



ORIGINAL CONTRIBUTION

Meta-Analysis on Intrinsic Link Between Gender-Based Violence and Socio-Economic Disparity in Domestic and International Ambits

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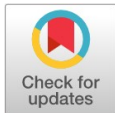
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Abstract— Gender-based violence is a deep-rooted problem and stems from the patriarchal structures of societies by virtue of which the laws existent on an international and national level have got little to no implementation. Domestic violence is considered a worldwide epidemic that stems its roots from Gender-based violence; it limits and exploits the rights and freedom of women. The objectives of this paper primarily focus on gender-based violence on a global scale, targeting the loopholes existent in International law. It further creates a linkage between gender-based violence and Human rights, primarily focusing on the hindrance caused by domestic traditions that are existent on a national level. Following the normative legal approach methodology of literature and content analysis. The findings and ramifications of gender-based violence have a lasting impact on the psychology of an individual thus, there's an imperative need to take steps to curb it on a domestic as well as on an international level. Among the main implications of this research is the introduction of laws on an international level, along with a proper clarification of the ambiguities prevalent in International treaties and laws, which would pave the way for the curtailment of gender-based violence on a broader scale, along with a reduction in the lasting impacts on the psychology of women. The original contribution of this research focuses on putting the responsibility on state governments to protect such a vulnerable group and analyze how their behavior is governed by way of International law. The study also aims at discussing the intrinsic link between gender-based violence and socio-economic disparity. Future research directions and policy implications are suggested.

Index Terms— Gender-based violence, Human rights, International law, Domestic law, Socio-economic disparity

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Introduction

Law is considered to be one of the key mechanisms, which, if combined with economics, health or politics would aid in the prevention of most serious of crimes. Gender-based violence can be defined as violence faced by individuals on the basis of their gender. It constitutes one of the gravest violation of human rights, including dignity, equality, and liberty. It is the primary result of the patriarchal structure of the society. The deep rooted problem is not just confined to one ambit but also gives birth to domestic violence, which can be considered as a key problem faced by women all over the world (Zimba, 2020).

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Gender-based violence and violence against women are both inter-related terms but the use of term 'gender' highlights the power inequalities between men and women. Gender-based violence can be divided into five distinct categories and these include, Physical violence in the form of domestic violence, Socio-economic violence which pertains to differences in the socio-economic structures, Sexual violence which can be categorized in the form of rape, coercion, Psychological and emotional violence and lastly harmful traditional practices that are prevalent mostly in under-developed economies (John et al., 2020).

The repetitive nature of gender-based violence, all across the globe is a key point which denotes how international authorities have failed to curb the situation. Women face gender-based violence, primarily by intimate partners. According to a global evaluation of 50 population-based countries conducted in 36 countries, 60 percent of women have experienced violence from their partners or former partners (Mittal & Singh, 2020). Gender-based violence is considered to be a worldwide phenomenon and there should be a law on a broader scale to specifically target this issue. The major part of this paper focuses on how the tools of International law, if applied properly would aid in the prevention of such social evils on a domestic as well as on an international level (Dlamini, 2021). The paper is no way focuses on how individual abusers should be tried by International forums, but it rather basis its focus on introduction and implementation of laws on a global scale so as to govern the behaviors of Individual states (Casey et al., 2018).

Objectives of the study

The study aims to achieve following objectives in this investigation:

- To highlight and shed light on legal aspects of gender based violence nationally and internationally.
- To highlight the importance of legal amendments and improvements in current legal content related to gender based content and regulations.
- To pave the way for integration of local laws in view of international laws related to gender violence.
- Highlight the importance of gender based violence for legal and social science scholars and non government stakeholders.

Literature Review

The role of international law

Domestic violence specifically intimate violence, though addressed in numerous different spheres, has still left loopholes for such discrimination to prevail. Although International bodies have worked tirelessly to combat violence against women in all ambits, it is still existent in developing economies with literacy rate so low that implementation of legislation has become somewhat difficult (van Niekerk et al., 2020). Feminist movements have also contributed to a great extent in curbing violence against women, they have rigorously shaped the way human rights lawyers think and pursue this subject. Although previously the sole practice of keeping state practices within state and the concept of state sovereignty, aided in increasing violence against women, however the same practice is now discouraged by International communities (Aronsson-Storrier, 2020).

