

## “VIOLENCE AGAINST WOMEN: A LEGAL AND HUMAN RIGHTS ANALYSIS IN THE INDIAN AND INTERNATIONAL CONTEXT”

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**BEST CITATION** – SRINITHI K, “VIOLENCE AGAINST WOMEN: A LEGAL AND HUMAN RIGHTS ANALYSIS IN THE INDIAN AND INTERNATIONAL CONTEXT”, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (3) OF 2026, PG. 799-809, APIS – 3920 – 0001 & ISSN – 2583-2344. DOI - <https://doi.org/10.65393/RAXG6317>

### Abstract

Violence against women remains one of the most pervasive human rights violations worldwide, transcending social, economic, cultural, and geographical boundaries. Despite constitutional guarantees, statutory protections, and international legal commitments, women continue to experience diverse forms of violence in both private and public spheres. This study undertakes a comprehensive legal and socio-analytical examination of violence against women within the Indian and international context, focusing on its causes, impacts, and the effectiveness of existing legal frameworks. The research analyses various manifestations of violence against women, including domestic violence, sexual violence, workplace harassment, trafficking, and emerging forms such as cyber abuse. It critically examines the historical and structural factors contributing to gender-based violence, particularly patriarchy, economic dependence, cultural norms, and institutional inadequacies. The study further evaluates the role of constitutional provisions, statutory enactments, and judicial interventions in India, highlighting landmark judgments that have shaped the legal discourse on women's rights. In addition, it explores the influence of international conventions, human rights instruments, and global organizations in establishing normative standards and guiding domestic legal responses. The findings reveal a persistent gap between legal frameworks and their practical implementation. While laws and judicial pronouncements demonstrate progressive intent, challenges such as underreporting, social stigma, procedural delays, and institutional insensitivity continue to undermine effective protection for women. The study argues that violence against women cannot be addressed through criminal law alone and emphasizes the need for a holistic, victim-centric approach integrating legal reform, effective enforcement, social awareness, and economic empowerment. Ultimately, the paper underscores that eliminating violence against women is essential for achieving substantive equality, social justice, and sustainable development.

**Keywords:** Violence against Women; Gender-Based Violence; Women's Rights; Legal Frameworks

### Introduction

Violence against women constitutes one of the most persistent and widespread violations of human rights across the globe, transcending boundaries of culture, class, religion, and nationality. It includes acts of physical, sexual, psychological, and economic harm inflicted upon women on the basis of gender, reflecting deeply entrenched power imbalances between men and women. Despite constitutional

guarantees, statutory protections, and international human rights commitments, women continue to face violence in both private and public spheres. Homes, workplaces, educational institutions, and digital spaces often assumed to be safe frequently become sites of abuse, coercion, and exploitation. The prevalence of such violence exposes the limitations of legal frameworks when unaccompanied by effective enforcement and societal change. In India, violence against women presents a paradoxical reality. On one

hand, the Constitution enshrines equality, dignity, and personal liberty as fundamental rights. On the other, patriarchal social norms, economic dependency, and cultural practices perpetuate gender-based violence in various forms, including domestic violence, sexual assault, dowry-related cruelty, honour killings, trafficking, and cyber harassment. The persistence of these practices highlights the gap between normative legal commitments and lived experiences of women. While legislative developments such as the Protection of Women from Domestic Violence Act, 2005, and the Criminal Law (Amendment) Act, 2013, represent significant progress, their impact remains limited by social stigma, institutional inertia, and procedural inefficiencies.

