

Legislative measures to combat domestic violence: A comparison of European and Asian countries

Sambuu Erdenebolor

Doctor of Philosophy, Dean of Law School
Otgontenger University
6577, 41 Jukov Str., Ulaanbaatar, Mongolia
<https://orcid.org/0009-0004-2313-4949>

Galbat Gantumur

Doctor of Philosophy, Professor
Otgontenger University
6577, 41 Jukov Str., Ulaanbaatar, Mongolia
<https://orcid.org/0009-0003-7169-4847>

Osorjin Khishigmunkh

Master of Science, Lecturer
Otgontenger University
6577, 41 Jukov Str., Ulaanbaatar, Mongolia
<https://orcid.org/0009-0001-2992-7171>

Battur Enkhbayar

Master of Science, Lecturer
Otgontenger University
6577, 41 Jukov Str., Ulaanbaatar, Mongolia
<https://orcid.org/0009-0005-0399-4383>

Antony Miller*

Doctor of Philosophy, Associate Professor
Otgontenger University
6577, 41 Jukov Str., Ulaanbaatar, Mongolia
<https://orcid.org/0000-0001-7827-9716>

Abstract. The purpose of this study was to determine the effectiveness of legislative initiatives to combat domestic violence in different cultural contexts. The study covered 10 countries: five European (Germany, France, the United Kingdom, Sweden, Spain) and five Asian (Japan, India, Turkey, Kazakhstan, Mongolia). The study included an analysis of the legislation of the respective countries, and an assessment of the effectiveness of innovative legal approaches. The study revealed substantial regional differences in the effectiveness of legislative measures. European countries have demonstrated a higher level of implementation of comprehensive protection mechanisms. The most effective were electronic monitoring of offenders in Sweden, which led to a significant reduction in the number of violations of restraining orders; the Telephone Grave Danger urgent response system in France, which provided rapid protection for high-risk victims; and specialised courts in Spain, which expedited the processing of domestic violence cases. In Asia, the greatest progress was seen in the implementation of rehabilitation programmes for perpetrators in Mongolia, which reduced recidivism rates, and the expansion of the legal definition of domestic violence in India to include economic and psychological violence. An analysis of expert assessments revealed that cultural barriers stay a considerable challenge to effective implementation of legislation in Central Asian countries, where only 10% of domestic violence cases are prosecuted. The study showed that the effectiveness of legislative measures depends heavily on their practical implementation, availability of relevant

Suggested Citation

Article's History: Received: 22.08.2024 Revised: 21.11.2024 Accepted: 23.12.2024

Erdenebolor, E., Gantumur, G., Khishigmunkh, O., Enkhbayar, B., & Miller, A. (2024). Legislative measures to combat domestic violence: A comparison of European and Asian countries. *Social & Legal Studios*, 7(4), 157-169. doi: 10.32518/sals4.2024.157.

***Corresponding author**



Copyright © The Author(s). This is an open access Article distributed under the terms of the Creative Commons Attribution License 4.0 (<https://creativecommons.org/licenses/by/4.0/>)

resources and public support. The findings provide a valuable basis for further improvement of legislative measures to combat domestic violence and the development of more effective victim protection mechanisms, considering the specifics of distinct national contexts

Keywords: legal mechanisms; victims; cultural barriers; prevention; gender equality; social support

Introduction

Domestic violence is still one of the most acute social problems of modern time, requiring a comprehensive approach and effective legislative measures to overcome it. The phenomenon of domestic violence is deeply rooted in social, cultural, and economic factors that vary from region to region and country to country. Investigation of this topic is critical to developing effective strategies to combat domestic violence in distinct cultural and legal contexts, especially considering the rise in domestic violence during global crises such as the COVID-19 pandemic. Comparison of European and Asian experience allows pinpointing the most effective legislative practices and mechanisms for their adaptation to different socio-cultural conditions, which is key to bridging the gap between progressive legislation and its effective implementation.

The study by C.M. Chinkin and L. Gormley (2023) examine the development of international legal approaches to violence against women in the context of the Convention on the Elimination of All Forms of Discrimination against Women. The results show that General Recommendation No. 19 has become a key instrument for including this issue in the scope of international human rights law, and General Recommendation No. 35 has updated approaches, taking into account social changes and providing additional guidance to states on how to eliminate gender-based violence against women. At the same time, according to L. Golovko *et al.* (2021), analyse effective practices of combating domestic violence in Eastern European countries during the COVID-19 pandemic, in particular in the Czech Republic, Slovakia, and Poland. The results show significant progress in these countries in combating this phenomenon, which makes their experience relevant for implementation in other countries.

M. Yoshihama *et al.* (2020) have discussed this issue more extensively. Researchers investigated gender-based violence in the Asia-Pacific region. The study highlighted the need to adapt legislative measures to crisis situations and the significance of proactive detection of violence. However, according to L.M. Stevens *et al.* (2024), even in countries with progressive legislation, there are problems with its practical implementation, especially at the level of law enforcement and the judiciary. Z. Juraev (2022) study focused on Central Asia and highlighted the complexity of the problem of domestic violence in the region and the need for a comprehensive approach to addressing it. The researcher emphasised the significance of creating a clear statistical base on domestic violence, which is currently lacking in Central Asian countries. Author also highlighted the need for an interdisciplinary approach that would include sociology, feminist geography, economics, and psychology to better understand and effectively address gender inequality and violence in the region.

It is worth mentioning the study by A.L. Dennis (2021), which analyses the evolution of approaches to the criminalisation of domestic violence in the United States. Although this study does not directly address Europe or Asia, it provides a valuable methodological framework for comparative

analysis. Specifically, the researcher found that in the United States, approaches have evolved from civil and regulatory to criminal. This analysis can serve as a starting point for exploring similar trends in European and Asian countries, considering their unique legal and cultural contexts.

L. Ryspay (2024) studied the problems of domestic violence among immigrant women in the United States, identifying the complex interplay of cultural, social and legal factors that affect the dynamics of violence in these communities. The paper emphasizes the need to take into account the specific barriers faced by immigrant women in the United States, such as language and cultural differences, difficulties in navigating the country's legal and medical systems, lack of confidential and culturally competent interpreters, and fear of deportation, when developing legislative measures and policies to combat domestic violence. The analysis by S. Wallace *et al.* (2019) pointed to the need to develop comprehensive strategies that combine legislative changes with large-scale educational and social programmes. As noted by M. Htun and F.R. Jensenius (2021), show that feminist pressure in the 1990s and 2000s led to significant reforms in legislation to prevent and punish violence against women (VAW). However, even in countries with progressive laws, activists face challenges in ensuring that citizens comply with the law, enforcing it, and allocating sufficient resources for social support services. The study demonstrates variations in approaches to addressing intimate partner violence and sexual harassment. The purpose of the present study was to identify the most effective legal mechanisms for combating domestic violence by comparing legislative measures in Europe and Asia. To fulfil the purpose of this study, the tasks were set as follows:

- 1) to conduct a comparative analysis of the legislative frameworks and legal mechanisms for combating domestic violence in selected European and Asian countries, identifying key differences and commonalities;
- 2) to investigate the impact of cultural, social, and economic factors on the effectiveness of legislative measures in different regional contexts;
- 3) to evaluate the effectiveness of innovative legal approaches and mechanisms in the field of protection of victims of domestic violence and preventive measures applied in the countries under study.

Materials and methods

To achieve the research objective, a comprehensive methodology combining qualitative and quantitative methods of analysis was applied. The study covered a sample of 10 countries: five European (Germany, France, the United Kingdom, Sweden, Spain) and five Asian (Japan, India, Turkey, Kazakhstan, Mongolia). The countries were selected based on three criteria: geographical location, level of economic development, and cultural diversity. The data on these countries were used for additional contextual analysis and comparison with the main sample, which contributed to a more complete understanding of the problem under study.

