

# INTERNATIONAL HUMAN RIGHTS INSTRUMENTS AND THEIR INFLUENCE ON NATIONAL DOMESTIC VIOLENCE LAWS

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**Abstract:** Domestic violence remains a pervasive social and human rights challenge in South Africa, undermining the safety, dignity, and well-being of survivors, particularly women. This study examines the influence of international human rights instruments, such as CEDAW, DEVAW, and the Maputo Protocol, on the development, implementation, and effectiveness of national domestic violence laws. The problem statement highlights persistent gaps in enforcement, socio-cultural barriers, and inconsistencies between domestic legislation and international standards, which limit the protection of victims. The study adopts a systematic qualitative methodological approach, combining document analysis of international and national legal instruments, literature review, and case studies to explore normative alignment, legislative domestication, enforcement challenges, and stakeholder engagement. Key findings indicate that international instruments provide essential normative guidance for domestic law reform but that effective enforcement is constrained by institutional weaknesses, socio-cultural norms, and resource limitations. Multi-sectoral collaboration among government, law enforcement, civil society, communities, religious organizations, the private sector, and diaspora actors emerges as a critical strategy for enhancing the protection of survivors. In conclusion, the study demonstrates that aligning domestic violence legislation with international human rights standards requires not only legal reform but also institutional capacity building, community engagement, and continuous monitoring. The findings provide actionable recommendations for policymakers, practitioners, and stakeholders, aiming to create safer communities, strengthen survivor protection, and advance gender equality in South Africa.

**Keywords:** Domestic Violence, International Human Rights Instruments, CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women), DEVAW (Declaration on the Elimination of Violence Against Women), Maputo Protocol, Legislation and Policy Reform, Law Enforcement, Survivor Protection, Gender-Based Violence, Socio-Cultural Norms.

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## Introduction

Domestic violence remains a global human rights issue that transcends social, cultural, and economic boundaries. The evolution of international human rights law has significantly shaped the development of domestic legal frameworks addressing gender-based violence. Instruments such as the Universal Declaration of Human Rights (UDHR, 1948), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), and the Declaration on the Elimination of Violence against Women (1993) have established critical normative standards compelling states to act. Despite these instruments, implementation gaps persist in many nations, particularly in developing contexts where patriarchal norms and institutional weaknesses impede effective enforcement (Choudhury & Azmi, 2023; Pillay, 2022). This proposal explores how international human rights instruments influence the formulation, adoption, and enforcement of national domestic violence laws.

Domestic violence continues to represent a pervasive violation of human rights, transcending geographical, cultural and socio-economic boundaries. Understanding the interplay between global legal norms and national legislative responses is vital for

strengthening protections and ensuring victims' rights are realised in practice. Over the past decades, international human rights instruments have increasingly framed violence within the home especially gender-based violence as not merely a private matter, but a matter of public concern and state obligation. For example, research shows that the normative development of instruments targeting violence against women has contributed to the codification of rights and obligations at the international level ([OUP Academic+2OUP Academic+2](#)). In Africa, the United Nations Development Programme (UNDP) has actively promoted the domestication and enforcement of human rights instruments and national action plans to combat violence against women and girls, emphasising the need for alignment between international commitments and national law ([UNDP](#)). At the same time, empirical work underscores significant variation in how national jurisdictions adopt, interpret and implement domestic violence laws a variation that is shaped by culture, religion, institutional capacity and normative diffusion ([SAFLII+1](#)).

While a growing number of states have enacted dedicated domestic violence legislation, gaps remain in areas of legal definition, victim protection, implementation and enforcement.

Recent quantitative analysis of global legislative trends reports disparities in how domestic violence laws are sourced (e.g., standalone laws vs. inclusion in criminal codes), and how they correlate with intimate-partner violence prevalence ([BioMed Central](#)). This research therefore proposes to explore how international human rights instruments influence the development and implementation of national domestic violence laws. It seeks to map the normative pathways how global standards travel, are internalised or resisted and to assess the extent to which national laws reflect these standards in their definitions, protections and enforcement mechanisms. In doing so, the study contributes to the broader discourse on how international law matters at the domestic level, especially in the realm of gender-based violence and human rights.

Domestic violence remains one of the most persistent and global violations of human rights, cutting across social, cultural and economic lines. Seminal work in the field established early that violence in the home is not merely a private matter but a social problem with legal and policy dimensions: foundational texts and studies (e.g., the Universal Declaration of Human Rights, 1948; Dobash & Dobash, 1979) reframed intimate-partner and family violence as matters the state must recognise and address. Subsequent theoretical contributions notably Heise's ecological framework (1998) and Finemore & Sikkink's norm diffusion model (1998) provided conceptual tools for understanding how ideas about gender, rights and state responsibility travel from international fora into national law and practice. Merry's influential work (2006) further documented the complex and uneven process by which international human rights norms are translated into local legal institutions and everyday practice.

From the late 20th century onwards, international instruments progressively crystallised states' obligations in relation to gender-based and domestic violence. Key instruments including CEDAW (1979), the UN Declaration on the Elimination of Violence against Women (DEVAW, 1993) and later regional and sectoral instruments established normative benchmarks for legal definitions, prevention measures, victim protection and access to remedies. These instruments created a legal and policy environment that enabled activists, courts and legislatures to press for dedicated domestic violence laws and reforms. Early comparative and doctrinal analyses demonstrated that ratification and international commitments could act as catalysts for domestic legislative change, even where local social norms remained resistant.

More recent empirical and policy research highlights both progress and persistent gaps. Quantitative reviews of global legislative trends show increased adoption of dedicated domestic violence laws in the 2000s and 2010s, but wide variation in the scope and enforceability of those laws (UN Women, 2022; BMC Public Health, 2025). Contemporary case studies and comparative scholarship (Choudhury & Azmi, 2023; Mahomed, 2024; Pillay, 2022) reveal that the presence of international obligations does not guarantee effective domestication: outcomes depend heavily on political will, institutional capacity, judicial interpretation, resource allocation, and social attitudes toward gender and family. In many jurisdictions, legal reforms inspired by international instruments have encountered implementation bottlenecks ambiguous statutory definitions, weak enforcement, insufficient victim services, and limited monitoring mechanisms that limit their protective impact.

This study therefore examines how international human rights instruments influence the development and implementation of national domestic violence laws. It asks not only whether international norms have prompted legislative change, but how those norms are interpreted, adapted, and implemented within differing legal, cultural and institutional contexts. By integrating older theoretical and foundational works with recent empirical studies and policy reports, the research seeks to map the normative pathways through which global standards shape domestic law, identify recurring obstacles to effective domestication, and propose strategies to strengthen alignment between international human rights obligations and national protection frameworks.

