

# The Politics of Protection: How Gender-Specific Laws Affect Male and LGBTQ+ Victims of Domestic Abuse

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## **Abstract**

*The Protection of Women from Domestic Violence Act, 2005 (PWDVA) was enacted to address a time-honoured space in India's legal system by acknowledging domestic violence as a violation of women's human rights. However, as society progresses and gender identities branch out, the gender-specific framing of such legislation augment critical questions about inclusivity, equality, and justice. This article looks into the politics underlying "protection"—how laws formulated to shield women from abuse may unintentionally marginalize other victims of domestic violence, including men and members of the LGBTQ+ community. By analysing statutory language, judicial interpretations, empirical findings, and comparative international frameworks, the paper argues for a shift from gender-centric to gender-neutral domestic violence laws to ensure equal protection for all individuals, irrespective of gender or sexual orientation.*

## **Key words:**

*Domestic Violence Act, Gender Neutrality, Male Victims, LGBTQ+ Rights, Equality, Misuse of Law, Feminist Jurisprudence, Gender Justice*

## **Article History:**

Received on 13, November, 2025  
Accepted on 24April, 2026

## **INTRODUCTION**

Domestic abuse occupies a contested space at the intersection of law, politics, and social norms. Over the past five decades, feminist activists and scholars successfully lobbied for legislative frameworks that recognise intimate partner violence (IPV) as a serious public health and criminal justice concern. In the United States, the Violence Against Women Act (VAWA) of 1994 formalised the federal government's commitment to combating gender-based violence, and similar statutes emerged across Europe, Australia, and Canada, each built on a central premise: that women are disproportionately victimised by male partners and therefore require targeted legal protections.

This premise has empirical support. Decades of data confirm that women experience higher rates of severe IPV, femicide, and coercive control than their male counterparts (Black et al., 2011; World Health Organisation, 2021). However, as the field has matured, researchers have documented a parallel reality: men too are victimised in intimate relationships, and LGBTQ+ individuals face unique patterns of abuse that existing legal architectures are ill-equipped to address (Walters et al., 2013; Brown, 2008). The politics of protection is therefore not merely about who is harmed but about who the law imagines when it constructs the category of "victim."

When statutes use gender-specific language, when shelters are built exclusively for women, and when police training frames abuse as a male-perpetrated offence, the cumulative effect is a system that renders invisible those who fall outside its assumptions. Male victims may encounter scepticism when they call emergency services; transgender individuals may be turned away from shelters; bisexual victims may find their experiences minimised by counsellors unfamiliar with same-sex dynamics. This paper investigates these systemic failures and argues that the goal of ending domestic abuse is best served by legislation and institutional practices that are inclusive, evidence-based, and responsive to the full spectrum of human experience.

## **SIGNIFICANCE OF THE STUDY**

The significance of this study lies at the convergence of several pressing challenges. First, there is the matter of scale. The National Intimate Partner and Sexual Violence Survey (NISVS) found that approximately one in seven men in the United States has experienced severe physical violence by an intimate partner, and that nearly half of bisexual women and

men report IPV victimization (Walters et al., 2013). These statistics reveal an underserved population of considerable size whose needs are systematically neglected.

Second, legislative exclusion produces compounding harms. When the law fails to recognize a victim, that failure permeates every downstream institution: police responses become dismissive, prosecutors decline to pursue cases, and judges discount testimony. Victims internalize these signals, becoming less likely to seek help and more likely to suffer prolonged harm (Douglas & Hines, 2011). Third, the study contributes to broader jurisprudential debates about the tension between targeted protection, which acknowledges structurally different group risks, and universal protection, which holds that all citizens equally deserve legal recourse. Finally, ongoing legislative reform efforts in the United Kingdom, Australia, and the United States present timely opportunities to embed more inclusive frameworks, making empirically grounded analysis essential.

## **OBJECTIVES OF THE STUDY**

This study is guided by five primary objectives:

1. To examine the historical development of gender-specific domestic abuse legislation and identify the assumptions embedded within its foundational frameworks.
2. To document the legal, institutional, and social barriers that male and LGBTQ+ victims face when seeking protection under existing domestic abuse statutes.
3. To analyze the psychological and behavioral consequences of legislative exclusion on male and LGBTQ+ victims, with particular attention to help-seeking behavior.
4. To compare domestic abuse legal frameworks across select jurisdictions, identifying models that have achieved greater inclusivity without compromising protections for female victims.
5. To propose evidence-based recommendations for legislative reform and institutional practice that advance equitable access to protection for all victims of domestic abuse.

