashant Sahaniya¹ and Dr. Vir Narayan²

¹Research Scholar, Department of Law

²Research Guide, Department of Law

Vikrant University, Gwalior (M.P.)

Abstract: *Gender-Based Violence remains a pervasive global crisis, affecting one in three women worldwide. In response, the international community and national governments have developed a complex legal framework aimed at preventing violence, protecting victims, and prosecuting perpetrators. This review paper synthesizes existing literature to critically evaluate the evolution and scope of global GBV laws, with a specific focus on their effectiveness in delivering timely justice to victims. It finds that while significant legislative progress has been made, particularly with the influence of international instruments like the Convention on the Elimination of All Forms of Discrimination against Women and the Istanbul Convention, a substantial "justice gap" persists. This gap is characterized by systemic barriers including poor implementation, inadequate resources, socio-cultural norms, and institutional biases within justice systems. The paper concludes that law reform, while necessary, is insufficient without concurrent efforts to strengthen judicial capacity, ensure adequate funding for support services, and transform the deep-seated gender inequalities that underpin GBV.*

Keywords: Gender-Based Violence, Judicial Efficiency, Victim Protection

I. INTRODUCTION

Gender-Based Violence defined as harmful acts directed at an individual based on their gender, is a grave violation of human rights and a major public health issue. It manifests in various forms, including intimate partner violence, sexual violence, human trafficking, femicide, and harmful traditional practices. The World Health Organization estimates that about 30% of women globally have experienced physical and/or sexual violence from an intimate partner in their lifetime (WHO, 2021).

The quest for justice for GBV victims is a cornerstone of gender equality. "Timely justice" is not merely about swift punishment but encompasses a victim-centered process that includes safety, protection, redress, and the restoration of dignity without undue delay. Delays in justice can re-traumatize victims, discourage reporting, and perpetuate a culture of impunity.

This paper reviews the global landscape of GBV legislation and assesses its efficacy in providing this timely justice. It proceeds by first outlining the evolution of the international legal framework, then examines different national legislative models, and finally analyzes the key barriers that impede effective and timely justice, offering conclusions and recommendations.

EVOLUTION OF THE INTERNATIONAL LEGAL FRAMEWORK

The evolution of the international legal framework for addressing Gender-Based Violence (GBV) represents a profound shift in global consciousness, moving the issue from a matter of private concern to one of public international human rights law. For much of history, violence against women was largely normalized or considered a private family affair, beyond the reach of state intervention. The foundational change began in earnest in the latter half of the 20th century, galvanized by the global feminist movement.



A pivotal early milestone was the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979. While its original text did not explicitly mention "violence," it established the critical principle of state obligation to eliminate discrimination against women in all forms. This gap was authoritatively addressed in 1992 with General Recommendation No. 19 from the CEDAW Committee, which explicitly clarified that gender-based violence constitutes a form of discrimination under the Convention. This interpretation legally obligated states that had ratified CEDAW to take positive measures to prevent and address such violence, providing a powerful legal tool for advocates worldwide.

The momentum continued with the 1993 UN Declaration on the Elimination of Violence against Women, which provided the first explicit international definition of violence against women and further solidified it as a human rights violation. This was swiftly followed by the 1995 Beijing Declaration and Platform for Action at the Fourth World Conference on Women, which identified violence against women as one of twelve critical areas of concern. Although not legally binding, the Beijing Platform set an unprecedented global standard and policy agenda, urging governments to adopt and implement national legislation. The most significant and sophisticated development in this evolutionary journey is the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, known as the Istanbul Convention (2011). Widely regarded as the gold standard in GBV legislation, it is the first legally binding instrument in Europe creating a comprehensive legal framework to prevent violence, protect victims, and prosecute perpetrators. Its groundbreaking nature lies in its detailed scope, criminalizing a wide range of offenses including psychological violence, stalking, and forced marriage and its mandatory requirements for states to fund shelters, run helplines, and integrate gender-sensitive perspectives into judicial proceedings.