## Background

Domestic violence has long been rooted in patriarchal traditions, gender inequality, and social tolerance of violence within the private sphere. Historically, the law treated domestic abuse as a private family matter, often exempt from public or legal scrutiny. Feminist legal scholars such as Dobash and Dobash (1979) first challenged this paradigm, revealing how institutional and cultural norms perpetuated women's subordination and normalized violence in intimate relationships. Over subsequent decades, advocacy movements and international law reforms have redefined domestic violence as a violation of human rights, demanding state accountability and international oversight (Heise, 1998; Merry, 2006).

The global recognition of domestic violence as a human rights issue began with the Universal Declaration of Human Rights (UDHR, 1948) and was reinforced by instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and the Declaration on the Elimination of Violence against Women (DEVAW, 1993). These instruments collectively established that violence against women, including within the family, constitutes discrimination and violates fundamental freedoms. Regional mechanisms such as the African Charter on Human and Peoples' Rights (1981) and the Maputo Protocol (2003) further entrenched the obligation of states to legislate against and prevent domestic violence in the African context (Banda, 2021).

Despite these normative advances, implementation at the domestic level remains uneven. Recent studies reveal that while many states have enacted domestic violence legislation, enforcement and victim protection are constrained by cultural resistance, institutional weaknesses, and resource limitations (Pillay, 2022; Choudhury & Azmi, 2023). UN Women (2022) underscores that legal reform alone is insufficient states must invest in awareness, gender-sensitive training, and survivor support systems to ensure meaningful compliance with international standards. Comparative research across Africa and Asia demonstrates that international human rights instruments play a catalytic role in inspiring legal reform, but the translation of these norms into effective law and practice depends on local political will and institutional strength (Mahomed, 2024; BMC Public Health, 2025).

The contemporary legal landscape thus reflects both progress and paradox. While international human rights frameworks have profoundly shaped domestic violence legislation worldwide, the persistence of violence and gaps in enforcement highlight the need for continued evaluation of how these instruments influence national legal systems. This background situates the present study's central inquiry: to what extent have

international human rights norms been internalized in domestic law, and what mechanisms can strengthen their effectiveness in addressing gender-based violence?

## Problem Statement

Despite the global recognition of domestic violence as a fundamental violation of human rights, its prevalence and persistence across nations expose a critical gap between international commitments and domestic implementation. Early feminist scholarship (Dobash & Dobash, 1979; Heise, 1998) demonstrated that domestic violence is rooted in structural inequalities and patriarchal power relations, which legal reforms alone cannot dismantle. International human rights instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), the Declaration on the Elimination of Violence against Women (DEVAW, 1993), and the Maputo Protocol (2003) established binding and normative obligations for states to prevent, punish, and eradicate gender-based violence. However, the translation of these commitments into effective domestic laws and protective mechanisms remains inconsistent and, in many contexts, insufficient (Merry, 2006; Banda, 2021).

Although many countries have adopted domestic violence legislation, significant disparities persist between the aspirations of international human rights norms and the realities of their local enforcement. Recent research indicates that laws inspired by global conventions are often poorly implemented due to limited institutional capacity, weak monitoring systems, inadequate funding, and cultural resistance (Pillay, 2022; Choudhury & Azmi, 2023). Furthermore, variations in legal definitions, the treatment of marital rape, and access to survivor support services reveal a fragmented landscape of compliance across jurisdictions (Mahomed, 2024).

Quantitative evidence from global policy analyses suggests that while 80% of countries now have domestic violence laws, the prevalence of violence remains disproportionately high in developing nations (UN Women, 2022; BMC Public Health, 2025). This disconnect illustrates that ratification and legislative adoption alone do not guarantee substantive protection or justice for victims. The failure to operationalize international obligations effectively erodes public trust in the justice system, undermines the credibility of human rights frameworks, and perpetuates cycles of impunity and victimization.

The problem this study seeks to address, therefore, lies in understanding the gap between **international human rights commitments** and **national-level implementation** of domestic violence laws. It explores how international instruments influence legal reform processes, why compliance and enforcement remain uneven, and what mechanisms or conditions enable stronger alignment between global norms and domestic realities. By examining these dynamics, the study aims to contribute to strategies that enhance the translation of international human rights standards into meaningful, enforceable domestic protections for victims of domestic violence.

## Aim of the Study

The overarching aim of this study is to examine how international human rights instruments influence the development, formulation, and implementation of national domestic violence laws. It seeks to critically assess the extent to which international

conventions, declarations, and protocols such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979), the Declaration on the Elimination of Violence against Women (1993), and the Maputo Protocol (2003) have shaped domestic legal frameworks designed to prevent and respond to domestic violence.

Building on foundational insights from feminist legal scholarship (Dobash & Dobash, 1979; Heise, 1998; Merry, 2006), which identified the structural and cultural roots of gender-based violence, this study evaluates how these global norms have been internalized within domestic legal systems. It also examines the socio-political and institutional factors that enable or impede the effective domestication of these international standards.

Recent empirical analyses and human rights reports demonstrate that while most states have adopted laws addressing domestic violence, disparities persist between legal commitments and enforcement outcomes (Banda, 2021; Pillay, 2022; Choudhury & Azmi, 2023; Mahomed, 2024; BMC Public Health, 2025). Therefore, the study aims not only to trace the normative influence of international law on national frameworks but also to identify strategies that strengthen compliance, improve implementation, and ensure victim-centered justice within domestic systems.

Ultimately, this study contributes to a broader understanding of the interaction between global human rights governance and domestic lawmaking. It aims to advance both theoretical and practical knowledge regarding how international norms can be effectively localized to address the pervasive challenge of domestic violence.

## Objectives of the Study

The objectives of this study are designed to operationalize its central aim examining how international human rights instruments influence the formulation and implementation of national domestic violence laws. The objectives integrate foundational theoretical insights (Dobash & Dobash, 1979; Heise, 1998; Merry, 2006) with recent empirical and comparative findings (Banda, 2021; Pillay, 2022; Choudhury & Azmi, 2023; Mahomed, 2024; BMC Public Health, 2025).

- **Objective 1:** To identify and analyse key international human rights instruments that establish legal and moral obligations for states to prevent and address domestic violence.
- **Research Question 1:** Which international human rights instruments most significantly influence the development of domestic violence legislation, and how do they define state responsibilities?
- **Objective 2:** To examine the mechanisms through which international norms are translated into domestic legal systems and policy frameworks.
- **Research Question 2:** How are the principles and obligations contained in international human rights instruments domesticated within national laws and legal reforms?
- **Objective 3:** To evaluate the extent to which domestic violence legislation reflects compliance with international human rights standards.
- **Research Question 3:** To what degree do national domestic violence laws align with international

conventions such as CEDAW, DEVAW, and the Maputo Protocol, in terms of scope, enforcement, and victim protection?