The prime concepts of dignity, physical integrity, and equality as well freedom from all sorts of fear began to flourish and were re-defined, primarily taking into account the status of women. It further began to recognize how violence against women, impedes their ability to flourish and at the same time creates a sense of subordination in them (Clapham, 2012). Thus due to this recognition, previously which was a lawful practice amongst states, now started being recognized as unlawful and a crime against humanity in international law. Domestic violence in the form of intimate violence is one of the most common forms of violence prevalent against women and proposes major risk to their health. Many theorists however still believe that this form of violence is grave in nature but primarily doesn't fall within the ambit of a violation of international law because the gravity of it is less in comparison to other crimes such as mass rape (Byers, 2001). The parallels existent between intimate violence and mass rape are different on the face of it yet when taken into account subjectively, the underlying notion of severity as well as lack of state laws and practice create a link between the two and bring them on an equal footing. It can very much be argued violence against women is a universal violation of human rights despite which the national legislations have proved to be of little to no use when curbing such an extreme form of violence (Ginsburg, 2020).

The claim

A number of different scholars have claimed that the abuse woman face at the very same time they endure a particular yet similar version of harm which primarily deals with all such aspects that pertain to their ethnicity, religion as well as their race. Despite laws existent on a domestic and international level, the implementation process has faced utmost amount of criticism in all ambits. However this can be attributed to the failure of having an independent and specific prohibition against such extreme form of violence. If any such prohibition is taken in account, it links back to the only source of law that is customary international law (Sohn, 1986). maintains that "*one of the major elements determining the obligatory character of a particular rule of customary international law is its generality what is sought for is*

a general recognition among states of a certain practice as obligatory.” He suggests two elements which need to be taken in account, first, “express acceptance of the rule by a reasonable number of states belonging to various regional groups and representing different political, economic and ideological approaches; second, acquiescence by other states.”

The very legitimacy of such a source of law is a debate in itself, and thus solely relying on it to serve the purpose of a concrete and sole authority is inherently not the right approach. In the past two decades such form of extreme violence against women has taken a toll, primarily due to this reason, it has appeared as a human right agenda. However the same have been linked to other international themes which only link to violence against the women. Whereas themes like trafficking and rape have been recognized as separate, yet separate basic right agendas. Moreover, the systematic intimate violence shouldn't solely be restricted to discrimination and gender-based violence. Although it is a form of the same, it needs to be recognized as a separate and distinguished phenomenon (Garot, 2010).

In furtherance to the above, such precise nature of gender based violence has a narrow scope in international law. Solely considering it as a right would not limit the effects of it and for such purpose it's imperative to review power structures as well as the family institutions. For this reason, it requires the attention of all international and domestic bodies. Moreover it's important to make such comprehensive changes in international jurisprudence so as to ensure that the elements of systematic intimate violence are incorporated in detail, to render the theoretical aspect of the same to yield results which pertain to limiting such an extreme form of violence (Wenar, 2013). Thus academic as well as practical deficiencies need to be changed and remedied. In respect to the same, a concrete, specific and independent prohibition against systematic intimate violence must be developed and adopted. Similarly the ramifications of such violence need to be the center point of international dialogues and freedom from such violence requires theoretical up gradation. The paper primarily puts gender based violence on an equal footing of international violation of human rights (KANU, 2021). It puts forth the notion of this form of violence being so grave in nature that it falls within the ambit of international law and at the same time proposes the implementation and enforcement of safeguards against such violence by the international legislature. It also creates a direct link between the victim and the violator and states that International law not only governs the behavior of states but also encompasses non-state actors and private individuals. Moreover the local authorities too have completely failed in providing proper means and channels of addressing such a heinous crime existent in the society (Bhatti et al., 2021). Such failed legislation has further put a full stop on creating deterrence for all abusers because the punitive measure are not enough, nor do they suffice in limiting violence against women in all ambits.

The linkage

The purpose of creating a link between the two is to show that there exists a direct relationship between freedom from systematic intimate violence and human right, as the former should be considered as one of the most fundamental right (Qureshi, 2020). This can be established by virtue of four elements which include, fundamentality, universality, vulnerability and lastly state consideration. International human rights solely targets such rights which are of utmost importance and are amongst the core rights, by establishing that systematic intimate violence should be considered a core right and it should get equal protection by the law, as human rights are protected by virtue of several different treaties, conventions and other sources of law (Bott et al., 2019). States have an obligation of providing protection to such a vulnerable group, remedy such violence and take concrete steps in mitigating the consequences of such form of violence. A number of different theorists have defined the paradigm of fundamentality in regards to human rights. Locke takes on the concept of fundamentality in rights, as rights which are natural and/or inalienable, in comparison to it, Hobbes defines fundamentality as the primary right of defending oneself. Philip provided a very comprehensive definition of human right, who stated that a human right should reflect the primary concept of social value that is of fundamental importance. Hence the paper puts forth the notion that equality, physical integrity and dignity are three rights, which are violated by virtue of systematic intimate violence, and the violation of these rights, changes the character of this form of violence from being a sublime form of violence to one that is violation of the human rights which requires state intervention at all domestic and international levels (Ali et al., 2015).