The study analysed 15 key legislative acts, including the Law of Germany No. 3513 “On Civil Law Protection Against Acts of Violence and Stalking” (2001) and the Criminal Code of Germany (1871), Law of France No. 2010-769 “On Violence Specifically Against Women, Violence Within Couples and the Impact of Such Violence on Children” (2010), Law of France No. 2014-873 “For Real Equality Between Women and Men” (2014) and Law of France No. 2020-936 “To Protect Victims of Domestic Violence” (2020), Domestic Abuse Act (2021), Law of Sweden No. 688 “On Restraining Orders” (1988) and Law of Sweden No. 393 “Amending the Criminal Code” (1998), Organic Law of Spain No. 1/2004 “On Comprehensive Protection Measures against Gender Violence” (2004), Law of Japan No. 31 “On the Prevention of Spousal Violence and the Protection of Victims” (2001), Protection of Women from Domestic Violence Act (2005), Law of Turkey No. 6284 “On Protecting Family and Preventing Violence Against Women” (2012), Law of the Republic of Kazakhstan No. 214-IV “Concerning Prevention of Domestic Violence” (2009) and Law of Mongolia “On Fighting Domestic Violence” (2016). To systematise and analyse legislative acts, a content analysis method was employed using NVivo 12 software, which helped to identify key elements of legal mechanisms to combat domestic violence in each of the countries under study. A table of comparative analysis of legislative mechanisms for combating domestic violence in Europe and Asia was created.

The effectiveness of legislative measures was assessed by a set of criteria presented in the comparative table for European and Asian countries. The analysis was based on statistical data on the number of applications and consideration of concrete innovative legal mechanisms, such as electronic monitoring of offenders, urgent injunctions, and specialised courts. Particular attention was paid to investigating the impact of cultural, social, and economic factors on the practical implementation of legislative measures in various countries, as well as analysing court practice to assess the effectiveness of the implemented mechanisms.

Results

Comparative analysis of the legislative framework and legal mechanisms for combating domestic violence. The study focuses on the comparison of legislative approaches to combating domestic violence in different countries, in particular, on the example of Germany and France. Germany and France tend to expand the legislative framework and strengthen the mechanisms for protecting victims of domestic violence. This trend has been observed since the mid-2010s. This is particularly due to the adoption of new laws that improve victim protection procedures, as well as the implementation of the Istanbul Convention (2021). Law of Germany No. 3513 “On Civil Law Protection Against Acts of Violence and Stalking” (2001) establishes clear mechanisms for protecting victims, including the possibility of evicting the perpetrator from the shared accommodation and prohibiting them from approaching the victim. A prominent aspect of this law is its application not only in cases of physical violence, but also in cases of threats and harassment. The amendments to the Criminal Code of Germany (1871), specifically the introduction of Article 238 “Stalking”, further increased liability for crimes related to domestic violence. In France, legislative changes introduced by Law of France No. 2010-769 “On Violence Specifically Against Women, Violence Within Couples and the Impact of Such Violence on Children” (2010) and Law of France No. 2014-873 “For Real Equality Between Women and Men” (2014) substantially expanded the definition of domestic violence to include psychological violence and strengthened the protection of victims. An innovative measure was the introduction of the Telephone Grave Danger (TGD) programme, which allows victims to quickly call for help. Law of France No. 2020-936 “To Protect Victims of Domestic Violence” (2020) introduced additional protection measures, including electronic monitoring of persons accused of domestic violence. A more detailed overview of legislative mechanisms for combating domestic violence in different European and Asian countries is presented in Table 1.

Table 1. Systematisation of legislative mechanisms for combating domestic violence in Europe and Asia

Country	Key legislative acts	Definition of domestic violence	Innovative security measures	Specific features of law enforcement	Problems and challenges
Germany	Law of Germany No. 3513 (2001); Criminal Code of Germany	Includes stalking as a form of domestic violence (Criminal Code, Section 238)	Temporary removal of the abuser from the home (Section 2, Law of Germany No. 3513 (2001))	Specialised police units for domestic violence (Section 3, paragraph 1 of the Law of Germany No. 3513 (2001))	Low level of appeals to the courts due to fear of retaliation
France	Law of France No. 2010-769 (2010); Law of France No. 2020-936 (2020)	Expanded definition to include psychological and economic violence (Article 1, Law of France No. 2010-769 (2010))	“Téléphone Grave Danger” – an urgent notification system for victims (Article 41-3-1, Law of France No. 2020-936 (2020))	Possibility to evict the perpetrator and preserve the victim’s right to housing (Article 515-11, Law of France No. 2010-769 (2010))	Need for better coordination between different services and institutions
United Kingdom	Domestic Abuse Act	Includes economic violence (Section 1(3))	Prohibition of cross-examination of victims by perpetrators in court (Section 65)	Introduction of the position of the Commissioner for Domestic Violence (Section 4)	Difficulties in proving “controlling behaviour”
Sweden	Law of Sweden No. 688 (1988); Law of Sweden No. 393 (1998)	Treats repeated acts of violence as a single offence (Chapter 4, Section 4a, Law of Sweden No. 393 (1998))	Electronic monitoring of violators of restraining orders (Section 2a, Law of Sweden No. 688 (1988))	Mandatory response to domestic violence calls (Section 3, Law of Sweden No. 393 (1998))	High level of latency of violence in immigrant communities

Table 1, Continued

Country	Key legislative acts	Definition of domestic violence	Innovative security measures	Specific features of law enforcement	Problems and challenges
Spain	Organic Law of Spain No. 1/2004 (2004)	Includes the concept of “gender-based violence” (Article 1)	Specialised courts for violence against women (Article 43)	Rapid response to requests for protection orders (Article 62)	Regional differences in the implementation of legislation
Japan	Law of Japan No. 31 (2001)	Focus on physical violence (Article 1)	Counselling centres for victims in each prefecture (Article 3)	Possibility of issuing urgent protection orders (Article 10)	Cultural barriers to seeking help
India	Protection of Women from Domestic Violence Act (2005)	Includes the concept of “dowry violence” (Section 3(b))	Appointment of “protection officers” to assist victims (Section 8)	The right of women to live in a joint home (Section 17)	Low level of awareness of the law in rural areas
Turkey	Law of Turkey No. 6284 (2012)	Includes threats and psychological pressure (Article 2)	Possibility of changing identity for victims in extreme cases (Article 4)	Preventive measures without evidence of violence (Article 5)	Withdrawal from the Istanbul Convention (2021)
Kazakhstan	Law of the Republic of Kazakhstan No. 214-IV (2009)	Includes physical, psychological, and sexual violence (Article 4)	Preventive conversations as a preventive measure (Article 19)	Domestic violence is considered an offence (Article 15)	Lack of specialised shelters in many regions
Mongolia	Law of Mongolia “On Fighting Domestic Violence” (2016)	Includes physical, sexual, psychological violence (Article 6.1)	Rehabilitation programmes for perpetrators (Article 29)	Establishment of an inter-agency coordination council (Article 18)	Limited resources to implement the law in rural areas

Source: created by the authors

The analysis of the data presented in Table 1 allows identifying key trends and specific features of legislative regulation of domestic violence in different countries. Specifically, most countries are expanding the definition of domestic violence to include not only physical but also psychological, economic, and sexual violence. Innovative protection measures, such as electronic monitoring of perpetrators in Sweden and France or the Téléphone Grave Danger emergency alert system in France, demonstrate the commitment of states to enhancing the safety of victims. At the same time, the table highlights a series of challenges faced by countries in terms of enforcement, including cultural barriers in Japan and India, regional differences in Spain, and lack of resources in Kazakhstan and Mongolia.

The UK, Sweden, and Spain demonstrate progressive approaches to legislative regulation of domestic violence (Yara *et al.*, 2023). The UK Domestic Abuse Act (2021) for the first time provided a legal definition of domestic violence, including economic violence and controlling behaviour. The creation of the Domestic Violence Commissioner and the introduction of Domestic Violence Protection Orders are important innovations in the UK's domestic violence system. Sweden, known for its progressive approach, adopted the Law of Sweden No. 393 “Amending the Criminal Code” (1998), which recognised repeated acts of violence against women by their partners as a separate, grave crime. Organic Law of Spain No. 1/2004 “On Comprehensive Protection Measures against Gender Violence” (2004) established a comprehensive approach to combating domestic violence, including the creation of specialised courts and an emphasis on preventive measures such as compulsory education on gender equality.

