



MASTER THESIS | MASTER'S THESIS

Titel | Title

The Recognition of Economic Violence Against Women in
International Human Rights Law and Its Implementation into
Austrian Domestic Law

verfasst von | submitted by
Anna Rebecca Caric BA

angestrebter akademischer Grad | in partial fulfilment of the requirements for the degree of
Master of Laws (LL.M.)

Wien | Vienna, 2025

Studienkennzahl lt. Studienblatt | Degree
programme code as it appears on the
student record sheet:

UA 999 079

Universitätslehrgang lt. Studienblatt |
Postgraduate programme as it appears on
the student record sheet:

Human Rights (LL.M.)

Betreut von | Supervisor:

Mag. Marina Kaspar

For the wonderful women in my life.

Abstract

This thesis examines the recognition of economic violence against women as an internationally recognized human rights violation and its implementation in Austrian domestic law. It applies a doctrinal legal analysis of three key instruments binding for Austria: The Convention on the Elimination of All Forms of Discrimination against Women, the Council of Europe Convention on preventing and combating violence against women and domestic violence, and the European Convention on Human Rights. Furthermore, the interpretative practice of the bodies responsible for their observance and monitoring, as well as the jurisprudence of the European Court of Human Rights, are discussed. The findings show that economic violence against women, though recognized as a human rights violation, is insufficiently addressed in Austrian law, which lacks a clear and comprehensive definition, leading to regulatory gaps and reinforcing women's economic dependency. The thesis concludes that an explicit legal anchoring of the protection of women from economic violence is imperative for Austria to fulfill its international obligations, thereby ensuring substantive equality and the effective exercise of women's human rights.

Kurzfassung

Diese Arbeit untersucht die Anerkennung ökonomischer Gewalt gegen Frauen als international anerkannte Menschenrechtsverletzung sowie deren Umsetzung in der österreichischen Rechtsordnung. Sie stützt sich auf eine rechtsdogmatische Analyse drei für Österreich bindenden Instrumente: Der Konvention zur Beseitigung jeder Form von Diskriminierung der Frau, dem Übereinkommen des Europarates zur Verhütung und Bekämpfung von Gewalt gegen Frauen und häuslicher Gewalt sowie der Europäischen Menschenrechtskonvention. Ferner wird die Auslegungspraxis der für deren Einhaltung und Überwachung zuständigen Organe sowie die Rechtsprechung des Europäischen Gerichtshof für Menschenrechte erörtert. Die Ergebnisse zeigen, dass ökonomische Gewalt gegen Frauen als Menschenrechtsverletzung in der österreichischen Rechtsordnung nur eingeschränkt berücksichtigt wird und die normative Umsetzung der internationalen Rechtsgrundlagen unzureichend ist. Das österreichische Recht enthält keine eindeutige und umfassende Definition ökonomischer Gewalt, was zu Regelungslücken führt und die ökonomische Abhängigkeit von Frauen verstärkt. Die Arbeit kommt zu dem Ergebnis, dass eine ausdrückliche rechtliche Verankerung des Schutzes von Frauen vor ökonomischer Gewalt zwingend notwendig ist, damit Österreich seinen internationalen Verpflichtungen nachkommt, und um dadurch die substanzielle Gleichstellung sowie die effektive Ausübung der Menschenrechte von Frauen sicherzustellen.

Table of Contents

1	Introduction	1
1.1	Terminological Clarifications and Conceptual Distinctions of Violence	4
1.2	Definitions and Typologies of Economic Violence against Women	9
1.3	Background and Significance of the Topic	12
2	Conceptual and Legal Frameworks of Economic Violence Against Women.....	16
2.1	Relevance to Human Rights and Equality Frameworks.....	16
2.2	Socio-legal implications: Autonomy, Coercive Control and Structural Inequality .	18
3	The Recognition of Economic Violence Against Women in International Human Rights Law	24
3.1	The CEDAW Framework.....	27
3.1.1	CEDAW’s Provisions Relevant to Economic Violence Against Women	28
3.1.2	Concluding Observations and Communications	31
3.2	The Istanbul Convention: Definitions, Obligations and Monitoring	37
3.2.1	State Obligations and the Principle of Due Diligence.....	40
3.2.2	Implementation and Monitoring of the Convention.....	43
3.2.3	Austria’s Implementation of the Istanbul Convention on Economic Violence against Women.....	45
3.3	ECHR and ECtHR on Economic Violence against Women	47
3.3.1	ECtHR Jurisprudence on Economic Violence	49
3.3.2	The Osman Test and the Impact on <i>Kurt v Austria</i>	54
4	Austria’s Legal Framework and Practice in Preventing and Addressing Economic Violence Against Women.....	58
4.1	Austria’s General System of Protection Against Violence Against Women.....	59
4.1.1	Police Powers and Protective Orders – Security Police Act	60
4.1.2	Court-Ordered Interim Injunction – Enforcement Code	61
4.1.3	Criminal Offenses Addressing Domestic Violence	62
4.1.4	Violence Protection Centres.....	63
4.2	Implementation of Economic Violence in the Austrian Domestic Legal System....	64
4.2.1	Application of Economic Violence in Family Law	65
4.2.2	Application of Economic Violence in Criminal Law.....	67
4.3	Challenges and Future Directions	67
5	Conclusion.....	70
	Bibliography.....	73

List of Abbreviations

ABGB.....	<i>Allgemein Bürgerliches Gesetzbuch</i>
CEDAW	<i>Convention on the Elimination of All Forms of Discrimination against Women</i>
CEDAW Committee	<i>Committee on the Elimination of Discrimination Against Women</i>
CoE.....	<i>Council of Europe</i>
ECHR	<i>European Convention on Human Rights</i>
ECtHR.....	<i>European Court of Human Rights</i>
EIGE.....	<i>European Institute for Gender Equality</i>
EO.....	<i>Exekutionsordnung</i>
EU.....	<i>European Union</i>
Eurostat.....	<i>Statistical Office of the European Union</i>
EVAW	<i>Economic violence against women</i>
FRA	<i>European Union Agency for Fundamental Rights</i>
GBV	<i>Gender-based violence</i>
GREVIO.....	<i>Group of Experts on Action against Violence against Women and Domestic Violence</i>
ICCPR	<i>International Covenant on Civil and Political Rights</i>
ICESCR.....	<i>International Covenant on Economic, Social and Cultural Rights</i>
IHRL.....	<i>International Human Rights Law</i>
IPV	<i>Intimate partner violence</i>
OP.....	<i>Optional Protocol</i>
SPG.....	<i>Sicherheitspolizeigesetz</i>
StGB.....	<i>Strafgesetzbuch</i>
UN.....	<i>United Nations</i>
UNHCHR.....	<i>United Nations High Commissioner for Human Rights</i>
VAW	<i>Violence against women</i>

1 Introduction

The aspiration for human rights to be universally upheld¹ necessitates robust frameworks and vigilant mechanisms,² especially when confronting forms of harm that remain insidious and frequently unacknowledged.³ This thesis examines precisely this challenge focusing on how economic violence against women (EVAW), a pervasive yet obscured manifestation of gender-based violence (GBV),⁴ is being recognized within International Human Rights Law (IHRL) and analyzes its implementation into national legal systems, using Austria as a specific case study.

Topic in context: Economic violence, encompassing multiple manifestations to undermine women's autonomy and independence, equality and fundamental human rights, has historically lacked precise legal definition and explicit address, creating significant gaps in protection and redress within legal frameworks.⁵ Although harm often unfolds within intimate or domestic settings,⁶ their effects are public⁷ as they condition the ability to exercise rights,⁸ to access justice⁹ and, crucially, to exit abuse.¹⁰

Focus and scope: This thesis's focus and scope are thus on the disjuncture between EVAW's growing international recognition and its fragmented or incomplete implementation within domestic legal and policy landscapes. The analysis is anchored in three instruments legally

¹ World Conference on Human Rights, 'Vienna Declaration and Programme of Action' (25 June 1993) UN Doc A/CONF.157/23, Part I, para 5.

² G Antai and others, 'Exploring Mechanisms for Enforcing Human Rights within the Context of International Law: Issues and Challenges' (2024) 10 *NIU Journal of Legal Studies* 59, 66 <https://doi.org/10.58709/niu-jls.v10i1.1943>.

³ United Nations Information Service in Geneva, "MORNING - At the Human Rights Council, Volker Türk Calls on States to Overhaul Discriminatory Laws and Practices Enabling Economic Violence against Women" (The United Nations Office at Geneva, June 28, 2024) <https://www.ungeneva.org/en/news-media/meeting-summary/2024/06/le-conseil-des-droits-de-lhomme-se-penche-sur-le-probleme-de-la> accessed 14 July 2025.

⁴ *ibid.*

⁵ C K Sanders, 'Economic abuse in the lives of women abused by an intimate partner: a qualitative study' (2015) 21 *Violence Against Women* 3, 3-25; J Mosher, 'Grounding Access to Justice Theory and Practice in the Experiences of Women Abused by Their Intimate Partners' (2015) 32(2) *Windsor Yearbook of Access to Justice* 149, 177-78.

⁶ World Health Organization, 'Violence against Women' (WHO News-room, 25 March 2024) <https://www.who.int/news-room/fact-sheets/detail/violence-against-women> accessed 25 August 2025.

⁷ H Stöckl and SB Sorenson, 'Violence Against Women as a Global Public Health Issue' (2024) 45(1) *Annual Review of Public Health* 277, 277-78 <https://doi.org/10.1146/annurev-publhealth-060722-025138>.

⁸ R Manjoo, 'Special Guest Contribution: Violence against Women as a Barrier to the Realisation of Human Rights and the Effective Exercise of Citizenship' (2016) 112(1) *Feminist Review* 11, 12 <https://doi.org/10.1057/fr.2015.54>.

⁹ *ibid.*

¹⁰ A Adams and others, 'The Dynamics of Abusive Relationships' (2024) 139(4) *Quarterly Journal of Economics* 2135, 2176 <https://doi.org/10.1093/qje/qjae022>.

binding on Austria: The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),¹¹ the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter referred to as Istanbul Convention),¹² and the European Convention on Human Rights (ECHR)¹³ as interpreted by the European Court of Human Rights (ECtHR). The research's guiding concern is the practical effectiveness of international guarantees and whether obligations are reflected in national frameworks capable of preventing and redressing economic violence. This work's relevance to existing studies lies in clarifying the normative obligations imposed by key IHRL instruments regarding EAW, providing a focused and current assessment of Austrian implementation. By doing so, it contributes new knowledge on the practical translation of international human rights norms into domestic reality, particularly concerning a nuanced and often overlooked, yet pervasive, form of GBV.

Research Questions and Objectives: This thesis aims to comprehensively analyze the evolving recognition of EAW in IHRL and its implementation into Austrian domestic law. This objective is guided by interconnected research question, which collectively aim to find out the precise nature of the international frameworks and Austria's adherence to it:

- How is EAW conceptualized, defined and recognized in IHRL, specifically under CEDAW, the Istanbul Convention and the ECHR?
- What legal obligations do these instruments impose on Austria regarding EAW?
- To what extent have these obligations been integrated into Austrian domestic law, policy and institutional practices and what significant shortcoming persist?

Accordingly, this thesis pursues two primary objectives: first, to clarify the international legal frameworks governing EAW and second, to evaluate Austria's implementation against this framework.

Methodological Approach: This thesis employs a doctrinal legal analysis to answer research questions. The doctrinal examination involves CEDAW and its General Recommendations, the Istanbul Convention and its main monitoring body's assessment, the Group of

¹¹ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

¹² Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210.

¹³ European Convention on Human Rights (adopted 4 November 1950, entered into force 3 September 1953) ETS No 5.

Experts on Action against Violence against Women and Domestic Violence (GREVIO), and the ECHR as well as relevant ECtHR case law on domestic violence cases. The legal analysis is complemented by appraisal of Austrian legislation, especially the Protection Against Violence Act. The study is qualitative and normative, assessing legal design, implementation and accountability mechanism.

Thesis structure: This thesis is systematically structured into five interconnected chapters, each contributing to the overall aim of understanding and improving the recognition and implementation of EVAW protection:

- **Chapter 1 – Introduction:** Introduces the topic and explains why EVAW matters for human rights. It provides essential terminological and conceptual clarifications, situates the background and significance of EVAW, establishes the legal context (CEDAW, Istanbul Convention, ECHR), states the thesis’s focus and scope, formulates the research questions and objectives, outlines the methodological approach, and previews the structure of the thesis.
- **Chapter 2 – Conceptual and Legal Frameworks of Economic Violence Against Women:** Clarifies how the thesis understands EVAW and discusses its socio-legal implications, such as the role of structural inequality. It explains why EVAW should be treated as a distinct legal issue rather than being subsumed under other forms of violence, and places these concepts within IHRL, providing a clear foundation for the subsequent analysis.
- **Chapter 3 – Recognition of Economic Violence Against Women in International Human Rights Law:** Analyses how CEDAW, the Istanbul Convention, and the ECHR/ECtHR recognize economic violence and what they require from States. The chapter synthesizes the principal standards and interpretations, distilling the resulting obligations across prevention, protection and support, investigation and prosecution, and remedies and monitoring, and notes the workings of the monitoring mechanisms that give these duties practical effect.
- **Chapter 4 – Austria’s Legal Framework and Practice in Preventing and Addressing Economic Violence Against Women:** Examines how Austria has implemented these international obligations within its laws, policies, and institutions. It describes the core tools and services in place, assesses the extent to which EVAW is operationalized in procedures and coordination, and identifies strengths alongside gaps that limit an effective national response. Building on this assessment, the chapter sets out targeted,

legally grounded recommendations to strengthen alignment with international obligations.

- **Chapter 5 – Conclusion:** Synthesizes the key findings and answers the research questions. It reflects on the initial hypothesis and assumptions, explains the contribution of the study, indicates what remains open for further inquiry, and outlines concrete directions for future research and policy development.

1.1 Terminological Clarifications and Conceptual Distinctions of Violence

Economic abuse, as identified in psychological and criminological literature,¹⁴ is a specific manifestation of economic violence as defined under Article 3 of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.¹⁵ The analysis of violence against women (VAW), particularly economic violence, is complicated by the varied terminology used across different legal instruments and policy frameworks. Terms such as “violence against women”, “gender-based violence”, “domestic violence”, “intimate partner violence” and “abuse” are widely employed within the discourse on this topic, while some of these terms are at times used interchangeably in both academic and (socio)-legal discourse, despite their differences in scope and underlying assumptions. Terminology originates from diverse disciplinary and conceptual backgrounds and continues to evolve. As there is no universally accepted terminology for defining or collecting data on VAW, meanings frequently vary across historical and cultural contexts and between different professional fields.¹⁶ To ensure conceptual clarity and legal precision in this thesis, it is essential to distinguish and define these terms as they appear in key international human rights instruments.

The goal of this section is to generate a common understanding, ensuring clarity regarding the terminology used and providing a precise foundation for discussing EVAW as a human rights violation. In the absence of explicit provisions on VAW within the ECHR,¹⁷ the ECtHR (hereinafter referred to as “the Court”) has established substantial jurisprudence on this issue by interpreting and applying various right guaranteed in light of evolving international standards

¹⁴ E Stark, *Coercive Control: How Men Entrap Women in Personal Life* (Oxford University Press 2007); N Sharp-Jeffs, *Money matters: Research into the extent and nature of financial abuse within intimate relationships in the UK* (Surviving Economic Abuse 2015) <https://survivingeconomicabuse.org/wp-content/uploads/2018/11/Money-Matters-Research-Report.pdf> accessed 2 July 2025.

¹⁵ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 3.

¹⁶ H A.F.M. Jansen, *kNOwVAWdata: Key Terminology* (UNFPA Asia and the Pacific Regional Office 2016) 6.

¹⁷ European Convention on Human Rights (adopted 4 November 1950, entered into force 3 September 1953) ETS No 5.

such as the Istanbul Convention.¹⁸ These principles and standards formulated by the ECtHR in its jurisprudence on VAW have been integrated into the Istanbul Convention, thereby gaining binding legal force.¹⁹ Furthermore, the Court’s reasoning in certain cases suggests that it views the provisions of the Istanbul Convention as “relevant rules of international law” within the meaning of Article 31 (3) (c) of the Vienna Convention on the Law of Treaties.²⁰ This approach allows the Conventions’ provisions to inform the interpretation of the ECHR,²¹ as evidenced in the *Talpis v Italy* judgement, where the ECtHR referred to the CEDAW as well as the Istanbul Convention as a relevant international legal framework to interpret the ECHR.²²

In light of the above-mentioned considerations and given that the Istanbul Convention represents the most comprehensive international human rights instrument establishing binding obligations to prevent and combat violence against women and girls²³, as well as a principal reference for international legislation on GVB,²⁴ this thesis will rely on the definitions provided by the Istanbul Convention and its Explanatory Report as the primary conceptual reference point. While the terms “violence” and “abuse” are often used interchangeably in everyday language and academic discourse, they hold distinct meanings in (legal) contexts.²⁵ “Violence” is a legally recognized term consistently used in IHRL, notably in the Istanbul Convention²⁶, CEDAW²⁷ and ECtHR jurisprudence, and forms the basis for binding State obligations, including duties to prevent, protect, investigate and punish.

¹⁸ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210; J Niemi, L Peroni and V Stoyanova, *The Istanbul Convention as a Response to Violence against Women in Europe* in J Niemi, L Peroni and V Stoyanova, *International Law and Violence against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 4.

¹⁹ E Duban and I Radačić, *Training Manual for Judges and Prosecutors on Ensuring Women’s Access to Justice* (Council of Europe 2017) 40.

²⁰ Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331, art 31(3) (c).

²¹ S De Vido, ‘States’ Positive Obligations to Eradicate Domestic Violence: The Politics of Relevance in the Interpretation of the European Convention on Human Rights’ (2017) 6:6 *ESIL Reflection* 1.

²² *Talpis v Italy* App no 41237/14 (ECtHR, 2 March 2017) § 57-58.

²³ Council of Europe, ‘Marking a Decade of Legally Binding Standards to Protect Women and Girls from Gender-Based Violence: The Istanbul Convention Entered into Force 10 Years Ago’ (Council of Europe, 1 August 2024) <https://www.coe.int/en/web/istanbul-convention/-/marking-a-decade-of-legally-binding-standards-to-protect-women-and-girls-from-gender-based-violence-the-istanbul-convention-entered-into-force-10-years-ago> accessed 6 July 2025.

²⁴ European Institute for Gender Equality, ‘What Is Gender-Based Violence?’ <https://eige.europa.eu/gender-based-violence/what-is-gender-based-violence> accessed 6 July 2025.

²⁵ LN Olson, ‘Violence, Aggression, and Abuse’ in CR Berger and ME Roloff (eds), *The International Encyclopedia of Interpersonal Communication* (Wiley-Blackwell 2015) 1 <https://doi.org/10.1002/9781118540190.wbeic060>.

²⁶ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210.

²⁷ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

In contrast, “abuse”, though widely used in various academic disciplines, lacks a uniform legal definition and is not consistently embedded in binding legal frameworks. Importantly, framing harmful conduct solely as “abuse” risks treating it as a private or interpersonal matter, thereby diluting state accountability and undermining legal obligations. Accordingly, this thesis adopts the term “violence” in line with international legal standards and refers to “abuse” only when discussing patterns of coercive or controlling behavior within domestic or intimate partner contexts, and only in a strictly contextualized context or when directly reflecting the terminology used in primary sources.

The terms “gender-based violence” and “violence against women” are frequently used interchangeably,²⁸ including in international legal instruments, largely as women and girls are most often the victims and men the primary perpetrators.²⁹ Nevertheless, “gender-based violence” has evolved to describe a broader spectrum of violence connected to gender norms and power dynamics, indicating the two concepts are not entirely synonymous.³⁰ Emphasizing the gender-based nature of such violence remains essential, as it underscores its deep roots in structural inequalities and the persistence of power imbalance between men and women.³¹ The Explanatory Report of the Istanbul Convention and the Convention itself therefore underscore that VAW (violence against women) constitutes GBV, rooted in structural inequalities and highlights that it functions as a key social mechanism to maintain women’s subordinate position compared to men.³² The Convention defines:

“Violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.³³

²⁸ L Sosa, ‘Introduction’ in *Intersectionality in the Human Rights Legal Framework on Violence against Women: At the Centre or the Margins?* (Cambridge University Press 2017) 6; Council of Europe, *Gender Matters: A Manual on Addressing Gender-Based Violence Affecting Young People* (2nd edn, Council of Europe Publishing 2019) 17.

²⁹ Council of Europe, *Gender Matters: A Manual on Addressing Gender-Based Violence Affecting Young People* (2nd edn, Council of Europe Publishing 2019) 17.

³⁰ *ibid.*, 17-22.

³¹ J Ristik, ‘Protection from Gender-Based Violence before the European Court of Human Rights’ (2020) 6(2) *Journal of Liberty and International Affairs* 81.

³² Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence’ (CETS No 210, 2011); Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210.

³³ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 3 (a).

In addition, GBV, which is considered synonymous with the term “GBV against women”,³⁴ is defined as “violence that is directed against a woman because she is a woman or that affects women disproportionately”;³⁵ and thus mirroring the definition of CEDAW, carried out in its General Recommendation 19, where GBV is also included in the definition of discrimination against women.³⁶ Building on these various legal definitions, this thesis adopts the term VAW as defined by Lorena Sosa, where it is described as “any act or conduct, based on gender, which causes death or physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in the public or the private sphere.”³⁷ This definition is chosen to emphasize the gender-specific nature of VAW and to integrate and acknowledge intersectional perspectives, which are essential to fully capture and address the multifaceted realities of VAW. In this context gender is understood as a social construct that shapes power relations and structures opportunities in society. It refers to the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate.³⁸ Gender can therefore never be understood in isolation but must always be seen as fundamentally interrelated with other intersecting factors (see “intersectionality” in chapter 2.2).³⁹ As this thesis focuses specifically on violence directed against women, the term VAW will be used throughout. It is important to note, however, that while women and girls constitute the vast majority of victims of gender-based violence, other groups can also be affected.⁴⁰

Following the Istanbul Convention's definition of economic violence as a form of domestic violence, it is important to clarify this notion. Article 3 (b) defines it as encompassing physical, sexual, psychological or economic acts of violence that take place within the family, domestic or current/former partner context, irrespective of biological or legal relationships between those

³⁴ Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence’ (CETS No 210, 2011) para 8.

³⁵ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 3 (d).

³⁶ Committee on the Elimination of Discrimination against Women, ‘General Recommendation No 19: Violence against Women’ (1992) UN Doc A/47/38 para 6.

³⁷ Lorena Sosa, *Intersectionality in the Human Rights Legal Framework on Violence Against Women: At the Centre or the Margins?* (Cambridge University Press 2017) 11.

³⁸ Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence’ (CETS No 210, 2011) para 43.

³⁹ Committee on the Elimination of Discrimination against Women, ‘General Recommendation No 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women’ (16 December 2010) UN Doc CEDAW/C/GC/28, para 18.

⁴⁰ European Institute for Gender Equality, ‘What Is Gender-Based Violence?’ <https://eige.europa.eu/gender-based-violence/what-is-gender-based-violence> accessed 6 July 2025.

involved, even where no joint residence exists.⁴¹ In line with this wording, this thesis adopts the usage of the term “economic” rather than “financial” as financial violence focuses on controlling or exploiting a person’s access to money and direct financial resources. In contrast, economic violence has a broader and more inclusive scope as it encompasses not only monetary control but also restrictions on access to other economic resources and assets such as housing, transportation, education and employment opportunities.⁴² Considering the consistent use of “violence” in international legal instruments such as the Istanbul Convention and CEDAW, as well as in ECtHR jurisprudence, this thesis adopts the term “violence” as the principal legal category. “Abuse”, while frequently used in policy, advocacy and social science context, lacks the definitional clarity and legal enforceability required for human rights analysis. The Explanatory Report to the Istanbul Convention avoids the term abuse in its clause of definition of domestic violence,⁴³ because of its imprecision and instead employs “violence” to ensure coherence, strengthen legal obligations and promote enforceability across member States. This clarifies why legal texts opt for “violence”, it connects to treaty obligations and justiciability. Describing domestic violence merely as partner-inflicted physical violence fails to capture the full complexity of this form of abuse.⁴⁴ Beyond the widely acknowledged form of domestic violence in intimate partner violence (IPV), including current or former spouses and partners, intergenerational violence, which most frequently but not exclusively manifests in parent-child relationships, constitutes the second major form of domestic violence.⁴⁵ Economic abuse represents a modality through which economic violence is exercised. It is thus better understood as a means of violence under Article 3 of the Istanbul Convention,⁴⁶ rather than as an independent legal concept. Whether and to what extent terminological and conceptual understandings of EVAW, as defined by international human rights instruments, are reflected in Austrian domestic law remains to be examined and will be address later in this thesis.

⁴¹ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 3 (b).

⁴² N Sharp-Jeffs, ‘Understanding the Economics of Abuse: An Assessment of the Economic Abuse Definition within the Domestic Abuse Bill’ (2021) 5 *Journal of Gender-Based Violence* 163, 165 <https://bristoluniversity-pressdigital.com/view/journals/jgbv/5/1/article-p163.xml> accessed 8 July 2025.

⁴³ Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence’ (CETS No 219, 2011) para 42.

⁴⁴ E Duban and I Radačić, Training Manual for Judges and Prosecutors on Ensuring Women’s Access to Justice (Council of Europe 2017) 47.

⁴⁵ Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence’ (CETS No 219, 2011) para 41.

⁴⁶ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 3.

1.2 Definitions and Typologies of Economic Violence against Women

Despite the increasing recognition of economic violence as a distinct form of VAW, relatively little research has been focused specifically on the role of economic abuse, as a behavioral subcategory, in the context of domestic violence.⁴⁷ Scholars have demonstrated the intersection of financial and economic factors with IPV in at least four principal ways:

- Poverty and economic vulnerability increase women's susceptibility to abuse.
- Economic dependence often constitutes a significant barrier preventing women from leaving abusive relationships.
- Women's economic status and their ability to access, main or advance in employment, are associated with and adversely affected by IPV.
- Abusive partners deliberately employ strategies aimed at undermining women's economic security and autonomy, thereby reinforcing patterns of control and dependency.⁴⁸

These dynamics underscore that EVAW cannot be understood as a secondary or peripheral issue within the VAW discourse. Rather, it represents a core element of coercive control and a critical site of human rights violations. Following the Istanbul Convention, economic violence is explicitly recognized as a form of both VAW and domestic violence.⁴⁹ As mentioned before Article 3 (b) of the Istanbul Convention defines domestic violence as acts of physical, sexual, psychological or economic violence that take place within the family or domestic sphere, between current/former partners, irrespective of the shared nature of the residence.⁵⁰ The Explanatory Report to the Convention clarifies that domestic violence encompasses violence between family or household contexts without requiring biological or legal family connections and highlights the close connection between economic and psychological violence.⁵¹ Furthermore, it identifies two main forms: IPV, violence between former or current partners and intergenerational violence, generally between parents and children,⁵² thus reflecting the broad spectrum of the act itself. Building upon this legal foundation, the European Institute for Gender Equality (EIGE) provides a more operationalized and detailed typology of

⁴⁷ C K Sanders, 'Economic Abuse in the Lives of Women Abused by an Intimate Partner: A Qualitative Study' (2015) 21 *Violence Against Women* 3, 3–4 <https://doi.org/10.1177/1077801214564167>.

⁴⁸ *ibid.*, 4.

⁴⁹ European Union Agency for Fundamental Rights, *Violence Against Women: An EU-wide Survey – Main Results* 75 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf accessed 24 June 2025.

⁵⁰ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 3 (b).

⁵¹ Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence' (CETS No 219, 2011) para 41.

⁵² *ibid.*

economic violence, which further elucidates its practical manifestations and forms the basis for understanding its impact on women's autonomy and rights as perpetrators of economic violence intentionally restrict women's capacity to obtain, control and retain economic resources, which severely compromises their financial security and undermines their ability to act independently.⁵³ According to EIGE, economic violence can be categorized into three primary sub-forms, a classification supported by United Nations High Commissioner for Human Rights (UNHCHR), Volker Türk:⁵⁴ **Economic control, economic sabotage and economic exploitation.**⁵⁵ This typology of economic violence builds on the empirical framework established by Adams and others,⁵⁶ as well as the insights provided by Postmus and others.⁵⁷

- **Economic control** refers to acts that limit or deny a woman's capacity to access, manage or make decisions regarding her financial resources. This may include tactics such as restricting or preventing access to personal or shared bank accounts, monitoring spending or prohibiting independent financial decision-making. Such conduct directly undermines a woman's economic autonomy and reinforces a dependency on the perpetrator, thereby facilitating broader patterns of coercive control.⁵⁸
- **Economic exploitation** involves the perpetrator's appropriation or misuse of the woman's economic resources for their own benefit. Examples include incurring debt in the victim's name without consent, appropriating wages, pensions or social benefits and disposing of the victims' assets without permission. This form of economic violence not only depletes a woman's economic base but also exposes her to legal and financial liabilities, further constraining her ability to escape abusive context.⁵⁹
- **Economic sabotage** targets a woman's capacity to generate or sustain economic independence through work or education. Tactics include obstructing access to employment opportunities, interfering with educational pursuits or sabotaging essential work-related

⁵³ A E Adams and others, 'Development of the Scale of Economic Abuse' (2008) 14 *Violence Against Women* 564 <https://doi.org/10.1177/1077801208315529>.

⁵⁴ United Nations Information Service in Geneva, "MORNING - At the Human Rights Council, Volker Türk Calls on States to Overhaul Discriminatory Laws and Practices Enabling Economic Violence against Women" (The United Nations Office at Geneva, June 28, 2024) <https://www.ungeneva.org/en/news-media/meeting-summary/2024/06/le-conseil-des-droits-de-lhomme-se-penche-sur-le-probleme-de-la> accessed 14 July 2025.

⁵⁵ European Institute for Gender Equality, 'Understanding Economic Violence against Women' https://eige.europa.eu/sites/default/files/documents/EIGE_Factsheet_EconomicViolence.pdf accessed 14 July 2025.

⁵⁶ A E Adams and others, 'Development of the Scale of Economic Abuse' (2008) 14 *Violence Against Women* 564 <https://doi.org/10.1177/1077801208315529>.

⁵⁷ J L Postmus and others, 'Understanding Economic Abuse in the Lives of Survivors' (2012) 27(3) *Journal of Interpersonal Violence* 411 <https://doi.org/10.1177/0886260511421669>.

⁵⁸ European Institute for Gender Equality, 'Understanding Economic Violence against Women' https://eige.europa.eu/sites/default/files/documents/EIGE_Factsheet_EconomicViolence.pdf accessed 14 July 2025; A E Adams and others, 'Development of the Scale of Economic Abuse' (2008) 14 *Violence Against Women* 565-588 <https://doi.org/10.1177/1077801208315529>.

⁵⁹ *ibid.*

items or childcare agreements. By limiting the victim's ability to earn an income or improve her qualifications, economic sabotage entrenches financial dependency and systematically curtails her long-term self-determination.⁶⁰

The definitional and typological forms above make clear that EVAW must not be understood as an isolated matter. Rather, gender inequality is viewed as the primary driver of VAW, with VAW functioning as one of the means by which the societal gender hierarchy is upheld, perpetuated and reinforced.⁶¹ As highlighted in the 2024 Human Rights Council Interactive Dialogue with the Working Group on Discrimination against Women and Girls, economic violence – whether exercised through economic control, sabotage or exploitation – systematically diminishes women's autonomy, entrenches dependency and reinforces socio-economic inequality.⁶² Moreover, international experts and human rights bodies have emphasized structural discrimination, manifested through discriminatory laws and practices conducted by the State, so called institutional economic violence.⁶³ Around the world, millions of women remain subject to legal and structural barriers that restrict their full economic participation and expose them to increased vulnerabilities. The call for comprehensive legal reforms, including explicit criminalization of economic violence, elimination of discriminatory legal provisions and robust guarantees for women's social, economic and cultural rights underscore the urgent need for States to fulfil their positive obligations under IHRL.⁶⁴

Women subjected to economic violence often experience it through intersecting vulnerabilities, shaped not only by gender but also by class, ethnicity, age and other social markers.⁶⁵ Empirical studies illustrate that economic violence frequently co-occurs with other forms of

⁶⁰ European Institute for Gender Equality, 'Understanding Economic Violence against Women' https://eige.europa.eu/sites/default/files/documents/EIGE_Factsheet_EconomicViolence.pdf accessed 14 July 2025; J LPostmus, SB Plummer and A M Stylianou, 'Measuring Economic Abuse in the Lives of Survivors: Revising the Scale of Economic Abuse' (2016) 22(6) *Violence Against Women* 692–703 <https://doi.org/10.1177/1077801215610012>.

⁶¹ J Hearn, *The Violences of Men: How Men Talk about and How Agencies Respond to Men's Violence against Women* (SAGE 1998) <https://doi.org/10.4135/9781446279069> accessed 14 July 2025; S Walby, 'Reducing Gendered Violence: Defining, Measuring and Interpreting Inter-personal Violence and Responses to it' in *Kön och våld I Norden. Rapport från en konferens I Köge, Danmark, 2001* (Nordic Council of Ministers Tema Nord 2002).

⁶² United Nations Information Service in Geneva, "MORNING - At the Human Rights Council, Volker Türk Calls on States to Overhaul Discriminatory Laws and Practices Enabling Economic Violence against Women" (The United Nations Office at Geneva, June 28, 2024) <https://www.ungeneva.org/en/news-media/meeting-summary/2024/06/le-conseil-des-droits-de-lhomme-se-penche-sur-le-probleme-de-la> accessed July 14, 2025.

⁶³ *ibid.*

⁶⁴ *ibid.*

⁶⁵ M Eriksson and R Ulmestig, "'It's Not All About Money': Toward a More Comprehensive Understanding of Financial Abuse in the Context of VAW' (2021) 36(3–4) *J Interpers Violence* NP1625- NP1651 <https://doi.org/10.1177/0886260517743547> NP1633.

violence. For instance, Stylianou and others found that 75 % of women who endured physical or physiological abuse from a male partner also reported economic abuse,⁶⁶ confirming findings of correlations between economic and other forms abuse in analysis of VAW by Postmus and others.⁶⁷ Economic violence often persists even after the formal end of an abusive relationship.⁶⁸ This can lead to long-term economic marginalization and the so-called feminization of poverty,⁶⁹ which means that women experience poverty more frequently than men, suffer more severe forms of poverty and that the number of women affected by it continues to rise.⁷⁰ These findings highlight that women's ability to exit violent environments and achieve self-sufficiency depends not only on individual resources but also on the strength of social welfare systems and structural support mechanisms.⁷¹ While some States formally recognize VAW as a political and human rights issue, in practice, it is often reframed as a private or social matter. This depoliticization and privatization of violence reflects a reluctance to assume legal and institutional responsibility for protecting women's rights to security and equality.⁷²

1.3 Background and Significance of the Topic

Researchers have long recognized that physical, sexual, and psychological violence are commonly employed by perpetrators as means of exerting power and control over their victims. These forms of violence are widely acknowledged and examined within academic and professional settings.⁷³ Although behaviors that restrict women's economic welfare within the context of VAW have been discussed in literature since the 1970s,⁷⁴ economic violence remains the least studied form with limited academic engagement.⁷⁵ This neglect becomes especially evident when examining large-scale studies. In the 2014 EU-wide survey by the European Union

⁶⁶ AM Stylianou, JL Postmus and S McMahon, 'Measuring Abusive Behaviors: Is Economic Abuse a Unique Form of Abuse?' (2013) 28(16) *J Interpers Violence* 3186-3204, 3200 <https://doi-org.uaccess.uni-vie.ac.at/10.1177/0886260513496904>.

⁶⁷ J L Postmus and others, 'Understanding Economic Abuse in the Lives of Survivors' (2012) 27(3) *Journal of Interpersonal Violence* 411 <https://doi.org/10.1177/0886260511421669>.

⁶⁸ KJ Spearman, JL Hardesty and J Campbell, 'Post-separation abuse: A concept analysis' (2023) 79 *Journal of Advanced Nursing* 1225, 1226 <https://doi.org/10.1111/jan.15310>.

⁶⁹ M Eriksson and R Ulmestig, "'It's Not All About Money": Toward a More Comprehensive Understanding of Financial Abuse in the Context of VAW' (2021) 36(3-4) *J Interpers Violence* NP1625- NP1651 <https://doi.org/10.1177/0886260517743547> NP1641.

⁷⁰ Parliamentary Assembly of the Council of Europe, Resolution 1558 (2007) 'The Feminisation of Poverty' (26 June 2007).

⁷¹ M Eriksson and R Ulmestig, "'It's Not All About Money": Toward a More Comprehensive Understanding of Financial Abuse in the Context of VAW' (2021) 36(3-4) *J Interpers Violence* NP1625- NP1651 <https://doi.org/10.1177/0886260517743547> NP1629.

⁷² *ibid*, NP1630.

⁷⁵ N Westmarland, *Violence against Women: Criminological Perspectives on Men's Violences* (Routledge 2015) 40; A E Adams and others, 'Development of the Scale of Economic Abuse' (2008) 14 *Violence Against Women* 563-564 <https://doi.org/10.1177/1077801208315529>.

Agency for Fundamental Rights (FRA) on VAW, two behaviors, preventing women from managing household finances and forbidding them to work, were included as indicators of economic violence.⁷⁶ However, these behaviors were subsumed under psychological violence rather than treated as a standalone form. Many studies on VAW similarly neglect economic violence or render it invisible by addressing it only as part of psychological violence.⁷⁷ Based on this approach, economic violence involving abuse by a partner has been experienced by 12 percent of women in the European Union (EU).⁷⁸ A similar conceptual conflation persists in more recent data. In the 2024 EU-GBV survey by FRA, the Statistical Office of the European Union (Eurostat) and EIGE, economic violence again appears as a subdimension of psychological violence. According to this survey, 29.9 % of women in the EU and a 36.9 % in Austria reported experiencing psychological violence, including economically abusive behaviors such as forbidding a partner to work, controlling household finances or limiting personal expenditures⁷⁹.

Despite increasing recognition of economic violence,⁸⁰ the available data on its prevalence and nature remain fragmented and difficult to compare internationally. Much of the existing data originates from ad hoc surveys, such as the 2024 survey by FRA,⁸¹ which differ substantially from their definitions and methodological approaches across countries. Furthermore, the absence of a shared, internationally accepted definition of economic violence significantly undermines the possibility of generating coherent and comparable statistics.⁸² This omission is particularly problematic given that the Istanbul Convention states economic violence as a distinct form of violence against women and domestic violence under Article 3.⁸³ In contrast, the Explanatory Report of the Convention relates economic violence to

⁷⁶ European Union Agency for Fundamental Rights, *Violence Against Women: An EU-wide Survey – Main Results 72-75* https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf accessed 24 June 2025.

⁷⁷ M Eriksson and R Ulmestig, "It's Not All About Money": Toward a More Comprehensive Understanding of Financial Abuse in the Context of VAW' (2021) 36(3-4) *J Interpers Violence* NP1625 <https://doi.org/10.1177/0886260517743547>.

⁷⁸ European Union Agency for Fundamental Rights, *Violence Against Women: An EU-wide Survey – Main Results 76* https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf accessed 24 June 2025.

⁷⁹ Eurostat, 'Gender-based violence (GBV) statistics - Statistics Explained' (updated 15 February 2024) https://ec.europa.eu/eurostat/cache/metadata/en/gbv_sims.htm accessed 24 June 2025.

⁸⁰ B M Mellar and others, 'Economic Abuse by An Intimate Partner and Its Associations with Women's Socioeconomic Status and Mental Health' (2024) 39(21-22) *Journal of Interpersonal Violence* 4415, 4416.

⁸¹ European Union Agency for Fundamental Rights, *Violence Against Women: An EU-wide Survey – Main Results* https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf accessed 24 June 2025.

⁸² D'Agostino F, Zacchia G and Corsi M, 'Risk of Economic Violence: A New Quantification' (2024) 12 *International Journal of Financial Studies* 82 <https://doi.org/10.3390/ijfs12030082> accessed 9 July 2025.

⁸³ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 3.

psychological violence.⁸⁴ At the same time, the Council of Europe (CoE) emphasizes that “all forms of violence have a psychological aspect, since the main aim of being violence or abusive is to hurt the integrity and dignity of another person”,⁸⁵ underscoring the interconnectedness of psychological harm across different forms of violence. Conceptual conflation and data fragmented, non-comparable data impede precise legal recognition of EVAW and frustrate evidence-based policy, budgeting and access to justice. The failure to inadequately define and measure the issue at hand leads to a failure in State protection and fulfillment of rights.

As early as 2008, empirical research had already highlighted the need to conceptualize economic abuse as a distinct form of IPV.⁸⁶ In a foundational study by Adams and others, a new measurement tool, the Scale of Economic Abuse, was developed to assess economically abusive behaviors.⁸⁷ The study involved interviews with 103 women accessing services from domestic violence shelters in the United States of America. Nearly all participants had experienced psychological abuse, 98 % physical abuse within the past six months and 99 % reported having experienced some form of economic abuse.⁸⁸ These findings not only confirmed the pervasiveness of economic abuse but also demonstrated its unique role as a mechanism of coercive control and long-term economic destabilization. The authors argue that economic abuse is a critical, yet often overlooked, tactic used by abusive partners to maintain power and limit women’s autonomy, calling for greater attention to this form of harm.⁸⁹ The call for increased recognition of EVAW is also echoed at the international level. In a 2024 address to the Human Rights Council, UNHCHR Volker Türk identified economic violence as one of the most insidious forms of GBV, frequently overlooked and inadequately addressed despite its serious consequences.⁹⁰ Türk stressed that such violence operates through mechanisms like economic control, exploitation and restriction of financial autonomy, ultimately preventing women from making decisions about their own lives.⁹¹ Emphasizing that EVAW often lack legal recognition

⁸⁴ Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No 210, 2011), para 41.