Right to equality: The right to equality is considered as one of the central themes of human rights around which a number of different bidding instruments of international nature revolve. The UN charter which is magnified by UDHR, primarily puts forth the principle theme of equality. This has also been recognized by the ICESCR and the ICCPR. Not only that, but most international treaties include a non-discrimination clause in terms of treaty implementation and application (John et al., 2020). Individuals have an innate right to be treated equally based on this right of equality, and this right should be enforced by the state, not just in public but also in private. Laswell, McDougal and Chen state that the differentiation between sex roles which have been dictated mostly by men have led to a male dominant society, a society in which woman is considered as the weaker sex, the second sex and/or the subordinate sex. This aids in justifying violence by male members on female family members (Campbell et al., 2020).

It further results in the perception of such form of systematic intimate violence as ranking far lower than public violence. This further creates a major gap between discrimination, and thus leads to a complete or partial lack of functions which are of fundamental nature to human life (Dlamini, 2021). Hence it can be stated that this complete distinction between the role of men and women has given rise to inequality, and further enhanced the paradigm of systematic intimate violence. It can also be considered as a further extension of gender

equality and gender discrimination, as a result of which it leads to the breach of a human right, which is to be treated equally. This further upholds the fact that such a breach is fundamental in nature and targets the element of “fundamentality” in human rights, hence standing fulfilled (Lurie, 2020).

Right to physical integrity: This too is considered as a fundamental right, as all states whether on a domestic or international level are necessary to protect the person's security. The underlying notion is that every individual has a right to maintain his/her physical autonomy, and further gives birth to the right of being free from all forms of fear. This notion has been upheld by a number of international declarations, treaties as well as legal instruments (Serra et al., 2015). In order to attract the institution of international law, nature of physical harm should be severe and it has to meet a certain threshold of severity. As per the European Court (EC) of human rights, the physical harm and its severity basis on a number of different circumstances and aspects of the case. These further include duration, the nature of harm and treatment, the mental and physical effects of it and in certain situations, sex, age and health of the victim will also be taken in account (Cope et al., 2018).

Systematic intimate violence consists of such a form of violence which is to be combined together as physical and mental harm, continuous nature of harm and also includes threats of harm. On the basis of it, the study proposes, that such an extreme form of violence which is a combination of the above should be prohibited. In any such circumstances where the victim suffers this form of violence, it should be considered as a clear cut violation of human rights as are protected in public international law (Dlamini, 2021).

The right to dignity: Right to dignity is another human right which has been envisaged as the core concept in UDHR. It further suggests that this right is one of the root concepts through which all human rights stem from. It can be stated as the worth of an individual being. Violation of dignity can be understood from the extreme and severe form of violence, females suffer at the hands of their intimate partners (Casey et al., 2018). The nature of violence or harm is such that it goes deeper into the gaps of gender inequality. As a result of violation of human dignity, the right to physical integrity and right to equality are also compromised and together they form the core violation of human rights (Mittal & Singh, 2020).

Methodology

This study adopted the systematic literature search approach with normative legal research methodology. In the initial stage rules, regulations, laws, treaties and agreements related to international laws about gender based domestic violence were gathered from Internet sources and various databases. In second phase local rules, regulations, laws, treaties and agreements related to Pakistan laws about gender based domestic violence were collected from various legal documents, books and other Internet sources from various databases. In third stage content analysis of complete information was performed and data were organized for comparative analysis to find our deficiencies and improvement areas. In the last stage based on deep analysis recommendations and theoretical plus policy implications were suggested.