At the international level, violence against women has been recognized as a violation of fundamental human rights and a barrier to sustainable development. Instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women and the Declaration on the Elimination of Violence against Women emphasize state responsibility to prevent, investigate, and punish acts of gender-based violence. International organizations increasingly view violence against women not merely as a criminal justice issue but as a public health concern, a development challenge, and a threat to social cohesion. Despite these global commitments, implementation remains uneven, particularly in societies where patriarchal values are deeply rooted<sup>1850</sup>. The background of this study lies in the evolving recognition of violence against women as a public, legal, and human rights issue rather than a private or familial matter. Historically, acts of violence within the household were shielded from legal scrutiny under the guise of family autonomy and cultural tradition. Women were often denied legal personhood and economic independence, rendering them vulnerable to abuse without

effective remedies<sup>1851</sup>. In colonial India, legal frameworks reinforced male authority within the family, while customary laws frequently subordinated women's rights. Post-independence constitutional reforms marked a shift toward formal equality, yet substantive equality remained elusive due to entrenched social structures.

Over the decades, feminist movements, judicial activism, and international pressure have played a crucial role in reshaping the discourse on violence against women. Judicial pronouncements have expanded the interpretation of fundamental rights to include the right to live with dignity, free from violence and exploitation. Legislative interventions have attempted to address specific manifestations of violence, recognizing domestic abuse, workplace harassment, and sexual assault as distinct legal wrongs requiring tailored remedies. Nevertheless, these developments have not fully dismantled the structural conditions that enable violence. Social acceptance of gender hierarchies, combined with economic dependency and lack of awareness, continues to silence victims and normalize abuse. The persistence of violence against women reveals the limitations of a purely legalistic approach. While laws provide necessary frameworks for accountability, they cannot operate effectively in isolation from social realities<sup>1852</sup>. Victims often hesitate to approach legal institutions due to fear of social ostracism, retaliation, or disbelief. Law enforcement agencies may display insensitivity or bias, discouraging reporting and undermining trust. Judicial delays, procedural complexities, and low conviction rates further weaken the deterrent effect of legal provisions. As a result, violence against women remains underreported and inadequately addressed, perpetuating cycles of abuse and impunity. The problem addressed in this study is the continuing prevalence of violence against

<sup>1850</sup> United Nations, Declaration on the Elimination of Violence against Women, UN Doc A/RES/48/104 (1993).

<sup>1851</sup> Government of India, Protection of Women from Domestic Violence Act, 2005

<sup>1852</sup> Flavia Agnes, Law and Gender Inequality: The Politics of Women's Rights in India (Oxford University Press, 1999).

women despite comprehensive legal and constitutional safeguards at both national and international levels. The existence of laws has not translated into effective protection for women due to structural, institutional, and cultural barriers. Legal remedies are often inaccessible to marginalized women, including those from rural areas, lower socio-economic backgrounds, and minority communities. Moreover, emerging forms of violence, such as cyber harassment and coercive control, challenge traditional legal definitions and enforcement mechanisms. The failure to adapt legal responses to evolving realities exacerbates women's vulnerability.

Another dimension of the problem lies in the fragmented nature of institutional responses. Multiple agencies police, judiciary, healthcare systems, and social welfare departments often operate in silos, resulting in inadequate coordination and victim support. Survivors of violence may be subjected to repeated questioning, victim-blaming, and procedural hurdles, leading to re-traumatization. International human rights bodies have consistently emphasized the need for a victim-centric, integrated approach that prioritizes prevention, protection, and rehabilitation alongside punishment. However, translating these principles into practice remains a significant challenge. This study seeks to address these concerns by examining violence against women through a comprehensive legal and socio-theoretical framework.<sup>1853</sup> It aims to analyse the root causes, impacts, and legal responses to gender-based violence, while critically assessing the effectiveness of existing mechanisms. By situating the issue within both Indian and international contexts, the study highlights the interconnectedness of local realities and global norms. Ultimately, it argues that combating violence against women requires not only robust legal frameworks but also sustained efforts toward social

transformation, institutional accountability, and gender-sensitive governance.