- **Objective 4:** To assess the challenges and barriers that hinder effective implementation and enforcement of domestic violence laws inspired by international frameworks.
- **Research Question 4:** What institutional, cultural, and socio-political factors limit the domestication and enforcement of international human rights norms in addressing domestic violence?
- **Objective 5:** To propose strategies that enhance the alignment between international human rights instruments and national legal systems for effective protection of victims.
- **Research Question 5:** What best practices and policy measures can strengthen compliance, improve enforcement, and promote survivor-centered approaches in domestic violence law implementation?

These objectives and questions are interlinked, ensuring that each research question directly supports the realization of a corresponding objective. Together, they provide a coherent structure for analysing how global human rights norms are internalized, localized, and operationalized within domestic contexts.

## Significance of the Study

The significance of this study lies in its contribution to understanding how international human rights instruments shape the development, enforcement, and effectiveness of domestic violence legislation at the national level. Domestic violence is not merely a criminal or social issue it is a profound human rights concern that reflects the extent to which states fulfil their obligations under international law. By analysing the influence of instruments such as the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, the **Declaration on the Elimination of Violence against Women (1993)**, and the **Maputo Protocol (2003)**, this study bridges the gap between global legal frameworks and local legislative realities.

First, the research provides **empirical and theoretical value** by examining how norms articulated at the international level translate into domestic policy and law. It sheds light on the mechanisms of norm diffusion, compliance, and localisation, revealing why some states have progressive laws that align with human rights standards while others lag behind (Merry, 2006; True, 2012; Krook & True, 2010; UN Women, 2023).

Second, the study has **policy relevance**, particularly for lawmakers, policymakers, and advocacy groups working to strengthen domestic violence legislation. It highlights best practices and persistent gaps in implementation, guiding reforms that make domestic laws more consistent with international human rights obligations (CEDAW Committee, 2022; UNDP, 2024).

Third, the study offers **practical significance** for law enforcement agencies, judicial officers, and community-based organisations. Understanding how international standards inform national law will help these actors apply victim-centred approaches, ensure compliance with due process, and improve

access to justice for survivors (Heise et al., 2019; Amnesty International, 2023).

Finally, the study contributes to the **academic and societal discourse** on gender justice and international law. It deepens scholarly debates about the global–local interplay in human rights implementation and encourages states to strengthen institutional frameworks to protect vulnerable populations. In doing so, it aligns with Sustainable Development Goal (SDG) 5 on gender equality and the elimination of all forms of violence against women and girls.

## Gaps of the Study

Despite the vast body of research on domestic violence and human rights, significant **conceptual, empirical, and policy gaps** persist in understanding how international human rights instruments concretely influence national domestic violence laws.

### Limited integration between international norms and domestic legal analysis

Much of the existing literature has examined domestic violence laws within national legal frameworks but has not sufficiently connected these developments to the influence of international human rights instruments such as **CEDAW (1979)**, the **Beijing Platform for Action (1995)**, or the **Maputo Protocol (2003)**. Studies by Heise (2019) and True (2012) acknowledge international influence but stop short of mapping the direct legal and institutional pathways through which global human rights norms are domesticated. This leaves a theoretical gap regarding the *translation* of international standards into enforceable national laws.

### Insufficient empirical research in African and Global South contexts

While global analyses exist (Merry, 2006; UN Women, 2023; UNDP, 2024), there is limited empirical evidence from African countries particularly on how regional instruments like the **African Charter on Human and Peoples' Rights** and the **Maputo Protocol** influence national domestic violence laws. Many African states, including South Africa, Nigeria, and Kenya, have enacted domestic violence legislation, but research rarely evaluates the degree to which these laws align with or diverge from international human rights standards (Okeke, 2022; Okechukwu, 2023).

### Weak focus on implementation and enforcement mechanisms

Existing research has predominantly concentrated on legislative adoption rather than the *effectiveness* of enforcement. There is little comparative data on how well domestic violence laws are implemented, monitored, or evaluated in accordance with international human rights principles (CEDAW Committee, 2022; Amnesty International, 2023). This creates a practical gap between legal frameworks and lived realities of survivors.

### Theoretical underdevelopment regarding norm diffusion and localisation

Although norm diffusion theories (Finnemore & Sikkink, 1998; Krook & True, 2010) explain how global norms spread, few studies apply these frameworks to domestic violence law reform. The dynamics of cultural resistance, political will, and institutional capacity in domesticating international norms remain underexplored in recent scholarship (Merry, 2017; UN Women, 2024).



### Limited interdisciplinary perspectives

Current studies tend to approach domestic violence either from a legal or sociological standpoint. This study fills a methodological gap by integrating **international law, human rights theory, feminist legal theory, and comparative legal analysis** to understand how international norms shape domestic responses to gender-based violence.

In addressing these gaps, the proposed study contributes new insights into the **normative, institutional, and practical linkages** between global human rights standards and national domestic violence legislation especially in African and South African contexts.

## Theoretical Framework

The theoretical framework for this study is grounded in **Feminist Legal Theory, Norm Diffusion Theory, Human Rights-Based Approach (HRBA), and Institutional Theory**. These frameworks collectively explain how international human rights instruments influence domestic legislation addressing domestic violence, and why disparities in implementation exist.

### Feminist Legal Theory

Feminist legal scholars have long argued that laws are not neutral; they reflect and reinforce societal power structures (Dobash & Dobash, 1979; Smart, 1989). Feminist legal theory highlights how domestic violence is rooted in gendered power imbalances and how legal systems historically neglected women's experiences. This perspective provides the foundation for understanding why international norms, such as **CEDAW (1979)** and the **Declaration on the Elimination of Violence against Women (1993)**, explicitly emphasize state responsibility to protect women and eliminate discrimination. Recent applications of feminist legal theory (Banda, 2021; Pillay, 2022) illustrate its continued relevance in analysing domestic violence legislation in African contexts.

#### Relevance to the Study:

Feminist legal theory helps interpret the normative intent behind international instruments and assess whether domestic laws genuinely address gendered power inequities or merely offer symbolic compliance.

### Norm Diffusion Theory

Norm diffusion theory explains how international norms spread across states and are internalized into domestic legal systems (Finnemore & Sikkink, 1998). The theory identifies stages of norm emergence, cascade, and internalization, providing a framework to analyse how domestic violence norms from international instruments influence national legislation. Recent studies (Krook & True, 2010; Choudhury & Azmi, 2023; Mahomed, 2024) show that diffusion is not automatic; local political will, institutional capacity, and cultural acceptance determine the degree of adoption.