The intrinsic link between gender-based violence and socio-economic disparity

Understanding the link between the two is a complex task. When establishing a link between gender-based violence and socio-economic disparity, it needs to be taken into account that women play a pivotal role in the development of any state, limiting their freedom would not only imply the failure of a state but also the failure of international community to protect them. Socio-economic disparity can be defined as the differences between social and economic factors which affect the well-being of an individual. Social disparity pertains to the differences in the social factors, for example, health, education etc. whereas economic disparity deals with differences in economic commodities, primarily earnings, jobs etc. (Holtmaat & Anne Hellum, 2013). Gender-based violence affects both ambits. Women in general are deprived of their social and economic needs, although these very needs are recognized by a number of international laws, their implementation is still a matter of concern. The already existent laws and ambiguities within should be dealt with in order to ensure there is no lag in the implementation process. Socio-economic disparities in accordance with gender-based violence need to be considered and this grave violation of Human Rights should be discussed thoroughly in International and Domestic ambits (Satyen et al., 2021).

Moreover often time's victims of such violence develop an extreme mindset. This leads to a smaller social circle and a limited contribution to the economic and social structures of the country (Lurie, 2020). They are unable to focus their energies on work or work related activities. Hence the paper puts forth the notion of utilizing the tools of international law in curbing this universal and fundamental violation of human rights, the inherent weaknesses and strengths of International law which can play a vital role in mitigating the effects of systematic intimate violence.

The impact and prevalent deficiencies in international law

Although the application and implementation of International law has been subjected to great amount of criticism yet, it's important to note that it is a unique body of law. The uniqueness of it can be derived through three main notions. The sources of International law such as norms which filter smoothly in the national legal systems which not only entail a smooth application of international as well as domestic law, moreover the use of multi-faceted processes. It also needs to be noted that International law consists of such enforcement mechanisms which are far distinct in nature as well as in application in comparison to domestic laws. Thus the notion that an enforcement mechanism doesn't exist in International law is flawed (Ginsburg, 2020).

The sole absence of a traditional mechanism doesn't in any way states that an enforcement mechanism doesn't exist in entirety. Lastly the ambit of International law is far broader than that of domestic law. It solely doesn't deal with enforcing law rather the prime objective of it is to make sure that nations work together in harmony and take all stakeholders in account (Satyen et al., 2021). This includes maintaining the workings of state with its citizens, its environment and caters to the other deficiencies prevalent (Bowen, 2011).

International law is seen as a body of law which rather than rejecting the concept of national states, works in harmony with the legislative structures of the nations. Thus, making sure that a greater mechanism is opted to provide legal redress to victims of violations of human rights laws. It further aids in constituting such institutions by virtue of which the functioning of domestic institutions is improved, and the positive influence of such institutions which results in a better implementation strategy (Cope et al., 2018).

Ineffectiveness of international law

It is significant to mention that the remedial effects of international law cannot be ignored completely, however most theorists consider International law as a weak body of law. The term weak primarily entails the notion that international law is weak and soft in its ambit. Moreover it is considered arbitrary in nature and such body which is considered vague in regards to the alliance of the interests of the state (Goda, 1966). In most instances it is also argued that International law primarily comes with its baggage of a lack of an enforcement mechanism.

Although laws are existent yet the enforcement of the same cannot be procured, thus further weakening the role and impact of International law. In turn this lack of enforcement mechanism, aids in upholding the claims of all such jurists who believe in the notion that international law has little to no effectiveness (Cassese, 2012). They also maintain the fact that the lack of the same results in neither respect nor any form of compliance. Another perception which stems from International law is that an individual is too far from the ambit of International law because of the existence of various ambits in between and at the very same time, International law is also unsuitable in regards to national systems primarily because every state is governed by its own culture and values. The different cultures and values thus limit the application of international law and at the same time pose threats to the implementation of the same (Hazel Fox & Webb, 2013).

As stated, the primary convention which brings in light elimination against all forms of discrimination is CEDAW. However despite a comprehensive mechanism in place, it serves little to no purpose. As will be discussed further Article 17 of CEDAW gives special authority to this convention to not only review but also to scrutinize their adherence policies and implementation mechanisms. However the primary flaw is in the method in which it operates (Hazel Fox & Webb, 2013). Although it can give general recommendations with regards to compliance, but it is unable to place any sanctions on states who are not in compliance with the obligations laid out in the convention. Moreover it cannot engage any form of arbitration between any non-state actors, states or parties itself with regards to the application and interpretation of the convention. Therefore without the enforcement mechanism, the power of CEDAW is very limited as the enforcement mechanisms laid out in CEDAW have failed to achieve an effective vigilance over violations of the convention (Cassese, 2012).