The present study is guided by clearly defined research objectives that aim to examine violence against women as a multidimensional legal and social problem. The first objective is to analyse the nature, forms, and prevalence of violence against women in both private and public spheres, with particular reference to the Indian context. This includes domestic violence, sexual violence, workplace harassment, trafficking, honour-based violence, and emerging forms such as cyber abuse. The second objective is to identify and critically examine the socio-cultural, economic, and institutional factors that contribute to the persistence of violence against women. By analysing these root causes, the study seeks to move beyond surface-level explanations and uncover the structural dynamics that normalize gender-based violence.<sup>1854</sup>

A further objective of the study is to assess the impact of violence against women on individuals, families, and society at large. This includes an examination of physical harm, psychological trauma, social marginalization, and economic consequences faced by victims. The study also aims to evaluate the broader societal costs of violence, including its effect on public health systems, economic productivity, and social cohesion. Another important objective is to analyse the effectiveness of existing legal frameworks at both national and international levels in preventing violence against women and providing remedies to victims. This involves a critical evaluation of constitutional provisions, statutory laws, judicial interpretations, and enforcement mechanisms. The study also seeks to examine landmark judicial decisions related to violence against women in order to understand how courts have interpreted and expanded women's rights to equality, dignity, and personal liberty. By analysing case law, the research aims to identify progressive developments as well as

<sup>1853</sup> Vishaka v. State of Rajasthan, (1997) 6 SCC 241.

<sup>1854</sup> National Crime Records Bureau, Crime in India (Annual Report).

limitations in judicial approaches. Additionally, the study aims to explore the role of international organizations and human rights instruments in shaping domestic legal responses to violence against women. This includes examining how international norms influence legislative reforms, policy-making, and judicial reasoning within India.

In line with these objectives, the research is structured around specific research questions that guide the inquiry. The primary research question seeks to examine why violence against women continues to persist despite the existence of comprehensive legal frameworks and constitutional guarantees. This question addresses the core paradox between law and social reality<sup>1855</sup>. A related question focuses on identifying the most prevalent forms of violence against women and the contexts in which they occur. By examining patterns of violence, the study aims to highlight areas where legal and policy interventions remain inadequate. Another key research question concerns the underlying causes of violence against women. This question explores whether violence is primarily driven by individual behaviour or by broader structural factors such as patriarchy, economic dependency, and social norms. The study also asks how violence against women impacts victims' physical health, mental well-being, social relationships, and economic opportunities. This question is essential to understanding violence not merely as an isolated act but as a phenomenon with long-term and far-reaching consequences. Further research questions examine the effectiveness of the legal system in addressing violence against women. These include inquiries into whether existing laws are adequately implemented, whether victims have meaningful access to justice, and whether judicial processes are sensitive to the needs of survivors. The study also asks how international legal standards and global institutional frameworks contribute to strengthening national responses to violence

against women. Together, these research questions provide a comprehensive framework for analysing violence against women from legal, social, and human rights perspectives.

Based on these research questions, the study proceeds on a clearly articulated research hypothesis. The central hypothesis of the study is that violence against women persists not due to the absence of legal frameworks, but due to patriarchal social structures, ineffective enforcement mechanisms, institutional insensitivity, and lack of societal transformation. It is further hypothesized that legal reforms alone are insufficient to address violence against women unless they are supported by social awareness, economic empowerment of women, and gender-sensitive institutional practices. This hypothesis reflects the view that law operates within a broader social context and cannot achieve substantive equality in isolation.<sup>1856</sup> The hypothesis also assumes that international human rights norms have influenced the development of domestic laws relating to violence against women, but that gaps remain in translating international commitments into effective local action. The study therefore tests whether alignment with international standards has resulted in improved protection for women or whether such alignment remains largely symbolic. By examining these assumptions, the research seeks to contribute to a more nuanced understanding of the relationship between law, society, and gender justice.