⁸⁵ Council of Europe, ‘Psychological violence’ <https://www.coe.int/en/web/gender-matters/psychological-violence> accessed 9 July 2025.

⁸⁶ A E Adams and others, ‘Development of the Scale of Economic Abuse’ (2008) 14 *Violence Against Women* <https://doi.org/10.1177/1077801208315529>.

⁸⁷ *ibid.*

⁸⁸ *ibid.*, 570-571.

⁸⁹ A E Adams and others, ‘Development of the Scale of Economic Abuse’ (2008) 14 *Violence Against Women* 564 <https://doi.org/10.1177/1077801208315529>.

⁹⁰ V Türk, ‘Speech at the 56th Session of the Human Rights Council – Annual full-day discussion on the human rights of women: Economic violence as a form of gender-based violence against women and girls’ (18 June 2024) <https://www.ohchr.org/en/statements/2024/06/hc-volker-turk-56th-human-rights-council-session-economic-violence-women> accessed 24 June 2025.

⁹¹ *ibid.*

and regulatory safeguards, Türk called for urgent reform of discriminatory legal frameworks and the implementation of policies that actively promote women's access to employment, education, property and financial resources.⁹² Economic independence is not only essential for exercising fundamental rights,⁹³ but also a prerequisite for escaping abusive relationships.⁹⁴ Ultimately, the consistent under-recognition of EVAW highlights a profound societal and legal failure,⁹⁵ as it impedes women's economic independence,⁹⁶ which is not only instrumental to leaving abuse,⁹⁷ but it is fundamental prerequisite for the enjoyment of human rights.⁹⁸ Therefore, addressing EVAW is intrinsically linked to upholding dignity, as economic violence undermines an individual's autonomy, restricts access to basic necessities and enforces dependency,⁹⁹ which can constitute a form of inhuman or degrading treatment,¹⁰⁰ that concerns the very essence of a person's capacity to live a life of autonomy.¹⁰¹ Framing EVAW through the lens of human rights elevated the moral and legal imperative for States to meet their duty to respect, protect and fulfil.¹⁰²

⁹² *ibid.*

⁹³ *ibid.*

⁹⁴ C K Sanders, 'Economic Abuse in the Lives of Women Abused by an Intimate Partner: A Qualitative Study' (2015) 21 *Violence Against Women* 3, 3–4 <https://doi.org/10.1177/1077801214564167>.

⁹⁵ European Institute for Gender Equality, 'Understanding Economic Violence against Women' https://eige.europa.eu/sites/default/files/documents/EIGE_Factsheet_EconomicViolence.pdf accessed 14 July 2025.

⁹⁶ Surviving Economic Abuse, 'What is Economic Abuse?' (Surviving Economic Abuse, 2021) <https://survivingeconomicabuse.org/what-is-economic-abuse/> accessed 12 August 2025.

⁹⁷ D Harrington Conner, Financial Freedom: Women, Money, and Domestic Abuse (2014) 20 *Wm & Mary J Women & L* 339, 340-341 <https://scholarship.law.wm.edu/wmjowl/vol20/iss2/4> accessed 17 August 2025.

⁹⁸ A A Şimşek, Eliminating Economic Violence against Women for Gender Equality: Empowering Women through Human Rights Based Approach in *A Comparative Perspective of Women's Economic Empowerment* (1st edn, Routledge 2019) 120-124.

⁹⁹ M Ulbrick, *Economic Abuse: Research Brief* (Monash University, Monash Gender and Family Violence, 2017) https://arts.monash.edu/_data/assets/pdf_file/0010/1529857/rb-economicabuse.pdf accessed 17 August 2025.

¹⁰⁰ UN Human Rights Office of the High Commissioner, 'Domestic Violence and the Prohibition of Torture and Other Ill-Treatment' (OHCHR) <https://www.ohchr.org/en/special-procedures/sr-torture/domestic-violence-and-prohibition-torture-and-ill-treatment> accessed 17 August 2025.

¹⁰¹ Committee on the Elimination of Discrimination against Women, 'General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19' (2017) UN Doc CEDAW/C/GC/35, para 10.

¹⁰² A A Şimşek, Eliminating Economic Violence against Women for Gender Equality: Empowering Women through Human Rights Based Approach in *A Comparative Perspective of Women's Economic Empowerment* (1st edn, Routledge 2019) 118.

2 Conceptual and Legal Frameworks of Economic Violence Against Women

2.1 Relevance to Human Rights and Equality Frameworks

EVAW constitutes not only a violation of individual rights¹⁰³ but also a systemic barrier to achieving substantive gender equality.¹⁰⁴ Depending on the specific context of conduct, it may infringe upon various rights, such as the right to life (Art. 2 ECHR), right to liberty and security (Art. 5 ECHR, Art. 9 International Covenant on Civil and Political Rights (ICCPR)), the right to live free from torture and cruel, inhuman or degrading treatment (Art. 3 ECHR, Art. 7 ICCPR), the right to respect for private and family life (Art. 8 ECHR) and the right to non-discrimination (Art. 14 ECHR),¹⁰⁵ the latter being of an accessory character, requiring invocation in conjunctions with another substantive Convention right.¹⁰⁶

While VAW has traditionally been framed as a violation of civil and political rights, a growing body of scholarship underscores the importance of recognizing the interconnections with economic and social rights,¹⁰⁷ as EVAW also substantially implicates economic and social rights as enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR).¹⁰⁸ It may undermine the right to work, encompassing the right to freely choose or accept employment (Art. 6 ICESCR), the right to social security (Art. 9 ICESCR) and the right to an adequate standard of living including adequate food, clothing and housing and to the continuous improvement of living conditions (Art. 11 ICESCR).¹⁰⁹ Moreover, EVAW may impede the enjoyment of the right to the highest attainable standard of physical and mental health (Art. 12 ICESCR) and hinder access to education (Art. 13 ICESCR),¹¹⁰ thereby limiting

¹⁰³ European Parliamentary Research Service, The Istanbul Convention: A tool to tackle violence against women and girls (EPRS At a Glance, PE 659.334, November 2020) [https://www.europarl.europa.eu/Reg-DATA/etudes/ATAG/2020/659334/EPRS_ATAG\(2020\)659334_EN.pdf](https://www.europarl.europa.eu/Reg-DATA/etudes/ATAG/2020/659334/EPRS_ATAG(2020)659334_EN.pdf) accessed 18 August 2025.

¹⁰⁴ Committee on the Elimination of Discrimination against Women, ‘General Recommendation No 35 on gender-based violence against women, updating general recommendation No 19’ (2017) UN Doc CEDAW/C/GC/35, para 10.

¹⁰⁵ European Convention on Human Rights (adopted 4 November 1950, entered into force 3 September 1953) ETS No 5, arts 2, 3, 5, 8, 14; International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, arts 7, 9.

¹⁰⁶ J Gerards, ‘The Discrimination Grounds of Article 14 of the European Convention on Human Rights’ (2013) 13 *Human Rights Law Review* 99, 100 <https://doi.org/10.1093/hrlr/ngs044> accessed 8 September 2025.

¹⁰⁷ B Goldblatt, ‘Social and Economic Rights to Challenge Violence Against Women – Examining and Extending Strategies’ (2019) 35(2) *South African Journal on Human Rights* 169–170 <https://doi.org/10.2139/ssrn.3391625>.

¹⁰⁸ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

¹⁰⁹ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3, arts 6, 9, 11.

¹¹⁰ *ibid.*, arts 12, 13.

women's long-term economic autonomy and capacity for self-determination.¹¹¹ The Committee on Economic, Social and Cultural Rights has affirmed that economic, social and cultural rights constitute binding legal obligations that are binding legal obligations, while the Vienna Declaration underscores that all human rights are universal, indivisible, interdependent and interrelated.¹¹² Building on this interdependence of rights, the principle of equality and non-discrimination stands at the core of international human rights frameworks, as enshrined in the Universal Declaration of Human Rights (Art. 1 and 2), the ICCPR (Art. 26), CEDAW (Arts. 1 and 2).¹¹³ This principle is fundamental as it frames EVAW not merely as a series of isolated incidents but as a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms equally with men. It underscores States' obligations to adopt comprehensive policies and measures to eliminate such discrimination addressing violence by both state and non-state actors.¹¹⁴ Within this context, States bear positive obligations not only to refrain from violating rights but also to actively protect and fulfil them, including the adoption of effective risk assessment mechanisms and tailored protections measures considering individual circumstances and vulnerabilities.¹¹⁵ The ECtHR has repeatedly reaffirmed these positive obligations under the ECHR. In the case of *Opuz v Turkey*, the ECtHR held that the state's failure to protect the applicant and her mother from domestic violence constituted a violation of Article 2 (right to life), Article 3 (prohibition of torture), and, for the first time, found a breach of Article 14 (prohibition of discrimination), read with Articles 2 and 3, of the Convention.¹¹⁶ Similarly, in *Talpis v Italy*, the Court determined that inadequate protective measures and

¹¹¹ Committee on the Elimination of Discrimination against Women, 'General Recommendation No 19: Violence against women' (1992) UN Doc A/47/38, para 23.

¹¹² Committee on Economic, Social and Cultural Rights, 'General Comment No 3: The Nature of States Parties' Obligations (Art 2, para 1)' (1990) UN Doc E/1991/23, paras 1, 2, 5; World Conference on Human Rights, 'Vienna Declaration and Programme of Action' (25 June 1993) UN Doc A/CONF.157/23, Part I, para 5.

¹¹³ Universal Declaration of Human Rights, GA Res 217A (III) (10 December 1948), arts 1 and 2; International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 26; Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13, arts 1 and 2.

¹¹⁴ Committee on the Elimination of Discrimination against Women, 'General Recommendation No 19: Violence against women' (1992) UN Doc A/47/38, paras 1, 9; Committee on the Elimination of Discrimination against Women, 'General Recommendation No 35 on gender-based violence against women, updating general recommendation No 19' (2017) UN Doc CEDAW/C/GC/35, para 10; Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 5 (2).

¹¹⁵ Committee on the Elimination of Discrimination against Women, 'General Recommendation No 19: Violence against women' (1992) UN Doc A/47/38, paras 9, 24; Committee on the Elimination of Discrimination against Women, 'General Recommendation No 35 on gender-based violence against women, updating general recommendation No 19' (2017) UN Doc CEDAW/C/GC/35, para 21; Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 5 (2); *Opuz v Turkey* App no 33401/02 (ECtHR, 9 June 2009) paras 128–129; *Talpis v Italy* App no 41237/14 (ECtHR, 2 March 2017) paras 122–124.

¹¹⁶ *Opuz v Turkey* App no 33401/02 (ECtHR, 9 June 2009) paras 153, 176, 202.

failures to act amounted to violations of Articles 2, 3 and 14 (read with Articles 2 and 3).¹¹⁷ In *Kurt v Austria*, the first Grand Chamber ruling on domestic violence, the Court found no violation of Article 2 and declared the Article 14 complaint inadmissible,¹¹⁸ dissenting judges however emphasized the authorities' failure to conduct a sufficiently individualized risk assessment that adequately considered the specific context and vulnerabilities of the victim, including economic dependencies and loss of employment.¹¹⁹ This case, along with earlier jurisprudence, underscores the importance of comprehensive, context-sensitive State obligations to prevent and respond to VAW. Beyond these obligations, addressing economic violence requires recognizing its deep connection to women's empowerment and agency. EVAW not only restricts women's immediate safety but also fundamentally undermines their long-term capacity for self-determination and participation in society.¹²⁰

2.2 Socio-legal implications: Autonomy, Coercive Control and Structural Inequality

A comprehensive understanding of EVAW necessitates a departure from viewing it as a series of isolated incidents,¹²¹ recognizing instead its pervasive nature deeply rooted in systemic patterns of domination and exacerbated by broader socio-economic contexts.¹²² EVAW profoundly undermines women's substantive equality and challenges the very foundation of their autonomy and self-determination.¹²³ Beyond its immediate material consequences, EVAW entrenches a form of coercive control designed to stifle women's emerging freedoms and opportunities for independence, obstruct their access to support and reimpose obsolete forms of dependence by systemically restricting their capacity to act as autonomous subjects in both private

¹¹⁷ *Talpis v Italy* App no 41237/14 (ECtHR, 2 March 2017) paras 147, 149

¹¹⁸ *Kurt v Austria* App no 62903/15 (ECtHR, 15 June 2021), dispositivum of the judgement 1 and 3.

¹¹⁹ *Kurt v Austria* App no 62903/15 (ECtHR, 15 June 2021), Joint Dissenting Opinion of Judges Turković, Lemmens, Harutyunyan, Elósegui, Felici, Pavli and Yüksel, para 11; Dissenting Opinion of Judge Elósegui, para 3, 6 (ii).

¹²⁰ L Johnson and others, 'Examining the impact of economic abuse on survivors of intimate partner violence: a scoping review' (2022) 22(1) *BMC Public Health* 1014 <https://doi.org/10.1186/s12889-022-13297-4>; E Sarac and D Odabas, 'Gender-based economic violence and the exploitation of women: A deep dive' (2025) 15(3) *World Journal of Psychiatry* 103725 <https://doi.org/10.5498/wjp.v15.i3.103725>; C Hess and A Del Rosario, *Dreams Deferred: A Survey on the Impact of Intimate Partner Violence on Survivors' Education, Careers, and Economic Security* (Institute for Women's Policy Research 2018) https://iwpr.org/wp-content/uploads/2020/09/C475_IWPR-Report-Dreams-Deferred.pdf.

¹²¹ European Institute for Gender Equality, *Combating Coercive Control and Psychological Violence against Women in the EU Member States* (Publications Office of the European Union 2022) 12.

¹²² Council of Europe, *Gender Matters: A Manual on Addressing Gender-Based Violence Affecting Young People* (2nd edn, Council of Europe Publishing 2019) 18–22.

¹²³ Committee on the Elimination of Discrimination against Women, 'General Recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19' (2017) UN Doc CEDAW/C/GC/35, para 10.

and public sphere.¹²⁴ Across different jurisdictions, coercive control is generally defined as a course of conduct within an intimate or domestic relationship involving repeated or persistent controlling or coercive behavior, which is intended to dominate or subjugate the other person, has a serious or harmful effect on them and would reasonably be considered likely to cause such an effect.¹²⁵ Rather than constituting an assault offense, coercive control is a crime against personal liberty.¹²⁶ Coercive control is criminalized in all European Union member States to some degree, though often only partially.¹²⁷ Addressing significant economic disparities between men and women is therefore crucial, as it would dismantle a fundamental basis for coercive control.¹²⁸ As established in chapter 1.1, economic violence is a specific manifestation of economic harm as defined under Article 3 of the Istanbul Convention,¹²⁹ and it embodies a widespread form of VAW stemming from gender inequality and sustained by traditional gender norms.¹³⁰

EVAW and coercive control are not isolated phenomena but rather deeply interconnected tactics of abuse that systematically undermine the autonomy of women.¹³¹ 'Coercive control is a strategic course of oppressive conduct that is typically characterized by frequent, but low-level physical abuse and sexual coercion in combination with tactics to intimidate, degrade, isolate and control victims'.¹³² While coercive control is not a form of violence itself and may occur without physical violence, it is a strong predictor of all types of partner violence.¹³³ Coercive control is a broader concept, as it encompasses all forms of VAW (physical, sexual, economic, as well as psychological). Although it is widely recognized as a gendered phenomenon, it remains undefined in the Istanbul Convention.¹³⁴ The main goal of

¹²⁴ E Stark, *Coercive Control: How Men Entrap Women in Personal Life* (2nd edn, Oxford University Press 2024) 237–243.

¹²⁵ Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024 (Qld) s 334C(1); Serious Crime Act 2015, s 76(1) (UK); Domestic Violence Act 2018, s 39(1) (Ir).

¹²⁶ *ibid.*, 13.

¹²⁷ European Institute for Gender Equality, *Combating Coercive Control and Psychological Violence against Women in the EU Member States* (Publications Office of the European Union 2022) 13.

¹²⁸ *ibid.*

¹²⁹ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 3.

¹³⁰ D'Agostino F, Zacchia G and Corsi M, 'Risk of Economic Violence: A New Quantification' (2024) 12 *International Journal of Financial Studies* 82 <https://doi.org/10.3390/ijfs12030082> accessed 15 July 2025.

¹³¹ European Institute for Gender Equality, *Combating Coercive Control and Psychological Violence against Women in the EU Member States* (Publications Office of the European Union 2022) 12.

¹³² E Stark, 'The Dangers of Dangerousness Assessment' (2013) 6(2) *Family and Intimate Partner Violence Quarterly* 13, 18 https://www.ncdsv.org/uploads/1/4/2/2/142238266/fipvq_dangers-of-dangerousness-assessment_11-20-2013.pdf accessed 15 July 2025.

¹³³ E Stark and M Hester, 'Coercive Control: Update and Review' (2019) 25(1) *Violence Against Women* 81, 81.

¹³⁴ European Institute for Gender Equality, *Combating Coercive Control and Psychological Violence against Women in the EU Member States* (Publications Office of the European Union 2022) 10.

perpetrators is to exert power over their partner by means of treats, degradation, isolation and persistent demands.¹³⁵ Evan Stark, who broadened the understanding of domestic violence through the concept of coercive control, described it the following way:

Coercive control shares general elements with other capture or course-of-conduct crimes such as kidnapping, stalking, and harassment, including the facts that it is ongoing and its perpetrators use various means to hurt, humiliate, intimidate their victims. Like hostages, victims of coercive control are frequently deprived of money, food, access to communication or transportation, and other survival resources even as they are cut off from family, friends, and other supports. But unlike other capture crimes, coercive control is personalized, extends through social space as well as over time, and is gendered in that it relies for its impact on women's vulnerability as women due to sexual inequality. Another difference is its aim. Men deploy coercive control to secure privileges, that involve the use of time, control over material resources, access to sex, and personal service. Like assaults, coercive control undermines a victim's physical and psychological integrity. But the main means used to establish control is the microregulation of everyday behaviors associated with stereotypic female roles, such as how women dress, cook, clean, socialize, care for children, or perform sexuality. This is accomplished by exploiting the benefits women derive from their newfound equality – taking the money they earn, for instance – and the disadvantages they suffer because of persistent sexual discrimination in the market and their consignment to default domestic roles. These dynamics give coercive control a role in sexual politics that distinguishes it from all other crimes.¹³⁶

Economic violence is not merely a consequence of other forms of violence but a distinct and fundamental component of the broader system of coercive control.¹³⁷ By systemically restricting a person's freedom and autonomy, coercive control serves as a deliberate tool for perpetrators to exercise power and maintain dominance over their partners, often resulting in victims being entrapped in the relationship due to economic, practical, social or emotional barriers to

¹³⁵ E L Sheley, 'Criminalizing Coercive Control Within the Limits of Due Process' (2021) 70 *Duke Law Journal* 1321.

¹³⁶ E Stark, *Coercive Control: How Men Entrap Women in Personal Life* (Oxford University Press 2007), 5.

¹³⁷ A Kaittä, M Hakovirta and H Kainulainen, 'Types of Economic Abuse in Postseparation Lives of Women Experiencing IPV: A Qualitative Study from Finland' (2024) 30(2) *Violence Against Women* 426 <https://doi.org/10.1177/10778012221127727> accessed 15 July 2025.

escape.¹³⁸ The insidious nature of EVAW lies in its often-hidden character: many victims may not recognize it as violence or abuse or it is misclassified as mere financial stress, thereby escaping both legal recognition and adequate social support.¹³⁹ From a relational perspective, autonomy must be understood as fundamentally shaped by social relationships and institutional conditions.¹⁴⁰ Coercive control, particularly economic violence, targets this relational autonomy by microregulating daily life and isolating victims, effectively transforming self-governance into profound dependence.¹⁴¹ Frameworks, which emphasize individualistic conceptions of autonomy and discrete acts of violence, often fail to capture this cumulative and structural harm.¹⁴² Structural inequalities refer to deeply embedded disparities of power, rights and opportunities that arise from the routine of functioning of dominant institutions including the legal system, the economy, healthcare and the media.¹⁴³ These inequalities are not experienced in isolation but are shaped by the intersection and interaction of multiple systems of oppression. Kimberlé Crenshaw first introduced the term intersectionality, highlighting how different forms of discrimination, such as those based on gender, race, class, sexual orientation, disability and/or age, intersect and produce unique experiences of marginalization.¹⁴⁴ Rather than viewing individuals through a single-axis lens, this approach emphasizes that people's identities are multidimensional and that structures of oppression do not act independently of one another but are interlinked in complex ways that shape the lived realities of individuals, especially those most vulnerable to systemic inequality.¹⁴⁵ Originally developed with a focus on Black women's experiences shaped by overlapping forms of racial and gendered discrimination, intersectionality reveals how treating identity categories as mutually exclusive fails to capture the full spectrum of harm.¹⁴⁶ For example, recent cross-country research has shown that trans and cisgender

¹³⁸ M E Dichter and others, 'Coercive Control in Intimate Partner Violence: Relationship with Women's Experience of Violence, Use of Violence, and Danger' (2018) 8(5) *Psychology of Violence* 596, 2 <https://doi.org/10.1037/vio0000158> accessed 15 July 2025.

