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A Comparative Study of Protection Order Systems for Gender-Based Violence Against Sexual Minorities

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Abstract. Gender-based violence (GBV) within LGBTQ+ communities raises challenges for protection order (PO) systems that were largely developed around heterosexual intimate partner violence (IPV) and physical harm. This paper compares the PO systems of California in the United States and the United Kingdom (UK) through a qualitative socio-legal approach. It examines how evidentiary standards, institutional bias, and narrow understandings of abuse affect LGBTQ+ victims' access to protection. The analysis shows that identity-based abuse, coercive control, psychological violence, and threats of forced outing are often difficult to prove under conventional legal categories. California's model formally permits LGBTQ+ applicants to seek relief, but it places heavy burdens on individuals through private filings, judicial discretion, and uneven enforcement. The UK system adopts broader definitions of domestic abuse and stronger multi-agency coordination, although bureaucratic complexity remains a limitation. The paper argues that effective reform requires expanded legal definitions of abuse, improved institutional awareness of LGBTQ+ IPV, and closer coordination between courts, police, social services, and community support organizations.

Keywords: gender-based violence, LGBTQ+, protection orders, intimate partner violence, comparative law

1. Introduction

IPV is one of the many forms of gendered violence addressed by legal systems across the world. As a response, POs have gained popularity as an important legal measure that can curtail harm and restrict the behavior of perpetrators [1]. Presently, the PO system is primarily heteronormative because it mainly addresses violence in heterosexual relationships. Consequently, the experiences of sexual minority communities may go unaddressed or remain insufficiently captured.

Recent studies have shown that LGBTQ+ individuals experience IPV at rates equal to or greater than heterosexual individuals [2-4]. Violence in these communities differs from classical models of domestic abuse. LGBTQ+ individuals may experience psychological abuse, emotional abuse, and identity-based abuse during intimate partner relationships. Often invisible, these forms of violence are difficult to prove in court.

Despite this development, critical gaps remain in legal scholarship and the development of policy. A systematic literature review of protection order research shows that there are virtually no

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empirical studies involving LGBTQ+ individuals assessing the efficacy of protection orders [1]. This research gap limits the ability of legal systems to respond to marginalized groups. The current framework is not broad enough to encompass all communities.

To solve the aforementioned problems, the paper takes a comparative socio-legal approach to the PO systems in California and the UK. The two areas exemplify two different models. California employs a decentralized approach that focuses on private action and judicial discretion. The UK model of domestic violence increasingly relies on a more structured and interventionist approach with wider definitions of domestic abuse and more structural coordination between institutions.

The analysis will answer three questions. How do the encounters of LGBTQ+ individuals with various types of IPV challenge the legal definition of violence? How do institutional arrangements and evidentiary requirements impact the ability to access protection orders? What are the implications for the effectiveness of LGBTQ+ protection orders in California versus the United Kingdom of differences in legal definitions, evidential thresholds, and institutional support mechanisms?

This paper calls for a more inclusive and context-sensitive stance in legal reform as it highlights structural blockages. It proposes that real protection requires more than legal inclusion; it is also recognition by institutions and better coordination between legal and social support. As a result, the paper aims to show how the protection order system could be improved, using comparative analysis, in order to respond to the incidence of gender-based violence in sexual minority communities.

2. Power dynamics and institutional bias in LGBTQ+ GBV

2.1. Variations of the power and control model

Theories of domestic violence are often based on a model of power and control, which sees violence as a result of unequal gender relations. While this model is useful in understanding patterns of intimate partner violence (IPV), it may need further expansion with LGBTQ+ relationships. In same-sex or gender-diverse contexts, power is not always exercised by casting people in the conventional gender roles but might operate by way of psychological, social, and identity-based dynamics [5].

To control individuals, for instance, perpetrators may threaten forced outing, exploit stigma related to the victim's identity, capitalize on economic dependence, or instill fear of family and community rejection. In LGBTQ+ IPV, the roles of power and control remain critical; they may not be interpreted in the same way as heterosexual relationship models, but nevertheless play a central role.

Within LGBTQ+ relationships, identity-based abuse is significant. A frequent instance is forced outing, whereby a perpetrator threatens to reveal a victim's sexual orientation or gender identity to family members, employers, or community members. Those threats could cause victims to lose their jobs, be rejected by their families, be socially ostracized, or be discriminated against. Unlike physical attacks, however, economic and social ones are psychological and socially embedded, and thus harder to capture in established legal forms.