The review of literature reveals a substantial body of scholarship addressing violence against women from feminist, sociological, legal, and human rights perspectives. Feminist theorists have consistently argued that violence against women is a manifestation of patriarchal power structures that seek to control women's bodies, labour, and sexuality. Scholars emphasize that such violence is not incidental but systemic, serving as a mechanism to

<sup>1855</sup> World Health Organization, Understanding and Addressing Violence against Women (WHO, Geneva).

<sup>1856</sup> UN Women, Ending Violence against Women: Global Norms and Standards (UN).

reinforce gender hierarchies<sup>1857</sup>. Radical feminist literature, in particular, highlights the role of male dominance and social conditioning in normalizing violence within intimate relationships. Sociological studies focus on the role of cultural norms, family structures, and economic dependency in perpetuating violence against women. Researchers have found that women who are financially dependent on male family members are less likely to report abuse or leave violent relationships. Studies also highlight the influence of social stigma, honor-based values, and victim-blaming attitudes that discourage women from seeking legal remedies. These findings underscore the importance of addressing social attitudes alongside legal reforms.

Legal scholarship has critically examined the evolution of laws addressing violence against women in India. Scholars note that while legislative measures such as the Protection of Women from Domestic Violence Act, 2005, represent significant progress, implementation remains inconsistent. Procedural barriers, lack of awareness, and institutional bias often prevent victims from accessing justice. Several studies critique the over-reliance on criminal law remedies, arguing that punitive approaches alone fail to address the structural causes of violence. Instead, scholars advocate for integrated civil, criminal, and welfare-based responses. Judicial interpretations have also been the subject of extensive academic analysis. Courts have played a crucial role in expanding the scope of women's rights by interpreting constitutional provisions broadly. Decisions recognizing sexual harassment as a violation of fundamental rights and expanding the definition of domestic violence to include emotional and economic abuse are widely discussed in legal literature. However, scholars also point out inconsistencies in judicial reasoning and the persistence of gender stereotypes in some judgments.

<sup>1857</sup> Radhika Coomaraswamy, Violence Against Women (UN Special Rapporteur Report).

International literature emphasizes violence against women as a violation of human rights and a public health crisis. Reports by international organizations highlight the global prevalence of gender-based violence and its impact on women's physical and mental health. Scholars argue that international conventions such as CEDAW have been instrumental in shaping domestic legal reforms, but enforcement remains dependent on political will and institutional capacity. Comparative studies reveal that countries with strong legal frameworks still struggle with high levels of violence due to cultural resistance and inadequate implementation. Despite extensive literature, several research gaps remain. Much of the existing scholarship is descriptive rather than evaluative, focusing on the existence of laws rather than their effectiveness. There is limited empirical research on the lived experiences of victims within the legal system, particularly regarding police and judicial responses. Additionally, few studies integrate international human rights standards with domestic legal analysis in a comprehensive manner. This study seeks to address these gaps by adopting an interdisciplinary approach that combines legal analysis with social theory and human rights perspectives.

### Historical Background

The historical background of violence against women reveals that such violence is not a modern phenomenon but a deeply embedded social practice shaped by long-standing power hierarchies and gender norms. Across civilizations, women have traditionally been positioned as subordinate to men, both legally and socially. In ancient societies, women were often treated as property of male family members, with limited autonomy over their bodies, labour, and choices. Legal systems either explicitly permitted violence within the household or failed to recognize women as rights-bearing individuals. This historical invisibility of women's suffering contributed to the normalization of violence as a private matter beyond legal scrutiny. In the Indian

context, historical practices such as child marriage, sati, dowry, and purdah reinforced women's vulnerability and institutionalized gender inequality. Although reform movements during the colonial period sought to abolish some of these practices, the underlying patriarchal structure remained largely intact<sup>1858</sup>. Colonial legal frameworks selectively intervened in social practices while preserving male authority within the family. Consequently, violence against women continued to be legitimized through custom, religion, and social norms. Post-independence constitutional guarantees marked a formal shift toward equality, yet historical patterns of discrimination continued to influence societal behaviour and institutional responses.