¹³⁹ L Book and others, 'Identifying and Supporting Financially Vulnerable Women Experiencing Economic Abuse: A Grounded Theory Approach' (2023) 21(2) *eJ Tax Res* 173 <https://digitalcommons.law.villanova.edu/facpubs/107>.

¹⁴⁰ J Nedelsky, *Law's Relations: A Relational Theory of Self, Autonomy, and Law* (OUP 2012) 19–44 <https://doi-org.uaccess.univie.ac.at/10.1093/acprof:oso/9780195147964.001.0001> accessed 16 July 2025.

¹⁴¹ E Stark, *Coercive Control: How Men Entrap Women in Personal Life* (2nd edn, Oxford University Press 2024) 4–24.

¹⁴² *ibid.*, 223–375.

¹⁴³ D Vujadinović, M Fröhlich and T Giegerich (eds), *Gender-Competent Legal Education* (Springer 2023) 106–112 https://doi.org/10.1007/978-3-031-14360-1_1 accessed 15 July 2025.

¹⁴⁴ K Crenshaw, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (1991) 43(6) *Stanford Law Review* 1241, 1244–45 <https://doi.org/10.2307/1229039>; K Crenshaw, A Phillips, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics' in *Feminism and Politics* (Oxford University Press 1998) 148–155 <https://doi.org/10.1093/oso/9780198782063.003.0016>.

¹⁴⁵ *ibid.*

¹⁴⁶ *ibid.*

(individuals whose gender identity aligns with the one they were assigned at birth¹⁴⁷) lesbian, gay, bisexual people with ethnic minority backgrounds and disabilities are more likely to experience heightened levels of discrimination and violence.¹⁴⁸ This is attributed to the compounded intersectional effects of marginalization, including increased visibility, non-normativity and the layering of negative stereotypes.¹⁴⁹ Notably, this risk is even more acute for trans people, showing that among people with disabilities trans people experience higher levels of discrimination than cisgender members of the lesbian, gay and bisexual community due to anti-trans ideologies that often intertwine with racial and ableist stigmas, reinforcing structural vulnerability across multiple dimensions.¹⁵⁰ Building on this understanding, it becomes evident that the law and broader institutional frameworks often fail to account for these complex and compounding realities. Laws and policies themselves often perpetuate inequalities based on sex, gender, sexuality, class, race, ethnicity, age and disability, additionally those intersecting factors further intensify economic and social vulnerabilities.¹⁵¹ These structures produce and reinforce unfair social and economic positions, reflecting systemic power imbalances that privilege men and marginalize women and other subordinated groups.¹⁵² As a result, structural inequalities within systems expose women and marginalized collectives to various forms of violence across different societal levels and across all aspects of daily life.¹⁵³

According to the *Women, Business and the Law 2024* by the World Bank, although many countries worldwide have made significant strides in passing laws that promote gender equality, women still possess less than two-thirds of the legal rights enjoyed by men, a decline from previous estimates that placed the figure closer to three-quarters.¹⁵⁴ Moreover, the actual situation on the ground reveals an even wider gap between legal rights and lived realities as laws alone are insufficient.¹⁵⁵ Their effectiveness hinges on robust implementation frameworks, including enforcement mechanisms, monitoring systems and support services for victims of

¹⁴⁷ Cornell Law School, Legal Information Institute, 'Cisgender' <https://www.law.cornell.edu/wex/cisgender> accessed 17 July 2025.

¹⁴⁸ J Evje, S Fluit and T von Soest, 'Transgender People Experience More Discrimination and Violence than Cisgender Lesbian, Gay, or Bisexual People: A Multilevel Analysis across 30 European Countries' (2024) *Int J of Transgender Health* 1, 11 <https://doi.org/10.1080/26895269.2024.2440856>.

¹⁴⁹ *ibid.*

¹⁵⁰ *ibid.*

¹⁵¹ D Vujadinović, M Fröhlich and T Giegerich (eds), *Gender-Competent Legal Education* (Springer 2023) 106–112 https://doi.org/10.1007/978-3-031-14360-1_1 accessed 15 July 2025.

¹⁵² *ibid.*

¹⁵³ *ibid.*

¹⁵⁴ World Bank, *Women, Business and the Law 2024* (World Bank 2024) xii–xiv <https://doi.org/10.1596/978-1-4648-2063-2> accessed 17 July 2025.

¹⁵⁵ *ibid.*

GBV.¹⁵⁶ While women are legally entitled to about 64 percent of the rights granted to men, countries have, on average, put in place fewer than 40 percent of the systems necessary to make those rights a reality.¹⁵⁷ For example, although 98 percent of the 190 assessed economies have enacted equal pay laws, only 35 have adopted concrete tools such as pay transparency policies or enforcement mechanisms.¹⁵⁸ Experts' assessment suggests that in practice only about half of women in these countries experience real equality in wages and access to high-paying positions.¹⁵⁹ One of the newly introduced indicators in the 2024 report, women's safety, reveals a global average score of 36, indicating that women worldwide have access to one-third of the legal protections necessary to safeguard them from domestic violence.¹⁶⁰ The global average Women, Business and Law legal framework score stands at 64.2 out of 100, showing a significant gap in gender equality under the law.¹⁶¹ Legal barriers affecting economic participation are faced by half of the world's population, 3.9 billion women.¹⁶²

This persistent gap between *de jure* rights and their practical realization, *de facto*, is especially evident in family law, where reform has proven particularly resistant despite its profound impact on women's lives as legal domains such as marriage, divorce, child custody and inheritance directly shape their autonomy, economic security, personal safety and overall equality. Yet, across many jurisdictions, family law remains deeply influenced by patriarchal norms and continues to entrench gender-based discrimination. When women lack equal rights within the family, their ability to access opportunities in education, employment, politics and leadership is significantly diminished. This dynamic reflects the broader structural issue long identified in feminist scholarship: the gendered division between public and private spheres, which has been historically shaped the relationship between women and the state in a way that reproduce inequality.¹⁶³ In this context, the State's failure to criminalize or adequately prevent VAW within the domestic sphere further reinforced men's dominance, granting them disproportionate though legal norms governing marriage and family relationships.¹⁶⁴

¹⁵⁶ *ibid.*

¹⁵⁷ *ibid.*

¹⁵⁸ *ibid.*

¹⁵⁹ *ibid.*

¹⁶⁰ *ibid.*, ix.

¹⁶¹ *ibid.*, xvii.

¹⁶² *ibid.*

¹⁶³ P García-Del Moral and MA Dersnah, 'A Feminist Challenge to the Gendered Politics of the Public/Private Divide: On Due Diligence, Domestic Violence, and Citizenship' (2014) 18(6–7) *Citizenship Studies* 661, 662 <https://doi-org.uaccess.univie.ac.at/10.1080/13621025.2014.944772> accessed 17 July 2025.

¹⁶⁴ S Boyd, *Challenging the Public/Private Divide: Feminism, Law, and Public Policy* (University of Toronto Press 1997) 13 <https://doi-org.uaccess.univie.ac.at/10.3138/9781442672819> accessed 17 July 2025.

In human rights discourse, the dominant emphasis on negative liberty, understood as the protection from state interference, over positive obligations, which require States to ensure the enjoyment of social and economic rights, continues to shape women's lived realities.¹⁶⁵ This prioritization contributes to the disproportionate burden of unpaid domestic care work by women.¹⁶⁶ These impacts are most acutely experienced by those who lack the economic or social capital to assert their rights, particularly women living in poverty, a group disproportionality composed of individuals facing intersecting forms of structural marginalization such as racism, classism, xenophobia and ableism.¹⁶⁷ Accordingly, feminist legal theory not only advances an intersectional approach but also critiques the nexus between capitalism and patriarchy, recognizing that the struggle for substantive gender equality is inseparable from broader efforts towards social justice.¹⁶⁸

3 The Recognition of Economic Violence Against Women in International Human Rights Law

In order to contextualize the recognition of EVAW within IHRL, it is essential to first consider how VAW became a focal point of international legal discourse. The foundation for protecting women from violence is rooted in the universal principles of human rights and fundamental freedoms, first established in the Charter of the United Nations in 1945.¹⁶⁹ These principles and provisions were further elaborated in the adoption of the Universal Declaration of Human Rights in 1948¹⁷⁰ followed by the ICCPR¹⁷¹ and the ICESCR^{172, 173}. These instruments collectively established a common systems for the protection of human rights, including the rights of women as part of vulnerable groups.¹⁷⁴ Over time, both universal and regional systems of human rights protection have developed more targeted mechanisms to enhance the protection of women, including from violence and domestic violence. International legal practice has demonstrated that protection frameworks have primarily evolved through multilateral treaties,

¹⁶⁵ C Wallis, 'The Law That Shapes Us: Contemporary Feminist Jurisprudence' (*Oxford Law Faculty*, 3 May 2023) <https://www.law.ox.ac.uk/content/article/law-shapes-us-contemporary-feminist-jurisprudence> accessed 17 July 2025.

¹⁶⁶ *ibid.*

¹⁶⁷ *ibid.*

¹⁶⁸ *ibid.*

¹⁶⁹ Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> accessed 17 July 2025.

¹⁷⁰ Universal Declaration of Human Rights, GA Res 217A (III) (10 December 1948).

¹⁷¹ International Covenant on Civil and Political Rights, adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.

¹⁷² International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

¹⁷³ VV Chernikov and OK Goncharenko, 'The Problems of Violence against Women in International Law' (2021) 3 *Vestnik of Saint Petersburg University. Law* 803-804 <https://doi.org/10.21638/spbu14.2021.319>.

¹⁷⁴ *ibid.*, 804.

often preceded by declarative instruments. Within this process, the United Nations (UN) and the CoE have played pivotal roles in advancing the legal recognition of women's rights and protection from violence. To date, however, the Istanbul Convention¹⁷⁵ remains the only legally binding treaty explicitly addressing violence against women and domestic violence.¹⁷⁶

While general human rights instruments provided the groundwork, it was not until the early 1990s that VAW emerged as a specific concern within international legal discourse.¹⁷⁷ In 1989, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) first signaled that even though CEDAW, adopted in 1979 and entered into force in 1981, did not explicitly reference violence, the Convention must nonetheless be interpreted to obligate States to adopt measures aimed at protecting women from violence and ultimately elimination it.¹⁷⁸ In 1992, this interpretation was further developed with the adoption of General Recommendation No 19, explicitly linking VAW to broader issues of discrimination and structural inequalities.¹⁷⁹ The following year, the United Nations General Assembly reinforced this understanding by issuing the Declaration on the Elimination of Violence against Women, further anchoring the concept of VAW within the discourse of discrimination and human rights violations.¹⁸⁰ These developments were paralleled at the regional level with the adoption of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Belém do Pará Convention) in 1994.¹⁸¹ The framing of VAW as both a cause and consequence of gender inequality was reaffirmed at the Fourth World Conference on Women in Beijing in 1995, which explicitly framed VAW as rooted in systemic gender inequality and

¹⁷⁵ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210.

¹⁷⁶ VV Chernikov and OK Goncharenko, 'The Problems of Violence against Women in International Law' (2021) 3 *Vestnik of Saint Petersburg University. Law* 804 <https://doi.org/10.21638/spbu14.2021.319>.

¹⁷⁷ J Niemi, L Peroni and V Stoyanova V (eds), *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 2.

¹⁷⁸ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW); CEDAW Committee, General Recommendation No 12: Violence against Women (1989) UN DOC A/44/38; J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 3.

¹⁷⁹ Committee on the Elimination of Discrimination against Women, 'General Recommendation No 19: Violence against Women' (1992) UN Doc A/47/38.

¹⁸⁰ United Nations General Assembly, Declaration on the Elimination of Violence against Women (20 December 1993) UN Doc A/RES/48/104; VV Chernikov and OK Goncharenko, 'The Problems of Violence against Women in International Law' (2021) 3 *Vestnik of Saint Petersburg University. Law* 803 <https://doi.org/10.21638/spbu14.2021.319>; S Sivakumaran, 'Crafting the Prohibition on Violence against Women under International Human Rights Law' (2025) XX(XX) *European Journal of International Law* 1–3 <https://doi.org/10.1093/ejil/chaf013>.

¹⁸¹ Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belém do Pará Convention) (adopted 9 June 1994, entered into force 5 March 1995) 33 ILM 1534; S Sivakumaran, 'Crafting the Prohibition on Violence against Women under International Human Rights Law' (2025) XX(XX) *European Journal of International Law* 1–3 <https://doi.org/10.1093/ejil/chaf013>.

women's subordinated status in society.¹⁸² These influential international documents have profoundly impacted subsequent legal development addressing VAW, both internationally and domestically.¹⁸³

Building on this foundation, regional human rights frameworks, particularly in Europe, have played a central role in advancing the legal recognition of VAW and refining the obligations of States. Both the CoE and the EU have undertaken substantial efforts to address VAW, initiating studies, policy frameworks and legal frameworks aimed at prevention and protection.¹⁸⁴ In parallel, the ECtHR has developed a growing body of case law that reinforces state responsibility under the ECHR. As early as 1985, the Court affirmed that States must enact effective criminal laws to protect individuals against sexual violence.¹⁸⁵ Over time, the Court has elaborated a comprehensive framework of positive obligations requiring not only the criminalization of GBV but also effective investigations, preventive measures and protective interventions where authorities are aware of imminent risks.¹⁸⁶ These obligations extend beyond the criminal justice system and demand that States establish robust regulatory and support frameworks to prevent violence and uphold victim's rights.¹⁸⁷ The Istanbul Convention builds upon these regional legal and jurisprudential developments, explicitly referencing the ECHR and the CEDAW framework. As noted in its Preamble and the Explanatory Report, the Istanbul Convention incorporates evolving standards, including those developed by the ECtHR and the CEDAW Committee, in definitions, defining state duties to prevent violence, protect victims and promote gender equality.¹⁸⁸ Its influence now extends beyond Europe, informing more recent global initiatives such as the International Labour Organization on violence and

¹⁸² United Nations, *Beijing Declaration and Platform for Action*, Fourth World Conference on Women (15 September 1995) UN Docs A/CONF.177/20 and A/CONF.177/20/Add.1.

¹⁸³ J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 3.

¹⁸⁴ *ibid.*, 4.

¹⁸⁵ *X and Y v the Netherlands* App no 8978/80 (ECtHR, 26 March 1985); J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 4.

¹⁸⁶ *Durmaz v Turkey* App no 3621/07 (ECHR, 13 November 2014); *E.M. v Romania* App no 43994/05 (ECHR, 30 October 2012); *Osman v UK* App no 87/1997/871/1083 (ECHR, 28 October 1998); *Valiuliene v Lithuania* App no 33234/07 (ECHR, 26 March 2013); *P.M. v Bulgaria* App no 49669/07 (ECHR, 24 January 2012); *I.G. v the Republic of Moldova* App no 53519/07 (ECHR, 15 May 2012); J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 4.

¹⁸⁷ J Niemi, L Peroni and V Stoyanova V, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 3-4.

¹⁸⁸ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, Preamble; Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence' (CETS No 210, 2011) paras 29, 40, 55; J Niemi, L Peroni and V Stoyanova V, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 5.

harassment in the world of work.¹⁸⁹ With this backdrop in mind, the following sections examine how EVAW is specifically addressed within three key human rights instruments: CEDAW, the ECHR and the Istanbul Convention. All three instruments are legally binding on Austria, as the state is a party to each of them. Accordingly, the subsequent chapter will assess how Austria has implemented its obligations of EVAW under these frameworks.

3.1 The CEDAW Framework

The Convention on the Elimination of All Forms of Discrimination, adopted by the United Nations General Assembly on 18.12.1979 and in force since 03.09.1981, represents the most comprehensive international legal instrument dedicated exclusively to the elimination of discrimination against women. It defines discrimination in Article 1 as:¹⁹⁰

[...] any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.¹⁹¹

CEDAW requires State parties to pursue appropriate legal and institutional reforms, including the adoption of special temporary measures to eliminate discrimination and ensure women's equal participation in public and private life.¹⁹² Over the past four decades, CEDAW has developed a rich body of interpretative jurisprudence that articulates the scope of State obligations in ensuring women's equal enjoyment of a wide range of rights. These include rights within family and intimate partnerships, such as equality in marriage and inheritance, as well as economic rights related to access to land, adequate housing (particularly for victims of domestic violence), financial credit, social protection systems and intellectual property.¹⁹³

¹⁸⁹ Convention concerning the Elimination of Violence and Harassment in the World of Work C190, International Labour Organization (ILO), 21 June 2019; J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 5.

¹⁹⁰ OHCHR, 'Convention on the Elimination of All Forms of Discrimination against Women' <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> accessed 24 July 2025.

¹⁹¹ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW) art 1.

¹⁹² OHCHR, 'Convention on the Elimination of All Forms of Discrimination against Women' <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> accessed 24 July 2025.

¹⁹³ J E Alvarez and J Bauder, *Women's Property Rights Under CEDAW* (Oxford Academic 2024) 1 <https://doi-org.uaccess.univie.ac.at/10.1093/oso/9780197751879.001.0001> accessed 24 July 2025.

Austria signed the CEDAW on 17.07.1980 during the Second United Nations World Conference on Women in Copenhagen. The state formally ratified the Convention on 31.03.2082, albeit with reservations reflecting domestic legal provisions in force at the time, specifically regarding Article 7(b), which concerned women’s service in the Austrian armed forces, and Article 11, which related to protective labor regulations such as restrictions on night work for women.¹⁹⁴ Following amendments to Austrian legislation, the reservations were withdrawn in 2000 and 2006 respectively.¹⁹⁵ On 10.12.1999 Austria also signed the Optional Protocol (OP) and ratified it on 06.09.2000.¹⁹⁶ The Optional Protocol to CEDAW strengthens its enforcement mechanisms by authorizing the CEDAW Committee, the expert body monitoring implementation, to receive complaints from individuals or groups who claim violations of rights under the Convention, provided domestic remedies have been exhausted.¹⁹⁷ Additionally, the Protocol empowers the Committee to conduct inquiry into situations of grave or systematic violations of women’s rights¹⁹⁸. While States may opt out of the inquiry procedure, no reservations are permitted to the substance of the Protocol.¹⁹⁹ Austria, as a state party to both the Convention and its Optional Protocol, is therefore under binding international obligations to eliminate all forms of discrimination against women and to ensure appropriate remedies are available at the domestic level.

3.1.1 CEDAW’s Provisions Relevant to Economic Violence Against Women

While CEDAW’s legal framework does not mention the terms “violence against women” or “economic violence against women”,²⁰⁰ States parties’ duties in this regard have been shaped over time through broader international developments with the CEDAW Committee playing a particularly influential role. One explanation for the Convention’s silence on VAW lies in the institutional context at the time of its drafting, the issue had not yet been widely acknowledged

¹⁹⁴ UN Treaty Collection, ‘Convention on the Elimination of All Forms of Discrimination against Women’ https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-8&chapter=4&clang=en accessed 13 September 2025

¹⁹⁵ *ibid.*

¹⁹⁶ Österreichisches Bundeskanzleramt, Die Umsetzung des Übereinkommens zur Beseitigung jeder Form von Diskriminierung der Frau in Österreich: Dritter und vierter Staatenbericht an den UN-Ausschuss für die Beseitigung der Diskriminierung der Frau (2001) 12 https://www.parlament.gv.at/dokument/XXI/AC/7866/imf-name_221312.pdf accessed 24 July 2025.

¹⁹⁷ UN Women, ‘Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women’ <https://www.un.org/womenwatch/daw/cedaw/protocol/> accessed 24 July 2025.