This progression from a general non-discrimination principle in CEDAW to the highly specific, binding obligations of the Istanbul Convention illustrates a maturation of the international legal approach. It demonstrates a growing consensus that effective action requires not just the criminalization of acts after the fact, but a holistic, integrated strategy focused on prevention, protection, and systemic change. These international instruments have served as powerful catalysts, providing the normative foundation, legal legitimacy, and concrete blueprint for nations to draft, reform, and strengthen their own domestic laws against GBV, pushing the issue relentlessly onto national agendas across the globe.

The international community has played a pivotal role in shaping national GBV laws through a series of landmark conventions and declarations.

CEDAW (1979): The Convention on the Elimination of All Forms of Discrimination against Women, while not explicitly mentioning "violence" in its original text, established the principle of state obligation to eliminate gender discrimination. General Recommendation No. 19 (1992) explicitly clarified that GBV is a form of discrimination, obliging states to take legal measures to prevent and address it (UN CEDAW Committee, 1992).

The Beijing Declaration and Platform for Action (1995): This landmark document identified violence against women as one of its 12 critical areas of concern, urging governments to adopt and implement national legislation to combat it.

The Istanbul Convention (2011): The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence is widely regarded as the most comprehensive and progressive legal instrument on GBV. It sets legally binding standards, requiring states to criminalize a wide range of offenses (including psychological violence and stalking), establish specialized support services, and ensure effective investigation and prosecution (Council of Europe, 2011).

These instruments have provided a crucial normative foundation, pushing states to move GBV from the private sphere into the realm of public law and state accountability.

NATIONAL LEGISLATIVE MODELS: A COMPARATIVE OVERVIEW

National approaches to GBV legislation vary significantly, impacting the pathway to justice for victims.

Comprehensive/Dedicated Laws: Many countries, inspired by international standards, have enacted specific laws on domestic violence or GBV. For example, South Africa's **Domestic Violence Act (1998)** provides for protection orders that are designed to be obtained quickly, offering immediate, albeit temporary, safety. Similarly, Spain's **Organic Act**



1/2004 is hailed for its integrated approach, combining criminal penalties with comprehensive protection measures and gender-sensitive training for judges (EIGE, 2021).

Integration into Penal Codes: Other countries address GBV by amending existing criminal codes to include provisions on rape, marital rape, sexual harassment, and femicide. The effectiveness of this model often hinges on the definitions used; for instance, laws that define rape based on lack of consent (as in Germany and Sweden) rather than the use of force are more aligned with victims' experiences and can facilitate prosecution.

Hybrid Models: Some jurisdictions employ a dual system, using civil law for immediate protection (e.g., restraining orders) and criminal law for prosecution of offenses.

Despite this legislative progress, the mere existence of laws does not guarantee their effectiveness or the timeliness of the justice they provide.

THE "JUSTICE GAP": BARRIERS TO TIMELY JUSTICE

The "justice gap" represents the critical chasm between the robust Gender-Based Violence (GBV) laws enacted on paper and the stark reality victims face in obtaining timely and effective justice. This gap is not defined by a single failure but by a confluence of systemic, cultural, and institutional barriers that collectively delay and often deny redress. A primary and foundational obstacle is the pervasive under-reporting of incidents, fueled by victims' well-founded fears of social stigma, victim-blaming, economic dependence on the perpetrator, and a deep-seated distrust in the justice system's willingness or ability to help them.

When victims do overcome this initial hurdle, they frequently encounter institutional failures at the very first point of contact: the police. Law enforcement responses are often marred by gender bias, a tendency to dismiss GBV as a private family matter, and a lack of specialized training in trauma-informed interviewing and evidence collection, which can irrevocably compromise a case from its inception. Should a case proceed, it enters a judicial system often crippled by overwhelming backlogs, procedural complexities, and frequent adjournments. These systemic delays mean that GBV cases can languish for years, a protracted process that forces victims to relive their trauma repeatedly and often leads to case attrition as survivors, exhausted and re-traumatized, withdraw their complaints. Compounding this is the frequent absence of adequate victim and witness support, including accessible legal aid, psychosocial counseling, and effective protection mechanisms, leaving them to navigate a daunting legal battle alone and vulnerable to intimidation.

