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From Private Harm to Structural Inequality

Economic Violence in International Law

— *A Proposal to Strengthen Gender Equality by Understanding Economic Violence and Dependency in International Law*

“Economic violence against women and girls was one of the forms of gender-based violence that even today often went unseen and unregulated,” said Volker Türk, the UN High Commissioner for Human Rights, on June 28, 2024, at the first panel of the UN Human Rights Council’s (OHCHR) annual full-day discussion on women’s rights. Since then, the discussion around economic violence did not really evolve and one important question remains unanswered: what exactly is economic violence, and is this phenomenon addressed under international law?

This post begins by exploring the concept of gender-based violence (GBV) in international human rights law. It will further investigate whether economic violence falls under the umbrella of GBV and explore possible state obligations in the context of economic violence. It will then answer the question whether the discussion of economic dependency of women should be understood in a more abstract and structural way before concluding with a final summary.

Grasping Gender Based Violence in International Law

Starting with human rights treaties, it becomes rather clear that there are differing understandings of GBV. Two key international legal sources are particularly relevant to define GBV: the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Istanbul Convention. Art. 2 CEDAW states, among other things, that States Parties condemn and undertake to eliminate all forms of discrimination against women. Although CEDAW itself does not explicitly mention GBV in the treaty text, in practice the treaty has been interpreted inclusively, so that GBV is a form of discrimination against women. This was stated explicitly in General Recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW Committee), namely no. 19, published in 1992 (cf. para. 1) and later updated by General Recommendation no. 35. (cf. para 1 f.). Since then, various international bodies have dealt with this phenomenon and, in doing so, have contributed to shaping the contours of the concept of GBV (for the drafting history of CEDAW and its influences on other conventions and bodies, see also here). The widespread recognition of GBV in human rights law further supports the CEDAW Committee’s view that combating GBV has evolved into a norm of international customary law (GR 35, para. 2).

Economic Violence as a Phenomenon of GBV

Economic violence as a phenomenon is a rather new concept in international law. In the absence of a legal definition, the scope of the concept is difficult to determine. For present purposes, the following definitions offer guidance: In general terms, economic violence describes situations in which women’s access to income, credit, or economic decision-making is deliberately limited or controlled in practice. In a human rights context, Genoveva Tisheva, Vice-Chair of the CEDAW Committee, has stated, that economic violence constitutes gender-based violence against women,

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involving violence, coercive control, and the restriction of women's personal lives and human rights in the economic sphere. Similarly, the European Institute for Gender Equality (EIGE) understands economic violence to include economic control (e.g. restricting access to money and preventing the victim from making financial decisions), sabotage (e.g. using the victim's name, property and legal rights without their permission) and exploitation (e.g. preventing the victim from working and receiving education). This definitions, which are tailored to the private realm, suggests that economic violence can also occur in the public realm with regard to preventing people from working or receiving an education.

Although FAIL and TWAIL scholarship rightly critiques the division of the public and private sphere for perpetuating gender hierarchies and obscuring structural forms of power the distinction remains analytically useful. Historically, international law privileged the public sphere as the domain of governance, while relegating the private sphere to a supposedly apolitical, feminised space, thereby rendering certain forms of economic control and dependency legally invisible (see here). This distinction will be used to illustrate the range of forms that economic violence can take and hints towards an understanding, that economic violence includes not only violence within intimate partnerships, such as withholding financial resources to create dependency, but perhaps also state measures that increase economic dependency of women.

The question remains whether economic violence is to be understood as a part of GBV. Looking into the most 'gendered', widely ratified treaty – the CEDAW – it should be noted that the text of the Convention does not explicitly mention GBV, let alone economic violence. Examining the drafting history of CEDAW, the interdependencies and links to other conventions and bodies become clear. Thus, much depends on further interpretation with the help of CEDAW Committees General Recommendations. Systematic integration according to Article 31(3)(c) of the Vienna Convention on the Law of Treaties (VCLT) has been used in this case to define the scope of GBV (see p. iii), as all states that are party to the CEDAW are parties to the Istanbul Convention (despite San Marino and Monaco but as they are not party to the CEDAW, this does not rule out the systematic integration) or parties to the Convention of Belem do Para Convention. Only systemic integration can prevent conflicts between different instruments and assure a substantial protection. Here, the understanding within the Istanbul Convention, that violence against women is considered a human rights violation and a form of discrimination (Article 3(a) Istanbul Convention, also see Article 6 (a) Convention of Belem do Para), can be considered within the interpretation of CEDAW regulations. However, in the CEDAW-regime, economic violence is neither explicitly regulated nor substantially addressed in the Committee's work surrounding GBV. Despite the lack of a precise definition, we can detect the emergence of at least partial recognition of economic violence as a human rights violation. This raises the question, whether CEDAW also reflects this recognition, and whether the obligation to combat gender-based violence could reasonably be understood to cover economic violence, too.

State Obligations in the Context of Gender Based (Economic) Violence

General Recommendation no. 35, updating General Recommendation no. 19, states that the prohibition of violence against women has evolved into a rule of customary international law (cf.