¹⁹⁸ *ibid.*

¹⁹⁹ *ibid.*

²⁰⁰ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13; CM Chinkin and L Gormley, ‘Violence against Women’ in P Schulz, R Halperin-Kaddari, B Rudolf and MA Freeman (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women and Its Optional Protocol: A Commentary* (2nd edn, OUP 2022) 627–628.

as a human rights concern and only emerged on the international agenda in the following years.²⁰¹ The only CEDAW provision that explicitly addresses a form of VAW is Article 6, concerning trafficking and the exploitation of sex workers.²⁰²

A major milestone was General Recommendation No 19, adopted in 1992, which clarified that VAW constitutes a form of discrimination under Article 1 of the Convention.²⁰³ By calling for a comprehensive and rights-based response to the various forms of violence, the Recommendation firmly established the issue within the framework of IHRL. Building on 25 years of practice including insights from States' periodic reporting, the Committee issued General Recommendation No 35 in 2017. This updated instrument takes into account both evolving legal standards and social transformations and is intended to provide States with more detailed guidance for effectively combating GBV.²⁰⁴ The Committee had initially addressed the issue of VAW through earlier General Recommendation No 12²⁰⁵ and No 14,²⁰⁶ but it was General Recommendation No 19 that marked a turning point in anchoring VAW within the scope of human rights law.²⁰⁷ It provided the first detailed and comprehensive interpretation of VAW as a form of sex-based discrimination, expanding the Convention's reach beyond the text itself.²⁰⁸ Importantly, it underlined that the Convention applies not only to acts committed by state authorities but also to those committed by private individuals under Article 2 (e)²⁰⁹ of the Convention with States holding responsibility when failing to act with due diligence to prevent, investigate or prosecute such acts.²¹⁰ This legal principle of "duty of due diligence" was earlier

²⁰¹ CM Chinkin and L Gormley, 'Violence against Women' in P Schulz, R Halperin-Kaddari, B Rudolf and MA Freeman (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women and Its Optional Protocol: A Commentary* (2nd edn, OUP 2022) 628.

²⁰² Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW) art 6; E Y Krivenko, 'The Role and Impact of Soft Law on the Emergence of the Prohibition of Violence against Women within the Context of the CEDAW' in D Shelton and R Saurwein (eds), *Tracing the Roles of Soft Law in Human Rights* (Oxford University Press 2016) 53 <https://doi.org/10.1093/acprof:oso/9780198791409.003.0004> accessed 15 July 2025.

²⁰³ Committee on the Elimination of Discrimination against Women, General Recommendation No 19: Violence against Women (1992) UN Doc A/47/38 art 1.

²⁰⁴ *ibid.*

²⁰⁵ Committee on the Elimination of Discrimination against Women, General Recommendation No 12: Violence against Women (1989) UN Doc A/44/38.

²⁰⁶ Committee on the Elimination of Discrimination against Women, General Recommendation No 14: Female Circumcision (1990) UN Doc A/45/38.

²⁰⁷ CM Chinkin and L Gormley, 'Violence against Women' in P Schulz, R Halperin-Kaddari, B Rudolf and MA Freeman (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women and Its Optional Protocol: A Commentary* (2nd edn, OUP 2022) 628.

²⁰⁸ *ibid.*, 629.

²⁰⁹ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW) art 2(e).

²¹⁰ Committee on the Elimination of Discrimination against Women, General Recommendation No 19: Violence against Women (1992) UN Doc A/47/38, para 9; CM Chinkin and L Gormley, 'Violence against Women' in P

elaborated in international case law such as *Velásquez-Rodríguez v Honduras* where the Inter-American Court held that States can be liable for failing to prevent or respond to human rights violations committed by private actors.²¹¹

General Recommendation No 19 was pivotal in clarifying that VAW constitutes a form of discrimination under Article 1 of the Convention.²¹² Paragraph 4 of the Recommendation states that “[...] The full implementation of the Convention requires States to take positive measures to eliminate all forms of violence against women.”²¹³, thereby encompassing not only physical, sexual and psychological violence but also economic violence. This foundation was further expanded in General Recommendation No 35 in 2017, updating and expanding upon No 19, which explicitly defined GBV as encompassing acts or omissions that cause or are likely to cause physical, sexual, psychological or economic harm or suffering, including threats, coercion, harassment, and arbitrary deprivation of liberty,²¹⁴ thus affirming the relevance of EVAW within the scope of IHRL. This definition is echoed in the Oxford Commentary on CEDAW, which highlights the significance of explicitly including economic violence and notes the Committee’s concern with States that have failed to criminalize such forms of violence.²¹⁵ This understanding also informed the Committee’s assessment of State compliance in its monitoring practice. In its 2022 Concluding Observations on Lebanon, the Committee welcomed the domestic amendments which explicitly criminalize economic and psychological violence, it praised this legal development as a positive measure towards fulfilling obligations under the Convention.²¹⁶ This expansive interpretation of EVAW is further affirmed in General Recommendation No 37 from 2018, which addresses the gender-related dimension of disaster risk reduction and climate change.²¹⁷ There, the Committee calls on State parties to develop

Schulz, R Halperin-Kaddari, B Rudolf and MA Freeman (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women and Its Optional Protocol: A Commentary* (2nd edn, OUP 2022) 629.

²¹¹ *ibid*; *Velásquez-Rodríguez v Honduras* (Merits) Inter-American Court of Human Rights Series C No 4 (29 July 1988) para 172.

²¹² Committee on the Elimination of Discrimination against Women, General Recommendation No 19: Violence against Women (1992) UN Doc A/47/38, para 6.

²¹³ Committee on the Elimination of Discrimination against Women, General Recommendation No 19: Violence against Women (1992) UN Doc A/47/38, para 4.

²¹⁴ Committee on the Elimination of Discrimination against Women, General Recommendation No 35 on Gender-Based Violence against Women, Updating General Recommendation No 19 (2017) CEDAW/C/GC/35, para 14.

²¹⁵ CM Chinkin and L Gormley, 'Violence against Women' in P Schulz, R Halperin-Kaddari, B Rudolf and MA Freeman (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women and Its Optional Protocol: A Commentary* (2nd edn, OUP 2022) 642.

²¹⁶ Committee on the Elimination of Discrimination against Women, 'Concluding Observations on the Sixth Periodic Report of Lebanon' (1 March 2022) UN Doc CEDAW/C/LBN/CO/6, paras 4 (a) and 25.

²¹⁷ Committee on the Elimination of Discrimination against Women, General Recommendation No 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change (2018) UN Doc CEDAW/C/GC/37.

specific programs and policies targeting both existing and emerging risk factors of GBV. In paragraph 57 (a), the Committee explicitly mentions economic violence alongside domestic and sexual violence, trafficking and forced marriage.²¹⁸ This recognition confirms that EVAW is not confined to private or domestic contexts but is also relevant in broader structural and crisis-related settings. It thereby affirms that EVAW falls within the scope of the CEDAW, further deepening States' obligations to prevent and address such harm across various domains.

Over time, the consistent engagement of States with the CEDAW Committee's interpretation of GBV as a human rights violation has contributed to its recognition as part of customary international law. General Recommendation No 35 acknowledges this normative development, emphasizing that the widespread legal and political acceptance of States' obligations to address GBV has reached a level of general practice and legal conviction (*opinion juris*), with General Recommendation 19 playing a foundational role in this evolution.²¹⁹ Consequently, the obligation to prohibit GBV applies to all States as a matter of customary international law, irrespective of their ratification of specific instruments such as CEDAW.²²⁰

3.1.2 Concluding Observations and Communications

The Optional Protocol of the CEDAW, in force since 22.12.2000, established two key procedures:

1. The individual communication (complaints) procedure; and
2. The inquiry procedure.²²¹

The communication procedure outlined in Articles 1-4 enables individuals or groups of individuals to submit complaints to the CEDAW Committee if they claim to be victims of a violation of any right protected under the Convention by a State party to the Protocol.²²²

²¹⁸ *ibid*, para 57(a).

²¹⁹ Committee on the Elimination of Discrimination against Women, General Recommendation No 35 on Gender-Based Violence against Women, Updating General Recommendation No 19 (2017) UN Doc CEDAW/C/GC/35, para 2; CM Chinkin and L Gormley, 'Violence against Women' in P Schulz, R Halperin-Kaddari, B Rudolf and MA Freeman (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women and Its Optional Protocol: A Commentary* (2nd edn, OUP 2022) 633.

²²⁰ CM Chinkin and L Gormley, 'Violence against Women' in P Schulz, R Halperin-Kaddari, B Rudolf and MA Freeman (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women and Its Optional Protocol: A Commentary* (2nd edn, OUP 2022) 633.

²²¹ UN Women, 'What is the CEDAW Protocol?' <https://www.un.org/womenwatch/daw/cedaw/protocol/whatis.htm> accessed 13 September 2025.

²²² Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (adopted 6 October 1999, entered into force 22 December 2000) UN Doc A/RES/54/4, arts 1–4.

As of July 2025, the CEDAW has been ratified by 189 States,²²³ indicating near universal adherence, while its Optional Protocol has been ratified by 116 parties.²²⁴ Complaints may also be submitted on behalf of others with their consent or where justified, without consent under Article 2.²²⁵ Importantly, this mechanism is only available to States that have ratified both CEDAW and its Optional Protocol and have thereby recognized the competency of the Committee under Article 1.²²⁶ The purpose of the communication procedure is to provide redress in cases where access to justice has been denied at a national level. This may include not only individual remedies such as compensation or reparation but also broader structural recommendations like legislative reforms, capacity-building for legal professionals or public education initiatives.²²⁷

The Committee reviews each communication in two stages: first, it assesses admissibility to ensure all procedural and substantive conditions are met (such as the exhaustion of domestic remedies),²²⁸ second, it considers the merits, i.e., whether the facts constitute a breach of rights under the Convention. The inquiry mechanism, provided in Articles 8 and 9 of the Optional Protocol allows the Committee to investigate grave or systematic violations of women's rights committed by a state party.²²⁹ This procedure is particularly important in situations where individual communication may be insufficient to capture the scale or systematic nature of abuse or where victims are unable or afraid to submit complaints due to fear of reprisals or other

²²³ UN Treaty Collection, 'Convention on the Elimination of All Forms of Discrimination against Women' (adopted 18 December 1979, entered into force 3 September 1981) UNTS Vol 1249, 13 https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-8&chapter=4&clang=en accessed 28 July 2025.

²²⁴ UN Treaty Collection, 'Convention on the Elimination of All Forms of Discrimination against Women' (adopted 18 December 1979, entered into force 3 September 1981) UNTS Vol 1249, 13 https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-8&chapter=4&clang=en accessed 28 July 2025.

²²⁵ Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (adopted 6 October 1999, entered into force 22 December 2000) UN Doc A/RES/54/4, art 2.

²²⁶ Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (adopted 6 October 1999, entered into force 22 December 2000) UN Doc A/RES/54/4, art 1; *The Optional Protocol to CEDAW: Mitigating Violations of Women's Human Rights, International Training Seminar for NGOs and Women's Rights Activists, 13–15 March 2003, Berlin, Germany* (Seminar Documentation, Deutsches Institut für Menschenrechte) https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Weitere_Publikationen/DIMR_Optional_Protocol_CEDAW_Seminar_2003.pdf accessed 17 July 2025.

²²⁷ Inter-Parliamentary Union and United Nations, *The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol: Handbook for Parliamentarians No. 36* (2023) 42 <https://www.ohchr.org/sites/default/files/documents/publications/cedaw-parliamentarians-handbook-2023.pdf> accessed 28 July 2025.

²²⁸ Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (adopted 6 October 1999, entered into force 22 December 2000) UN Doc A/RES/54/4, art 4.

²²⁹ Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (adopted 6 October 1999, entered into force 22 December 2000) UN Doc A/RES/54/4, arts 8–9.

constraints.²³⁰ In addition to the general reporting obligation under Article 18 of the Convention²³¹, which requires State parties to submit periodic reports usually every four years, detailing legislative, judicial, administrative and other measures undertaken to implement CEDAW as well as obstacles encountered,²³² the Committee introduced a follow-up procedure in 2008 modeled on the practices of other UN treaty bodies. Under this mechanism, the Committee selects two priority recommendations from each State’s concluding observations and requests the State party to submit a focused follow-up report within one to two years, detailing specific steps taken toward implementation.²³³

By the Committee’s consistent interpretation of the Convention through its concluding observations to State parties’ reports and individual communications under the OP, engagement with economic violence is being demonstrated. The Committee’s practice includes applying the due diligence principle regarding States’ failure to prevent and protect victims from GBV. In its Concluding Observation on the ninth periodic report of Austria from 2019,²³⁴ the Committee expressed several concerns directly relevant to economic violence and discrimination against women. It noted with concern the insufficiency of financial support for civil society organizations aiding victims of GBV.²³⁵ Regarding trafficking and exploitation, the Committee highlighted that trafficked women often face difficulties in obtaining registrations certificates due to “health insurance and lack of sufficient means of subsistence”.²³⁶ Furthermore, concerns about economic discrimination in the context of citizenship acquisition are raised, noting the “sufficiently secured livelihood” requirement for non-citizens applying has a “structurally discriminatory effect on women” as it does not consider unpaid work.²³⁷ It recommended ensuring that unpaid work is taken into account for this determination.²³⁸ On employment, the Committee

²³⁰ A Hellum and I Ik Dahl, ‘Committee on the Elimination of Discrimination Against Women (CEDAW)’ (Max Planck Encyclopedia of International Procedural Law, January 2019) para 38 <https://opil.ouplaw.com/display/10.1093/law-mpeipro/e1329.013.1329/law-mpeipro-e1329> accessed 28 July 2025.

²³¹ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13, art 18.

²³² UN Women Asia-Pacific, ‘Frequently Asked Questions (FAQ) about CEDAW’ (FAQ, UN Women Asia-Pacific) <https://asiapacific.unwomen.org/en/focus-areas/cedaw-human-rights/faq> accessed 17 July 2025.

²³³ United Nations Department for General Assembly and Conference Management, *Report of the Committee on the Elimination of Discrimination against Women, Sixty-eighth Session* (Decision 54/IX, March 2013) 89–93 <https://doi.org/10.18356/9789210606752c044>; Anne Hellum and Ingunn Ik Dahl, ‘Committee on the Elimination of Discrimination Against Women (CEDAW)’ (Max Planck Encyclopedia of International Procedural Law, January 2019) <https://opil.ouplaw.com/display/10.1093/law-mpeipro/e1329.013.1329/law-mpeipro-e1329> accessed 28 July 2025.

²³⁴ Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Ninth Periodic Report of Austria* (30 July 2019) UN Doc CEDAW/C/AUT/CO/9.

²³⁵ *ibid.*, para 22 (d).

²³⁶ *ibid.*, para 24 (e).

²³⁷ *ibid.*, para 28.

²³⁸ *ibid.*

expressed concerns over Austria's persistent Gender Pay Gap (19.9 % in 2017), which was back then among the highest in the EU.²³⁹ More recent data from 2023 shows that Austria's Gender Pay Gap is at 18.3 %, while the EU-27 average is at 12 %.²⁴⁰ This gap adversely affects women's average pension levels being about 40 % lower than for men.²⁴¹ The Committee also noted that a significant percentage of employed women hold part-time positions, predominantly due to family responsibilities and that women remain the primary caretakers.²⁴² It also highlighted the limited labor market integration for women with disabilities, Roma women, migrant, refugee and asylum-seeking women as well as for women belonging to other ethnic minorities.²⁴³ Recommendations included effectively enforcing equal pay for work of equal value, combating underemployment, promoting non-traditional career paths and providing adequate childcare facilities.²⁴⁴

The CEDAW Committee's jurisprudence, particularly through its examination of individual communications under the Optional Protocol, has further clarified the scope of States' obligations to address the economic manifestations of GBV by reviewing far more than 100 individual communications under the Optional Protocol.²⁴⁵ Beyond general observations, several communications to the Committee under the OP, provide concrete examples of how ERAW has been brought before the Committee and how it has responded. The case of *A.T. v Hungary* involved severed and continuous domestic violence, including explicit acts of economic abuse. The applicant, Ms. A.T., experienced her common-law husband failing to pay child support for three years, a tactic the victim described as "financial abuse as a violent tactic" in addition to physical threats.²⁴⁶ Her husband also removed most furniture and household items from their shared apartment when he left.²⁴⁷ Furthermore, the national court decisions allowed the abusive partner

²³⁹ *ibid*, para 32 (a).

²⁴⁰ Statistik Austria, 'Einkommen und der Gender Pay Gap' <https://www.statistik.at/statistiken/bevoelkerung-und-soziales/gender-statistiken/einkommen> accessed 28 July 2025.

²⁴¹ Statistik Austria, 'Pensionen' (Gender-Statistiken) (Statistik Austria, updated 10 December 2024) <https://www.statistik.at/statistiken/bevoelkerung-und-soziales/gender-statistiken/pensionen> accessed 25 August 2025.

²⁴² Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Ninth Periodic Report of Austria* (30 July 2019) UN Doc CEDAW/C/AUT/CO/9, para 32 (b).

²⁴³ *ibid*, para 32 (e).

²⁴⁴ *ibid*, paras 33 (a), (b), (e).

²⁴⁵ G Tisheva, 'Procedures under the CEDAW and the Optional Protocol to CEDAW as Good Practice in the Fight against Violence against Women in the Member States' (Presentation, FEMM Committee, European Parliament, 18 November [n.d.]) <https://www.europarl.europa.eu/cmsdata/188993/Last%20version%20presentation%20Genoveva%20Tisheva%2018%20Nov%20FEMM-original.pdf> accessed 28 July 2025.

²⁴⁶ Committee on the Elimination of Discrimination against Women, *Views of the Committee under article 7(3) of the Optional Protocol: Communication No 2/2003, A.T. v Hungary* (26 January 2005) CEDAW/C/32/D/2/2003, para 2.2.

²⁴⁷ *ibid*.

to return to the apartment.²⁴⁸ Recalling its General Recommendation No 19, the Committee held that GBV was included in the definition of discrimination. It clarified that CEDAW applied to State and non-state actors, affirming State's responsibility for private acts in cases of failure of due diligence to prevent violations, investigations and providing for compensation.²⁴⁹ Despite Hungary's adoption of an action program against domestic violence, it failed to assist the applicant A.T. The Committee also noted the low priority given to domestic violence cases in court, emphasizing that "Women's human rights to life and to physical and mental integrity cannot be superseded by other rights, including the right to property and the right to privacy".²⁵⁰ Consequently, the Committee concluded that Hungary's failure to prevent and protect A.T. from domestic violence amounted to a violation of its obligations under Article 2 (a), (b), and (e) of CEDAW.²⁵¹ In determining violations of Articles 5 and 16, the Committee referred to its General Recommendation No 21 (on equality in marriage and family relations), which underscores how General Recommendation 19's provisions are vital for ensuring women's equal enjoyment of human rights and fundamental freedoms.²⁵² The Committee found that pervasive gender stereotyping in Hungary contributed to the GBV Ms. A.T. endured, observing that the "facts of the communication reveal aspects of the relationships between the sexes and attitudes towards women that the Committee recognized vis -à -vis the country as a whole".²⁵³ These findings led the Committee to conclude that Hungary had breached its obligations under Articles 5 (a) and 16 of CEDAW.²⁵⁴

The communication of *V.K. v Bulgaria*²⁵⁵ presented a clear landmark case on VAW where the Committee expressly acknowledged that every form of violence violates the principles of obligations enshrined in the Convention.²⁵⁶ The applicant, Ms. V.K., was subjected to psychological, emotional and economic abuse followed by physical violence.²⁵⁷ Despite her qualifications,

²⁴⁸ Committee on the Elimination of Discrimination against Women, *Views of the Committee under article 7(3) of the Optional Protocol: Communication No 2/2003, A.T. v Hungary* (26 January 2005) CEDAW/C/32/D/2/2003, para 2.4.

²⁴⁹ Committee on the Elimination of Discrimination against Women, *Views of the Committee under article 7(3) of the Optional Protocol: Communication No 2/2003, A.T. v Hungary* (26 January 2005) CEDAW/C/32/D/2/2003, para 9.2; Committee on the Elimination of Discrimination against Women, General Recommendation No 19: Violence against Women (1992) UN Doc A/47/38, para 9.

²⁵⁰ *ibid*, para 9.3.

²⁵¹ *ibid*, para 9.3.

²⁵² *ibid*, para 9.4.

²⁵³ *ibid*, para 9.4.

²⁵⁴ *ibid*.

²⁵⁵ Committee on the Elimination of Discrimination against Women, *Views: Communication No 20/2008, V.K. v Bulgaria* (49th session, 27 September 2011) UN Doc CEDAW/C/49/D/20/2008.

²⁵⁶ *ibid*.