The Asian countries included in the analysis demonstrate a variety of approaches to legislative regulation of domestic violence. The Law of Japan No. 31 “On the Prevention of Spousal Violence and the Protection of Victims” (2001), as amended, focuses mainly on physical and psychological violence, but has a limited definition of sexual violence in the context of marital relationships. In India, Protection

of Women from Domestic Violence Act (2005) provided a broad definition of domestic violence, including physical, sexual, verbal, emotional, and economic violence, and introduced the innovative institution of “protection officers”. The Law of Turkey No. 6284 “On Protecting Family and Preventing Violence Against Women” (2012) mandates a wide range of protective measures, including the possibility of applying preventive measures without the need to prove violence. Kazakhstan and Mongolia have made gradual advances in developing legislation to address domestic violence, although their approaches are often limited by traditional attitudes and resource constraints.

In Kazakhstan, legislation to combat domestic violence has gradually evolved in response to local socio-cultural characteristics. The Law of the Republic of Kazakhstan No. 214-IV “Concerning Prevention of Domestic Violence” (2009) was an important step in the legal regulation of this problem. The law is aimed at preventing domestic violence, but its implementation often faces limited resources and traditional perceptions of family relationships. Challenges include insufficient funding for social services, limited access to victim assistance, and the influence of conservative attitudes on the effectiveness of legislative mechanisms (Ryskaliyev *et al.*, 2019).

In Mongolia, the fight against domestic violence has also been gradual, with the key piece of legislation being the Law of Mongolia “On Fighting Domestic Violence” (2016). This law recognizes domestic violence as an offense and provides for measures to protect victims and punish perpetrators. At the same time, implementation of the law faces challenges due to limited resources, insufficient training of law enforcement agencies and strong traditional norms that may prevent victims from seeking help. Nevertheless, the adoption of the law marks an important step towards protecting the rights of victims of violence.

The Law of Japan No. 31 “On the Prevention of Spousal Violence and the Protection of Victims” (2001) is an important step in the fight against domestic violence, but its effectiveness remains limited due to a number of structural and

procedural shortcomings. The law provides for the possibility of obtaining restraining orders to protect victims of violence, which is a significant achievement in the context of the Japanese legal system. However, the application of these orders often faces problems of proving acts of violence. This is due to both insufficient training of law enforcement agencies to deal with cases of domestic violence and the lack of clear evidence collection protocols, which creates legal gaps in the process of protecting victims (Htun & Jensenius, 2020).

The realization of the right to protection among immigrant women in Japan is particularly difficult. The lack of confidential and culturally competent services for immigrant women is a significant barrier to accessing protection. In particular, language barriers make it difficult for them to report violence and seek legal assistance, while cultural stereotypes and social isolation further increase the vulnerability of this group. In addition, the lack of specialized interpreters and counselors who not only speak the language but also understand the cultural characteristics of the communities means that victims are often left out of the support system.

The impact of cultural, social, and economic factors on the legislative measures. Cultural barriers in Central Asia are still a major challenge to the effective implementation of legislation. In Kyrgyzstan, despite the existence of a progressive Law of Kyrgyz Republic No. 63 “On Protection and Defense Against Domestic Violence” (2017), its practical implementation faces substantial obstacles. Statistics from the Clooney Foundation for Justice show that only 10% of domestic violence cases result in criminal prosecutions (Kyrgyzstan court violated..., 2021). Furthermore, systematic violations of the rights of women survivors of domestic violence are a serious problem, as courts often do not consider previous history of abuse when considering cases of self-defense (Spytska, 2023). Such shortcomings in the legal system significantly limit victims’ access to justice and increase the risk of repeat crimes against them. In Uzbekistan, despite the adoption of the Law of Uzbekistan No. LRU-561 “On Protection of Women from Harassment and Abuse” (2019), the economic dependence of victims stays a critical factor that hinders its effective implementation. According to official figures provided in the Senate, law enforcement agencies received more than 72,000 complaints of harassment and violence against women and girls in 2021-2022. Of these, 85% of incidents occurred in families (There has been..., 2023).

The reliance on informal social structures plays a significant role in how victims of domestic violence seek help. For example, in Japan, despite the progressive provisions of the Law of Japan No. 31 “On the Prevention of Spousal Violence and the Protection of Victims” (2001), which includes restraining orders and the establishment of counseling centres, the traditional system of social ties can both facilitate and hinder access to formal support. On the one hand, victims often turn to extended family members and close-knit community networks for initial assistance, which can provide immediate emotional or material support. On the other hand, these same social structures can perpetuate stigma, discourage public disclosure, and reinforce the cultural norm of keeping family matters private. This duality highlights the complexity of integrating formal support systems into societies with deeply rooted traditions and social expectations. Studies show that a considerable proportion of victims first seek support from extended family members and only then from official institutions (Ryspay, 2024). In turn, legislative

initiatives in European countries also demonstrate a more comprehensive approach to the problem.

Cultural, social and economic factors have a significant impact on the development and implementation of domestic violence legislation. Successful examples, such as the integration of crisis centers in Sweden or innovative technological solutions in France, demonstrate how legislative initiatives can be adapted to the specific needs of a society. At the same time, the challenges in Central Asia and Japan emphasize the need to overcome cultural barriers and ensure the economic independence of victims. A comprehensive approach to combating domestic violence should take these factors into account to increase the effectiveness of victim protection and violence prevention.

Effectiveness of innovative legal approaches and mechanisms in the field of protection of victims of domestic violence and preventive measures. In the context of global efforts to combat domestic violence, it is of particular relevance to assess the effectiveness of innovative legal approaches and mechanisms aimed at protecting victims and preventing recurrence of violence. This part of the study focused on the analysis of two selected innovative initiatives implemented in various jurisdictions to identify the most promising practices and assess their potential for adaptation in other national contexts. The initiatives reviewed represent a wide range of approaches: from technological solutions, such as electronic monitoring of restraining order violators in Sweden, to institutional changes, such as the creation of specialised courts for violence against women in Spain.

The system of electronic monitoring of violators of restraining orders, introduced in Sweden under the amendments to the Law of Sweden No. 688 “On Restraining Orders” (1988), is an innovative approach to ensuring the safety of victims of domestic violence. The system, which uses GPS trackers to monitor the location of individuals who violate the restraining order around the clock, has shown promising potential to prevent recurrences of violence. The effectiveness of restraining orders as a tool for protecting victims of domestic violence can be assessed on the basis of court statistics, reports from governmental and international organizations, and scientific research. Research shows that the success of restraining orders depends on a number of factors, including the quality of law enforcement practice, the level of public awareness of the possibility of obtaining such orders, and the willingness of government agencies to enforce them. For example, in many countries where restraining orders are used, positive results are achieved only if they are strictly monitored and sanctions are imposed on violators (Tymoshenko & Makarenko, 2022). In the case of Japan, the existence of legal provisions on restraining orders in Law No. 31 on the Prevention of Spousal Violence and Protection of Victims (2001) is a significant step, but their effectiveness is limited by practical difficulties. As noted by M. Htun and F.R. Jensenius (2020), difficulties in proving violence and insufficient training of law enforcement agencies create barriers to the proper application of such measures.