Violence against women may be understood as any act of gender-based violence that results in physical, sexual, psychological, or economic harm to women. It manifests in multiple forms, including domestic violence, sexual assault, marital rape, sexual harassment at the workplace, trafficking, honour killings, acid attacks, and cyber violence. These forms often overlap, creating compounded vulnerabilities for women. Violence occurs not only in private spaces such as homes but also in public institutions, workplaces, and digital environments, reflecting the pervasive nature of gender-based discrimination. Domestic violence remains one of the most widespread forms of violence against women. It includes physical abuse, emotional manipulation, sexual coercion, and economic control exercised by intimate partners or family members. Such violence is frequently justified through cultural narratives that prioritize family unity and male authority over women's autonomy and safety. Sexual violence, including rape and sexual assault, further reflects societal attitudes that objectify women and undermine their bodily integrity. Workplace harassment exposes women to exploitation and discrimination in professional spaces, limiting their economic

independence and participation. Together, these forms of violence reinforce women's marginalization across social domains.

The root causes of violence against women are complex and interrelated, extending beyond individual behaviour to structural and cultural factors. Patriarchy remains the central cause, creating social systems that privilege male dominance and normalize female subordination<sup>1859</sup>. Gender stereotypes portray men as authoritative and women as submissive, legitimizing control and aggression.<sup>1860</sup> These stereotypes are reinforced through family socialization, media representations, and cultural traditions. As a result, violence is often perceived as a disciplinary mechanism rather than a violation of rights. Economic dependency significantly contributes to women's vulnerability to violence. Women who lack financial independence often remain trapped in abusive relationships due to fear of poverty, homelessness, or social exclusion. Limited access to education and employment opportunities further exacerbates this dependency. Economic inequality also intersects with caste, class, and rural-urban divides, intensifying the risk of violence for marginalized women. Studies consistently demonstrate that economic empowerment reduces women's exposure to violence by increasing their bargaining power and access to support systems. Cultural and social practices also play a critical role in perpetuating violence against women. Practices such as dowry demands, honour-based violence, and son preference institutionalize discrimination and legitimize abuse. Social stigma attached to divorce, sexual autonomy, and reporting abuse discourages women from seeking justice. In many communities, preserving family honour takes precedence over women's safety, resulting in silence and complicity. Such cultural norms not only sustain violence but also

<sup>1859</sup> Flavia Agnes, *Women and Law in India* (Oxford University Press).

<sup>1860</sup> United Nations, Declaration on the Elimination of Violence against Women, 1993.

<sup>1858</sup> Gerda Lerner, *The Creation of Patriarchy* (Oxford University Press).

undermine legal interventions aimed at protecting women.

Institutional failures further contribute to the persistence of violence against women. Law enforcement agencies often lack gender sensitivity, leading to victim-blaming, inadequate investigation, and reluctance to register complaints. Judicial delays and procedural complexities discourage victims from pursuing cases, while low conviction rates weaken deterrence. Inadequate coordination between legal, medical, and social welfare institutions results in fragmented support for survivors. These systemic weaknesses signal societal tolerance of violence and reinforce impunity. The impacts of violence against women are profound and multidimensional, affecting victims at physical, psychological, social, and economic levels. Physically, women may suffer injuries, disabilities, reproductive health complications, and in extreme cases, death. Sexual violence increases the risk of sexually transmitted infections and unwanted pregnancies, while prolonged abuse leads to chronic health conditions. The physical consequences often require long-term medical care, placing additional burdens on healthcare systems. Psychological impacts are among the most enduring consequences of violence against women. Survivors frequently experience depression, anxiety, post-traumatic stress disorder, and diminished self-esteem. Persistent fear, emotional numbness, and sleep disturbances disrupt daily functioning and interpersonal relationships. Without access to counselling and mental health services, these psychological wounds may persist for years, affecting women's ability to work, parent, and participate in society. The trauma of violence often extends beyond the individual, affecting children and family members exposed to abusive environments. Socially, violence against women leads to isolation, stigma, and loss of social capital. Victims may be ostracized by families and communities, blamed for the violence they endured, or forced into silence to preserve social reputation. This exclusion limits

access to social support networks and reinforces dependence on abusers. Educational and employment disruptions further marginalize survivors, reducing their long-term opportunities. In extreme cases, social alienation contributes to self-harm and suicidal tendencies.