#### Relevance to the Study:

Norm diffusion theory clarifies the pathways through which global human rights obligations are transmitted and adapted to domestic legal contexts. It explains why some states fully align their domestic laws with international standards, while others partially or superficially implement them.

### Human Rights-Based Approach (HRBA)

HRBA frames all development and legal initiatives through the lens of human rights, emphasizing state accountability, participation, and non-discrimination (United Nations, 2016). Applied to domestic violence legislation, HRBA provides analytical tools for evaluating whether domestic laws meet international human rights obligations, ensure access to justice for victims, and promote equality. Recent UN and scholarly reports (UN Women, 2022; UNDP, 2024) stress the importance of integrating HRBA in assessing domestic violence law implementation.

#### Relevance to the Study:

HRBA ensures that the study evaluates not only the existence of legislation but also its effectiveness, fairness, and alignment with human rights standards.

### Institutional Theory

Institutional theory posits that organizations and legal systems operate within social, political, and cultural contexts, which shape policy adoption and implementation (Merry, 2006; March & Olsen, 1984). Recent research (Pillay, 2022; Mahomed, 2024) demonstrates that institutional capacity, governance structures, and resource allocation strongly influence whether domestic violence laws are enforced effectively.

**Relevance to the Study:** Institutional theory helps explain the practical constraints in domesticating international norms, providing insight into systemic barriers such as weak enforcement mechanisms, inadequate funding, or corruption.

By integrating **Feminist Legal Theory, Norm Diffusion Theory, Human Rights-Based Approach, and Institutional Theory**, this study establishes a multi-dimensional lens for analysing the influence of international human rights instruments on domestic violence legislation. Older foundational works provide the conceptual grounding, while recent scholarship contextualizes these frameworks in contemporary legal, social, and political realities. Together, they enable the study to assess both normative alignment and practical implementation, bridging theory and practice in understanding domestic violence law reform.

## Literature Review

### International Human Rights Instruments and Domestic Violence

The international legal framework has progressively recognized domestic violence as a human rights violation rather than a private matter. Foundational instruments such as **CEDAW (1979)** and the **Declaration on the Elimination of Violence against Women (DEVAW, 1993)** established normative obligations for states to prevent, punish, and eradicate domestic violence (Dobash & Dobash, 1979; Heise, 1998). Merry (2006) highlights the process of translating these global norms into local justice systems, demonstrating how international law provides both guidance and pressure for legal reform. Recent studies underscore that instruments like the **Maputo Protocol (2003)** and regional human rights treaties further reinforce state obligations in Africa (Banda, 2021; Choudhury & Azmi, 2023). However, UN Women (2022) emphasizes that while ratification is widespread, practical adherence and effective enforcement remain uneven, showing a gap between normative commitment and legal reality.

**Key Sources Integrated:** Dobash & Dobash (1979), Heise (1998), Merry (2006), Banda (2021), Choudhury & Azmi (2023), UN Women (2022).

### Domestic Violence Legislation: Adoption and Evolution

The evolution of domestic violence laws has been shaped by both international norms and domestic advocacy movements. Dobash & Dobash (1979) and Smart (1989) established that historically, the law often ignored gendered power imbalances within households. Feminist legal theory emphasizes that legal reform is both a political and social process. In the South African context, Pillay (2022) documents how post-apartheid legislation, including the **Domestic Violence Act (1998)**, reflects alignment with CEDAW and other international frameworks. Comparative studies across African nations show that countries such as Kenya and Nigeria have adopted similar legislation, but scope and definitions vary (Mahomed, 2024; Choudhury & Azmi, 2023). Recent research (BMC Public Health, 2025) highlights that even where legislation exists, enforcement is uneven, demonstrating the importance of examining legal implementation alongside adoption.

**Key Sources Integrated:** Dobash & Dobash (1979), Smart (1989), Pillay (2022), Mahomed (2024), Choudhury & Azmi (2023), BMC Public Health (2025).

### Implementation Challenges of Domestic Violence Laws

Research consistently demonstrates that the presence of domestic violence legislation does not automatically translate into effective protection for victims. Institutional capacity, political will, resource allocation, and judicial efficiency significantly influence outcomes (Merry, 2006; March & Olsen, 1984). Banda (2021) highlights that in many African countries, weak law enforcement and insufficient victim support services constrain the impact of formal legal provisions. UNDP (2024) stresses the need for integrated implementation strategies, including law enforcement training, monitoring mechanisms, and survivor-centered services. Choudhury & Azmi (2023) further indicate that legal ambiguities, such as inconsistent definitions of domestic violence or marital rape, undermine enforcement and reduce victims' access to justice. Recent comparative studies (Pillay, 2022; BMC Public Health, 2025) provide quantitative evidence of persistent gaps between legislation and effective protection.

**Key Sources Integrated:** Merry (2006), March & Olsen (1984), Banda (2021), UNDP (2024), Choudhury & Azmi (2023), Pillay (2022), BMC Public Health (2025).

### Socio-Cultural and Institutional Factors

The effectiveness of domestic violence legislation is also mediated by socio-cultural attitudes and institutional environments. Foundational research (Dobash & Dobash, 1979; Heise, 1998) identifies patriarchal norms and gendered power dynamics as core contributors to domestic violence. Recent studies (Mahomed, 2024; Choudhury & Azmi, 2023) emphasize that cultural resistance, social stigma, and victim-blaming practices often prevent survivors from reporting abuse, even when laws exist. Institutional theory (March & Olsen, 1984) provides a framework to analyze how governance structures, bureaucratic efficiency, and resource allocation affect law enforcement and service delivery. UN Women (2022) and Banda (2021) highlight that multi-sectoral collaboration including civil society, traditional leaders, and government agencies is essential to overcome socio-cultural barriers and ensure meaningful enforcement.

**Key Sources Integrated:** Dobash & Dobash (1979), Heise (1998), March & Olsen (1984), Banda (2021), Mahomed (2024), Choudhury & Azmi (2023), UN Women (2022).

### Synthesis

Across these thematic areas, the literature demonstrates that international human rights instruments have shaped the normative and legislative landscape regarding domestic violence. Foundational studies highlight the structural causes and early advocacy, while recent scholarship provides empirical evidence on legal adoption, implementation challenges, and socio-cultural barriers. However, persistent gaps remain in translating international norms into effective domestic protections, particularly in African and Global South contexts. This underscores the need for the current study, which seeks to integrate normative, legal, and institutional perspectives to assess the influence of international instruments on national domestic violence laws.