²⁵⁷ *ibid*, para 2.2.

she was not allowed to work, making her “economically entirely dependent on her husband”.²⁵⁸ Her husband controlled all family income, provided money only for basic needs and later stopped maintenance for the applicant and their children to compel her “to behave” and “obey”.²⁵⁹ The applicant asserted that during the course of the marriage, the husband exercised unilateral control over family matters, excluded her from decision-making and imposed restrictions on her social interactions.²⁶⁰ Ms. V.K. had no independent access to money and was only provided with designated amounts for specific purposes without discretion to use the money otherwise.²⁶¹ Additionally she was not in knowledge of overall household income and how her husband allocated his earnings.²⁶² Following escalating incidents including physical assault and intimidation, V.K. left Poland with her children to seek refuge and protection in Bulgaria.²⁶³ There, she applied for an immediate protection order under Bulgaria’s Law on Protection against Domestic Violence, invoking CEDAW and other human rights instruments.²⁶⁴ While the District Court granted an immediate order, it rejected her application for a permanent protection order, a decision upheld on appeal by the Regional Court.²⁶⁵ Following the protection proceedings, V.K. and her children were left without State support while divorce proceedings, initiated by the husband, remained ongoing. Her husband initiated further legal action including attempts to access her residence, “the only safe place where she and her children could lead a normal life”.²⁶⁶ Notably, he asserted that, due to her limited financial resources, V.K. would be unlikely to obtain custody and could not afford to sustain prolonged proceedings.²⁶⁷ The Committee found that the Bulgarian courts applied an over restrictive definition of domestic violence, focusing solely on immediate physical threats,²⁶⁸ reflecting “a stereotyped and overly narrow concept of what constitutes domestic violence”.²⁶⁹ The Committee concluded that Bulgaria had failed to provide effective protection against domestic violence, thereby violating multiple obligations under the Convention.²⁷⁰ Additionally the Committee states that the refusal of issuing a permanent protection order was rooted in stereotypes, “preconceived and thus discriminatory notions of what constitutes domestic violence”.²⁷¹ Consequently, the Committee

²⁵⁸ *ibid*, para 2.2.

²⁵⁹ *ibid*, para 2.6.

²⁶⁰ *ibid*, paras 2.3, 2.4.

²⁶¹ *ibid*, para 2.2.

²⁶² *ibid*.

²⁶³ *ibid*, para 2.14.

²⁶⁴ *ibid*, para 2.15.

²⁶⁵ *ibid*, paras 2.16, 2.18, 2.19.

²⁶⁶ *ibid*, para 2.21.

²⁶⁷ *ibid*.

²⁶⁸ *ibid*, para 9.9.

²⁶⁹ *ibid*, para 9.12.

²⁷⁰ *ibid*, para 9.13.

²⁷¹ *ibid*, para 9.12.

found Bulgaria's failures in carrying out its obligations violated V.K. rights under Article 2 (c), (d), (e) and (f) in conjunction with article 1, as well as Article 5 (a) in conjunction with Article 16 (1) of the Convention and General Recommendation No 19.²⁷² Moreover, the Committee recommended specific individual and structural remedies, including compensation for the victim, legal reform, increased shelter availability and training of judicial and law enforcement personnel on gender-sensitive adjudication and interpretation of domestic violence.²⁷³

Taken together, CEDAW's evolving jurisprudence, General Recommendations and case law under the Optional Protocol demonstrate a clear recognition of economic violence as a distinct form of GBV. Through its interpretation of discrimination and the principle of due diligence, the Committee has articulated State obligations to prevent, protect against and redress such harm, even when perpetrated by private actors. The cases examined, *A.T. v Hungary* and *V.K. v Bulgaria*,²⁷⁴ illustrate how economic violence is addressed within the Convention's protective framework. While CEDAW laid the international foundation, EVAW has been further operationalized and detailed at the regional level.²⁷⁵ The following section turns to the Istanbul Convention²⁷⁶, which represents the most comprehensive binding instrument in addressing all forms of VAW.²⁷⁷

3.2 The Istanbul Convention: Definitions, Obligations and Monitoring

Building on the international legal foundation laid by instruments such as CEDAW and complemented by the evolving jurisprudence of the ECtHR, the Istanbul Convention, formally known as the Council of Europe Convention on preventing and combating violence against women and domestic violence, represents a milestone in the development of binding standards specifically addressing all forms of VAW.²⁷⁸ While CEDAW and its General

²⁷² *ibid*, para 9.15.

²⁷³ *Ibid*, para 9.16.

²⁷⁴ Committee on the Elimination of Discrimination against Women, *Views: Communication No 2/2003, A. T. v Hungary* (26 January 2005) UN Doc CEDAW/C/32/D/2/2003; Committee on the Elimination of Discrimination against Women, *Views: Communication No 20/2008, V.K. v Bulgaria* (25 July 2011) UN Doc CEDAW/C/49/D/20/2008.

²⁷⁵ Council of Europe, Regional Forum: Promoting the Implementation of the Istanbul Convention in the Western Balkans and Turkey – "Integrated Policies, Inclusive Partnerships" Skopje, 27–28 November 2018 (Council of Europe 2018) 13; CM Chinkin and L Gormley, 'Violence against Women' in P Schulz, R Halperin-Kaddari, B Rudolf and MA Freeman (eds) 632.

²⁷⁶ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210.

²⁷⁷ G Guney, *The Istanbul Convention: a Missed Opportunity in Mainstreaming Cyberviolence against Women in Human Rights Law?* EJIL:Talk! (10 March 2022) <https://www.ejiltalk.org/the-istanbul-convention-a-missed-opportunity-in-mainstreaming-cyberviolence-against-women-in-human-rights-law/> accessed 29 July 2025.

²⁷⁸ U Lembke and L Steinl, 'Die Istanbul-Konvention' (2018) 21(4) *Zeitschrift des Deutschen Juristinnenbundes* 203, 203 <https://doi.org/10.5771/1866-377X-2018-4-203> accessed 30 July 2025.

Recommendations²⁷⁹ clarified that GBV constitutes a form of discrimination and the ECHR jurisprudence has strengthened State obligations under general human rights provisions,²⁸⁰ it is the Istanbul Convention that explicitly and comprehensively addresses VAW, including its economic dimensions.²⁸¹ The Convention recognizes VAW as both a human rights violation and a form of discrimination²⁸², thus placing the issue squarely within the scope of State obligations under international law. Article 3 (a) of the Convention defines violence against women as “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women.”²⁸³ Domestic violence, as addressed in Article 3 (b), encompasses “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit” irrespective of the legal status of the relationship.²⁸⁴

Crucially, the Convention is one of the first legal instruments to explicitly name economic violence as a form of GBV. This recognition marks a significant evolution in IHRL, especially since economic violence remains underdefined in positive international law despite its severe and compounding effects.²⁸⁵ In legal scholarship, economic violence is commonly conceptualized as the exertion of control over an individual’s financial autonomy, including the regulation of how money is accessed, used, distributed, often accompanied by ongoing threats of economic deprivation.²⁸⁶ This form of violence is particularly insidious because it fosters conditions that enable other forms of violence. The resulting economic dependency severely undermines a woman’s autonomy, rendering her especially vulnerable to further acts of domestic violence and limiting her ability to escape abusive circumstances.²⁸⁷ Feminist legal theory has consistently highlighted the structural nature of economic inequality as a factor for GBV.²⁸⁸ The Istanbul Convention acknowledges EVAW primarily within the limited context of

²⁷⁹ Committee on the Elimination of Discrimination against Women, ‘General Recommendation No 19: Violence against Women’ (1992) UN Doc A/47/38.

²⁸⁰ *Bevacqua and S v Bulgaria* App no 71127/01 (ECtHR, 12 June 2008); *Opuz v Turkey* App no 33401/02 (ECtHR, 9 June 2009); *Kontrová v Slovakia* App no 7510/04 (ECtHR, 31 May 2007).

²⁸¹ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 2(1), art 3 (a), (b).

²⁸² *ibid*, art 3 (a).

²⁸³ *ibid*, art 3 (a).

²⁸⁴ *ibid*, art 3 (b).

²⁸⁵ VV Chernikov and OK Goncharenko, ‘The Problems of Violence against Women in International Law’ (2021) 3 *Vestnik of Saint Petersburg University. Law* 803-804 <https://doi.org/10.21638/spbu14.2021.319>.

²⁸⁵ *ibid*, 812-813.

²⁸⁶ I Miškulin, ‘Economic Violence Against Women in Croatia’ (2020) 44(3) *Collegium Antropologicum* 115, 115 <https://doi.org/10.5671/ca.44.3.1> accessed 30 July 2025.

²⁸⁷ VV Chernikov and OK Goncharenko, ‘The Problems of Violence against Women in International Law’ (2021) 3 *Vestnik of Saint Petersburg University. Law* 803-804 <https://doi.org/10.21638/spbu14.2021.319>.

²⁸⁷ *ibid*, 812-813.

²⁸⁸ J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 40.

domestic violence and includes references to economic autonomy only as a part of preventive strategies.²⁸⁹ Yet, the Convention does not fully address the broader societal structures that hinder women's economic dependence. Moreover, the concept of "economic harm" is framed as a consequence of domestic violence rather than as a symptom of entrenched gender inequality.²⁹⁰ Feminist scholars argue that for the Convention to meaningfully promote substantive equality, it must expand its conceptualization of economic violence beyond violent intimate relationships to include the wider economic consequences of systemic gender discrimination on women's lives.²⁹¹ Although article 3 (b) of the Convention,²⁹² includes economic violence in its definition of domestic violence, it is framed strictly in the interpersonal sphere, occurring within the family or between current or former partner, which results in a limited recognition of economic violence as a broader systemic issue.²⁹³ As some scholars note, GBV must also encompass forms of structural violence such as poverty, symbolic or systemic economic inequality that extend beyond interpersonal dynamics and are rooted in broader societal frameworks.²⁹⁴

The Convention sets out an ambitious and far-reaching agenda. Its primary aims are to eliminate VAW in all its form and to ensure comprehensive protection and prosecution for those affected, as outlined in Article 1 (a)²⁹⁵.²⁹⁶ It recognizes that VAW is both a manifestation and consequence of historically unequal power relations between men and women and therefore also constitutes a form of gender-based discrimination.²⁹⁷ As such, the Convention also seeks to promote gender equality and the empowerment of women as specified in Article 1 (b).²⁹⁸ States are explicitly called upon to challenge and transform cultural norms and gender

²⁸⁹ *ibid.*, 41.

²⁹⁰ *ibid.*

²⁹¹ *ibid.*

²⁹² Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 3 (b).

²⁹³ J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 272; S De Vido and M Frulli (eds), *Preventing and Combating Violence Against Women and Domestic Violence* (Edward Elgar Publishing 2023) 113, para 3.033.

²⁹⁴ *ibid.*

²⁹⁵ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 1(a).

²⁹⁶ J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 8-9.

²⁹⁷ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 1(b); J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 8-9.

²⁹⁸ *ibid.*

stereotypes that perpetuate such violence, in accordance with Article 12 (1).²⁹⁹ To translate these overarching objective into practice, the Convention introduces a set of operational goals aimed at fostering integrated, coordinated and cross-sectoral responses.³⁰⁰ It affirms that tackling violence cannot be achieved through criminal law alone but demands a systematic approach embedded across all relevant areas of public policy.³⁰¹ Article 1(c) commits State parties to developing a comprehensive policy and institutional framework for the protection of violence and the support of victims.³⁰² While the Convention outlines essential components of such policies, it is left to States to tailor and implement them within their own domestic legal and institutional contexts.³⁰³ Importantly, this obligation is in line with evolving jurisprudence of the ECtHR, which has consistently emphasized the duty of States to adopt positive measures to combat VAW.³⁰⁴

3.2.1 State Obligations and the Principle of Due Diligence

The foundational and guiding principle of due diligence underpins the Istanbul Convention and informs its entire framework and is operationalized through the so called “3P’s”: prevention, protection and prosecution³⁰⁵, and outlines the actions States are required to take in order to fulfil the due diligence set out in Article 5:³⁰⁶

- (1) Parties shall refrain from engaging in any act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation.³⁰⁷

²⁹⁹ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 12(1); J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 9.

³⁰⁰ J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 8-9.

³⁰¹ *ibid.*

³⁰² Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 1(c).

³⁰³ J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 8-9.

³⁰⁴ *ibid.*

³⁰⁵ J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 8-9; VV Chernikov and OK Goncharenko, 'The Problems of Violence against Women in International Law' (2021) 3 *Vestnik of Saint Petersburg University. Law* 816 <https://doi.org/10.21638/spbu14.2021.319>.

³⁰⁶ J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 96.

³⁰⁷ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 5 (1).

(2) Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.³⁰⁸

This principle of due diligence is understood to impose a positive obligation on States to act proactively. As articulated in international human rights discourse, a State's failure to prevent, protect, investigate, prosecute and punish acts of VAW may itself constitute a violation.³⁰⁹

The Convention's operative chapters are accordingly arranged into key pillars: Chapter III Prevention, Chapter IV Protection and support, Chapter V Substantive law, VI Investigation, prosecution and procedures.³¹⁰ However, it is important to mention that some approaches add additional "P's" such as "policies"³¹¹, "punishment"³¹² or "partnerships"³¹³.

Article 7 (1) obliges States to adopt comprehensive and coordinated nation-wide policies covering all relevant initiatives to prevent and combat all forms of VAW within the Convention's scope.³¹⁴ It is underlined in Article 7 (2) that these efforts must remain victim centered.³¹⁵

Article 7 (3) further mandates the involvement of a wide range of stakeholders, including governmental agencies, parliaments, national human rights institutions and civil society organizations.³¹⁶ In line with this, States are required to allocate adequate financial and human

³⁰⁸ *ibid*, art 5 (2).

³⁰⁹ C Chinkin, *The Duty of Due Diligence* (CAHVIO (2010) 7, Strasbourg, 21 May 2010) 2 <https://rm.coe.int/1680593fc8> accessed 9 September 2025; L Grans, 'The Istanbul Convention and the Positive Obligation to Prevent Violence' (2018) 18 *Human Rights Law Review* 133, 136 footnote 19 <https://doi.org/10.1093/hrlr/ngx041>.

³¹⁰ *ibid*, chapters III–VI; J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 9.

³¹¹ Ad Hoc Committee on Preventing and Combating Violence Against Women and Domestic Violence (CAHVIO), *Interim Report* (27 May 2009) CAHVIO (2009) 4 FIN, section A 'Preliminary Remarks'.

³¹² Committee on the Elimination of Discrimination against Women, General Recommendation No 35 on Gender-Based Violence Against Women, Updating General Recommendation No 19 (14 July 2017) UN Doc CEDAW/C/GC/35, para 28.

³¹³ VV Chernikov and OK Goncharenko, 'The Problems of Violence against Women in International Law' (2021) 3 *Vestnik of Saint Petersburg University. Law* 816 <https://doi.org/10.21638/spbu14.2021.319>.

³¹⁴ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 7 (1); J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 9.

³¹⁵ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 7 (2).

³¹⁶ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 7 (3); J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 9.

implementation resources,³¹⁷ designate a national coordinating body,³¹⁸ and establish systems for data collection and research.³¹⁹ In terms of protection, article 12 (1) of the Convention, similarly to Article 5 (a) of CEDAW³²⁰, requires States to take measures to eradicate gender-based stereotypes, cultural norms and traditional practices that perpetuate the idea of women's inferiority.³²¹ Recognizing the crucial role of early intervention, the Convention also emphasizes the transformative role of education and awareness raising in its articles 13 to 15, which call on States to incorporate into all levels of education issues of equality, non-violent resolution, unacceptability of GBV, awareness raising campaign for the general public as well as strengthening the training of professionals handling cases of VAW.³²² On the level of protection and support, the Convention establishes a dual obligation to ensure both general and specialized support services.³²³ General support services refer to the responsibilities of frontline authorities and agencies to respond sensitively and effectively to the needs of victims and to refer them to specialized services, further detailed in articles 22 to 25.³²⁴ Although the Convention leaves room for national discretion regarding the precise structure of such services, these measures must be comprehensive and tailored to the full spectrum of VAW.³²⁵ As part of its obligations under the prosecution pillar, the Convention sets out procedural standards to ensure that criminal investigations are conducted promptly, thoroughly and effectively.³²⁶ Article 50 specifically emphasizes the need for effective investigation and adequate risk assessment to be conducted

³¹⁷ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 8.

³¹⁸ *ibid*, art 10.

³¹⁹ *ibid*, art 11.

³²⁰ Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW) art 5 (a).

³²¹ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 12 (1); J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 9.

³²² Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, arts 13-15; J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 9.

³²³ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 20, 22; J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 9.

³²⁴ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, arts 20, 22-25; J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 9.

³²⁵ J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 9.

³²⁶ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, arts 49-50.

to protect victims from further harm.³²⁷ To this end, the Convention obliges States to both emergency barring orders in times of imminent danger,³²⁸ as well as longer-term protection orders.³²⁹ In line with these and other provisions, the monitoring and implementation bodies of the Convention, GREVIO and the Committee of the Parties, play a central role in assessing whether States have adequately implemented their obligations.³³⁰

3.2.2 Implementation and Monitoring of the Convention

To ensure that State parties comply with the obligations set forth in the Istanbul Convention, the treaty established monitoring mechanism rooted in both expert evaluation and political oversight under Article 68 of the Convention.³³¹ This two-pillar monitoring system comprises the GREVIO, an independent body of recognized experts, and the Committee of the Parties, a political entity composed of representatives from the member States of the Convention.³³²

GREVIO serves as the Convention's primary observer of the implementation of the Convention by its members. Initially composed of 10 members and expanded to 15 after the Convention reached 25 ratifications, GREVIO's mandate, which is regulated in Article 66 (1)³³³, is to evaluate the implementation of the Convention by parties through thematic and country-specific assessments.³³⁴ It may also issue General Recommendations on concepts central to the Convention.³³⁵ The Committee of the Parties in turn, reviews GREVIO's findings and adopts tailored recommendations addressed to the state in question and is also plays a key role in the election of the GREVIO members.³³⁶ The monitoring mechanism foresees two distinct yet complementary procedures: first, the country-by-country evaluation begins with a baseline

³²⁷ *ibid*, art 50.

³²⁸ *ibid*, art 52.

³²⁹ *ibid*, art 53.

³³⁰ J Niemi, L Peroni and V Stoyanova, *International Law and Violence Against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020) 12.

³³¹ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 68.

³³² Council of Europe, 'About monitoring' (Istanbul Convention, Council of Europe)

<https://www.coe.int/en/web/istanbul-convention/about-monitoring1> accessed 31 July 2025; Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, arts 66 (1), 67.

³³³ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 66 (1).

³³⁴ Council of Europe, 'About monitoring' (Istanbul Convention, Council of Europe)

<https://www.coe.int/en/web/istanbul-convention/about-monitoring1> accessed 31 July 2025.

³³⁵ *ibid*; Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 69.

³³⁶ Council of Europe, 'About monitoring' (Istanbul Convention, Council of Europe)

<https://www.coe.int/en/web/istanbul-convention/about-monitoring1> accessed 31 July 2025; Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 66 (2).

assessment, wherein a State party submits a comprehensive implementation report based on a detailed GREVIO questionnaire. The evaluation process may also involve country visits and include other information from a wide range of actors, such as other Council of Europe bodies, UN treaty mechanisms (such as the CEDAW Committee), national human rights institutions and civil society organizations.³³⁷ After engaging in consultation and dialogue with the relevant authorities, GREVIO adopts a final evaluation report. The reports, once adopted, are made publicly available along with any comments by the States concerned. It is subsequently submitted to the Committee of the Parties, which adopts formal recommendations aimed at improving compliance with the Convention.³³⁸ The second procedure is a special inquiry, which can be triggered when GREVIO receives reliable information indicating the need for immediate action to prevent a serious, widespread or persistent pattern of violence falling within the Convention's scope.³³⁹ In such cases, GREVIO may request a special report from the State concerned to conduct an inquiry. The findings of such inquiries are shared with the State in question and, where appropriate, forwarded to the Committee of the Parties and the Committee of Ministers of the Council of Europe, for further action.³⁴⁰ Another feature is the explicit requirement for parliamentary involvement in the monitoring process. States should submit GREVIO's report to their national parliaments. Additionally, the Parliamentary Assembly of the Council of Europe is invited to periodically evaluate the Convention's implementation across member States.³⁴¹ GREVIO's mandate reflects the Convention's strong connection to the broader international human rights framework.³⁴² Article 68 (6) allows GREVIO to incorporate information from a diverse range of other inter- and national human rights monitoring mechanisms.³⁴³

³³⁷ Council of Europe, 'About monitoring' (Istanbul Convention, Council of Europe) <https://www.coe.int/en/web/istanbul-convention/about-monitoring1> accessed 31 July 2025; Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 68; European Parliamentary Research Service, *The Istanbul Convention: A tool to tackle violence against women and girls* (EPRS At a Glance, PE 659.334, November 2020) [https://www.europarl.europa.eu/Reg-DATA/etudes/ATAG/2020/659334/EPRS_ATA\(2020\)659334_EN.pdf](https://www.europarl.europa.eu/Reg-DATA/etudes/ATAG/2020/659334/EPRS_ATA(2020)659334_EN.pdf) accessed 18 August 2025.

³³⁸ Council of Europe, 'About monitoring' (Istanbul Convention, Council of Europe) <https://www.coe.int/en/web/istanbul-convention/about-monitoring1> accessed 31 July 2025; European Parliamentary Research Service, *The Istanbul Convention: A tool to tackle violence against women and girls* (EPRS At a Glance, PE 659.334, November 2020) [https://www.europarl.europa.eu/Reg-DATA/etudes/ATAG/2020/659334/EPRS_ATA\(2020\)659334_EN.pdf](https://www.europarl.europa.eu/Reg-DATA/etudes/ATAG/2020/659334/EPRS_ATA(2020)659334_EN.pdf) accessed 18 August 2025.