The economic impact of violence against women extends beyond individual losses to societal consequences. Women's reduced participation in the workforce results in lost productivity and income, affecting household and national economies. Public resources are diverted toward healthcare, legal proceedings, and welfare services addressing the consequences of violence. Studies indicate that countries with high levels of gender-based violence experience slower economic growth and greater inequality. Violence against women thus represents not only a human rights crisis but also a significant development challenge. At the societal level, violence against women undermines gender equality, social cohesion, and democratic values. It reinforces unequal power relations and normalizes injustice, weakening trust in legal and social institutions. Children raised in violent environments are more likely to experience emotional and behavioural problems and may perpetuate cycles of violence in adulthood<sup>1861</sup>. The intergenerational transmission of violence highlights the urgent need for preventive interventions targeting social norms and institutional practices, the historical roots, structural causes, and far-reaching impacts of violence against women demonstrate that it is not an isolated phenomenon but a systemic problem embedded within social, economic, and institutional frameworks<sup>1862</sup>. Addressing violence against women therefore requires a comprehensive approach that goes beyond punitive measures to include prevention, empowerment, and cultural transformation. Understanding these dimensions is essential for

<sup>1861</sup> World Health Organization, *Violence Against Women: Intimate Partner and Sexual Violence*.

<sup>1862</sup> Sylvia Walby, *Theorizing Patriarchy* (Basil Blackwell).

evaluating legal responses and developing effective strategies to combat gender-based violence.

### Challenges in Legal System

Judicial intervention has played a significant role in shaping the legal discourse on violence against women by interpreting constitutional guarantees and statutory provisions in a gender-sensitive manner. Courts have often acted as catalysts for reform, particularly where legislative measures were absent or inadequate. Through landmark judgments, the judiciary has expanded the scope of women's rights to equality, dignity, and personal liberty, recognizing violence against women as a violation of fundamental human rights rather than a private wrong. One of the most influential decisions in Indian legal history is *Vishaka v. State of Rajasthan*, where the Supreme Court recognized sexual harassment at the workplace as a violation of Articles 14, 15, and 21 of the Constitution. In the absence of specific legislation, the Court laid down binding guidelines to prevent and redress workplace harassment, drawing upon international conventions such as CEDAW. This judgment marked a shift toward acknowledging the state's positive obligation to protect women from violence in professional spaces and influenced the eventual enactment of the Sexual Harassment of Women at Workplace Act, 2013.

Another pivotal case is *Laxmi v. Union of India*, which addressed the issue of acid attacks against women. The Supreme Court recognized acid violence as a grave violation of the right to life and dignity and issued directions regulating the sale of acid, enhancing compensation mechanisms, and improving medical care for survivors. The judgment emphasized that legal responses must extend beyond punishment to include rehabilitation and social reintegration of victims. Similarly, the *Nirbhaya* case brought national attention to the brutality of sexual violence, leading to comprehensive

amendments in criminal law and stricter penalties for sexual offences.