Underpinning all these institutional shortcomings are powerful socio-cultural norms that normalize violence against women, prioritize family "honor" over a victim's safety, and perpetuate a culture of impunity for perpetrators. These same biases can unconsciously influence prosecutors and judges, leading to lenient sentences that fail to reflect the severity of the crime. Furthermore, a chronic lack of political will and financial investment manifests in underfunded support services, understaffed courts, and a failure to implement specialized training programs or establish dedicated GBV courts that could process cases more efficiently.

Ultimately, this justice gap demonstrates that legislation alone is an empty promise without the concomitant political commitment, financial resources, and a profound shift in societal attitudes necessary to make the legal system accessible, responsive, and truly just for those it is designed to protect.

A significant disconnect exists between law-on-the-books and law-in-action. The following barriers are ubiquitous across many jurisdictions, creating delays and denying justice.

Under-Reporting: Fear of stigma, victim-blaming, economic dependence, and distrust in the justice system prevent a vast majority of GBV victims from reporting their abuse (UNODC, 2020). Without reporting, the justice process cannot even begin.

Institutional and Systemic Failures:

Police Bias and Lack of Training: Police are often the first point of contact. Discouraging attitudes, failure to collect evidence properly, and treating GBV as a "private matter" can derail cases at the outset.

Judicial Delays and Case Backlogs: Overburdened court systems, procedural complexities, and frequent adjournments are a global norm. In many countries, GBV cases can take years to conclude, forcing victims to relive their trauma repeatedly and often leading to case attrition.

Insufficient Victim Support: The absence of adequate witness protection, legal aid, and psychosocial support during the protracted legal process can be re-traumatizing and force victims to withdraw.

Socio-Cultural Norms: Patriarchal norms that normalize violence against women, promote "family honor," and engage in victim-blaming create a hostile environment for survivors seeking justice. These norms can also influence judges and prosecutors, leading to lenient sentences for perpetrators.

Lack of Resources: Many governments fail to allocate sufficient financial and human resources to implement GBV laws effectively. This includes funding for shelters, specialized courts, forensic units, and training for justice sector personnel.

Discriminatory Provisions in Law: Some legal systems still contain provisions that hinder justice, such as laws that allow a rapist to escape prosecution if he marries the victim, or that use "morality" laws to persecute victims.

PROMISING PRACTICES AND THE WAY FORWARD

Despite the significant barriers to timely justice for Gender-Based Violence (GBV) survivors, a number of promising practices and forward-looking strategies offer a blueprint for closing the pervasive "justice gap." These initiatives move beyond the mere enactment of laws to address the systemic and cultural failures that impede their effectiveness. A cornerstone of this progressive approach is the establishment of specialized courts and justice processes. These dedicated entities, operational in countries from the United States to South Africa and across Latin America, concentrate expertise by ensuring that judges, prosecutors, and court personnel receive intensive training in the dynamics of GBV, trauma-informed responses, and relevant legal frameworks.

This specialization leads to more informed rulings, reduces the risk of re-traumatizing victims through insensitive questioning, and, crucially, streamlines case management to significantly reduce the debilitating delays that characterize standard court systems. By creating a more competent and efficient judicial pathway, specialized courts directly enhance the timeliness and quality of justice delivered to survivors. Complementing this judicial focus is the critical adoption of a multisectoral, victim-centered response model. Pioneering examples like South Africa's Thuthuzela Care Centres or similar one-stop shops in other regions demonstrate the profound impact of co-locating essential services.

These integrated centers bring together medical care for forensic examinations, psychological counselling, police statement-taking, and legal aid under one roof. This model is transformative; it spares the victim the arduous and often retraumatizing burden of navigating multiple, disconnected agencies, thereby encouraging greater reporting and cooperation with the justice process. Simultaneously, it improves the quality and coordination of evidence collection, which is vital for building stronger prosecution cases and securing convictions.