³³⁹ Council of Europe, 'About monitoring' (Istanbul Convention, Council of Europe) <https://www.coe.int/en/web/istanbul-convention/about-monitoring1> accessed 31 July 2025.

³⁴⁰ *ibid.*

³⁴¹ Council of Europe, 'About monitoring' (Istanbul Convention, Council of Europe) <https://www.coe.int/en/web/istanbul-convention/about-monitoring1> accessed 31 July 2025; Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 70.

³⁴² S De Vido and M Frulli (eds), *Preventing and Combating Violence Against Women and Domestic Violence* (Edward Elgar Publishing 2023) 764, para 70A.018.

³⁴³ Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 68 (6); S De Vido and M

This provision promotes complementarity and avoidance of duplication.³⁴⁴ Particularly significant is GREVIO's connection with the ECtHR.³⁴⁵ While the Istanbul Convention lacks an individual complaint procedure, GREVIO's evaluations have informed ECtHR rulings, highlighting the Convention's interpretative value. In 2020, GREVIO submitted its first third party intervention in the Case of *Kurt v Austria*, offering analysis on domestic violence risk assessment and protective measures. The Court referred extensively to GREVIO's input in its judgment, demonstrating the potential of "systemic interpretation" to bridge monitoring and adjudication.³⁴⁶

3.2.3 Austria's Implementation of the Istanbul Convention on Economic Violence against Women

In its initial round of monitoring, GREVIO adopted a staggered approach, requesting reports from two state parties. Austria, along with Monaco, was among the first to undergo this assessment, marking the beginning of GREVIO's monitoring procedure.³⁴⁷ Both countries received GREVIO's baseline questionnaire in March 2016, submitted their official state reports by September of the same year and published the reports the next year.³⁴⁸ In its 2017 baseline evaluation report on Austria, GREVIO specifically highlighted a significant gap in Austria's legal framework.³⁴⁹ It noted:

"The absence of a full legal definition of domestic violence, GREVIO invites the Austrian authorities to adopt a universally applicable legal definition of domestic violence, which would include economic violence, in line with Article 3 b of the Istanbul Convention."³⁵⁰

However, Austria, in its comments on GREVIO's 2017 report, stated that adopting such a universally applicable legal definition of domestic violence, encompassing economic violence, was not considered feasible within its legal system.³⁵¹ Austria argued that introducing such a definition might make its already complex and multilayered legislation on domestic violence

Frulli (eds), *Preventing and Combating Violence Against Women and Domestic Violence* (Edward Elgar Publishing 2023) 764, para 70A.018.

³⁴⁴ S De Vido and M Frulli (eds), *Preventing and Combating Violence Against Women and Domestic Violence* (Edward Elgar Publishing 2023) 764, para 70A.018.

³⁴⁵ *ibid*, para 70A.023.

³⁴⁶ *ibid*, para 70A.023-70A.026.

³⁴⁷ Council of Europe, 'GREVIO publishes its first reports on Austria and Monaco' (27 September 2017) <https://www.coe.int/en/web/istanbul-convention/-/grevio-publishes-its-first-reports-on-austria-and-monaco> accessed 13 September 2025.

³⁴⁸ S De Vido and M Frulli (eds), *Preventing and Combating Violence Against Women and Domestic Violence* (Edward Elgar Publishing 2023) 764, para 66-70.023.

³⁴⁹ GREVIO, Baseline Evaluation Report Austria (GREVIO/Inf(2017)4, 27 September 2017.

³⁵⁰ *ibid*, para 8.

³⁵¹ Federal Ministry of Health and Women's Affairs, AUSTRIA's Comments on GREVIO's Report (August 2017) 4.

inflexible and rigid.³⁵² Authorities added that Austrian law already recognized that economic violence could constitute domestic violence if it reached a “critical level”, for instance, the denial of financial support could be deemed a breach of marital obligations and thus considered during divorce proceedings.³⁵³ Seven years later, the 2024 thematic evaluation report on Austria expressed regret that since the 2017 baseline report no corresponding universal definition of domestic violence in line with article 3 (b) of the Convention has been introduced.³⁵⁴ While the “Guidelines for the prosecution of offences in the immediate social environment” for public prosecutors were updated to include a definition of “violence in the immediate social environment”, GREVIO found this definition insufficient.³⁵⁵ It noted that it does not fully comply with the Istanbul Convention’s definition of domestic violence. Its utility was also confined to prosecution services, and it lacked clear provisions for violence occurring within family units or between past or present partners who do not share the same residence.³⁵⁶ At the law enforcement level, the existence of two distinct terms, “domestic violence” (applying only to persons living in the same household) and “violence in close relationships” (covering violence outside the domestic unit between individuals with a personal relationship), further complicates the issue. GREVIO voiced its concerns regarding the introduction of these multiple definitions by Austrian lawmakers, none of which fully align with article 3 (b) of the Convention. It cautioned that this fragmented approach could lead to inconsistencies and reactions across different parts of the criminal justice system that are required to cooperate closely.³⁵⁷

In its comments on GREVIO’s 2024 thematic evaluation report, Austria explained its position regarding the legal definition. The Ministry of Interior stated that it uses the term “violence within the private sphere” because, in expert opinion, it is broader than solely the “domestic sphere of a shared residence”.³⁵⁸ The Ministry of Justice further clarified that its use of a “uniform definition of violence in the immediate social environment” within its guidelines, refers to family relationships or a comparably close relationship (as per Section 72 (1) and (2) of the Criminal Code).³⁵⁹ Cases falling under this definition are marked with a “FAM” code in the public prosecutors’ and courts’ registers, ensuring consistent application and harmonization

³⁵² *ibid.*

³⁵³ *ibid.*

³⁵⁴ GREVIO, Building trust by delivering support, protection and justice: First thematic evaluation report – Austria (10 September 2024) GREVIO(2024)4, para 13.

³⁵⁵ *ibid.*

³⁵⁶ *ibid.*

³⁵⁷ *ibid.*, para 14.

³⁵⁸ Federal Chancellery, Division III for Women and Equality, Austria's Comments on GREVIO's First Thematic Evaluation Report (August 2024), 10.

³⁵⁹ *ibid.*

across different authorities.³⁶⁰ Austria further stated that Section 33 (1) No. 5 of the Criminal Code considers the killing of a woman or girl due to their gender a particularly reprehensible motive and for relationship crimes, Section 33 (2) No. 2 Criminal Code applies as an aggravating circumstance, including homicides committed by ex-partner.³⁶¹ For these reasons, Austria maintained that the demanded introduction of a universally applicable legal definition of VAW and domestic violence is a cross-sectional matter and such a broad definition would only be meaningful if it aimed to describe comprehensive competences, tasks, obligations or powers. Under the scope of the Criminal Code, a general definition is not deemed suitable because the Istanbul Convention itself mandates the specific criminalization of various distinct forms of VAW and domestic violence.³⁶²

Beyond the definitional aspect, GREVIO's 2024 report also touched upon practical implications related to the economic vulnerability of victims. It observed that women seeking refuge in shelters in Austria are frequently required to cover part of the cost for their stay themselves, except when they receive social welfare or minimum state support.³⁶³ In response, GREVIO encouraged Austrian authorities to ensure that all women victims of violence, irrespective of their financial situation, have free-of-charge access to dedicated domestic violence shelters.³⁶⁴

Until this day there is no legal definition of economic violence in Austria.

3.3 ECHR and ECtHR on Economic Violence against Women

Several provisions of the ECHR come into play when addressing economic violence in the realm of domestic violence. Over the past years, the ECtHR has placed growing emphasis on the importance of addressing non-physical forms of domestic violence, such as psychological or economic violence, or controlling or coercive behavior by interpreting the ECHR in ways that impose positive obligations on States to protect victims, thereby adapting its general rights framework to the realities of domestic violence.³⁶⁵ While the ECHR does not mention GBV or

³⁶⁰ *ibid.*

³⁶¹ *ibid.*, 11.

³⁶² *ibid.*

³⁶³ GREVIO, Building trust by delivering support, protection and justice: First thematic evaluation report – Austria (10 September 2024) GREVIO(2024)4, para 108.

³⁶⁴ *ibid.*

³⁶⁵ J Herring, *The ECHR, the Istanbul Convention and Domestic Abuse*, in *Domestic Abuse and Human Rights* (Intersentia 2020) 111; N Hedlund, 'The ECHR and the Positive Obligation to Criminalise Domestic Psychological Violence' (2024) 24 *Human Rights Law Review* <https://doi.org/10.1093/hrlr/ngae019> accessed 6 August 2025; *Volodina v Russia* App no 41261/17 (ECtHR, 9 July 2019) para 81; *Tunikova and Others v Russia* Apps

domestic violence and its forms directly, the Court has developed a body of case law recognizing such violence potentially violating a range of Convention rights. Depending on severity, such abuse may engage with article 2 (right to life), article 3 (prohibition of torture and inhuman or degrading treatment), article 8 (right to respect for private and family life), often in conjunction with article 14 (prohibition of discrimination).³⁶⁶ Authorities breach article 2 if they knew or should have known of a real and immediate risk to life, such as from domestic violence, and failed to take reasonable steps to prevent it.³⁶⁷ More commonly, the Court has held that severe domestic abuse may reach the threshold of article 3, which protects individuals from serious physical or psychological harm and degrading treatment as well as their dignity.³⁶⁸ Milder forms of state inaction in domestic violence cases might violate article 8's guarantee of private and family life, particularly in earlier jurisprudence where the Court analyzed domestic violence under article 8 in lieu of article 3.³⁶⁹ This distinction is significant for economic violence cases, as the threshold under article 8 is lower and may capture conduct that does not reach the severity required for "inhumane or degrading treatment" under article 3. Crucially, when systemic or discriminatory attitudes underlie the lack of protection (given that women form the overwhelming majority of domestic violence victims),³⁷⁰ such failures engage article 14 in conjunction with the substantive rights.³⁷¹ Where there is an arguable claim of such a violation, article 13 of the Convention requires an effective domestic remedy.³⁷²

In this context, the ECtHR has increasingly recognized the important protective role of criminal law provisions against domestic violence not being displayed through physical harm, such as domestic economic violence.³⁷³ In sum, the ECtHR recognizes that economic and other non-physical forms of violence can trigger a State's positive duty to protect and an array of

nos 55974/16 and others (ECtHR, 14 December 2021) para 89; *T.M. and Others v Russia* App no 31189/15 and others (ECtHR, 7 November 2017) para 47.

³⁶⁶ European Convention on Human Rights (adopted 4 November 1950, entered into force 3 September 1953) ETS No 5, arts 2, 3, 8 and 14; *Bevacqua and S. v Bulgaria* App no 71127/01 (ECtHR, 12 June 2008); *Opuz v Turkey* App no 33401/02 (ECtHR, 9 June 2009).

³⁶⁷ *Opuz v Turkey* App no 33401/02 (ECtHR, 9 June 2009) para 130.

³⁶⁸ *Volodina v Russia* App no 41261/17 (ECtHR, 9 July 2019) para 73.

³⁶⁹ *Bevacqua and S. v Bulgaria* App no 71127/01 (ECtHR, 12 June 2008).

³⁷⁰ *Kurt v Austria* App no 62903/15 (ECtHR [GC], 15 June 2021) para 161.

³⁷¹ *Volodina v Russia* App no 41261/17 (ECtHR, 9 July 2019).

³⁷² European Convention on Human Rights (adopted 4 November 1950, entered into force 3 September 1953) ETS No 5, art 13.

³⁷³ N Hedlund, 'The ECHR and the Positive Obligation to Criminalise Domestic Psychological Violence' (2024) 24 *Human Rights Law Review* <https://doi.org/10.1093/hrlr/ngae019> accessed 6 August 2025 2-3; *Volodina v Russia* App no 41261/17 (ECtHR, 9 July 2019) paras 78, 81; *Tunikova and Others v Russia* Apps nos 55974/16 and others (ECtHR, 14 December 2021) paras 86, 89.

Convention rights.³⁷⁴ A pivotal strand of this jurisprudence related to the recognition that domestic violence does not always entail physical injury.³⁷⁵ The Court has highlighted the “many types of domestic violence, not all of which result in physical injury, such as psychological or economic abuse” still trigger a state’s duty to act under the Convention.³⁷⁶ Notably, victims must have access to effective legal remedies for such breaches, a requirement following from article 13 of the Convention (right to an effective remedy).³⁷⁷ In the context of domestic violence cases, the Court has acknowledged that the absence of avenues to obtain protection or accountability can itself violate article 13 when read alongside above mentioned rights.³⁷⁸

3.3.1 ECtHR Jurisprudence on Economic Violence

In the case of *T.M. and C.M. v Moldova* the Court confronted a prosecutorial requirement that injuries must reach a minimum threshold of severity before initiating criminal investigations, finding this incompatible with the positive obligations under article 3 ECHR.³⁷⁹ The Court held that such an approach undermines the effectiveness of protective measures against the many forms of violence, which are not limited to physical harm but also include economic violence.³⁸⁰ In *T.M. and C.M.*, the authorities knew the applicant had endured domestic violence from the husband, yet delayed protective measures and declined to prosecute on the ground that the harm was not “serious” enough.³⁸¹ By failing to act promptly on known abuse, Moldova breached article 3 and this failure was found to reflect a discriminatory practice in violation of article 14 as well.³⁸² Building on this position, the Court reinforced in *Volodina v Russia* that domestic violence can take multiple forms such as economic, emotional or verbal abuse and may arise from a single act and may consist of coercive and controlling behavior, including psychological and economic abuse and that no manifestation of violence, regardless of its perceived severity, is too minor for the state to address.³⁸³ Many of the acts Ms. Volodina was subjected to, such

³⁷⁴ *T.M. and C.M. v Moldova* App no 26608/11 (ECtHR, 28 January 2014); *Volodina v Russia* App no 41261/17 (ECtHR, 9 July 2019); *Tunikova and Others v Russia* Apps nos 55974/16 and others (ECtHR, 14 December 2021).

³⁷⁵ N Hedlund, ‘The ECHR and the Positive Obligation to Criminalise Domestic Psychological Violence’ (2024) 24 *Human Rights Law Review* <https://doi.org/10.1093/hrlr/ngae019> accessed 6 August 2025 2-3.

³⁷⁶ *T.M. and C.M. v Moldova* App no 26608/11 (ECtHR, 28 January 2014), para 47.

³⁷⁷ European Convention on Human Rights (adopted 4 November 1950, entered into force 3 September 1953) ETS No 5, art 13.

³⁷⁸ *Kontrová v Slovakia* App no 7510/04 (ECtHR, 31 May 2007).

³⁷⁹ *T.M. and C.M. v Moldova* App no 26608/11 (ECtHR, 28 January 2014), para 47.

³⁸⁰ *T.M. and Others v Russia* App no 31189/15 and others (ECtHR, 7 November 2017) paras 47, 49; *Volodina v Russia* App no 41261/17 (ECtHR, 9 July 2019) para 81.

³⁸¹ *T.M. and Others v Russia* App no 31189/15 and others (ECtHR, 7 November 2017) paras 58, 59.

³⁸² *ibid*, para 63.

³⁸³ *Volodina v Russia* App no 41261/17 (ECtHR, 9 July 2019) paras 71, 81; LSE Blogs, “Volodina v Russia (2019) - Tackling Violence against Women” (*Tackling Violence against Women - Progressing human rights - Accessing justice - Transforming equality*, June 19, 2020) <https://blogs.lse.ac.uk/vaw/landmark-cases/a-z-of-cases/volodina-v-russia-2019/> accessed August 7, 2025.

as physical assaults, threats, stalking, abduction and psychological harm over several years were dismissed by Russian authorities as too “minor” or not within the scope of the law.³⁸⁴ In finding a violation of article 3 in the scope of ill-treatment due to the “feelings of fear, anxiety and powerlessness that the applicant must have experienced in connection with this controlling and coercive behavior”.³⁸⁵ Additionally a violation of article 14 in conjunction with article 3 was found.³⁸⁶ In reaching its decision, the Court drew on significant international human rights sources such as findings of the CEDAW Committee as well as the report of the Special Rapporteur on VAW from her visit to Russia in 2004.³⁸⁷ Importantly, the Court stressed that VAW constitutes a breach of customary international law, thus echoing the position of the CEDAW Committee as articulated in its General Recommendation No 35.³⁸⁸ It is worth mentioning that a separate concurring opinion by Judge Pinto De Albuquerque, joined by Judge Dedov, welcomed the outcome of the judgement but asserted that that the Court should have gone further, emphasizing that the pain and suffering endured by the applicant warranted recognition as torture under article 3, stating: “Domestic violence is torture”.³⁸⁹

The trend continued with *Tunikova and others v Russia*. It was criticized by the Court that no criminal provisions addressing non-physical forms of domestic violence, explicitly mentioning economic violence, are in place.³⁹⁰ The Court found that the Russian legal system failed to provide effective protection for victims prior to the infliction of physical harm.³⁹¹ The ECtHR recognized that domestic violence extends beyond bodily injury, affirming that article 3 “does not refer exclusively to the infliction of physical pain but also to that of mental suffering which is caused by creating a state of anguish and stress by means other than bodily assault.”³⁹² The Court further acknowledges that fear of further assaults can be severe enough to reach the minimum level required for article 3 to apply.³⁹³ It noted that domestic Russian law lacked a definition of domestic violence,³⁹⁴ providing insufficient protection mechanism³⁹⁵ and is not criminalizing the many forms of violence unless they result in severe injury.³⁹⁶

³⁸⁴ *Volodina v Russia* App no 41261/17 (ECtHR, 9 July 2019) I. ‘Circumstances of the Case’.

³⁸⁵ *Volodina v Russia* App no 41261/17 (ECtHR, 9 July 2019) paras 75, 102.

³⁸⁶ *ibid*, para 133.

³⁸⁷ *ibid*, III. ‘Relevant International Material’.

³⁸⁸ *ibid*, para 55.

³⁸⁹ *Volodina v Russia* App no 41261/17 (ECtHR, 9 July 2019) Separate Opinion of Judge Pinto de Albuquerque, joined by Judge Dedov, section B (1).

³⁹⁰ *Tunikova and Others v Russia* Apps nos 55974/16 and others (ECtHR, 14 December 2021) para 89.

³⁹¹ *ibid*, paras 88, 89.

³⁹² *ibid*, para 75.

³⁹³ *ibid*, para 75.

³⁹⁴ *ibid*, para 94.

³⁹⁵ *ibid*, para 99.

³⁹⁶ *ibid*, para 117.

The ECtHR held that this legal void and the authorities' passivity in the face of known abuse fell short on Russia's positive obligations under article 3.³⁹⁷ The Court additionally found a violation of article 14 in conjunction with article 3, by observing a *de facto* discriminatory climate, given the overwhelming number of women affected and the State's tolerance towards violence, which amounted to gender-based discrimination in protection.³⁹⁸ The Court also issued specific guidance under article 46 of the Convention, urging Russia to reform its law and to introduce a legal definition of domestic violence "which is sufficiently comprehensive in its scope to cover acts of violence in various forms, including physical, sexual, psychological or economic violence, manifestations of controlling or coercive behaviour [...] whether they take physically or in cyberspace."³⁹⁹ This recommendation explicitly mentions economic violence alongside other forms, underscoring the necessity of financial control, economic deprivation and similar conduct as actionable wrongs. The ECtHR's case law in sphere of economic violence reveals a convergence of principles despite different national contexts. In the Moldovan context (*T.M. and C.M. and others*), the issue was a threshold-based dismissal of "non-severe violence", reflecting notions that only serious bodily harm warrants intervention.⁴⁰⁰ In the Russian cases (*Volodina and Tunikova*), an almost legal vacuum for domestic violence compounded by authorities' indifference laid at hand.⁴⁰¹ Yet, in both situations, the Court's response was analogous: domestic violence in any form must be taken seriously under the Convention.⁴⁰²

The ECtHR's case law further illustrates the Court's position that domestic violence engages States' positive obligations under the ECHR. In *Bevacqua and S. v Bulgaria* the Court found that the authorities' failure to intervene and protect, violated article 8.⁴⁰³ The Court reiterated that article 8 encompasses not only the right to family life but also to physical and psychological integrity as part of private life.⁴⁰⁴ In particular, the judgement highlighted the domestic duty to take effective measures to maintain a legal framework that affords protection against acts of violence by private individuals. This obligation can, depending on the circumstances, arise

³⁹⁷ *ibid*, paras 114-122.

³⁹⁸ *ibid*, paras 127-130.

³⁹⁹ *ibid*, para 153.

⁴⁰⁰ *T.M. and Others v Russia* App no 31189/15 and others (ECtHR, 7 November 2017) paras 47, 59.