Another hindrance with regards to CEDAW is the excessive number of reservations that most state parties have made with regards to the obligations. It is considered to be the most reserved instrument of Human Rights. Although reservations under Article 28 are allowed only to the extent where they aren't incompatible with the object and requirements of the convention (Costelloe, 2017). However the convention provides no mechanism to determine whether a state party is violating the Article compatibility requirement. Nor in any way does CEDAW have the power to limit reservations which violate the terms set out in Article 28 of the convention. Moreover it can also be stated that there are no procedural limitations on making reservations when it comes to CEDAW.

Above all, as stated in Article 1 the purpose and object of convention is very clear however most state parties disagree or fail to reach a consensus on how this purpose and object is likely to be achieved. This lack of consensus is due to a number of factors which include different cultural and religious practices. Moreover CEDAW can solely be considered as a symbolic commitment to the norms and values, primarily because it lack the enforcement mechanism by way of sanctions (Byers, 2001).

Another opinion in relation to the ineffectiveness of International law is that it neither prevents the grave violations of human rights nor does it in any way play a pivotal role in controlling the conduct of states (Clapham, 2012).

Effectiveness of international law

When it comes to International law, there are a number of theories which go in support of it, however it can reasonably be argued that there are a number of theorists who reject the notion of international law and question the effectiveness of it in curbing violence primarily systematic intimate violence (Ginsburg, 2020). The failure of the principles of international law has most of the times in yielding the requisite results, yet the effectiveness of it cannot be denied solely because of the inherent loopholes and gaps of it. The success of International law cannot be measured yet the most obvious understanding of its success is in the form of law making mechanism which works hand in hand with International law (Hazel Fox & Webb, 2013).

Although national law and or the domestic law is flawed in nature, flawed to the extent of little to no implementation, yet we continue working on its development and making sure it yields the requisite results. On the same lines, we cannot reject the idea of International law completely. The success of it is less high profile and at the same time traditional in nature. Thus we cannot completely abandon the workings of International law, concrete steps nonetheless need to be taken in order to ensure the right development of such a law. Moreover, International law serves as a vital step forward in internationalizing the law, completely abandoning it would limit the process of law making (Serra et al., 2015).

International obligation of states

Primarily it can be stated, that international law intervenes in only three basic situations. Firstly, where the violation is such, which becomes an issue between two states, for the object of which International law comes into play (John et al., 2020). The second situation is where the violation takes place within the borders of one state but the consequences of it disperse to the borders of another state and lastly in situations where the violation is grave in nature which due to certain political or social reasons has no adequate regulations in domestic laws. In all these three instances, the tools of international law come into play, however systematic intimate violence falls in the third category (van Niekerk et al., 2020).

As already stated when systematic intimate violence occurs, it comes as a clear cut violation of the right of physical integrity, dignity and equality and the states have an obligation in regards to take preventive measures against such violations. Thus this notion is twofold. Firstly the state has a direct obligation to take all concrete steps to prevent such violence and secondly if charged with knowledge, provide protection to the victims. In both these situations if the state fails, it becomes a matter which resorts to the intervention of international law (Byers, 2001).

Systematic intimate violence is a worldwide epidemic, which establishes the fact that states are aware of such violence yet fail to take steps to prevent it. State actors such as social workers, hospitals and police play a vital role in this regard. The reporting process of these non-governmental organizations, quash the notion of lack of knowledge which states maintain (Bhatti et al., 2021). The failure of legal systems to punish the perpetrators or provide redress to the victims, as a result of this it creates a major diversion between victims of systematic intimate violence from law, and law from victims of systematic intimate violence. This is primarily due to two reasons; firstly there is lack of understanding of the concept of systematic intimate violence and secondly there is an absence of infrastructural support which creates hindrance in the implementation of domestic violence laws.

One of the primary causes for lack of implementation as discussed earlier is the diverging sex roles in a society. If an individual is not considered as an equal in the society by virtue of law or certain implied habits, such person is not allowed to utilize the very basic instruments of that society. Thus concept of gender discrimination comes into play and creates a barrier in the ability of women to seek assistance of the state infrastructure, resources and lastly state assistance. Moreover the prevalent misconception that systematic intimate violence is a private affairs needs to be quashed completely. Another loophole which primarily exists in regards to states is that it is not considered as a political concern, and the primary nature of it being intimate, has further resulted in less preventive measures to be adopted (Casey et al., 2018).

One powerful mechanism of understanding whether an act of systematic intimate violence requires intervention of international law, is by taking into account the failure of the state to prevent it or to provide redress, and such a failure of state obligation should be continuous in nature. Sadly, even in the most egalitarian cultures, women still have a lower standing, receive less advantages, and are treated with less respect in all public areas (Bott et al., 2019).