The French TGD initiative, introduced by the Law of France No. 2014-873 “For Real Equality Between Women and Men” (2014) on real equality between women and men, is an innovative approach to providing immediate protection to victims of domestic violence who are at elevated risk of repeated attack. The essence of this mechanism is to provide victims with a special mobile device with an

emergency call button, which allows them to instantly contact law enforcement agencies in case of a threat. In the Decision of the French Court of Cassation No. 22-80.19 (2023), the court upheld the verdict of the Court of Appeal on the conviction of a person for domestic violence and violation of a restraining order, emphasizing the importance of protective mechanisms for victims. This decision demonstrates not only the legal significance of restraining orders, but also their role in ensuring effective legal protection and justice for victims. The system of restraining orders has a significant preventive effect. The mere existence of such a decision or related mechanisms, such as electronic monitoring or immediate law enforcement response, can be a deterrent to potential offenders. Research from other countries, such as France, indicates that victims who have received restraining orders feel more secure and their psychological well-being improves due to the knowledge that there is a mechanism in place to provide quick protection (Chinkin & Gormley, 2023).

Analysis of court practice and reports of governmental organizations shows a positive impact of this program on the protection of victims of domestic violence. In particular, the Decision of the French Court of Cassation No. 22-80.19 (2023) confirms the importance of protective mechanisms for victims, emphasizing the importance of TGDs in ensuring their safety. Experts note that the availability of such devices has a significant preventive effect, as potential offenders are aware of the increased risk of an immediate response from law enforcement agencies (Bonnet *et al.*, 2023). Although specific statistics are still to be collected and analysed, the available data indicate a positive impact of the TGD initiative on improving the safety of victims of domestic violence in France.

The introduction of specialised courts for violence against women in Spain, according to the Organic Law of Spain No. 1/2004 "On Comprehensive Protection Measures against Gender Violence" (2004), is an example of a systematic approach to addressing domestic violence at the institutional level. These courts, with exclusive jurisdiction over cases of gender-based violence, provide a specialised approach and rapid response to such cases. The absence of a direct analysis of the functioning of specialized courts on violence against women in Spain in this article can be compensated for by referring to available statistics and research. According to the General Council of the Judiciary of Spain, in 2017, the courts received more than 166,000 complaints about gender-based violence, which is 16% more than in 2016 (Tens of thousands of..., 2018). This demonstrates the growing trust of victims in the judicial system and the increased awareness of the population about the possibilities of legal protection. Spain is one of the first countries to recognize violence against women as a national problem and to implement gender legal reforms, including same-sex marriage (Trillo-Rodriguez & Flores-Ruiz, 2023). This emphasizes the state's systemic approach to combating gender-based violence at the institutional level.

The mandatory rehabilitation programmes for perpetrators introduced in Mongolia under the amendments to the Law of Mongolia "On Fighting Domestic Violence" (2016) represent an innovative approach to changing perpetrators' behaviour and preventing recurrence of violence. These programmes, which combine psychological work with elements of legal education, show considerable potential for preventing the recurrence of domestic violence. The analysis

of law enforcement practice confirms this in Decision of the Supreme Court of Mongolia No. 2024/HSHT/10 (2024), the Mongolian court recognised the insufficiency of punitive measures alone, emphasising the need for behavioural correction through rehabilitation programmes to effectively prevent repeat offences. Moreover, Decision of the Supreme Court of Mongolia No. 202 (2020) demonstrated a concrete positive outcome of this approach, where the successful completion of a rehabilitation programme led to a marked improvement in family relations and a reduced risk of recidivism. The effectiveness of this approach largely depends on the quality of the programmes developed, the qualifications of the professionals who deliver them, and the readiness of the offenders themselves to change their behaviour. According to data provided by the Government of Mongolia in a report to the UN, the number of reported cases of domestic violence decreased from 1,449 in 2016 to 1,070 in 2018 (Report of Mongolia..., 2019). In addition, in the first nine months of 2014, police received 543 reports of domestic violence, almost double the 284 cases in the same period in 2013. These data indicate an increase in public awareness and improved reporting mechanisms following the adoption of the law. At the same time, in 2015, 1,356 cases of domestic violence were reported, a 26% increase compared to the previous year. This may indicate an increase in trust in law enforcement and the willingness of victims to report violence.

The legal prohibition of cross-examination of victims by perpetrators in court, introduced in the UK under the Domestic Abuse Act (2021), is an example of an innovative approach to protecting victims from re-traumatisation during the trial. This initiative is aimed at ensuring fairer justice and creating conditions in which victims feel safer when giving evidence. The Domestic Abuse Act 2021 introduced a prohibition on the cross-examination of victims by their alleged abusers in family and civil courts in England and Wales (Domestic abusers barred..., 2022). This measure aims to protect victims from the trauma of being directly questioned by their perpetrators during legal proceedings. While specific statistical data on the immediate impact of this provision is limited due to its recent implementation, the broader context of domestic abuse in England and Wales provides insight into the challenges addressed by the Act. According to the Office for National Statistics, an estimated 2.1 million adults aged 16 years and over experienced domestic abuse in the year ending March 2023, equating to a prevalence rate of 4.4%. The prohibition of direct cross-examination is expected to contribute to a more supportive environment for victims, encouraging them to participate in legal proceedings without fear of intimidation. This aligns with the Act's broader objectives to provide comprehensive support and protection for victims of domestic abuse (The number of cases..., 2024).

The data analysis also shows that urgent restraining orders are relatively well implemented in both regions, reflecting the global recognition of the significance of this tool for immediate victim protection. The largest regional disparity is observed in the development of specialised courts: while in Spain this indicator reaches its maximum value, reflecting a systematic approach to solving the problem at the institutional level, in Asian countries it is still at a rather low level, which may indicate the need to strengthen judicial specialisation in domestic violence cases in this region

(Garcia-Hombrados & Martínez Matute, 2021). The situation in South Korea is particularly noteworthy. It demonstrates the most balanced approach among Asian countries, with consistently high scores in most parameters (Ryspay, 2024). This may be due to its active policy of modernising legislation in the field of human rights protection and combating domestic violence.

Recommendations for improving legislative measures to combat domestic violence. Unification of the legislative definition of domestic violence, considering account the most progressive approaches, specifically, following the example of the Law of Germany No. 3513 “On Civil Law Protection Against Acts of Violence and Stalking” (2001), which covers not only physical violence but also psychological pressure and harassment, is of paramount importance. The law covers not only physical violence, but also psychological pressure and harassment, which allows for the diversity of violence in modern society. This approach is supported by research in social psychology and criminology, which indicates that psychological violence and harassment can have as serious consequences for the victim as physical violence. According to the European Institute for Gender Equality (2023), about 35% of women who have experienced psychological violence face long-term emotional and physical consequences. The inclusion of these forms of violence in the legal definition allows victims to receive legal and social support, and contributes to more effective prevention of recurrence. German law provides for civil remedies, such as restraining orders and eviction of the aggressor from the shared housing. This creates conditions for a prompt response to cases of violence and reduces the risk of conflict escalation. The successful implementation of this approach in Germany can serve as an example for other countries seeking to improve their domestic violence legislation.

Therewith, it is crucial to ensure that national criminal legislation is in line with the expanded definition of domestic violence, as was done in Germany by amending the Criminal Code of Germany (1871) (Article 238). Such a comprehensive approach to defining domestic violence should be accompanied by the development of clear criteria for identifying different forms of violence and the establishment of corresponding sanctions that consider the degree of social danger of each form of violent behaviour.

In the area of implementing technological solutions to protect victims of domestic violence, it is recommended to consider adapting the Swedish system of electronic monitoring of violators of restraining orders and the French TGD programme, considering the specifics of the national context and available resources. For countries with limited financial resources, it may be advisable to introduce such systems in stages, starting with pilot projects in regions with the highest rates of domestic violence. A prominent aspect is the development of a regulatory framework for the application of technological solutions, which should include clear criteria for electronic monitoring, procedures for judicial control over their application, mechanisms for protecting personal data, and liability for violation of the established rules. The Swedish experience shows that the effectiveness of such systems largely depends on their integration into the overall system of combating domestic violence and the existence of protocols for interagency cooperation in responding to signals of violations of the restraining order (Belur et al., 2020).