### Literature on Research Objectives

**Objective 1:** Identify and analyse key international human rights instruments that establish legal and moral obligations for states to prevent and address domestic violence.

Foundational research demonstrates that international norms, particularly **CEDAW (1979)** and the **Declaration on the Elimination of Violence against Women (1993)**, have historically framed domestic violence as a human rights issue rather than a private matter (Dobash & Dobash, 1979; Heise, 1998). Merry (2006) emphasizes that these instruments provide both normative benchmarks and pressure for domestic legal reforms. Recent scholarship (Banda, 2021; Choudhury & Azmi, 2023) highlights the role of regional protocols such as the **Maputo Protocol (2003)** in reinforcing state obligations in Africa. Together, these studies show the global legal architecture that underpins domestic violence legislation.

**Key Sources:** Dobash & Dobash (1979); Heise (1998); Merry (2006); Banda (2021); Choudhury & Azmi (2023)

**Objective 2:** Examine the mechanisms through which international norms are translated into domestic legal systems and policy frameworks.

Norm diffusion theory provides a conceptual lens to understand how international human rights instruments are internalized by states (Finnemore & Sikkink, 1998; Krook & True, 2010). Merry (2006) documents the process of "legal translation" where global norms are adapted to local legal and cultural contexts. Recent empirical studies in Africa and South Asia illustrate that domestic law adoption often depends on political will, institutional capacity, and social acceptance (Pillay, 2022; Mahomed, 2024). These findings indicate that international instruments influence domestic legislation through both formal legal channels and informal socio-political mechanisms.

**Key Sources:** Finnemore & Sikkink (1998); Krook & True (2010); Merry (2006); Pillay (2022); Mahomed (2024)

**Objective 3:** Evaluate the extent to which domestic violence legislation reflects compliance with international human rights standards.

Dobash & Dobash (1979) and Smart (1989) highlight the historical neglect of women's rights in legal systems. Modern comparative studies show that countries with strong institutional frameworks and advocacy networks have more closely aligned

domestic violence laws with international norms (Banda, 2021; Choudhury & Azmi, 2023). UN Women (2022) emphasizes the importance of systematic monitoring and reporting to ensure alignment between domestic legislation and global standards. Mahomed (2024) documents ongoing gaps in enforcement, indicating that legal adoption does not always equate to compliance.

**Key Sources:** Dobash & Dobash (1979); Smart (1989); Banda (2021); UN Women (2022); Mahomed (2024); Choudhury & Azmi (2023)

**Objective 4:** Assess the challenges and barriers that hinder effective implementation and enforcement of domestic violence laws inspired by international frameworks.

Merry (2006) and March & Olsen (1984) identify institutional weaknesses, resource limitations, and bureaucratic inefficiencies as major barriers to law enforcement. Recent empirical studies corroborate that socio-cultural attitudes, political resistance, and insufficient training for law enforcement officials hinder the protection of victims (Pillay, 2022; UNDP, 2024; Choudhury & Azmi, 2023). BMC Public Health (2025) quantifies the enforcement gaps across countries, showing that legal provisions often fail to translate into meaningful protection for survivors.

**Key Sources:** Merry (2006); March & Olsen (1984); Pillay (2022); UNDP (2024); Choudhury & Azmi (2023); BMC Public Health (2025)

**Objective 5:** Propose strategies that enhance the alignment between international human rights instruments and national legal systems for effective protection of victims.

Foundational studies in feminist legal theory (Dobash & Dobash, 1979; Smart, 1989) emphasize the importance of legal reform, advocacy, and socio-cultural change. Recent research suggests multi-sectoral strategies, including community engagement, law enforcement training, and judicial capacity building, to strengthen domestic implementation of international norms (Banda, 2021; UN Women, 2022; Mahomed, 2024; Choudhury & Azmi, 2023). UNDP (2024) recommends integrated monitoring systems to ensure continuous evaluation and compliance. These studies collectively provide evidence-based pathways to enhance domestic legislation's effectiveness.

**Key Sources:** Dobash & Dobash (1979); Smart (1989); Banda (2021); UN Women (2022); UNDP (2024); Mahomed (2024); Choudhury & Azmi (2023).

## Discussions and Findings

The analysis of both foundational and recent literature reveals several important themes regarding the influence of international human rights instruments on national domestic violence laws. The findings are discussed under four main areas: normative influence, domestication of international norms, implementation gaps, and socio-cultural and institutional factors.

### Normative Influence of International Human Rights Instruments

International instruments such as CEDAW (1979), DEVAW (1993), and the Maputo Protocol (2003) provide the normative and legal foundation for domestic violence legislation. Foundational studies (Dobash & Dobash, 1979; Heise, 1998) establish that domestic violence is rooted in structural inequalities

and patriarchal norms, while Merry (2006) and Banda (2021) demonstrate that international frameworks have created legal benchmarks compelling states to act. Recent empirical studies (Choudhury & Azmi, 2023; UN Women, 2022) confirm that countries that ratify these instruments tend to adopt legislation reflecting their principles. However, ratification alone does not ensure enforcement, suggesting that international norms serve as catalysts but require domestic mechanisms for effectiveness.

**Finding:** International human rights instruments are critical in setting normative standards and shaping legislative agendas, but their influence is contingent on political will and institutional capacity.

### Domestication of International Norms

Norm diffusion theory (Finnemore & Sikkink, 1998; Krook & True, 2010) explains how global norms are internalized into domestic laws. Evidence from South Africa and other African countries (Pillay, 2022; Mahomed, 2024) shows that domestic violence legislation has been influenced by international standards, including definitions of domestic abuse, protection orders, and victim-centered provisions. Merry (2006) highlights the process of "legal translation," whereby international principles are adapted to local socio-legal contexts. However, Choudhury & Azmi (2023) emphasize that local political, cultural, and institutional conditions determine the depth and effectiveness of this translation.

**Finding:** While international norms guide legislative reform, the extent of domestication varies across countries due to local socio-political dynamics and legal traditions.

### Implementation and Enforcement Gaps

Despite the existence of comprehensive laws, enforcement often remains weak. Institutional theory (March & Olsen, 1984) and recent studies (Banda, 2021; UNDP, 2024; BMC Public Health, 2025) show that factors such as limited institutional capacity, inadequate resources, insufficient training for law enforcement, and judicial inefficiencies constrain the practical application of domestic violence laws. Research in South Africa (Pillay, 2022) highlights that survivors often encounter delays, lack of protection, and insufficient access to justice despite legally mandated protections.

**Finding:** Legislative adoption alone is insufficient; effective enforcement requires robust institutions, resources, and continuous monitoring.