Forced outing illustrates the inadequacy of many current protection order systems to respond to LGBTQ+ IPV. As it does not cause physical harm (in the same way as physical abuse does), courts may not treat this harm as an immediate and serious threat. Victims may also face problems of proof, especially in cases where intimidation happens in private or through unofficial means. Forced outing may constitute coercive control or psychological abuse, but current laws may not always

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classify it as such. Consequently, identity-based abuse might not fit into the typical domestic violence definition, which can restrict victims' access to legal protection.

Additionally, research shows the most common forms of IPV in same-sex relationships are emotional and psychological violence [5]. Although these kinds of abuse do not involve bodily harm, they may have serious effects on the victim in the long term. Since they are subtle, the laws don't pay them too much attention, nor is it easy to prove.

2.2. Cognitive thresholds and legal response

Societal attitudes tend to shape the legal recognition. People may face a much higher cognitive barrier to identify LGBTQ+ IPV, making certain abuses in this relationship invisible/interpersonal, and/or trivializing their seriousness

According to researchers, police officers and judges may not be well-trained to identify IPV in LGBTQ+ people. Research shows that the absence of culturally competent services contributes to ineffective responses. Consequently, the victims are unwilling to seek help; thus, the legal protection further decreases.

2.3. Institutional exclusion and structural inequality

Laws banning domestic violence are premised on heteronormative assumptions, which means that they define relationships to be the result of the binary of gender and power, inherently. Due to these presumptions, the legal systems fit victims and perpetrators with the abuse being male-perpetrator female-victims. Consequently, persons in LGBTQ+ relationships may struggle to fit into these established categories, experiencing misrecognition or under-recognition. The inequality not only impacts the interpretation of law but also hinders the evaluation of cases, usually harming the protection cause of the sexual minority victim.

This barrier makes things even more tough with a blend of procedures and non-availability of their services, bias in the legal apparatus, and support systems. The type of abuse experienced in LGBTQ+ relationships (including non-physical abuse and abuse against one's identity) may not be recognized through evidence, documentation, or court processes. The absence of effective services that are culturally competent may render victims incapable of gaining access to proper support, while legal service providers may exhibit implicit bias. This bias affects their decision-making and the outcome of the cases involved. Not only do all of these factors inhibit the effectiveness of the protection order system, but they also create systemic inequalities, whereby members of the LGBTQ+ community face additional hurdles to obtain justice and protection as compared to heterosexual people.

3. Protection order systems in California

3.1. Legal framework and structural accessibility

The California justice system places a high priority on individual rights and access to the courts through court-issued POs. Through the California Domestic Violence Prevention Act (DVPA), a person may be able to get a domestic violence restraining order from a court if they have been abused by an intimate partner, spouse, former partner, cohabitant, or dating partner. Notably, DVPA doesn't expressly exclude applicants on the grounds of sexual orientation or gender identity,

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meaning that LGBTQ+ people are legally able to access the protections provided by DVPA in the same manner as heterosexual people.

The DVPA allows a court to issue many types of relief, such as a stay-away order, no-contact order, residence exclusion order, temporary custody, etc. When deciding whether or not to grant a protection order, courts will typically assess if the applicant has been abused, threatened, coerced, or subjected to conduct that may disturb his/her peace. While the framework seems inclusive, LGBTQ+ individuals' access to these protection orders in practice is clouded due to evidence sufficiency, institutional awareness, and larger social barriers.

However, structural accessibility goes beyond written law. Victims must file a petition, appear in court, and provide evidence when required. LGBTQ+ persons may find this information especially tricky to process because they lack legal knowledge, fear discrimination, and have difficulty accessing services.

Moreover, the onus is on victims to take action. This creates a substantial strain for individuals who might already be in precarious circumstances. This illustrates the distinction between the legal rights one possesses and the practical access one has.

3.2. Evidentiary challenges and recognition of non-physical abuse

One major fault of the California system has to do with evidence. Courts usually take physical injury as the main evidence of abuse [1]. Victims experiencing psychological or identity-related violence therefore face additional challenges.

It is not easy to prove non-physical abuse like coercive control and emotional abuse. Victims might depend on their personal testimony, which may not meet the legal standard. Disconnection exists between lived experience and legal recognition.

Since domestic violence is known to involve such non-physical abuse, depending on conventional evidence types significantly restricts access to protection orders.

3.3. Enforcement, compliance, and institutional limitations

When protection orders are available, they can be effective based on enforcement. In California, the enforcement is often inconsistent due to the institutions.