## **RESEARCH QUESTIONS**

The study is organized around the following research questions:

RQ1: In what ways do gender-specific domestic abuse laws, as written and as enforced, disadvantage male and LGBTQ+ victims relative to female victims?

RQ2: What social and institutional mechanisms translate gendered legal assumptions into discriminatory outcomes at the points of police response, prosecution, and service access?

RQ3: How do intersecting identities — including race, class, immigration status, and sexual orientation — compound the vulnerabilities of male and LGBTQ+ abuse victims within gender-specific legal frameworks?

RQ4: What evidence exists that gender-neutral or gender-inclusive legislative models provide comparable or superior outcomes for all victims of domestic abuse?

RQ5: What policy and institutional reforms are most feasible and likely to reduce protection disparities without eroding existing protections for female victims?

## **LITERATURE REVIEW**

The modern legal apparatus for addressing domestic abuse is inseparable from the feminist movement of the 1960s and 1970s. Prior to this era, domestic violence was widely regarded as a private matter, and law enforcement was explicitly or tacitly instructed to avoid intervening in family disputes. The battered women's movement challenged this norm, resulting in mandatory arrest laws, no-drop prosecution policies, civil protection orders, and eventually federal legislation such as VAWA.

These achievements were grounded in an understanding of IPV as a fundamentally gendered phenomenon rooted in patriarchal power structures (Dobash&Dobash, 1979; Johnson, 1995). The Duluth Model, developed in Minnesota in the early 1980s, became the dominant framework, conceptualizing domestic abuse as a pattern of coercive control exercised by men over women (Pence & Paymar, 1993). Stark's (2007) elaboration of coercive control further shaped legal definitions and clinical practice, though critics have noted this paradigm was developed primarily from women's experiences and does not map cleanly onto male or LGBTQ+ victimization (Dutton & Corvo, 2006).

Research using the Conflict Tactics Scale initially found comparable rates of minor physical violence perpetrated by men and women (Straus & Gelles, 1986), sparking a contentious gender-symmetry debate. The consensus that emerged is nuanced: while women

are significantly more likely to experience severe injury and fear-based coercive control, a substantial proportion of men also experience significant victimization. The NISVS reported that 28.5% of men in the United States experienced rape, physical violence, or stalking by an intimate partner in their lifetime (Black et al., 2011). Despite this prevalence, societal norms associated with hegemonic masculinity construct victimhood as incompatible with male identity, leading many men to minimize their experiences and avoid disclosure (Migliaccio, 2002; Tsui, 2014). When men do seek help, they frequently encounter dismissal: Douglas and Hines (2011) found that a significant proportion of men who called domestic violence hotlines were refused services or directed elsewhere. Police responses conditioned by gender-role assumptions often result in male victims being arrested themselves under mandatory arrest policies, regardless of who initiated the violence (Hines et al., 2007). Structurally, shelter provision for male victims remains critically scarce — fewer than a dozen specialist refuge spaces existed for men in England and Wales as of 2020, compared to over 7,500 for women (ManKind Initiative, 2020).

LGBTQ+ individuals experience IPV at rates comparable to or exceeding those of heterosexual women (Walters et al., 2013; Edwards et al., 2015), with bisexual individuals appearing especially vulnerable — 61.1% of bisexual women and 37.3% of bisexual men reported IPV victimization in the NISVS (Walters et al., 2013). The dynamics of abuse in LGBTQ+ relationships share features with heterosexual IPV but also involve unique mechanisms. "Outing" — threatening to reveal a partner's sexual orientation or gender identity to family, employers, or immigration authorities — functions as a potent tool of coercive control with no direct heterosexual analogue (Ristock, 2002). For transgender individuals, economic dependency may be exacerbated by employment discrimination, and partners may weaponize transphobia by attacking the victim's gender identity or denying access to medical care. Institutionally, shelter systems built around binary gender categories frequently exclude or poorly accommodate transgender and non-binary individuals: the National Transgender Discrimination Survey found that 30% of respondents who had tried to access a domestic violence shelter reported being turned away (Grant et al., 2011). Even gender-neutral statutes may produce exclusionary enforcement when officers and prosecutors apply training materials that frame abuse exclusively through heterosexual scenarios (Brown, 2008).