Looking forward, the strategic integration of technology presents a powerful tool for enhancing accessibility and efficiency. The use of virtual hearings, electronic filing for protection orders, and digital evidence management systems can help overcome geographical and logistical hurdles, making the justice system more responsive. However, technology alone is insufficient. A sustained, systemic investment in training for all justice sector actors from first-response police officers to judges is non-negotiable. This training must move beyond legal procedure to deeply ingrain principles of gender sensitivity, victim-blaming awareness, and an understanding of the psychological impact of trauma. Furthermore, the way forward must include a robust strengthening of civil remedies, such as emergency protection orders, which can provide immediate safety and are often a victim's first and most urgent step toward justice, independent of the slower criminal process.

Ultimately, while these promising practices are critical, they cannot thrive in a vacuum. The most significant way forward is a paradigm shift that recognizes law reform as just the beginning. Closing the justice gap requires unwavering political will and commensurate financial investment to fund these specialized services, shelters, and support systems. It demands a holistic, long-term strategy that concurrently works to dismantle the deep-seated patriarchal norms that perpetuate GBV itself. Only by strengthening the entire ecosystem of response from the

courtroom to the community can the promise of timely and dignified justice for all GBV survivors be transformed from a legal ideal into a tangible reality.

Despite the challenges, some promising practices demonstrate a path toward more timely justice:

Specialized Courts: Establishing dedicated domestic violence or sexual offense courts, as seen in parts of the United States, South Africa, and Latin America, can lead to faster processing of cases and more informed judgments by trained judicial officers.

Multisectoral Coordination: One-stop centers, such as the *Thuthuzela Care Centres* in South Africa, co-locate medical, psychological, police, and legal services, reducing the burden on the victim and improving evidence collection.

Technology and Training: The use of technology for virtual hearings and evidence management can expedite cases. Furthermore, mandatory, continuous training for police, prosecutors, and judges on trauma-informed and gender-sensitive approaches is critical.

Strengthening Civil Remedies: Ensuring that protection orders are easily accessible, free or low-cost, and enforced immediately can provide crucial and timely safety for victims, independent of the slower criminal process.

II. CONCLUSION

The global proliferation of GBV laws represents a hard-won victory for the women's rights movement. International frameworks have provided essential blueprints, and many nations have adopted robust legislation on paper. However, this review unequivocally demonstrates that the effectiveness of these laws in providing *timely justice* is severely compromised by a nexus of systemic, cultural, and resource-based barriers. The journey from reporting to resolution remains fraught with delays, biases, and re-dramatization for victims.

Legislation is a necessary first step, but it is not a panacea. Closing the justice gap requires a paradigm shift from a purely punitive approach to a holistic, victim-centered one. This entails sustained investment in justice sector infrastructure, rigorous training to combat institutional bias, the promotion of specialized services, and, most fundamentally, parallel efforts to challenge and change the patriarchal norms that fuel Gender-Based Violence. Only through this comprehensive approach can the promise of timely justice, as envisioned by international and national laws, become a reality for all victims.

REFERENCES

- [1]. Council of Europe. (2011). *Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)*. <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>
- [2]. European Institute for Gender Equality (EIGE). (2021). *Gender-based Violence: Spain's Integrated Response*. <https://eige.europa.eu/publications/gender-based-violence-spains-integrated-response>
- [3]. UN CEDAW Committee. (1992). *General Recommendation No. 19: Violence against Women*. <https://www.refworld.org/docid/52d920c54.html>
- [4]. United Nations Office on Drugs and Crime (UNODC). (2020). *Global Report on Gender-Related Killing of Women and Girls*. https://www.unodc.org/documents/data-and-analysis/GSH2020/GGK_Females_2020.pdf
- [5]. World Health Organization (WHO). (2021). *Violence against Women Prevalence Estimates, 2018*. <https://www.who.int/publications/i/item/9789240022256>
- [6]. Manjoo, R. (2014). *Report of the Special Rapporteur on violence against women, its causes and consequences*. United Nations General Assembly. A/HRC/26/38.
- [7]. McQuigg, R. J. A. (2017). *The Istanbul Convention, Domestic Violence and Human Rights*. Routledge.
- [8]. Weldon, S. L., & Htun, M. (2013). Feminist Mobilisation and Progressive Policy Change: Why Governments Take Action to Combat Violence against Women. *Gender & Development*, 21(2), 231-247.