Role of non-governmental and transnational organizations

These organizations primarily include non-governmental organizations, social movement organizations and transnational networks pertaining to advocacy. These groups are primarily responsible for upholding the rights of women and at the same time advancing such rights in the international as well as the domestic community. They have successfully accomplished and succeeded in establishing legislation and such facilities to aid the victims of systematic intimate violence (Macdonald, 2016).

They depend mainly on the process of documenting and at the same time publicizing information relevant to the cause at hand. Not only this, but they also work on educating governments and individuals along with other prominent organizations. They work at the ground level with organizations to uphold and implement the norms for which they have been tasked to implement. Although these organizations have been subjected to criticism in regards to their source of income, their agendas and their workings, however when it comes to systematic intimate violence NGO's have worked successfully in ensuring the internationalization of the rights of women (Mercer et al., 1991).

These organizations have developed a prime methodology in implementing their agendas and their campaigns. Their strategies and methodologies include campaigns in regards to education, by providing direct aid to victims of injustice, conferences highlighting their basic objectives and agendas aim at changing through lobbying. One most important function performed by such organizations is the watch dog service by virtue of this they maintain a watch on the actions of government, which aids in maintaining a system of checks and balance on the functions of government (Holtmaat & Anne Hellum, 2013).

Role of international bodies

The role of international bodies is significant in regards to governing systematic intimate violence. These international bodies include regional political organizations, treaty monitoring which is the prime task of these international bodies, a number of different United Nations institutions which comprise of commissions, committees and other special mechanisms. The CEDAW is the most relevant treaty in regards to the right of women. Countries that have primarily ratified this treaty and/or signed it are bound by the provisions of this treaty. Although CEDAW has been ratified by a number of different states yet the violations of it have been immense (Garwe & Gwati, 2018).

Primarily taking into consideration CEDAW, the first article of it, Article 1 pertains to the main objective of the entire treaty which is the elimination of all forms of discrimination against women. In furtherance to the same it pertains to the main 'purpose' and also the 'effects' which would limit the participation of women in all fields of development. Thus it can be seen as a criticism yet a positive aspect where the definition is expansive, that it leaves little room for error. Moreover Article 2 to 16 of CEDAW, set out all the measures and policies which 'shall' be undertaken by the state. Wherefore the term 'shall' denotes mandatory nature of the policies (Lugten, 2010). It puts forth such measures which consist of inclusion of principle of equality in legislations and constitutions, the adoption of temporary special measures, the right to access to education, health and facilities. Moreover the importance of the same can be understood by way of Article 17 of the Convention where a special committee also known as the monitoring body is formulated with the sole purpose of taking into consideration and directing state parties with regards to their treaty obligations. As per Article 24 of the convention, it somewhat underscores the other articles whereby it requires all state parties to adopt such measures which would aim at mitigating discrimination against women (Goda, 1966).

Nonetheless it doesn't diminish the change it has brought about on the national legislation of states. The significant aspect of CEDAW is the mechanism of reporting. The procedure of reporting has led to a higher number of cases being reported and the relevant mechanism to be enacted so as to ensure that such an extreme form of violence is curbed. Moreover all the parties that have ratified CEDAW are bound to submit reports, on a national basis, at least every four years on measures which the states have taken to comply with the obligations stated in the treaty (John et al., 2020).

Legislative development by Pakistan and corresponding obligations

A comparative study of Pakistan has been brought in line solely to discuss the existent gap of implementation which deeply hinders the reporting and curtailment of systematic intimate violence. While in Pakistan, the term systematic intimate violence is not resorted to and mostly such an extreme violence is dealt in the general definition of domestic violence, the paper proposes an international law solely based on systematic intimate violence, so as to provide a deeper understanding of this form of violence and the requisite steps that can be opted by states generally when it comes to developing countries. The Constitution of Pakistan, deals with all three basic rights of equality, dignity and physical integrity. Article 14 of the 1973 Constitution primarily deals with the right to dignity, (Roberts, 2002), states, "*The dignity of man and, subject to law, the privacy of home, shall be inviolable. No person shall be subjected to torture for the purpose of extracting evidence.*"

Similarly Right to Equality is dealt under Article 25, which states, "*All citizens are equal before law and are entitled to equal protection of law. There shall be no discrimination on the basis of sex. Nothing in this Article shall prevent the State from making any special provision for the protection of women and children.*"

Despite these existent laws, there has been little to no legislation on the basis of systematic intimate violence. As already stated, one of the primary loopholes existent in most domestic legislations, is that the term systematic intimate violence is completely unknown

(Macdonald, 2016). They resort to terms such as domestic violence or gender-based violence which fail to take into account the very essence of this form of extreme violence, which is violates the three basic rights as stated above.