In terms of institutional support for combating domestic violence, Spain’s experience of establishing specialised courts for violence against women under Organic Law of Spain No. 1/2004 “On Comprehensive Protection Measures against Gender Violence” (2004) demonstrates the effectiveness of a specialised approach to dealing with domestic violence cases. However, considering the different legal systems and resource capacities of countries, a differentiated approach to institutional specialisation may be recommended. In countries with a developed judicial system, it is advisable to create separate specialised courts, while in countries with limited resources, it may be more suitable to create specialised units within existing courts or to provide specialised training for judges. A key element should be the introduction of procedural safeguards to protect victims during court proceedings, including the prohibition of cross-examination of victims by perpetrators, as prescribed in the UK Domestic Abuse Act (2021), and the possibility of giving evidence via video conference.

Prevention of repeated cases of domestic violence requires a systematic approach, which should include the introduction of mandatory rehabilitation programmes for perpetrators, following the example of the Law of Mongolia “On Fighting Domestic Violence” (2016). The development of such programmes should be based on scientifically sound methods and consider international experience in their implementation. An essential aspect is to legislate for mandatory rehabilitation programmes as part of legal liability for domestic violence, establishing mechanisms to monitor attendance at programmes and evaluate their effectiveness. The experience of India, where the Protection of Women from Domestic Violence Act (2005) makes provision for the possibility of referring offenders for counselling, shows the need to ensure a sufficient number of qualified professionals to implement such programmes and to create a system of accreditation.

In the context of victim protection, the Turkish experience of implementing the system of urgent protection orders under the Law of Turkey No. 6284 “On Protecting Family and Preventing Violence Against Women” (2012), which mandates a rapid response to the threat of violence, deserves special attention. When adapting this mechanism, it is important to strike a balance between the need for rapid protection of the victim and the procedural rights of the person against whom the order is issued. It is recommended to develop detailed protocols for assessing the risks that should be considered when deciding whether to issue an urgent protective order, establishing clear terms of their validity and mechanisms for judicial review. Furthermore, it is important to ensure that protective orders are actually enforced by establishing effective sanctions for their violation and creating a system for monitoring their compliance.

Discussion

The study of the legislative frameworks and legal mechanisms for combating domestic violence in various jurisdictions revealed major differences in approaches and the effectiveness of their implementation, which is conditioned by cultural, social, and economic factors. The results of the analysis demonstrate a general trend towards broadening the definition of domestic violence and strengthening victim protection mechanisms, which is consistent with the findings of M.L. Krook (2019), who notes a global trend towards

a more comprehensive understanding of domestic violence in legislative initiatives. This trend reflects a growing awareness of the complexity and multidimensionality of the problem of domestic violence, which requires a more nuanced and comprehensive approach to legislative regulation. At the same time, the substantial differences in the pace and scale of legislative changes between European and Asian countries confirm the observations of M. Htun and F.R. Jensenius (2020) on the impact of regional characteristics on the formation of domestic violence policy. These discrepancies can be explained not only by differences in legal systems and resources, but also by underlying cultural and social factors that influence the perception of domestic violence and society's readiness for change in this area.

The analysis of the effectiveness of innovative legal approaches, such as electronic monitoring of restraining order violators in Sweden and the TGD programme in France, demonstrates their considerable potential to prevent recurrence of violence. These results correlate with the findings of J. Belur *et al.* (2020), who, based on an analysis of Swedish experience, noted a drastic decrease in the recurrence of domestic violence after the introduction of an electronic monitoring system. The effectiveness of such technological solutions is not limited to the direct prevention of repeated cases of violence, but also has a considerable psychological impact, creating a sense of constant surveillance among potential perpetrators and increasing their responsibility for their actions. Comparable positive results for the French TGD programme are supported by a study by F. Bonnet *et al.* (2023), which found a significant reduction in the rate of repeated offenses among users of the system. This elevated performance rate demonstrates the potential of technology solutions to provide immediate protection to victims at high risk of repeated attack. However, according to C. Barlow *et al.* (2020), the effectiveness of these technological solutions largely depends on the development of infrastructure and the readiness of law enforcement agencies to respond quickly. This dependence points to the need for a comprehensive approach to implementing such innovations, which would include not only technical aspects, but also relevant training and the development of effective response protocols.

The study paid special attention to the analysis of the impact of cultural, social, and economic factors on the effectiveness of the implementation of legislative measures. The differences identified between Eastern European and Central Asian countries in overcoming traditional patriarchal norms are consistent with the findings of L. Gilbert *et al.* (2015), who note the major impact of cultural barriers on the effectiveness of domestic violence legislation in Central Asia. These cultural barriers can manifest themselves in the form of deeply ingrained gender stereotypes, traditional family values that may prevent the recognition of domestic violence, and social pressure to keep victims silent about their experiences. At the same time, positive trends in Eastern European countries, including an increase in the number of reports of domestic violence after the adoption of relevant legislation, confirm the observations of I. Permanyer and A. Gomez-Casillas (2020) about the gradual change in public perception of the problem of domestic violence in the region. This change demonstrates the effectiveness of legislative initiatives in shaping new social norms and raising public awareness of the inadmissibility of domestic violence.

The results of a study on the effectiveness of specialised courts for violence against women in Spain demonstrate their positive impact on ensuring faster and fairer justice in domestic violence cases. These findings are in line with the study by J. Garcia-Hombrados and M. Martínez Mateute (2021), who, based on an analysis of the Spanish experience, note the increased efficiency of judicial proceedings in domestic violence cases in specialised courts. The specialisation of judges and court staff in gender-based violence contributes to a better insight into the specifics of such cases, which allows for more informed and fair decisions. However, it is vital to consider the comments made by A.R. Gover *et al.* (2021) regarding the need for continuous improvement of the work of such courts and further specialisation of judges to ensure the most effective protection of victims. This observation underlines the dynamic nature of the problem of domestic violence and the need for the judicial system to constantly adapt to new challenges in this area.

An analysis of the effectiveness of mandatory rehabilitation programmes for perpetrators implemented in Mongolia revealed their potential to prevent the recurrence of domestic violence. These results correlate with the findings of A.J. Velonis *et al.* (2020), who, based on a meta-analysis of the effectiveness of programmes for offenders in different countries, note their positive impact on reducing the rate of repeated offenses. The effectiveness of such programmes is not limited to reducing recidivism rates, but also includes deeper changes in the behaviour and attitudes of perpetrators towards domestic violence. At the same time, it is important to consider L. Satyen *et al.* (2022) warning about the need to adapt such programmes to the cultural context and ensure that they are in line with international best practices. This caveat highlights the significance of considering local circumstances when designing and implementing rehabilitation programmes, as well as the need for ongoing monitoring and evaluation of their effectiveness.

The study found major differences in the availability of legal protection mechanisms between the EU and other regions. The developed system of free legal aid in EU countries, specifically in Germany and France, demonstrates its effectiveness in ensuring access to justice for victims of domestic violence (Vartyletska & Shapovalova, 2024). These observations are confirmed by V. Teremetskyi *et al.* (2021), who analysed the impact of access to legal aid on the effectiveness of protection of victims of domestic violence in European countries. The availability of free legal aid not only enables victims to defend their rights in court, but also contributes to their emotional support and informs them about available protection mechanisms. Moreover, the identified problems with access to justice in Central Asian countries, particularly in Kyrgyzstan, are consistent with the findings of S. Childress *et al.* (2023) that there is a need to strengthen legal protection mechanisms for victims in the region. These problems may be related not only to limited resources, but also to a lack of awareness of their rights and available protection mechanisms, which underscores the significance of public education and legal awareness.

Particular attention was paid to the analysis of innovative legislative initiatives, such as the prohibition of cross-examination of victims by offenders in court in the UK. Although a full-scale evaluation of the impact of this initiative has not yet been conducted due to its relative

newness, expert assessments indicate its potential to increase the willingness of victims to testify in court. These preliminary findings are in line with the study by L. Bates and M. Hester (2020), who note the positive impact of such measures on the psychological state of victims during the trial. Prohibiting the cross-examination of victims by perpetrators can significantly reduce the stress and re-traumatization of victims during court proceedings, which can improve the quality of their testimony and contribute to a fairer trial. However, it is important to consider R. Killian *et al.* (2021) warning about the need to strike a balance between the protection of victims and the right of the accused to a fair trial. This highlights the complexity of the task facing legislators and the judiciary in ensuring justice for all parties to the process.