Law enforcement agencies may not be trained to respond adequately to IPV of LGBTQ+ individuals. Further, victims may be hesitant to report violations in fear of retaliation or have little faith in the authorities [1].

The decentralized character of the U.S. legal system also adds to variations in enforcement. Due to differing jurisdictional consequences, the law may provide different protections.

Further, the split between the legal order and social services and the limited availability of shelter services constrain this possibility. Protection orders can give only temporary relief without support.

4. Protection order systems in the United Kingdom

4.1. Legal framework and expanded definition of abuse

According to the Domestic Abuse Act 2021, which came into force in April 2021, domestic abuse in the United Kingdom is defined in much broader terms than physical violence. In fact, the Act considers behaviors such as coercive and controlling behavior, psychological abuse, emotional abuse, and economic abuse to be domestic violence as well [6]. As control or intimidation, rather

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than physical injury, is increasingly acknowledged as domestic violence, this reflects an expanded definition of domestic abuse.

These developments are important, especially for LGBTQ+ victims whose IPV experience often involves non-physical and identity-based forms of abuse. There may not always be physical proof of such practices, like forced outing, emotional trauma, financial dependence, and social isolation, but they still have serious psychological and social effects. The UK legal system is better able to tackle forms of violence that have not been picked up in conventional domestic violence models by acknowledging coercive control and psychological harm [7].

In this regard, the Domestic Abuse Act 2021 embodies a shift towards a more inclusive definition of abuse, one which more accurately reflects the realities of LGBTQ+ relationships and increases the possible accessibility of protection measures for sexual minorities.

This broader definition is especially relevant in the case of LGBTQ+ persons who suffer abuse other than physical. The UK system improves access to legal protection by recognizing these types of violence.

4.2. Institutional sensitivity and professional training

One of the strengths of the UK system is that its institutions have been sensitized and made responsive to various types of domestic abuse. Programs training police, social workers, and legal professionals are designed to increase their understanding of not just the broader patterns of domestic violence more generally, but also of the experiences in particular of LGBTQ+ people. Programs often instruct on recognizing non-physical forms of abuse, identity-based vulnerabilities, and what to do when cases fall outside of traditional heteronormative frameworks.

Reduction of cognitive biases and improved decision-making across institutions can be enhanced through the provision of such training. By learning more about domestic abuse, the system can spot patterns of coercive control and emotional manipulation, and identity-based harm. Thus, professionals will pay attention to these trends. Accordingly, adopting a perspective that is sensitive to institutional settings can increase widely-agreed perceptions of procedural fairness and increase measures containing protection orders.

Although this has improved, there are still challenges. According to research, LGBTQ+ individuals may face discrimination, stereotyping, or misunderstanding in their dealings with the law and support services [8]. Some of the causes could be inconsistencies in implementing capacity-building programs, having diverse institutional cultures, and having biases of various kinds. As a result, not every setting benefits from institutional sensitivity. In such a case, continuous training, evaluation, and changes in structure can help guarantee protection for all.

4.3. Multi-agency collaboration and holistic support

In the UK, the legal and social services systems are more effective at interacting with one another. Victims can access greater housing and financial support, as well as counseling, through institutional networks that work together for this purpose. By merging the agencies, the system can have multiple entry points and spare the individual and their family from going to court alone.

When multiple service providers coordinate with each other to provide holistic support to the applicant. It will certainly make protection orders more effective. Consequently, this will enhance the social and economic conditions influencing the safety issues. By pairing legal intervention with more, the system is likely to avoid victimization and promote the long-term recovery from victimization.

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This integrated model has weaknesses as well. In this approach, the creation of bureaucratic problems is inevitable. There will be delays and overlapping procedures. Moreover, there will be administrative inefficiency because of such coordination across institutions. What this means is that although there is plenty of system support, the level of actual effectiveness of this support will depend on its inter-agency reach and level of implementation.

5. Comparative analysis

5.1. Legal philosophy and institutional design

This difference is not only attributable to a more general philosophical belief but also to the definitions of abuse, the evaluation of evidence, and the coordination of institutional support under each system. The protection order system in California utilizes a rights-based approach and encourages private legal actions and judicial discretion. In general, victims must seek redress through legal means. In most situations, the outcome will depend on the judge and whether the parties comply with the legal process.

"Relationship abuse" differs in meaning from the legal definition of "abuse." Although the DVPA permits LGBTQ+ persons to obtain protection, this is typically an area of emphasis on physical harm and direct documentation. Consequently, it may often be hard to identify non-physical violence, such as coercive control, emotional manipulation, or identity-based abuse, in the courts of law [9].