### Socio-Cultural and Institutional Influences

The socio-cultural context significantly shapes the effectiveness of domestic violence laws. Foundational research (Dobash & Dobash, 1979; Heise, 1998) emphasizes patriarchal norms and victim-blaming attitudes, while recent studies (Mahomed, 2024; Choudhury & Azmi, 2023; UN Women, 2022) show that cultural resistance, stigma, and lack of community awareness hinder reporting and enforcement. Banda (2021) and UNDP (2024) highlight that multi-sectoral collaboration—including law enforcement, civil society, and traditional leaders—is crucial for addressing these barriers.

**Finding:** Social norms and institutional culture significantly influence the practical realization of international human rights standards in domestic legislation.

## Overall Synthesis

The discussions reveal a clear pattern: **international human rights instruments set essential normative standards** and inspire legislative reform, yet **effective protection depends on local legal, institutional, and socio-cultural contexts**. The study highlights three major insights:

- International instruments provide a moral and legal framework that informs national law but do not guarantee compliance or enforcement.
- Domestication of global norms requires legal adaptation and alignment with domestic institutions and political realities.
- Implementation gaps persist due to institutional weaknesses, resource constraints, and socio-cultural barriers, necessitating multi-sectoral interventions and community engagement.
- These findings confirm the necessity of analyzing both **normative alignment** and **practical enforcement**, aligning with the study's research objectives and theoretical framework.

## Practical Recommendations

Based on the discussions and findings, several practical recommendations can enhance the alignment between international human rights instruments and domestic violence legislation, strengthen enforcement, and improve protection for survivors.

### Strengthening Legislative Frameworks

- **Regular Review of Domestic Violence Laws:** Governments should periodically review and update domestic violence legislation to ensure alignment with evolving international human rights standards (CEDAW, DEVAW, Maputo Protocol) and address gaps in definitions, scope, and victim protection (Banda, 2021; Mahomed, 2024).
- **Incorporation of Victim-Centered Provisions:** Laws should explicitly prioritize victim safety, confidentiality, and access to justice, including streamlined protection orders and support services (Choudhury & Azmi, 2023).

### Enhancing Law Enforcement Capacity

- **Training and Sensitization:** Law enforcement officials and judicial officers should receive continuous training on gender-based violence, human rights obligations, and survivor-centered approaches (Pillay, 2022; UNDP, 2024).
- **Institutional Accountability Mechanisms:** Establish monitoring systems within police and justice departments to track compliance, case handling, and effectiveness of domestic violence responses (BMC Public Health, 2025).

### Promoting Multi-Sectoral Collaboration

- **Engaging Civil Society and Traditional Leaders:** Collaborate with NGOs, community-based organizations, and traditional authorities to raise awareness, reduce stigma, and facilitate reporting of domestic violence (UN Women, 2022; Banda, 2021).
- **Integrated Service Delivery:** Coordinate legal, health, and social services to provide comprehensive support for

survivors, including counseling, medical care, and legal assistance (Mahomed, 2024).

### Addressing Socio-Cultural Barriers

- **Community Education Programs:** Implement awareness campaigns to challenge patriarchal norms, promote gender equality, and encourage community support for survivors (Dobash & Dobash, 1979; Heise, 1998).
- **Empowerment Initiatives for Women:** Support economic, educational, and social empowerment programs that reduce vulnerability and increase women's capacity to seek legal recourse (Banda, 2021).

### Strengthening International–Domestic Linkages

- **Monitoring and Reporting Mechanisms:** Governments should submit regular compliance reports to international human rights bodies, ensuring transparency and accountability (UN Women, 2022; UNDP, 2024).
- **Adoption of Best Practices:** States should learn from successful domestic violence law implementation models across Africa and globally, adapting them to local contexts (Choudhury & Azmi, 2023; Pillay, 2022).

Implementing these recommendations requires **political will, institutional commitment, and community engagement**. By enhancing legislative frameworks, strengthening law enforcement, promoting multi-sectoral collaboration, addressing socio-cultural barriers, and linking domestic laws with international norms, states can move closer to effectively preventing domestic violence and safeguarding human rights.

## Recommendations for Key Stakeholders

### Police and Law Enforcement Agencies

- **Capacity Building and Training:** Conduct continuous training programs on domestic violence laws, international human rights standards, survivor-centered approaches, and gender sensitivity (Pillay, 2022; UNDP, 2024).
- **Strengthening Enforcement Mechanisms:** Establish specialized domestic violence units, ensure timely response to complaints, and monitor the effectiveness of protective measures such as restraining orders (BMC Public Health, 2025).
- **Community Policing Initiatives:** Foster trust between police and communities to encourage reporting of domestic violence incidents and improve collaboration with local organizations (Banda, 2021).

### Government and Policy Makers

- **Legislative Review and Reform:** Periodically review domestic violence legislation to ensure alignment with international instruments such as CEDAW, DEVAW, and the Maputo Protocol (Mahomed, 2024).
- **Resource Allocation:** Allocate adequate funding for victim support services, law enforcement, and awareness campaigns (UN Women, 2022).
- **Monitoring and Accountability:** Develop robust national monitoring frameworks for reporting and



evaluating compliance with domestic violence laws (Choudhury & Azmi, 2023).

### Church and Religious Fraternities

- **Awareness and Advocacy:** Use their moral authority to challenge cultural norms that condone violence, promote gender equality, and support survivors in the community (Dobash & Dobash, 1979; Heise, 1998).
- **Counseling and Support Services:** Provide spiritual guidance, psychosocial support, and safe spaces for victims of domestic violence.

### Communities and Community Leaders

- **Education and Sensitization Programs:** Organize community workshops, campaigns, and dialogues to raise awareness about domestic violence, legal rights, and reporting mechanisms (Banda, 2021; UN Women, 2022).
- **Victim Support Networks:** Develop local volunteer networks to assist survivors, guide them through legal processes, and provide shelter or referral to services (Mahomed, 2024).

### Civil Society and Non-Governmental Organizations (NGOs)

- **Advocacy and Legal Aid:** Offer legal aid, lobby for policy reforms, and monitor government compliance with international human rights standards (Choudhury & Azmi, 2023; UNDP, 2024).
- **Research and Documentation:** Conduct studies on domestic violence prevalence, enforcement gaps, and social barriers to inform policy and practice (BMC Public Health, 2025).

### Private Sector

- **Workplace Policies and Employee Support:** Develop workplace policies addressing domestic violence, including counseling, leave provisions, and referral systems for affected employees (UN Women, 2022).
- **Corporate Social Responsibility (CSR):** Support community programs, shelters, and awareness campaigns through CSR initiatives (Banda, 2021).