Courts have also expanded the understanding of domestic violence through progressive interpretation. In cases interpreting the Protection of Women from Domestic Violence Act, 2005, the judiciary has clarified that domestic violence is not limited to physical abuse but includes emotional, verbal, sexual, and economic abuse. This expansive interpretation recognizes the lived realities of women and strengthens civil remedies available to victims. Judicial emphasis on speedy trials and victim confidentiality reflects a growing commitment to survivor-centric justice. Despite these judicial advancements, significant challenges persist within the legal system. One of the most serious challenges is underreporting of violence against women due to social stigma, fear of retaliation, and lack of trust in institutions. Many women hesitate to approach law enforcement agencies because of victim-blaming attitudes and insensitivity. Police reluctance to register complaints, especially in cases of domestic violence and sexual assault, undermines access to justice and reinforces impunity. Judicial delays further weaken legal protection. Prolonged trials and procedural complexities often discourage victims from pursuing cases, leading to withdrawals or compromises. Low conviction rates diminish the deterrent effect of criminal law and signal institutional failure. Inadequate legal aid, lack of trained prosecutors, and insufficient victim support services exacerbate these problems. These challenges highlight the gap between progressive legal frameworks and their practical implementation.

Another critical challenge lies in the fragmented institutional response to violence against women. Coordination between police, judiciary, healthcare providers, and social welfare agencies is often weak, resulting in inconsistent support for survivors. Victims may be subjected to repeated medical examinations, invasive questioning, and bureaucratic hurdles, leading to secondary victimization. The absence of

integrated response mechanisms undermines the effectiveness of legal remedies and violates principles of dignity and fairness. At the international level, numerous organizations play a crucial role in addressing violence against women through advocacy, policy development, funding, and monitoring. The United Nations has been at the forefront of global efforts, recognizing violence against women as a human rights violation and a development challenge. UN Women, in particular, works with governments to develop legal frameworks, strengthen institutions, and support survivor services. Its initiatives focus on prevention, protection, and prosecution, emphasizing gender-sensitive governance. The Convention on the Elimination of All Forms of Discrimination Against Women serves as the cornerstone of international legal obligations concerning women's rights. Through its monitoring mechanism, the CEDAW Committee evaluates state compliance and issues recommendations addressing violence against women. General Recommendations issued by the Committee clarify that gender-based violence constitutes discrimination and impose a duty on states to act with due diligence. These standards have influenced domestic jurisprudence and legislative reforms in several countries, including India. The World Health Organization approaches violence against women as a public health issue, highlighting its physical and psychological consequences. WHO develops clinical guidelines for healthcare providers, conducts global research, and promotes preventive strategies. Similarly, the United Nations Population Fund focuses on reproductive health and gender-based violence, supporting survivor-centred services and emergency responses in conflict and disaster settings. These organizations emphasize the interconnection between health, human rights, and gender equality.

Institutions such as the International Criminal Court address violence against women in conflict situations by prosecuting sexual violence as a war crime and crime against

humanity. The recognition of sexual violence as a weapon of war marks a significant advancement in international criminal law. Development institutions like the World Bank and the International Labour Organization integrate gender equality into economic and workplace policies, recognizing that violence against women undermines development, productivity, and social stability. The theoretical framework of this study is grounded primarily in feminist legal theory and human rights theory. Feminist legal theory critiques the male-centric nature of legal systems and emphasizes that law often reflects patriarchal values. It views violence against women as a structural issue rooted in unequal power relations rather than isolated acts of deviance. This perspective highlights the limitations of formal equality and calls for substantive equality through gender-sensitive laws and institutions. Human rights theory complements this approach by emphasizing state responsibility to respect, protect, and fulfil women's rights. Under this framework, violence against women constitutes a failure of the state to exercise due diligence. The theory underscores the indivisibility of rights, recognizing that violence affects civil, political, economic, social, and cultural rights. Together, these frameworks provide a comprehensive lens for analysing legal responses to violence against women and evaluating their effectiveness.