Crenshaw's (1991) framework of intersectionality is essential for understanding how race, class, immigration status, disability, and sexual orientation compound vulnerabilities within already exclusionary legal frameworks. Black male victims face racial stereotypes that

construct them as inherently threatening, increasing the likelihood of being treated as aggressors (Gillum, 2002). LGBTQ+ individuals of color may avoid police involvement due to well-founded concerns about racially discriminatory law enforcement (Guadalupe-Diaz, 2019). Immigrant victims fear that seeking legal protection will result in deportation (Erez et al., 2009).

Internationally, legislative approaches range across a broad spectrum. Spain's Law on Comprehensive Protection Measures Against Gender Violence (2004) defines domestic abuse in explicitly gendered terms as male-on-female violence, excluding men and same-sex couples from its specific protections (Larrauri, 2010). By contrast, the United Kingdom's Domestic Abuse Act 2021 employs gender-neutral language, introduces a statutory definition encompassing coercive control and economic abuse, and established a Domestic Abuse Commissioner tasked with monitoring responses to underserved populations — without reducing protections for female victims (Barlow et al., 2020). Canada's formally gender-neutral Criminal Code has supported a relatively inclusive jurisprudence on coercive control, while Australia's national strategy has acknowledged LGBTQ+ and male victims but without allocating commensurate resources (Ristock, 2002; Hegarty et al., 2013). Theoretically, this study draws on feminist jurisprudence (MacKinnon, 1989), Connell's (1995) theory of hegemonic masculinity, queer legal theory (Robson, 1992), and Farmer's (2004) concept of structural violence to analyze how legal exclusion produces differential harm across social groups even in the absence of individual malicious intent.

## **METHODOLOGY**

This study employs a qualitative systematic review methodology integrating legal analysis, secondary empirical research, and comparative policy analysis. The qualitative approach reflects the interpretive nature of the central research questions, which concern how legal frameworks are experienced and how institutional actors respond.

### **Systematic Literature Review**

A comprehensive search of peer-reviewed literature was conducted using PsycINFO, LexisNexis Academic, Westlaw, JSTOR, Criminology Abstracts, and Google Scholar. Search terms included combinations of: domestic violence, intimate partner violence, male victims, LGBTQ domestic violence, same-sex intimate partner violence, transgender victims, gender-

neutral legislation, VAWA, and coercive control. The search covered literature published between 1980 and 2025. Inclusion criteria required that sources address domestic abuse law, policy, or victim experiences; engage substantively with male, LGBTQ+, or multiply marginalized victims; and be published in peer-reviewed journals, by academic presses, or by credible governmental or non-governmental organizations.

### **Legislative and Policy Analysis**

Domestic abuse statutes from the United States (VAWA and selected state statutes), the United Kingdom (Domestic Abuse Act 2021), Australia, Canada, and Spain were analyzed with respect to their definitions of domestic abuse, the gender of protected persons, service access provisions, and enforcement mechanisms. Legislative histories, parliamentary debates, and regulatory guidance documents were also reviewed to assess the intent and context of statutory language.

### **Case Study Analysis**

Four composite case studies were developed from documented accounts in the scholarly literature and advocacy organization reports to illustrate the operation of legal frameworks in practice: a male victim seeking protection from a female abuser in a jurisdiction with gendered enforcement; a gay male couple navigating a response system trained exclusively on heterosexual scenarios; a transgender woman seeking shelter services; and a bisexual woman of color whose abuse involves both a female partner and the threat of outing.

### **Ethical Considerations**

Because this study relies exclusively on secondary sources, it does not require institutional review board approval for primary research. The analysis avoids sensationalizing abuse experiences, maintains sensitivity to the contested nature of gender politics, and is explicit about the limitations of available data. The study does not treat female victims as opponents of inclusion but as fellow stakeholders in the development of more effective law.

## **ANALYSIS AND INTERPRETATION**

### **The Architecture of Exclusion**

Gender-specificity in domestic abuse law operates at multiple levels. At the most explicit level, certain statutes limit their application to female victims: Spain's 2004 law means that a man abused by his female partner or a gay man abused by his male partner must rely on general criminal law with different, generally lesser presumptions of severity (Larrauri, 2010). At a more structural level, ostensibly gender-neutral statutes still produce gendered outcomes through their implementation architecture. VAWA's grant programs historically prioritized organizations serving female victims, meaning that services for men or LGBTQ+ individuals were systematically underfunded even where the law did not explicitly exclude them. Police training materials further entrench gendered application when curricula illustrate domestic abuse scenarios exclusively through heterosexual cases with male perpetrators and female victims, conditioning officers to default to gender-role assumptions in ambiguous real-world situations.