### Multi-Stakeholder Collaboration

- Encourage **synergistic partnerships** among government, police, NGOs, community leaders, church organizations, and the private sector to strengthen preventive strategies, enforcement, and survivor support (Pillay, 2022; UNDP, 2024).
- These targeted recommendations ensure that **all relevant actors** are engaged in the prevention, enforcement, and support mechanisms surrounding domestic violence, fostering a comprehensive and multi-sectoral response.

## Diaspora Recommendations

### Advocacy and Awareness

- **International Advocacy:** Members of the diaspora can leverage their platforms abroad to raise awareness about domestic violence in South Africa, promoting adherence to international human rights instruments such as

**CEDAW, DEVAW, and the Maputo Protocol** (Banda, 2021; UN Women, 2022).

- **Knowledge Sharing:** Diaspora experts in law, social work, and human rights can share best practices and policy recommendations to strengthen domestic legal frameworks (Choudhury & Azmi, 2023).

### Capacity Building and Training

- **Professional Development:** Diaspora professionals can offer training workshops and webinars for South African police, judiciary, NGOs, and community organizations on survivor-centered approaches, legal compliance, and international human rights standards (Pillay, 2022; UNDP, 2024).
- **Mentorship Programs:** Experienced diaspora members can mentor local advocates, legal practitioners, and social workers to enhance skills in handling domestic violence cases effectively.

### Resource Mobilization

- **Funding and Support:** Diaspora communities can provide financial and material support to shelters, counseling centers, and victim-support organizations in South Africa (Mahomed, 2024; UN Women, 2022).
- **Partnerships:** Facilitate partnerships between South African NGOs and international organizations for technical, financial, and research support (BMC Public Health, 2025).

### Research and Policy Contributions

- **Comparative Studies:** Diaspora academics can conduct research comparing South African domestic violence legislation with international best practices, providing evidence-based recommendations for policy reform (Choudhury & Azmi, 2023).
- **Monitoring and Reporting:** Diaspora organizations can assist in tracking South Africa's compliance with international human rights instruments and reporting findings to global bodies.

### Cultural Change and Social Influence

- **Promoting Gender Equality Abroad:** By modeling gender-equitable practices and advocacy in their countries of residence, diaspora communities can influence local networks and support broader cultural change in South Africa (Dobash & Dobash, 1979; Heise, 1998).
- **Community Engagement Programs:** Encourage youth and community programs that challenge patriarchal norms and foster awareness about domestic violence prevention.

The diaspora can play a **strategic complementary role** by providing advocacy, expertise, resources, and cross-border support. Their engagement enhances national efforts, strengthens compliance with international human rights standards, and contributes to reducing domestic violence in South Africa.

## Further Studies

While this study explores the influence of international human rights instruments on national domestic violence laws in

South Africa, several areas warrant further research to strengthen understanding and improve policy and practice:

### Comparative Regional Studies

Future research could conduct **comparative analyses across African countries** to examine variations in the domestication and implementation of international human rights instruments. Such studies could identify best practices, contextual challenges, and lessons that South Africa and other countries could adopt (Mahomed, 2024; Choudhury & Azmi, 2023).

### Implementation and Enforcement Research

There is a need for **in-depth studies on law enforcement effectiveness**, judicial practices, and the role of institutional capacity in enforcing domestic violence legislation. Quantitative and qualitative research could assess case handling, protection order effectiveness, and victim outcomes (BMC Public Health, 2025; Pillay, 2022).

### Socio-Cultural Dynamics and Norm Change

Further studies should investigate the **impact of socio-cultural norms, patriarchy, and community attitudes** on reporting, enforcement, and survivor support. Research could focus on strategies to shift societal attitudes and enhance community-based prevention (Dobash & Dobash, 1979; Heise, 1998; Banda, 2021).

### Role of Diaspora and Transnational Actors

The contribution of **diaspora communities and international NGOs** in supporting domestic violence prevention, advocacy, and capacity building remains underexplored. Future research could evaluate how cross-border engagement influences domestic law reform and enforcement (UN Women, 2022; UNDP, 2024).

### Longitudinal Studies and Policy Evaluation

Long-term studies examining the **impact of domestic violence legislation over time** are needed to evaluate whether reforms aligned with international human rights instruments lead to measurable improvements in survivor protection, reporting rates, and societal outcomes (Choudhury & Azmi, 2023; Mahomed, 2024).

Further studies in these areas will deepen understanding of the **normative, institutional, and socio-cultural factors** shaping domestic violence law reform. They will also provide evidence-based guidance for policymakers, practitioners, and civil society to enhance the protection of victims and strengthen compliance with international human rights standards.

## Co-impact

The findings of this study have the potential to generate **co-impact** across multiple sectors, stakeholders, and levels of society by influencing policy, practice, and community engagement in addressing domestic violence.

### Policy and Governance Impact

- **Strengthened Legislative Alignment:** The study provides evidence to help policymakers align domestic violence laws with international human rights instruments such as CEDAW, DEVAW, and the Maputo Protocol (Banda, 2021; Mahomed, 2024).

- **Informed Decision-Making:** Insights from this study can guide governments in resource allocation, law enforcement strategies, and institutional reforms, enhancing the effectiveness of domestic violence legislation (UNDP, 2024).

### Law Enforcement and Judicial Impact

- **Enhanced Police and Judicial Practices:** By identifying gaps in implementation and enforcement, the study supports law enforcement agencies and judicial systems in adopting best practices, improving responsiveness to survivors, and ensuring compliance with human rights standards (Pillay, 2022; BMC Public Health, 2025).
- **Capacity Development:** Findings may inform training programs for police, prosecutors, and judges on survivor-centered approaches and rights-based frameworks.

### Community and Societal Impact

- **Awareness and Behaviour Change:** The study emphasizes the role of socio-cultural norms in domestic violence, offering strategies to foster awareness, reduce stigma, and promote gender equality within communities (Dobash & Dobash, 1979; Heise, 1998; UN Women, 2022).
- **Empowerment of Survivors:** By advocating for victim-centered policies and multi-sectoral support, the study can improve access to services, safety, and justice for survivors.

### Diaspora and International Impact

- **Cross-Border Collaboration:** Recommendations for diaspora engagement encourage transnational support, advocacy, and knowledge-sharing, amplifying South Africa's efforts in domestic violence prevention (Choudhury & Azmi, 2023; UNDP, 2024).
- **Global Best Practices:** The study contributes to international scholarship on domestic violence, providing lessons applicable in other countries facing similar challenges.

### Multi-Stakeholder Synergy

- **Integrated Approach:** The study promotes collaboration among government, law enforcement, civil society, community leaders, religious organizations, and the private sector, creating a coordinated response to domestic violence (Banda, 2021; Pillay, 2022).
- **Sustainable Change:** By engaging multiple actors, the study ensures that interventions are systemic, inclusive, and more likely to produce sustainable social and legal outcomes.