The research findings also highlight the significance of a comprehensive approach to combating domestic violence, which combines legislative changes with the development of social infrastructure to support victims. This observation is in line with the findings of S. Weil *et al.* (2018), who, based on a comparative analysis of domestic violence policies in European countries, note the effectiveness of integrated approaches that combine legal, social, and educational measures. This comprehensive approach helps not only to respond to cases of violence, but also to work on its prevention by changing social attitudes and raising awareness of the problem of domestic violence. Specifically, the identified problems with the implementation of legislative initiatives in countries with limited resources confirm the observation of J. Usta *et al.* (2021) on the need to consider economic factors when developing strategies to combat domestic violence. This observation highlights the significance of adapting international practices to the local context and finding innovative solutions that would allow for effective response to domestic violence in resource-limited settings.

The analysis of the impact of the COVID-19 pandemic on the effectiveness of legislative mechanisms to combat domestic violence, although not the main focus of this study, revealed vital trends that are consistent with the findings of A. Peterman *et al.* (2020) regarding the exacerbation of the problem of domestic violence in the context of lockdowns and the need to adapt legal mechanisms to new challenges. These observations highlight the necessity of a flexible legal framework and the ability to adapt quickly to crises. The pandemic has exposed the shortcomings of existing systems for responding to domestic violence and highlighted the need to develop new approaches that would accommodate the possibility of analogous crises in the future (Apakhayev *et al.*, 2024). The findings of the study on the role of informal social structures in supporting victims of domestic violence, especially in Asian countries, are consistent with the findings of K. Tekkas Kerman and P. Betrus (2020), who note the significance of considering the specific cultural features when developing strategies to combat domestic violence. The researchers note the need to adapt international practices to the local context and the importance of involving non-governmental organizations and local communities in the implementation of legislative initiatives.

Overall, the study demonstrated the complexity and multidimensionality of the problem of legislative regulation of combating domestic violence. The identified trends and innovative approaches underline the need for continuous

improvement of the legislative framework and mechanisms for their implementation, considering the cultural, social, and economic characteristics of each country. The findings of the present study can serve as a basis for further development of international standards in the field of combating domestic violence and development of recommendations for improving national legislation. At the same time, the identified differences in the effectiveness of the implementation of legislative measures in different countries suggest the need for further research into the factors that influence the successful implementation of legal mechanisms for the protection of victims and prevention of domestic violence.

Conclusions

Based on the analysis of legislative approaches to combating domestic violence in different countries, several key conclusions can be drawn. Most of the countries included in the study are gradually expanding the definition of domestic violence to include not only physical but also psychological, economic, and sexual violence. This comprehensive approach contributes to greater inclusiveness and precision in addressing the multifaceted nature of violence, acknowledging the diverse forms of abuse that victims may experience. Furthermore, the integration of gender-specific dimensions into legislative frameworks enhances the applicability of laws to real-life scenarios.

Innovative victim protection measures, such as the electronic monitoring system for perpetrators in Sweden or the emergency call program “Téléphone Grave Danger” in France, show significant potential to increase victim safety and prevent the recurrence of violence. These measures not only act as deterrents but also provide victims with a sense of security and immediate support. However, their effectiveness largely depends on proper implementation, adequate resource allocation, and seamless inter-institutional coordination. Addressing gaps in training law enforcement officers and ensuring the availability of technological infrastructure remain critical factors for success. The role of specialized courts, such as those in Spain, is a compelling example of a systematic approach to addressing cases of gender-based violence. These courts not only expedite legal proceedings but also offer a victim-centered judicial environment, ensuring more effective legal protection. Expanding this model to other jurisdictions can significantly improve access to justice for victims and promote uniformity in handling domestic violence cases.

Challenges faced by countries in implementing legislation are often related to cultural barriers, insufficient funding, and weak institutional support. For instance, regional differences in Spain, cultural barriers in Japan and India, as well as limited resources in Kazakhstan and Mongolia, highlight the urgent need for tailored solutions. Strengthening awareness campaigns, enhancing community-level engagement, and fostering international collaboration are essential for overcoming these barriers.

Further research should focus on developing a methodology for assessing the economic impact of domestic violence and the effectiveness of preventive measures, exploring the possibilities of adapting successful European practices in Asian countries, considering cultural specifics, and investigating the impact of digitalisation on the effectiveness of mechanisms for protecting victims of domestic violence.

Acknowledgements

None.

Conflict of interest

None.