Discussion & Recommendations

Prevalent laws pertaining to domestic violence

Pakistan does have legislation in place to fight against this social evil, yet the implementation process is such that, the legislation has no benefit at all. Provinces in their own ambit have drafted laws to provide protection to women against violence, yet there has been no Federal legislation which would aid in providing protection to women. Primarily in Sindh, Domestic Violence Prevention and Protection Act, 2013 has been passed. This provides a comprehensive and in-depth analysis of the very paradigms of domestic violence. Section 5 of the relevant act gives a detailed definition of the very term of domestic violence, which puts forth acts of gender based or any other psychological or physical abuse committed by an individual against a woman, any vulnerable person or children.

It includes all forms of violence which is in the form of psychological, mental abuse, economic abuse, wrongful confinement, harassment, sexual abuse, stalking and the use of any form of criminal force. Despite this detailed definition, the very aspect or the paradigms mentioned above in terms of systematic intimate violence are lacking, domestic violence needs to be interpreted on a broader scale and limited to one form of violence which primarily takes place between intimates. This would allow greater protection and thus pave the way for better implementation.

This act, further deals with the establishment of protection committees. These committees primarily exist to provide protection to the aggrieved, by informing them of their rights that are protected by virtue of this act, by assisting in providing medical treatment to any such aggrieved person, assist in relocating the aggrieved person if there is a future threat to his/her well-being and to ensure the safety and protection of such person. The committee also aids in assisting the aggrieved in filing of a petition as prescribed under this act and at the same time assist in maintaining the official records pertaining to the incident. This provides a greater protection to the aggrieved in regards to it. Despite these concrete steps, the major flaw in the implementation process is the patriarchalism present. As was stated by (Roberts, 2002), *"it is the dual constructs of women as the property of men and as the standard-bearers of a family's honour set the stage for culturally sanctioned forms of violence."*

Thus the backward approach, in countries like Pakistan where the illiteracy rate is high and there is little to no reporting of such incidences, the situation has deteriorated further to an extent where such a right is not considered as a human right's violation, despite it involving the basic elements of fundamentality, universality, vulnerability and state consideration.

In Punjab, The Punjab Protection of Women Against Violence Act, 2016 was put forth. It works on the same guidelines as enshrined in the act introduced by the Province of Sindh. Act of 2016 primarily puts forth the basic definition of violence, generalizing it to consist of all forms of violence, such as sexual violence, economic abuse, psychological abuse, stalking or cyber-crime. This act has paved the way for a smooth implementation process by way of developing Violence Against Women Centres (VAWs). Not only this, but a universal helpline too has been developed in this regard for all aggrieved persons. The functions of these centres would be to supervise the basic working of protection centres, ensure that there is uninterrupted functioning of the toll free dial-in number, develop such integrated working with other departments so as to ensure that the aggrieved is provided complete protection in the protection centres. Mediation and reconciliation between parties is also another imperative function provided by such committees, and providing improved suggestions regarding the protection of women to the government. This act further aided in apprehending the offenders by using GPS tracking.

Another act implemented in the Islamabad in regards to violence, is the Domestic Violence Prevention and Protection Act, 2012 (Holtmaat & Anne Helling, 2013). It primarily defined Emotional, Verbal and Psychological Abuse, as a conduct towards the victim which can be in the form of obsessive possessiveness, which results in invasion of the victim's liberty, privacy, integrity, or security. It further includes acts of insults or ridicule, threatening to cause malicious prosecution, physical pain, divorce, immorality, or bringing any false allegations on the character of the female by any member of the household.

Factors affecting implementation

Despite these detailed laws prevalent in each province of Pakistan with the exclusion of Khyber Pakhtunkhwa, the implementation process is far more complex. This is primarily due to a number of reasons which not only exist as threats to the implementation process but also exist as major loopholes which are not catered to. The first and foremost reason for the lack of implementation in this regard is the existing patriarchalism. As discussed earlier, the underlying notion that a man is more dominant over a female, and has a right to use physical force on women, makes it next to impossible to ensure the protection of women. This mindset is further aggravated by lack of literacy (Zimba, 2020). Countries with a high illiteracy rate, further aid in creating a gap between the sex roles prevalent. Another primary reason in this regard is the existing poverty. In countries like Pakistan or India where the poverty rate is high, the custom prevalent is to take out

the anger in the form of physical abuse on the weaker sex that is women. States have taken measures yet the same measures and their implementation process takes ages due to the backlog existent in the judicial systems (van Niekerk et al., 2020).