On the other hand, the UK has a wider legal definition of domestic abuse, notably after the Domestic Abuse Act 2021, which acknowledges coercive and controlling behavior, psychological abuse, and economic abuse. This newly expanded framework gives legal recognition to forms of violence that are more common within LGBTQ+ relationships.

The evidentiary standards and institutional coordination are another major difference. In California, it is usually the responsibility of victims to gather evidence and seek recovery. It may create further barriers for already marginalized groups, such as groups with discrimination, limited understanding of the law, or limited resources. The UK system focuses more on coordination across courts, social services, health services, and law enforcement, compared to the others. If institutions integrate, it may improve access to protective mechanisms and alleviate some victim burdens.

The distinctions noted matter for LGBTQ+ people because whether they have access to protection orders is often a function of not just their formal legal eligibility, but whether legal systems can adequately recognize and respond to non-normative forms of abuse. Although California may provide superior procedural flexibility, the UK system may offer much broader institutional recognition of identity-based and psychological violence. Nonetheless, there are still limitations determined in the inclusion and exclusivity of protection.

5.2. Accessibility, cost, and practical effectiveness

The approach a victim may take to utilize protection would be conditioned by factors both technical and practical. Obtaining a protection order may require victims in California to gather evidence, fill out legal forms, and go to court. The ongoing abuse makes these demands psychologically and logistically strenuous for the users.

The LGBTQ+ community faces additional practical barriers. Victims might not approach the law due to a fear of discrimination, privacy issues, and services that are not culturally competent [8, 10]. As a result, legal accessibility may not mean protection.

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In the UK, barriers have been greatly reduced through the integration of legal and social services. The victim can access help through various gateways, such as a social worker, organization, etc. By relieving people, it facilitates the work and increases the chances of success. Delays may occur owing to the coordination complexity between multiple agencies.

The comparison illustrates the tension between accessibility and bureaucracy. The UK model can provide stronger types of care, but they often require more coordination across institutions. In contrast, while the California model appears to be a straightforward procedure, it places a more onerous burden on the victim.

5.3. Structural gaps, research limitations, and future directions

The two systems reflect considerable structural gaps in the handling of LGBTQ+ IPV, despite design and implementation differences. A key limitation is the lack of empirical work on the effectiveness of such protection orders among sexual minority populations.

Existing literature on protection orders lacks a focus on LGBTQ+ individuals [1]. This absence inhibits policymakers and legal practitioners from creating evidence-based interventions.

Both the system and the civil system have research deficits in the non-physical sphere. Psychological violence, coercive control, and identity-based abuse are at the heart of LGBTQ+ IPV yet are the most challenging to detect and regulate under existing laws [4, 5]. Increasingly, it is seen that social aspects are incapable of fitting into legal categories.

Institutional trust is another important challenge. The availability of protection orders does not merely depend on their legal availability but also on the willingness of the victim. LGBTQ+ individuals may avoid seeking help when they believe institutions are discriminatory or fail to respond. Effective legal reform relies on the establishment of trust.

Future research must address these gaps by looking at the experiences of LGBTQ+ individuals within protection orders. Studies of comparative law should also reflect the impact of the culture, as the legal frameworks do not operate in isolation but are a product of a culture. In the final analysis, IPV against LGBTQ folk should be dealt with multidimensionally through Legal, Social, and Institutional Perspectives.

6. Conclusion

This paper has compared the protection order systems of California and the United Kingdom as legal responses to gender-based violence against sexual minorities. The analysis shows that both jurisdictions provide formal mechanisms for protection, but their practical operation remains limited by institutional design, evidentiary requirements, and recognition gaps.

A central problem is the gap between the legal definition of violence and the lived reality of LGBTQ+ relationships. Physical violence is easier for courts and regulators to identify, but non-physical harms such as coercive control and identity-based abuse are more difficult to recognize within traditional frameworks. As a result, many victims encounter obstacles in obtaining POs even after suffering substantial harm.

The comparison highlights both strengths and weaknesses. California's model offers procedural flexibility but places greater burdens on individuals, while the UK system provides broader institutional support but may suffer from complexity and uneven implementation. The evidence therefore suggests that no single model is sufficient; effective reform must balance accessibility, consistency, and institutional coordination.

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Finally, improving protection for LGBTQ+ people requires legal reform, wider institutional awareness, and further empirical research. These measures are necessary to make PO systems responsive to the diverse forms of gender-based violence experienced by sexual minority communities.

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