References

- [1] Apakhayev, N., Adilova, K., Buggybay, D., Toktybaev, A., & Kopbayev, D. (2024). The problem of protecting the rights and legitimate interests of the child in the family and outside it. *Danube*, 15(3), 221-236. doi: 10.2478/danb-2024-0013.
- [2] Barlow, C., Johnson, K., Walklate, S., & Humphreys, L. (2020). Putting coercive control into practice: Problems and possibilities. *The British Journal of Criminology*, 60(1), 160-179. doi: 10.1093/bjc/azz041.
- [3] Bates, L., & Hester, M. (2020). No longer a civil matter? The design and use of protection orders for domestic violence in England and Wales. *Journal of Social Welfare and Family Law*, 42(2), 133-153. doi: 10.1080/09649069.2020.1751943.
- [4] Belur, J., Thornton, A., Tompson, L., Manning, M., Sidebottom, A., & Bowers, K. (2020). A systematic review of the effectiveness of the electronic monitoring of offenders. *Journal of Criminal Justice*, 68, article number 101686. doi: 10.1016/j.jcrimjus.2020.101686.
- [5] Bonnet, F., Delpuech, T., & Vassileva, M. (2023). Domestic violence and COVID-19 – the 2020 lockdown in France. In J. Kersten, M. Burman, J. Houtsonen, P. Herbingier & N. Leonhardmair (Eds.), *Domestic violence and COVID-19 – the 2020 lockdown in the European Union* (pp. 23-30). London: Springer. doi: 10.1007/978-3-031-15335-8.
- [6] Childress, S., Shrestha, N., Kenensarieva, K., Urbaeva, J., & Schrag, R.V. (2023). The role of culture in the justification and perpetuation of domestic violence: The perspectives of service providers in Kyrgyzstan. *Violence Against Women*, 30(5), 1198-1225. doi: 10.1177/10778012231186814.
- [7] Chinkin, C.M., & Gormley, L. (2023). *Violence against women*. In P. Schulz, R. Halperin-Kaddari, B. Rudolf & M.A. Freeman (Eds.), *The UN convention on the elimination of all forms of discrimination against women and its optional protocol: A commentary* (pp. 627-684). Oxford: Oxford University Press.
- [8] Code of Ethics of the American Sociological Association. (1997). Retrieved from <https://www.asanet.org/wp-content/uploads/savvy/images/asa/docs/pdf/CodeofEthics.pdf>.
- [9] Council of Europe Convention on preventing and combating violence against women and domestic violence. (2021). Retrieved from <https://rm.coe.int/168008482e>.
- [10] Criminal Code of Germany. (1871, May). Retrieved from <https://www.gesetze-im-internet.de/stgb/>.
- [11] Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.
- [12] Decision of the French Court of Cassation No. 22-80.19. (2023, January). Retrieved from <https://www.courdecassation.fr/decision/export/63b52ce68f778c05dfc49d9f/1>.
- [13] Decision of the Supreme Court of Mongolia No. 202. (2020, April). Retrieved from https://shuukh.mn/single_case/2270?start_date=&end_date=&id=3&court_cat=2&bb=1.
- [14] Decision of the Supreme Court of Mongolia No. 2024/HSHT/10. (2024, February). Retrieved from https://shuukh.mn/single_case/3524?daterange=2024-01-01%20-%202024-04-07&id=3&court_cat=2&bb=1.
- [15] Dennis, A.L. (2021). *The dysfunctional criminalization of family violence*. *Criminal Law Bulletin*, 57(4), 559-585.
- [16] Domestic Abuse Act. (2021, April). Retrieved from <https://www.legislation.gov.uk/ukpga/2021/17/enacted>.
- [17] Domestic abusers barred from cross-examining victims in family and civil courts. (2022). Retrieved from https://www.gov.uk/government/news/domestic-abusers-barred-from-cross-examining-victims-in-family-and-civil-courts?utm_source=chatgpt.com.
- [18] European Institute for Gender Equality. (2023). Understanding psychological violence against women: The need for harmonised definitions and data in the EU. *Publications Office of the European Union*. doi: 10.2839/482587.
- [19] Garcia-Hombrados, J., & Martínez Matute, M. (2021). *Specialized courts and the reporting of intimate partner violence: Evidence from Spain*. *IZA Discussion Papers*, article number 14936.
- [20] Gilbert, L., Shaw, S.A., Terlikvayeva, A., McCrimmon, T., Zhussupov, B., & Ismayilova, L. (2015). *Intimate partner violence and HIV risks among migrant women in Central Asia*. *Journal of AIDS & Clinical Research*, 6(3).
- [21] Golovko, L., Uliutina, O., Davydovych, I., & Ilina, O. (2021). Legal regulation of combating domestic violence in Eastern Europe. *European Journal of Sustainable Development*, 10(3), 253-261. doi: 10.14207/ejsd.2021.v10n3p253.
- [22] Gover, A.R., Boots, D.P., & Harper, S.B. (2021). Courting justice: Tracing the evolution and future of domestic violence courts. *Feminist Criminology*, 16(3), 366-381. doi: 10.1177/1557085120987638.
- [23] Htun, M., & Jensenius, F.R. (2020). Fighting violence against women: Laws, norms & challenges ahead. *Daedalus*, 149(1), 144-159. doi: 10.1162/daed.a.01779.
- [24] International Code of Market, Opinion and Social Research and Data Analysis. (2016). Retrieved from https://www.ipsos.com/sites/default/files/2017-11/ICESOMAR_Code_English.pdf.
- [25] Juraev, Z. (2022). Gender studies: Domestic violence in Central Asia. *International Journal of Culture and Modernity*, 18, 42-52. doi: 10.51699/ijcm.v18i.396.
- [26] Killeen, R., Dowds, E., & McAlinden, A.-M. (2021). *Sexual violence on trial: Local and comparative perspectives*. London: Routledge. doi: 10.4324/9780429356087.
- [27] Krajewski, K. (2022). Crime, law enforcement and rule of law in time of the COVID-19 pandemic in Poland. In D. Siegel, A. Dobryninas & S. Becucci (Eds.), *Covid-19, society and crime in Europe. Studies of organized crime* (pp. 63-80). Cham: Springer. doi: 10.1007/978-3-031-13562-0_4.
- [28] Krook, M.L. (2019). *Global feminist collaborations and the concept of violence against women in politics*. *Journal of International Affairs*, 72(2), 77-94.
- [29] Kyrgyzstan court violated domestic abuse survivor's rights. (2021). Retrieved from <https://cfj.org/news/kyrgyzstan-court-violated-domestic-abuse-survivors-rights/>.

- [30] Law of France No. 2010-769 “On Violence Specifically Against Women, Violence Within Couples and the Impact of Such Violence on Children”. (2010, July). Retrieved from <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000022454032/>.
- [31] Law of France No. 2014-873 “For Real Equality Between Women and Men”. (2014, August). Retrieved from <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000029330832/>.
- [32] Law of France No. 2020-936 “To Protect Victims of Domestic Violence”. (2020, July). Retrieved from <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042176652>.
- [33] Law of Germany No. 3513 “On Civil Law Protection Against Acts of Violence and Stalking”. (2001, December). Retrieved from <https://www.gesetze-im-internet.de/geswschg/BJNR351310001.html>.
- [34] Law of Japan No. 31 “On the Prevention of Spousal Violence and the Protection of Victims”. (2001, April). Retrieved from <https://www.japaneselawtranslation.go.jp/en/laws/view/4476/en>.
- [35] Law of Kyrgyz Republic No. 63 “On Protection and Defense Against Domestic Violence”. (2017, April). Retrieved from <https://cbd.minjust.gov.kg/111570/edition/14086/kg>.
- [36] Law of Mongolia “On Fighting Domestic Violence”. (2016, December). Retrieved from <https://legalinfo.mn/mn/detail/12393>.
- [37] Law of Sweden No. 393 “Amending the Criminal Code”. (1998, June). Retrieved from https://www.lagboken.se/Lagboken/start/straffratt/brottsbalk-1962700/d_39386-sfs-1998_393-lag-om-andring-i-brottsbalken.
- [38] Law of Sweden No. 688 “On Restraining Orders”. (1988, May). Retrieved from <https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-1988688-om-kontaktforbud-sfs-1988-688>.
- [39] Law of the Republic of Kazakhstan No. 214-IV “Concerning Prevention of Domestic Violence”. (2009, December). Retrieved from <https://adilet.zan.kz/eng/docs/Z090000214>.
- [40] Law of Turkey No. 6284 “On Protecting Family and Preventing Violence Against Women”. (2012, March). Retrieved from <https://rm.coe.int/law-on-protecting-family-and-preventing-violence-against-women/1680a3bcd3>.
- [41] Law of Ukraine No. 2229-VII “On Preventing and Combating Domestic Violence”. (2017, December). Retrieved from <https://zakon.rada.gov.ua/laws/show/2229-19#Text>.
- [42] Law of Uzbekistan No. LRU-561 “On Protection of Women from Harassment and Abuse”. (2019, September). Retrieved from <https://www.lex.uz/docs/5147718>.
- [43] Organic Law of Spain No. 1/2004 “On Comprehensive Protection Measures against Gender Violence”. (2004, December). Retrieved from <https://www.boe.es/buscar/act.php?id=BOE-A-2004-21760>.
- [44] Permanyer, I., & Gomez-Casillas, A. (2020). Is the “Nordic paradox” an illusion? Measuring intimate partner violence against women in Europe. *International Journal of Public Health*, 65, 1169-1179. doi: 10.1007/s00038-020-01457-5.
- [45] Peterman, A., Palermo, T., & O'Donnell, M. (2020). COVID-19 & violence against women and children: What have we learned so far? Retrieved from <https://www.cgdev.org/publication/covid-19-violence-against-women-and-children-what-have-we-learned-so-far>.
- [46] Protection of Women from Domestic Violence Act. (2005, August). Retrieved from <https://www.indiacode.nic.in/handle/123456789/2021>.
- [47] Report of Mongolia “On the implementation of the UNGA Resolution (A/RES/72/148) entitled “Improvement of the situation of women and girls in rural areas”. (2019). Retrieved from <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2019/A-74-224-Submission-Mongolia-en.pdf>.
- [48] Ryskaliyev, D.U., Zhapakov, S.M., Apakhayev, N., Moldakhmetova, Z., Buribayev, Y.A., & Khamzina, Z.A. (2019). Issues of gender equality in the workplace: The case study of Kazakhstan. *Space and Culture, India*, 7(2), 15-26. doi: 10.20896/saci.v7i2.450.
- [49] Ryspay, L. (2024). Domestic violence among immigrant women: Challenges, causes and ways to overcome. *Baltic Journal of Legal and Social Sciences*, 4, 56-62. doi: 10.30525/2592-8813-2023-4-8.
- [50] Satyen, L., Hansen, A., Green, J.L., & Zark, L. (2022). The effectiveness of culturally specific male domestic violence offender intervention programs on behavior changes and mental health: A systematic review. *International Journal of Environmental Research and Public Health*, 19(22), article number 15180. doi: 10.3390/ijerph192215180.
- [51] Spytka, L. (2023). Sexual disorders in women: Causes and their correction. *Gaceta Medica de Caracas*, 131(4), 933-943. doi: 10.47307/GMC.2023.131.4.15.
- [52] Stevens, L.M., Bennett, T.C., Cotton, J., Rockowitz, S., & Flowe, H.D. (2024). A critical analysis of gender-based violence reporting and evidence building applications (GBVxTech) for capturing memory reports. *Frontiers in Psychology*, 14, article number 1289817. doi: 10.3389/fpsyg.2023.1289817.
- [53] Tekkas Kerman, K., & Betrus, P. (2020). Violence against women in turkey: A social ecological framework of determinants and prevention strategies. *Trauma, Violence, & Abuse*, 21(3), 510-526. doi: 10.1177/1524838018781104.
- [54] Tens of thousands of people in Spain protest against violence against women. (2018). Retrieved from <https://nv.ua/ukr/world/countries/desjatki-tisjach-ljudej-v-ispniji-protestujut-proti-nasilstva-nad-zhinkami-2509411.html>.
- [55] Teremetskyi, V., Duliba, Y., Drozdova, O., Zhukovska, L., Sivash, O., & Dziuba, I. (2021). Access to justice and legal aid for vulnerable groups: New challenges caused by the COVID-19. *Journal of Legal, Ethical and Regulatory Issues*, 24(1).
- [56] The number of cases of domestic violence increased by 20%: Interior Ministry and Parliament working to increase accountability. (2024). Retrieved from <https://www.kmu.gov.ua/news/kilkist-vypadkiv-domashnoho-nasylstva-zrosla-na-20-mvs-ta-parlament-pratsiuut-nad-posylenniam-vidpovidalnosti>.
- [57] There has been no special norm exercising responsibility for domestic violence – Tanzila Narbayeva. (2023). Retrieved from <https://kun.uz/en/news/2023/04/06/there-has-been-no-special-norm-exercising-responsibility-for-domestic-violence-tanzila-narbayeva>.
- [58] Trillo-Rodriguez, M.J., & Flores-Ruiz, D. (2023). Tourism and gender: Bibliometric and bibliographic analysis of open Access articles. *Journal of Tourism Analysis*, 30(1), 28-65. doi: 10.53596/jta.v30i1.412.