The co-impact of this study extends beyond academia, offering actionable insights for **policy reform, institutional strengthening, community empowerment, and international collaboration**. It demonstrates how research can drive systemic change in addressing domestic violence while fostering accountability, awareness, and gender equity.

## Overall Impact

The study on *“International Human Rights Instruments and Their Influence on National Domestic Violence Laws”* has significant implications for **policy, practice, society, and international human rights compliance**. The overall impact can be categorized as follows:

### Policy and Legal Reform

The research provides evidence-based guidance for policymakers to **align domestic violence legislation with international human rights standards**, including CEDAW, DEVAW, and the Maputo Protocol (Banda, 2021; Mahomed, 2024).

By highlighting gaps in law enforcement and implementation, the study supports **more effective, survivor-centered policies** and legislative amendments.

### Institutional Strengthening

Findings inform **capacity building within law enforcement and judicial systems**, promoting professional training, accountability mechanisms, and improved responsiveness to survivors (Pillay, 2022; BMC Public Health, 2025).

The study encourages **integrated multi-sectoral approaches**, fostering cooperation between government, civil society, communities, and private actors.

### Community and Societal Impact

By addressing socio-cultural norms and stigma, the research contributes to **awareness-raising, behaviour change, and empowerment of survivors** (Dobash & Dobash, 1979; Heise, 1998; UN Women, 2022).

Communities are better equipped to support victims, report cases, and engage in prevention initiatives, creating **safer environments and promoting gender equality**.

### International and Diaspora Engagement

The study strengthens **transnational collaboration**, allowing diaspora and international actors to contribute resources, advocacy, and expertise to enhance domestic violence prevention (Choudhury & Azmi, 2023; UNDP, 2024).

By documenting South Africa’s compliance with international norms, the study contributes to **global human rights scholarship and policy discourse**.

### Academic and Research Contribution

The study fills existing research gaps by linking **international norms, domestic legislation, enforcement challenges, and socio-cultural factors**, providing a comprehensive framework for future research.

It serves as a foundation for **further studies** on comparative law, policy evaluation, and multi-sectoral approaches to combating domestic violence.

The overall impact of this study lies in its ability to **bridge global human rights principles with local legal and social realities**, fostering policy reform, institutional effectiveness, community empowerment, and sustainable reduction of domestic violence. Its multi-level implications ensure relevance for **government, law enforcement, communities, diaspora actors, and international stakeholders**, making it a valuable contribution to both scholarship and practice.

## Key Takeaways

### International Human Rights Instruments are Catalysts for Domestic Reform

Instruments such as **CEDAW (1979), DEVAW (1993), and the Maputo Protocol (2003)** provide normative guidance, legal frameworks, and moral obligations that influence the development and reform of domestic violence legislation in South Africa (Banda, 2021; Choudhury & Azmi, 2023).

### Domestication of International Norms Varies

The translation of global human rights standards into domestic law depends on **political will, institutional capacity, and socio-cultural context**. Some laws fully align with international norms, while others remain partially implemented (Merry, 2006; Pillay, 2022; Mahomed, 2024).

### Implementation and Enforcement Gaps Persist

Despite comprehensive legislation, enforcement remains inconsistent due to **limited resources, institutional inefficiencies, insufficient training, and judicial bottlenecks** (BMC Public Health, 2025; UNDP, 2024).

### Socio-Cultural Barriers Influence Effectiveness

Patriarchal norms, stigma, and victim-blaming attitudes hinder reporting and protection of survivors. Community engagement and awareness campaigns are crucial for changing these norms and supporting victims (Dobash & Dobash, 1979; Heise, 1998; UN Women, 2022).

### Multi-Stakeholder Collaboration is Essential

Addressing domestic violence effectively requires collaboration among **government, law enforcement, communities, traditional leaders, civil society, religious organizations, private sector, and diaspora actors** (Banda, 2021; Pillay, 2022; Choudhury & Azmi, 2023).

### Diaspora and International Actors Can Enhance Local Efforts

Diaspora communities can provide **advocacy, technical expertise, funding, and knowledge-sharing**, reinforcing national domestic violence prevention strategies (UNDP, 2024; UN Women, 2022).

### Evidence-Based Recommendations Can Drive Policy and Practice

The study offers actionable recommendations for **legislative reform, capacity building, community education, and multi-sectoral partnerships**, which can improve compliance with international human rights instruments and enhance survivor protection.

### Research Gaps Highlight Opportunities for Future Studies

Further research is needed on **comparative regional practices, long-term enforcement outcomes, socio-cultural dynamics, and diaspora contributions**, which will strengthen evidence-based domestic violence interventions (Mahomed, 2024; Choudhury & Azmi, 2023).

The study underscores that while international human rights instruments provide a critical foundation for domestic violence law reform, **real impact depends on enforcement, community engagement, and multi-stakeholder collaboration**. By addressing both normative alignment and practical

implementation, the research offers a roadmap for sustainable legal, social, and institutional interventions to protect victims and prevent domestic violence in South Africa.

## Conclusion

This study on *“International Human Rights Instruments and Their Influence on National Domestic Violence Laws”* highlights the **critical role of global human rights norms in shaping domestic legal frameworks** and advancing the protection of survivors of domestic violence in South Africa. International instruments such as **CEDAW, DEVAW, and the Maputo Protocol** serve as benchmarks for law reform, emphasizing that domestic violence is not merely a private issue but a violation of fundamental human rights. The research demonstrates that while **legislative alignment with international standards has improved**, enforcement gaps, socio-cultural barriers, and institutional weaknesses continue to limit the effectiveness of domestic violence laws. Patriarchal norms, stigma, and inadequate institutional capacity impede reporting, investigation, and protection, revealing that legal reform alone is insufficient without complementary societal and institutional interventions.

Multi-sectoral collaboration among **government, law enforcement, civil society, community leaders, religious organizations, private sector, and diaspora actors** emerges as a key strategy for creating comprehensive, survivor-centered responses. The study also underscores the importance of **diaspora engagement, cross-border advocacy, and knowledge sharing** in strengthening domestic law implementation and fostering international accountability. In conclusion, this study provides a **roadmap for aligning international norms with domestic legislation, enhancing enforcement, and promoting societal transformation**. By bridging global human rights principles with local realities, it contributes to safer communities, improved legal protection for survivors, and the advancement of gender equality in South Africa. The findings call for sustained political will, institutional capacity building, community engagement, and continuous monitoring to ensure that domestic violence laws achieve their intended impact.

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