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para. 2, see also [here](#)), creating not only an obligation to refrain from violence (duty to respect) but also a responsibility to actively prevent, investigate, punish, and provide remedies for it (duty to protect and fulfil). In a manner similar to the prohibition of torture, with its varying definitions, a core customary rule of prohibition has thus emerged. Even if this was not accepted as customary law, an obligation to combat GBV against women can still be directly derived from CEDAW. Since the Committee identified GBV as a form of discrimination (cf. GC [19](#), para 6), GBV falls within the scope of Article 2 CEDAW that lays down the general obligations of States Parties to respect, protect, and fulfil women's right to non-discrimination (cf GC [28](#), para 9). The CEDAW Committee further identified a link between GBV against women and stereotypical roles of men and women in society in its General Recommendation No. [41](#). The Committee emphasizes that

“Gender stereotypes are one of the root causes of gender-based violence against women and girls, contributing to the normalization and perpetuation of such violence. These stereotypes perpetuate unequal power dynamics, gender inequality and gender roles, leading to the normalization of harmful attitudes and behaviors against women and girls” (cf. GC [41](#), para. 57). In light of this, the CEDAW Committee has clearly stated that the obligation to combat gender-based violence is contained in Article 2 together with Article 5(a) CEDAW. These provisions require states to take appropriate measures to overcome all forms of gender-based violence, which are rooted in discriminatory traditional attitudes that view women as subordinate to men. This shows that the Committee applies a structural approach to discrimination and gender-based violence, reflecting a broader international trend (cf. GC No. [19](#), para. 24(a)). Both the European Court of Human Rights (ECtHR) and the Inter-American Court of Human Rights (IACtHR) have recognized that stereotypes can directly affect the enjoyment of human rights, particularly in cases involving discrimination and gender-based violence (see [here](#) and [here](#)). With that, international jurisprudence makes clear that this does not only concern stereotypes actively used by the state; it also includes a positive obligation to “[promote] critical thinking among pupils and [equip] them with the necessary skills to become aware of and react to stereotypes [...]” (e.g. [Aksu v. Turkey](#), para. 39, 85)

This structural understanding of GBV helps us to ground the obligation to combat economic violence: If we conceptualize economic violence as a means of maintaining hierarchical power structures embodied in stereotypical gender roles, then the state obligations to prevent and eliminate GBV necessarily encompass economic violence. While Art. 2 in conjunction with Art. 5 (a) CEDAW provides a solid normative basis for addressing economic violence, it does not solve the general problems with GBV more broadly: in particular, the difficulty of identifying forms of violence that fall outside of physical violence within intimate relationships.

Economic Dependency within the Public Sphere

The public sphere is [reliant](#) on the same power structures as the private sphere and cannot be analysed without the recognition of these structures. This also finds its subtle recognition in Volker Türk [remarks](#):

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“While economic violence most commonly occurred in the home, it could also be enabled and perpetrated by the State through discriminatory legal frameworks which restricted women’s access to credit, employment, social protection, or property and land rights.”

This observation raises a couple of interesting questions: Is economic violence confined to the private sphere (cf. similar also in Art. 3(b) Istanbul Convention), including intimate partnerships and families? Or does it also manifest in the public sphere and is a more structural understanding of economic dependency of women needed (similar in Art 3(a) Istanbul convention)? This is also reflected in the structural economic disadvantages faced by women, seen both in broader patterns such as the gender pay gap and higher rates of poverty among older women. The fact that stereotypes can be reflected in domestic laws that reinforce gender roles in the public sphere, and that these stereotypes appear across all areas of society, is also acknowledged in the wording of Article 2(f) CEDAW and in the Committee’s interpretation (cf. GC No. 41, paras.7, 39 f.). Economic dependency that results from such stereotypical legislation must therefore be conceptualised as a structural phenomenon, reproduced through legal, economic, and social frameworks that restrict women’s access to work, property, and financial resources, ultimately limit women’s ability to achieve “economic empowerment” (GC No. 41, para. 86). A structural approach is therefore necessary to uncover and address the systemic dimensions of economic dependency, as also state regulations themselves can put women in a persistent and repeated situation of economic dependency (cf. GC No. 41, para 25).

This raises a critical issue regarding economic dependency and unfreedom: laws and policies that structurally reinforce women’s economic dependency, whether directly or indirectly, may require an even broader, more structural approach than CEDAW as an anti-discrimination framework offers. Some laws that reinforce dependencies often don’t build on stereotypes alone. They rather are rooted in structural discrimination in general. This shows that economic dependency cannot be treated merely as a consequence of private behaviour; it reflects systemic failures of the State to modify discriminatory socio-economic structures in the context of Article 2(f) in conjunction with Article 5(a) CEDAW. Thus, an individualised understanding of women’s economic dependency, limited to interpersonal relationships or private arrangements, fails to reflect the systemic nature of women’s economic subordination in our society.

Conclusion

Although CEDAW affirms that discrimination against women violates the principles of equality, it remains unclear how to address GBV, particularly when it diverges from conventional notions of physical violence in the private sphere. This ambiguity is precisely the problem: States recognize their duty to combat GBV, yet the lack of a coherent definition and nuanced understanding of GBV, especially when it comes to economic violence, prevents them from implementing genuinely effective measures. This post has argued for locating the prohibition of economic violence within Article 2 in conjunction with Article 5(a) CEDAW. Further key issues such as denial of property rights, restrictions on opening personal bank accounts, the gender pay gap, and (sexual) trafficking and forced labour, integral components of the broader issue of economic (un)freedom, need a more structural approach in order to make the economic mechanisms that produce women’s financial dependency visible and to address them adequately.

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