### Conclusion

In conclusion, violence against women remains a pervasive and systemic problem despite significant legal and institutional advancements at national and international levels. Judicial interventions, legislative reforms, and global advocacy have contributed to greater recognition of women's rights, yet enforcement gaps and societal resistance continue to undermine progress. The persistence of violence reflects deep-rooted patriarchal structures, economic inequality, and institutional failures that law alone cannot dismantle. Addressing violence against women requires a holistic approach that integrates

legal reform, effective implementation, social awareness, and cultural transformation. Strengthening institutional accountability, promoting gender-sensitive education, and empowering women economically and socially are essential to achieving substantive equality. Ultimately, eliminating violence against women is not merely a legal obligation but a moral and societal imperative fundamental to justice, development, and human dignity. Violence against women remains one of the most pervasive and deeply entrenched social and legal challenges in contemporary society. Despite constitutional guarantees, statutory protections, judicial interventions, and international commitments, gender-based violence continues to affect women across social, economic, cultural, and geographical boundaries. This persistence highlights that violence against women is not merely an outcome of individual misconduct but a structural problem rooted in historical inequalities, patriarchal norms, and systemic institutional failures. The study demonstrates that addressing violence against women requires a multidimensional and sustained response that extends beyond formal legal provisions.

In the Indian context, the constitutional framework provides a strong normative basis for gender equality through guarantees of equality before law, non-discrimination, and the right to life with dignity. Legislative enactments such as laws addressing domestic violence, sexual assault, workplace harassment, and trafficking reflect significant progress in recognizing women's vulnerabilities and rights. Judicial activism has further strengthened this framework by interpreting constitutional provisions expansively and acknowledging violence against women as a violation of fundamental rights. However, the continued prevalence of violence exposes a serious gap between law in theory and law in practice. Ineffective enforcement, social stigma, lack of awareness, procedural delays, and institutional insensitivity often prevent women from

accessing justice and meaningful protection. The study highlights that violence against women cannot be addressed through criminal law alone. While criminalization is essential for deterrence and accountability, it does not sufficiently address the underlying causes of violence. Patriarchal social structures, economic dependence, gender stereotypes, and cultural practices continue to legitimize control and abuse of women. These structural factors limit women's autonomy and discourage reporting of violence. Without addressing these root causes, legal reforms risk remaining symbolic rather than transformative. Therefore, legal interventions must be complemented by social reform, education, and economic empowerment to achieve lasting change. At the international level, the recognition of violence against women as a human rights violation has significantly influenced domestic legal frameworks. International conventions and global initiatives have established important normative standards and emphasized state responsibility to prevent, protect, and remedy violence. However, the effectiveness of these international commitments depends largely on domestic implementation and political will. The gap between international obligations and local realities remains a major challenge, particularly in societies where patriarchal norms are deeply embedded. Another critical finding of this study is the need for integrated and victim-centric institutional responses. Fragmented approaches involving police, judiciary, healthcare systems, and welfare agencies often lead to re-traumatization of survivors and weaken trust in the justice system. Women facing violence require coordinated support that ensures dignity, confidentiality, medical care, legal assistance, and psychological counselling. Strengthening institutional coordination, improving gender sensitivity among officials, and simplifying procedures are essential for ensuring access to justice and effective protection. The theoretical perspectives applied in this study reinforce the understanding that violence against women is

a manifestation of unequal power relations rather than isolated incidents. Feminist legal theory exposes the limitations of formal equality and highlights how legal systems may unintentionally perpetuate patriarchal values. Human rights theory emphasizes the positive obligation of the state to exercise due diligence in preventing violence and protecting women's rights. Together, these frameworks underscore the necessity of moving toward substantive equality through structural and institutional reform. In conclusion, eliminating violence against women requires a comprehensive and holistic approach that integrates legal reform, effective enforcement, social transformation, and economic empowerment. Laws must be supported by awareness, education, and institutional accountability to ensure their practical impact. Addressing violence against women is not only a legal obligation but also a moral and societal imperative essential to justice, democracy, and sustainable development. A society that tolerates violence against women undermines its commitment to equality and human dignity. Meaningful progress can be achieved only through collective responsibility, where the state, institutions, communities, and individuals work together to create a social order in which women can live free from fear, violence, and discrimination.



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