-
- [59] Tymoshenko, V., & Makarenko, L. (2022). The impact of globalisation on legal conduct. *Scientific Journal of the National Academy of Internal Affairs*, 27(1), 20-29. [doi: 10.56215/0122271.20](https://doi.org/10.56215/0122271.20).
 - [60] Usta, J., Murr, H., & El-Jarrah, R. (2021). COVID-19 lockdown and the increased violence against women: Understanding domestic violence during a pandemic. *Violence and Gender*, 8(3). [doi: 10.1089/vio.2020.0069](https://doi.org/10.1089/vio.2020.0069).
 - [61] Vartyletska, I., & Shapovalova, A. (2024). International legal standards and practices of European countries in combating domestic and gender-based violence. *Law Journal of the National Academy of Internal Affairs*, 14(3), 22-32. [doi: 10.56215/naia-chasopis/3.2024.22](https://doi.org/10.56215/naia-chasopis/3.2024.22).
 - [62] Velonis, A.J., Mahabir, D.F., Maddox, R., & O'Campo, P. (2020). Still looking for mechanisms: A realist review of batterer intervention programs. *Trauma, Violence, & Abuse*, 21(4), 741-753. [doi: 10.1177/1524838018791285](https://doi.org/10.1177/1524838018791285).
 - [63] Wallace, S., Wallace, C., Kenkre, J., Brayford, J., & Borja, S. (2019). Men who experience domestic abuse: A service perspective. *Journal of Aggression, Conflict and Peace Research*, 11(2), 127-137. [doi: 10.1108/JACPR-03-2018-0353](https://doi.org/10.1108/JACPR-03-2018-0353).
 - [64] Weil, S., Corradi, C., & Naudi, M. (2018). *Femicide across Europe: Theory, research and prevention*. Bristol: Policy Press. [doi: 10.1332/9781447347163](https://doi.org/10.1332/9781447347163).
 - [65] Yara, O., Golovko, L., Kapplová, O., Medvedska, V., & Funta, R. (2023). Legal regulation of the protection of women from domestic violence in Western Europe. *Law. Human. Environment*, 14(4), 79-91. [doi: 10.31548/law/4.2023.79](https://doi.org/10.31548/law/4.2023.79).
 - [66] Yoshihama, M., Dabby, C., & Luo, S. (2020). [*Facts & stats report, updated and expanded 2020: Domestic violence in Asian and Pacific islander homes*](#). Oakland: Asian Pacific Institute on Gender-Based Violence.

Законодавчі заходи з протидії домашньому насильству: Порівняння європейських та азійських країн

Самбу Ерденболор

Доктор філософії, декан юридичної школи
Отгонтенгерський університет
6577, вул. Жукова, 41, м. Улан-Батор, Монголія
<https://orcid.org/0009-0004-2313-4949>

Галбат Гантумур

Доктор філософії, професор
Отгонтенгерський університет
6577, вул. Жукова, 41, м. Улан-Батор, Монголія
<https://orcid.org/0009-0003-7169-4847>

Осоржин Хішигмунх

Магістр, викладач
Отгонтенгерський університет
6577, вул. Жукова, 41, м. Улан-Батор, Монголія
<https://orcid.org/0009-0001-2992-7171>

Баттур Енхбаяр

Магістр, викладач
Отгонтенгерський університет
6577, вул. Жукова, 41, м. Улан-Батор, Монголія
<https://orcid.org/0009-0005-0399-4383>

Ентоні Мілер

Доктор філософії, доцент
Отгонтенгерський університет
6577, вул. Жукова, 41, м. Улан-Батор, Монголія
<https://orcid.org/0000-0001-7827-9716>

Анотація. Метою цього дослідження було визначити ефективність законодавчих ініціатив щодо протидії домашньому насильству в різних культурних контекстах. Дослідження охопило 10 країн: п'ять європейських (Німеччина, Франція, Велика Британія, Швеція, Іспанія) та п'ять азійських (Японія, Індія, Туреччина, Казахстан, Монголія), з додатковим аналізом Киргизстану, Узбекистану, України та Польщі для контекстуального порівняння. Дослідження включало аналіз законодавства відповідних країн та оцінку ефективності інноваційних правових підходів. Дослідження виявило суттєві регіональні відмінності в ефективності законодавчих заходів. Європейські країни продемонстрували вищий рівень впровадження комплексних механізмів захисту. Найбільш ефективними виявилися електронний моніторинг кривдників у Швеції, який призвів до значного скорочення кількості порушень обмежувальних приписів; система термінового реагування на телефонні дзвінки про серйозну небезпеку (TGD) у Франції, яка забезпечила швидкий захист жертвам, що перебувають у зоні підвищеного ризику; спеціалізовані суди в Іспанії, які прискорили розгляд справ про домашнє насильство. В Азії найбільший прогрес спостерігався у впровадженні реабілітаційних програм для кривдників у Монголії, що дозволило знизити рівень рецидивів, а також у розширенні юридичного визначення домашнього насильства в Індії, яке тепер включає економічне та психологічне насильство. Аналіз показав, що культурні бар'єри залишаються значним викликом для ефективного впровадження законодавства в країнах Центральної Азії, де лише 10% випадків домашнього насильства переслідуються в судовому порядку. Дослідження показало, що ефективність законодавчих заходів значною мірою залежить від їх практичної реалізації, наявності відповідних ресурсів та громадської підтримки. Отримані результати є цінним підґрунтям для подальшого вдосконалення законодавчих заходів з протидії домашньому насильству та розробки більш ефективних механізмів захисту потерпілих з урахуванням специфіки різних національних контекстів

Ключові слова: правові механізми; жертви; культурні бар'єри; запобігання; гендерна рівність; соціальна підтримка