### **The Phenomenology of Invisible Victimhood**

The psychological experience of being a victim whose victimhood is not recognized is qualitatively distinct from recognized victimhood. For male victims, research documents a pervasive experience of cognitive dissonance: they know they are being harmed, but the social scripts available to them offer no framework for naming that harm (Migliaccio, 2002). Tsui (2014) found that men employed narrative strategies including minimizing the abuse and framing themselves as protectors rather than victims — strategies that, while psychologically adaptive, functioned as barriers to disclosure. For LGBTQ+ victims, invisible victimhood is compounded by prior invisible relationship: in jurisdictions where same-sex relationships lack legal recognition, the abusive partner may not qualify legally as an intimate partner at all, rendering the protections available to heterosexual victims entirely inaccessible (Brown, 2008).

## **The Dual Arrest Problem and Mutual Combat Misreadings**

Mandatory arrest laws, designed to address the dismissal of female victims' complaints, produce unintended consequences when applied through a gendered interpretive lens. Hines et al. (2007) found that in 64% of cases where male victims called police, officers did not arrest the female abuser; in 25% of cases, the male victim himself was arrested. In same-sex domestic incidents, some officers default to an assumption of mutual combat — particularly involving gay men — erasing the power dynamics that distinguish IPV from mutual conflict and resulting in both partners being processed through the criminal justice system rather than either receiving victim services (Guadalupe-Diaz & Jasinski, 2017).

## **Service Access, Judicial Attitudes, and Media Framing**

The shelter system most tangibly manifests the gendered assumptions of the response infrastructure. Male victims who contact mainstream shelters are frequently told the organization cannot accommodate them, often without referrals to alternatives. For LGBTQ+ victims, the shelter question is complicated by identity: a transgender woman may face documentation requirements, questions about her gender identity, or outright refusal. Grant et al. (2011) documented that 29% of transgender respondents who had sought shelter services were turned away.

Within the judicial system, a credibility gap mirrors and reinforces legislative exclusions. Qualitative research with family law attorneys and judges suggests that many legal professionals carry implicit assumptions about domestic abuse that disadvantage victims who do not fit the expected profile (Hester, 2013). Male victims seeking protection orders sometimes report judicial skepticism, particularly regarding allegations of physical violence by female partners. For transgender and non-binary victims, courtroom experiences reflect the broader challenge of legal gender recognition, with proceedings sometimes entangled in collateral questions about gender identity that are irrelevant to the abuse itself (Bettcher, 2014). Media framing compounds these judicial attitudes: analysis of domestic abuse coverage reveals consistent patterns of male perpetrators and female victims, with female perpetrators and LGBTQ+ cases largely absent or framed humorously (Berns, 2004), shaping public and political expectations of who counts as a victim.

As per the objectives the analysis of domestic abuse legislation developed within a feminist political framework that constructed the typical victim as female and the typical

perpetrator as male. This construction reflected genuine empirical patterns and addressed a history of legal indifference to female victimization. However, it embedded assumptions into both the language and architecture of the law — its definitions, funding mechanisms, training protocols, and service infrastructure — that have proven resistant to revision even as evidence has complicated the picture.

Male victims face a layered set of barriers: social norms that construct victimhood as incompatible with masculinity, police responses conditioned by gender-role assumptions, gendered application of mandatory arrest laws, scarcity of shelter services, and judicial credibility deficits. LGBTQ+ victims face these barriers alongside additional ones: outing as a mechanism of coercive control, shelter systems organized around binary gender categories, legal definitions that may not recognize their relationships as domestic, and service provider unfamiliarity with same-sex abuse dynamics. Together, these constitute a systematic denial of protection emerging from the cumulative operation of gendered assumptions across the entire system.

Male and LGBTQ+ victims who encounter disbelief or dismissal when seeking help experience secondary victimization — harm inflicted not by their abuser but by the institutional response. This reinforces internalized barriers to help-seeking, creating a feedback loop in which victims learn that disclosure is unsafe or useless. Long-term consequences include depression, anxiety, PTSD, substance use, and, in some cases, suicide. Research consistently finds that male victims take longer to leave abusive relationships and access formal services at lower rates than female victims, a pattern attributable in significant part to the anticipated unhelpfulness of those services (Douglas & Hines, 2011).