The time frame from abuse to redressal is so long that most often, this process is not opted. Rather a better option considered in this regard is to negotiate a way out. As the basic elements of systematic intimate violence need to incorporate on every level, and it needs to be distinguished from domestic violence because of its diverging elements. Without an understanding of the basic essence of systematic intimate violence, better implementation and protection to this vulnerable group can't be provided.

With regards to systematic intimate violence, the primary focus is to enhance the primary definition of this form of violence and limit it to these elements primarily to ensure a better understanding and an effective implementation process can be opted. The basic notion expressed is that the ambit of domestic violence has been exaggerated to an extent where the masses lack in understanding the basic essence of this form of aggravated violence, hence limiting it in its ambit would not only ensure an understanding as to when fundamental rights attached to this form of violence are being violated. Moreover, the basic elements of systematic intimate violence need to incorporate on every level, and it needs to be distinguished from domestic violence because of its diverging elements. Without an understanding of the basic essence of systematic intimate violence, better implementation and protection to this vulnerable group can't be provided (Satyen et al., 2021).

Recommendations

- Firstly states need a direction by way of international law. They will not solely change their policies, laws or institutions, without proper guidance from an international norm. The states should adopt tangible international rule to address the core causes of systematic interpersonal violence while also pointing governments in the proper way.
- Systematic intimate violence consists of elements of fear, confusion, and helplessness. As discussed earlier, this extreme form of epidemic needs to be considered as a clear cut violation of human rights, so as to ensure that such an act is dealt in the same manner as a violation of human rights is dealt with.
- The discussion of women's experiences in the context of systematic intimate violence are frequently colored in the backdrop of a generic term of gender discrimination that filters the approach of society, state, and international law. Thus it is important to recognize systematic intimate violence solely within the ambit of women and children, men, elderly and disabled be excluded from this definition, primarily because they are provided protection under their own niches in international law.
- A state sponsored lawyer needs to be provided to the victim in cases of systematic intimate violence, who will aid in obtaining protection orders, custody orders, maintenance orders, and at the same time provide her with assistance in these circumstances.
- Police officials should be provided with the right amount and nature of resources, to aid in addressing the complexity and severity of the violence.
- Judges must be informed earlier and they should be equipped with the requisite knowledge to understand the peculiarity of violence.
- Lastly the only way in which domestic and international states can truly assist is by combining all the above agencies and departments to provide the requisite care and protection to the victim of systematic intimate violence.

Conclusion

This research attempted to highlight the legal gap in framework related to gender violence as a comparative approach between national and international laws and agreements about gender mainstreaming specifically relevant to women rights in under developed and developing countries. Such research attempts focusing on legal comparative analysis are rare in this stream of research. This research has presented overview about the intrinsic link between gender-based violence and socio-economic disparity in developing countries. Additionally, this study shed light on areas of effectiveness and ineffectiveness in international laws related to gender violence. International obligations of state and role of non government, role of international bodies and civil society organizations has also been discussed and gaps are highlighted. Legislative developments in Pakistani developing country setting has also been discussed and areas of improvement has been suggested. In end prevalent laws pertaining to domestic violence and the key factors affecting the implementation process has been discussed in detail. Finally, the recommendations based on content analysis are recommended to enhance the theoretical and practical implementation of this research.

Limitations and Future Research Directions

The current study adopted the comparative and normative legal approach to gather the relevant information about topic of gender violence and its legal aspects. Although the study attempted to achieve its intended objectives but due to broader aspects and vast nature of topic

and its implications. The study lacks to conclude and recommend specific amendments and policy guidelines. Which future studies may adopt a systematic methodology to frame the data in timeline and use some software like NVIVO for content analysis. Also current study used only literature search approach while future studies may include focus group discussions and interviews of the stakeholders such as government bodies responsible for women protection and civil society organizations. Such triangulated approaches may help to bring comprehensive results and implications for future research and policy implementation. This research has opened several new avenues of future research in gender discrimination and gender violence which future scholars may take into account.

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