Gender-neutral legislative language is necessary but not sufficient for equitable protection. The United Kingdom's Domestic Abuse Act 2021 provides the most instructive contemporary model: gender-neutral statutory language, a broad definition of abuse encompassing coercive control and economic abuse, specific commissioner monitoring of underserved populations, and training requirements for frontline professionals — all without reducing protections for female victims. Canada's gender-neutral criminal code provisions and Spain's explicitly gendered statute represent the positive and cautionary poles, respectively, of the international spectrum.

The evidence base supports a reform agenda combining legislative revision, institutional capacity-building, professional training, and research investment. The broader principle is that inclusive protection for male and LGBTQ+ victims is both technically feasible and compatible with maintaining robust protections for female victims. The political

challenge is one of coalition-building and narrative reframing — persuading established stakeholders that expanding the definition of the protected class strengthens rather than weakens the project of ending domestic abuse.

## **RECOMMENDATIONS**

### **➤ Legislative Reform**

Legislatures should review and revise domestic abuse statutes to ensure gender-neutral definitions protecting all victims regardless of gender, sex, or sexual orientation. Definitions should be sufficiently broad to encompass coercive control, psychological abuse, economic abuse, and digital abuse. Statutory preambles and findings sections should be revised to acknowledge the full spectrum of victims, and specific provisions should address the unique vulnerabilities of transgender and non-binary individuals in shelter systems and legal proceedings.

### **➤ Funding and Service Infrastructure**

Government funding bodies should require that domestic abuse service grants include provisions for male and LGBTQ+ clients as a condition of funding, rather than treating inclusive service provision as optional. Dedicated funding streams proportionate to victimization prevalence should be established. Shelter systems should be redesigned to accommodate greater diversity, including single-room accommodation options and codified protocols for accommodating transgender individuals developed in consultation with LGBTQ+ advocates.

### **➤ Law Enforcement and Judicial Training**

Police training should be revised to include diverse scenarios depicting male victims, same-sex couples, and transgender individuals, with explicit guidance on primary aggressor determination procedures that are not dependent on gender-role assumptions. Prosecutors and judges should receive continuing education on LGBTQ+ abuse dynamics, identity-based coercive control, and the evidentiary challenges in cases that do not conform to heterosexual

stereotypes. Judicial training should also directly address implicit bias related to male victimhood.

➤ **Data Collection and LGBTQ+-Specific Provisions**

National crime and health surveys should consistently collect data on IPV victimization disaggregated by gender identity, sexual orientation, and relationship type. Dedicated research funding should support longitudinal studies of male and LGBTQ+ victims' system experiences, particularly at multiple intersections of marginalization. Anti-outing protections should be enacted in domestic abuse proceedings, immigration relief provisions should be explicitly extended to LGBTQ+ immigrants, and hotline staff and shelter workers should receive specific modules on same-sex dynamics, transgender experiences, and the particular vulnerabilities of bisexual individuals.

## **CONCLUSION**

The politics of protection is ultimately a politics of imagination: who can we imagine as a victim? For most of the history of domestic abuse law, that imagination has been constrained by a gendered narrative in which the victim is female and the perpetrator is male. That narrative emerged from real experience and has yielded real protections for real people. It would be a profound error to discard it. But it would be an equally profound error to allow it to persist unrevised in the face of evidence that it excludes millions of people who deserve the law's protection.

This paper has documented how gender-specific legislative frameworks, and the institutional practices they generate, systematically disadvantage male and LGBTQ+ victims of domestic abuse through explicit statutory exclusions and the accumulated weight of gendered assumptions embedded in training materials, service infrastructure, enforcement practices, and judicial attitudes. It has examined the psychological and behavioral consequences of these exclusions and identified paths forward through comparative analysis of legislative models that have achieved greater inclusivity without sacrificing gains for female victims.

The reform agenda outlined here is ambitious but achievable. It requires legislative will, institutional investment, professional training, and cultural change. Most of all, it requires a willingness to expand the moral imagination that underlies law — to recognize that the category of domestic abuse victim is not defined by gender but by the experience of harm, violation, and the urgent need for protection. When law finally reflects that recognition, it will not only better serve male and LGBTQ+ victims. It will be better law.

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