⁴⁰¹ *Volodina v Russia* App no 41261/17 (ECtHR, 9 July 2019) paras 129, 131; *Tunikova and Others v Russia* Apps nos 55974/16 and others (ECtHR, 14 December 2021) paras 100, 111.

⁴⁰² *Volodina v Russia* App no 41261/17 (ECtHR, 9 July 2019) paras 128; *Tunikova and Others v Russia* Apps nos 55974/16 and others (ECtHR, 14 December 2021) para 153.

⁴⁰³ *Bevacqua and S. v Bulgaria* App no 71127/01 (ECtHR, 12 June), para 84.

⁴⁰⁴ *ibid*, para 65.

under article 2 or 3, or under article 8 alone or in conjunction with article 3.⁴⁰⁵ Furthermore, the Court acknowledges the particular vulnerability of victims of domestic violence and the corresponding need for active state involvement in their protection, an approach reinforced by other international instruments.⁴⁰⁶ This vulnerability, as the Court elaborates, often stems from victims' economic, emotional, or other forms of dependency on the perpetrator, frequently the result of isolating and coercive behaviors, which compounds their risk and underscores the unpredictable nature of domestic abuse.⁴⁰⁷

The landmark ruling in *Opuz v Turkey* marked a major shift in the Court's jurisprudence. It was the first time the Court found a violation of article 14 in conjunction with articles 2 and 3, recognizing that domestic violence can constitute gender-based discrimination.⁴⁰⁸ Despite repeated reports of abuse and a clear escalation of threats, Turkish authorities failed to protect the applicant or her mother, who was eventually killed by the perpetrator.⁴⁰⁹ The government argued that it had been constrained from pursuing criminal prosecution as the applicant and her mother had withdrawn their complaints.⁴¹⁰ Crucially, the Court highlighted in this regard that in cases of domestic violence, victims are often intimidated or pressured into silence and thus the responsibility for ensuring accountability must lie with the state, not the victim.⁴¹¹ Moreover, where there is sufficient evidence and prosecution lies within public interest, States are expected to proceed even without victim cooperation.⁴¹² The Court acknowledges that States differ in how they approach prosecution in the absence of a victim's complaint. However, it reiterated that national authorities must strike a fair balance between various Convention rights, especially articles 2, 3 and 8, when determining whether to proceed.⁴¹³ Relevant factors include but are not limited to the gravity of the offence, prior incidents, use of threats or weapons, risk to others in the household, psychological harm, the relationship between the parties as well as the likelihood of reoffending – where such risks are present the state cannot remain passive.⁴¹⁴

⁴⁰⁵ *ibid.*

⁴⁰⁶ *ibid.*

⁴⁰⁷ *Levchuk v Ukraine* App no 17496/19 (ECtHR, 3 September 2020) para 80; *Tunikova and Others v Russia* Apps nos 55974/16 and others (ECtHR, 14 December 2021) para 76; N Hedlund, 'The ECHR and the Positive Obligation to Criminalise Domestic Psychological Violence' (2024) 24 *Human Rights Law Review* <https://doi.org/10.1093/hrlr/ngae019> accessed 6 August 2025 11.

⁴⁰⁸ *Opuz v Turkey* App no 33401/02 (ECtHR, 9 June 2009) para 202.

⁴⁰⁹ *ibid.*, para 136.

⁴¹⁰ *ibid.*, para 137.

⁴¹¹ *ibid.*, para 126.

⁴¹² *ibid.*, para 126.

⁴¹³ *ibid.*, para 138.

⁴¹⁴ *ibid.*, para 138.

The Court ultimately held that Turkey had failed to exercise due diligence and had therefore violated article 2 by not protecting the applicant's mother.⁴¹⁵ The Court underlined that systemic passivity in addressing domestic violence disproportionately affects women and therefore violates the principle of non-discrimination.⁴¹⁶

A recurring feature of the Court's domestic violence jurisprudence is its reliance on the concept of vulnerability. In *Bevacqua and S. v Bulgaria* and *T.M. and C.M. v Moldova* the Court underscored the particular vulnerability of victims of domestic violence as a basis for imposing heightened positive obligations on the State.⁴¹⁷ In *Opuz v Turkey*, this reasoning was developed further as the Court characterized women from low-income families in southeast Turkey, situated in a context of entrenched structural discrimination as especially vulnerable.⁴¹⁸ While this reasoning gave the Court rhetorical force, its foundation in a concept not codified in human rights law raises questions about its legal precision and normative value.⁴¹⁹ As highlighted in socio-legal scholarship, vulnerability is frequently invoked in human rights discourse even though no binding international instrument expressly refers to it. Moreover, where definitions are provided, they tend to be vague and broad, lacking clear objectives and failing to delimit the scope of the concept in any consistent or unambiguous way.⁴²⁰ This conceptual vagueness is mirrored in its application, which tends to attach the label of vulnerability to pre-defined groups such as women, children, people with disabilities, elders, while leaving dominant groups unmarked.⁴²¹ Such framing collapses complex social realities into rigid identity categories, neglecting the diversity within and between groups and fails to interrogate how dominant groups actively shape and maintain the conditions of inequality.⁴²² In doing so, it risks reproducing stereotypical and paternalistic narratives that emphasize weakness and dependency, casting those labelled as vulnerable as passive recipients of care rather than active

⁴¹⁵ *ibid*, para 140.

⁴¹⁶ *ibid*, paras 200-202.

⁴¹⁷ *Bevacqua and S. v Bulgaria* App no 71127/01 (ECtHR, 12 June), para 65; *T.M. and C.M. v Moldova* App no 26608/11 (ECtHR, 28 January 2014), para 46.

⁴¹⁸ *Opuz v Turkey* App no 33401/02 (ECtHR, 9 June 2009) para 99; K Wladasch, 'Is there any room for vulnerability in Article 14 cases? The case law of the European Court of Human Rights' (GMR Blog, undated)

<https://gmr.lbg.ac.at/is-there-any-room-for-vulnerability-in-article-14-cases-the-case-law-of-the-european-court-of-human-rights/> accessed 10 September 2025.

⁴¹⁹ M Mayrhofer, MMargit Ammer and K Wladasch, 'The concept of vulnerability and its relation to equality in the context of human rights: cases from climate change, anti-discrimination and asylum' (2025) 10 *Frontiers in Sociology* 1522402, 6–14 <https://doi.org/10.3389/fsoc.2025.1522402> accessed 10 September 2025.

⁴²⁰ *ibid*.

⁴²¹ *ibid*, 6-7.

⁴²² *ibid*, 6.

rights-holder.⁴²³ Rather than exposing structural and intersectional conditions that create and perpetuate systems of discrimination and inequality, the framing of issues as vulnerabilities can inadvertently individualize systemic failures and shift the perspective away from the underlying structures.⁴²⁴ The Court’s reliance on the concept of vulnerability sits uneasily with the pursuit of substantive equality as advancing substantive equality presupposes dismantling sexist, racist, ableist, age-related and other stereotypes and stigmas.⁴²⁵ It betrays a reluctance to name structural discrimination explicitly.⁴²⁶ In this sense, vulnerability offers to function as a proxy, enabling the Court to acknowledge systemic barriers without directly addressing the causes that sustain them.⁴²⁷ Rather than pathologizing victims of violence, it should be asked why the discriminatory structures, institutional practices and judicial attitudes that perpetuate harm are not addressed directly,⁴²⁸ and why responsibility and accountability is not placed where it belongs, with the systems and actors in charge.⁴²⁹

3.3.2 The Osman Test and the Impact on *Kurt v Austria*

The Grand Chamber’s ruling in *Kurt v Austria* marked a watershed moment in the ECtHR jurisprudence, particularly how the “Osman test” should be applied in domestic violence cases.⁴³⁰

Traditionally, the Osman test required that, for a State’s obligation under article 2 to arise

“it must be established to its satisfaction that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk.”⁴³¹

⁴²³ K Wladasch, ‘Is there any room for vulnerability in Article 14 cases? The case law of the European Court of Human Rights’ (GMR Blog, undated) <https://gmr.lbg.ac.at/is-there-any-room-for-vulnerability-in-article-14-cases-the-case-law-of-the-european-court-of-human-rights/> accessed 10 September 2025; M Mayrhofer, M Ammer and K Wladasch, ‘The concept of vulnerability and its relation to equality in the context of human rights: cases from climate change, anti-discrimination and asylum’ (2025) 10 *Frontiers in Sociology* 1522402, 6–14 <https://doi.org/10.3389/fsoc.2025.1522402> accessed 10 September 2025.

⁴²⁴ M Mayrhofer, M Ammer and K Wladasch, *Vulnerability in the context of human rights: Policy brief* (Ludwig Boltzmann Institut für Grund- und Menschenrechte, 2023) https://gmr.lbg.ac.at/wp-content/uploads/sites/12/2023/11/Vulnerability_policy-brief_final.pdf accessed 11 September 2025.

⁴²⁵ M Mayrhofer, M Ammer and K Wladasch, ‘The concept of vulnerability and its relation to equality in the context of human rights: cases from climate change, anti-discrimination and asylum’ (2025) 10 *Frontiers in Sociology* 1522402, 4 <https://doi.org/10.3389/fsoc.2025.1522402> accessed 10 September 2025.

⁴²⁶ *ibid.*, 8.

⁴²⁷ *ibid.*

⁴²⁸ K Wladasch, ‘Is there any room for vulnerability in Article 14 cases? The case law of the European Court of Human Rights’ (GMR Blog, undated) <https://gmr.lbg.ac.at/is-there-any-room-for-vulnerability-in-article-14-cases-the-case-law-of-the-european-court-of-human-rights/> accessed 10 September 2025.

⁴²⁹ *ibid.*

⁴³⁰ R McQuigg, ‘The Osman Test in the Context of Domestic Abuse: *Y and Others v Bulgaria*’ (2022) 5 *EHRLR* 501, 501.

⁴³¹ *Osman v United Kingdom* App no 87/1997/871/1083 (ECtHR, 28 October 1998), para 116.

The Osman test, developed in *Osman v United Kingdom* in 1998, requires that

- (i) the victim faced a real and immediate threat,
- (ii) authorities knew or should have known of that risk, and
- (iii) whether they took reasonable measures within their power to avert that risk.⁴³²

Originally developed outside the domestic violence context,⁴³³ it has been criticized for overlooking the cyclical, escalating and often non-physical forms of domestic violence, including economic control.⁴³⁴ In *Kurt v Austria*, the Grand Chamber did not lower the test's threshold but clarified that it must be contextualized and assessed in the specific context of domestic violence.⁴³⁵ The Court explicitly stated the "existence of a real and immediate risk to life must be assessed taking due account of the particular context of domestic violence", including its "specific context and dynamics".⁴³⁶ It highlighted the need for a "special diligence" by the State when handling domestic violence cases.⁴³⁷ The Court further clarified that the duty to assess the existence of such risk requires national authorities to conduct lethality risk assessments that are autonomous, proactive and comprehensive.⁴³⁸ These assessments must not rely only on the victim's perception but must be informed by standardized tools and involve independent inquiries by law enforcement to uncover all information needed, considering material indicators of heightened risk such as economic instability, and dependency.⁴³⁹ Referring on article 18 (2) of the Istanbul Convention as well as GREVIO's third party submission, the Court emphasized the importance of regular training and awareness-raising for state authorities who interact with victims of domestic violence. In particular, the use of appropriate risk assessment tools is essential to improve officials' understanding of patterns and dynamics of violence, enabling them to assess risks more effectively, respond adequately and ensure prompt and meaningful protection.⁴⁴⁰

In *Kurt v Austria*, the case arose after the applicant's husband shot and killed their son at a

⁴³² J-F Akandji-Kombe, *Positive Obligations under the European Convention on Human Rights: A Guide to the Implementation of the European Convention on Human Rights* (Human Rights Handbook No 7, Council of Europe 2007) 25–26.

⁴³³ R McQuigg, 'The Osman Test in the Context of Domestic Abuse: *Y and Others v Bulgaria*' (2022) 5 *EHRLR* 501, 501.

⁴³⁴ *Kurt v Austria* App no 62903/15 (ECtHR, 15 June 2021), para 175.

⁴³⁵ *ibid*, para 164.

⁴³⁶ *ibid*, para 164.

⁴³⁷ *ibid*, paras 146, 166.

⁴³⁸ *ibid*, para 168.

⁴³⁹ *ibid*, para 169, Dissenting Opinion of Judge Elósegui, paras 6, 11, 15.

⁴⁴⁰ *ibid*, para 172.

school before taking his own life.⁴⁴¹ The events followed the issuance of barring and protection orders.⁴⁴² The Grand Chamber examined whether Austrian authorities, in light of their obligation under article 2, had adequately assessed and responded to the risk of lethal violence.⁴⁴³ It found that the authorities “had displayed the required special diligence” concluding that no real and immediate risk existed.⁴⁴⁴ This (re-)framing was critical in the Court’s assessment of Austria’s obligation to protect the applicant’s son from a lethal threat by her abusive former partner.⁴⁴⁵ Although authorities had acted quickly and in special diligence, issuing barring and protection orders and conducting a police investigation, and ultimately no violation of article 2 was found⁴⁴⁶ by ten to seven votes, as well as inadmissibility of article 14 was declared⁴⁴⁷, two dissenting and one concurring opinions were delivered on the case.⁴⁴⁸ In their joint dissent, Judges Turković, Lemmens, Harutyunyan, Elósegui, Felici, Pavli, and Yüksel considered that the Austrian authorities’ risk assessment was inadequate, as police were only authorized to determine whether a barring order should be issued, rather than conducting a comprehensive lethality risk assessment for all family members.⁴⁴⁹ The undue weight given to the perpetrator’s calm and cooperative demeanor towards police and acquaintances was pointed out,⁴⁵⁰ rejecting the assumption that the absence of prior violence outside the home meant there was no danger beyond it, stressing that “violence is person-dependent, not place dependent”.⁴⁵¹ They highlighted warning signs that had been underemphasized, such as attempted strangulation,⁴⁵² and other triggers including the impending divorce, possible loss of child custody - factors which are recognized as contributing to an escalation in risk,⁴⁵³ as well as the perpetrators gambling addiction, his economic dependence and the applicant’s following job loss.⁴⁵⁴ Notwithstanding the State’s assertion that the applicant had the option of petitioning for a temporary restraining order being extended to the school, the dissenting Judges rejected the State’s

⁴⁴¹ ‘Kurt v Austria [GC] – 62903/15’ (Legal Summary, Information Note on the Court’s Case-law No 252, June 2021) <https://hudoc.echr.coe.int/eng?i=002-13249> accessed 8 August 2025; Life.

⁴⁴² *ibid.*

⁴⁴³ *ibid.*, Law – Article 2.

⁴⁴⁴ *Ibid.*, Law – 2 Application to the instant case (c).

⁴⁴⁵ ‘Kurt v Austria [GC] – 62903/15’ (Legal Summary, Information Note on the Court’s Case-law No 252, June 2021) <https://hudoc.echr.coe.int/eng?i=002-13249> accessed 8 August 2025.

⁴⁴⁶ *Kurt v Austria* App no 62903/15 (ECtHR, 15 June 2021), paras 202, 212.

⁴⁴⁷ *ibid.*, dispositivum of the judgement 1.

⁴⁴⁸ ‘Kurt v Austria [GC] – 62903/15’ (Legal Summary, Information Note on the Court’s Case-law No 252, June 2021) <https://hudoc.echr.coe.int/eng?i=002-13249> accessed 8 August 2025; Conclusion.

⁴⁴⁹ *Kurt v Austria* App no 62903/15 (ECtHR, 15 June 2021), Joint Dissenting Opinion of Judges Turković, Lemmens, Harutyunyan, Elósegui, Felici, Pavli, and Yüksel para 9.

⁴⁵⁰ *ibid.*, para 24.

⁴⁵¹ *ibid.*, para 25.

⁴⁵² *ibid.*, para 20.

⁴⁵³ *ibid.*, para 21.

⁴⁵⁴ *ibid.*, para 11.

reliance on victims initiating judicial proceedings to protect children in imminent danger.⁴⁵⁵ Finally, they stressed that the sole location-limited barring order was insufficient to prevent lethal violence, since barring orders alone cannot guarantee protection.⁴⁵⁶ Judge Elósegui, in her separate dissent, further highlighted the police checklist as incomplete, overlooking critical factors like the perpetrators “economic dependence on the applicant (and vice versa)”,⁴⁵⁷ the couple’s socio-economic position and occupations,⁴⁵⁸ as well as their cultural background.⁴⁵⁹ Elósegui stated that assessing VAW from diverse cultural backgrounds required considering how traditional gender roles, limited educational access, societal integration, language barriers, economic isolation and absence of supportive relatives can increase risk, particularly when leaving the relationship may not be viable option.⁴⁶⁰ These elements, in her view, were essential to evaluating the real and immediate risk but were not addressed in the authorities’ assessment.⁴⁶¹ Both the joint dissenting of Judges Turković, Lemmens, Harutyunyan, Elósegui, Felici, Pavli, and Yüksel, as well as Judge Elósegui’s separate dissent, concluded that the deficiencies in the risk assessment and protective measures amounted to a breach of the substantive limb of article 2 of the Convention.⁴⁶²

The evolution of ECtHR jurisprudence, culminating in the *Kurt v Austria* Grand Chamber ruling, underscores a clear obligation: States must embed proactive, comprehensive and context-sensitive risk assessment mechanisms into their domestic systems, treating economic violence and other non-physical forms of violence as integral to the continuum of violence itself. For Austria, this obligation is not abstract. *Kurt* itself arose from its jurisdiction, offering a direct lens through which to evaluate whether existing measures and frameworks effectively capture the economic dimension of violence. The following chapter examines Austria’s domestic legal framework regarding this issue, its alignment with international obligations and whether the national system’s preventive tools, enforcement practices and victim support structures meet the standard set within the realm of IHRL for recognizing and addressing EVAW.

⁴⁵⁵ *ibid*, para 33; R McQuigg, ‘Kurt v Austria: Domestic Violence Before the Grand Chamber of the European Court of Human Rights’ (2021) *EHRLR* 550, 550–557, 16.

⁴⁵⁶ *Kurt v Austria* App no 62903/15 (ECtHR, 15 June 2021), Joint Dissenting Opinion of Judges Turković, Lemmens, Harutyunyan, Elósegui, Felici, Pavli, and Yüksel, para 35.

⁴⁵⁷ *ibid*, Dissenting Opinion of Judge Elósegui, para 6 (ii).

⁴⁵⁸ *ibid*, para 6 (iv).

⁴⁵⁹ *ibid*, para 6 (v).

⁴⁶⁰ *ibid*, para 12.

⁴⁶¹ *ibid*, para 15.

⁴⁶² *Kurt v Austria* App no 62903/15 (ECtHR, 15 June 2021), Joint Dissenting Opinion of Judges Turković, Lemmens, Harutyunyan, Elósegui, Felici, Pavli, and Yüksel, para 43; *Kurt v Austria* App no 62903/15 (ECtHR, 15 June 2021), Dissenting Opinion of Judge Elósegui, para 21.

4 Austria's Legal Framework and Practice in Preventing and Addressing Economic Violence Against Women

VAW in Austria remains both a serious human rights concern and a persistent societal challenge, despite the recognition of one of Europe's more developed legislative and institutional protection systems.⁴⁶³ The most recent 2024 Gender Equality Index on VAW by EIGE records Austria's score at 27.3, below the EU average of 31 – a score of 1 denotes the absence of violence, while 100 indicates that VAW is widespread, severe and underreported.⁴⁶⁴ Yet, prevalence data complicates this picture: 36 % of women in Austria report having experienced physical and/or sexual violence since the age of 15, compared to the EU average of 31 %, while 37 % have suffered psychological abuse by a current or former partner since age 15.⁴⁶⁵ As there is currently no disaggregated national prevalence data specifically for economic violence in Austria, any assessment of its scope must be drawn from available statistics on other or subsumed forms of GBV. This reliance on indirect indicators is problematic, as it risks underestimation of both the scale and the specific impact of economic violence as research consistently shows that economic violence frequently co-occurs with physical, sexual and psychological violence.⁴⁶⁶ Meaning that a significant proportion of women within the above prevalence figures are also likely to have suffered from economic violence. Studies from different countries further underscore the widespread nature of this issue and its profound impact on women's lives. For instance, in the UK, 95 % of cases of domestic abuse involve economic abuse.⁴⁶⁷ Additionally, data from a European study involving 28 EU member States indicate that 12 % of women have experienced economic or financial IPV, with 5 % reporting it in their current relationship and 13 % in previous relationships.⁴⁶⁸ In Austria, Belgium, Finland, Lithuania, and Portugal, 34.2 % of women over 60 living in the community reported financial abuse by a

⁴⁶³ Austrian Ombudsman Board, 'International Women's Day: Ombudsman Achitz Sees Need for Action on Protection Against Violence' (6 March 2025) https://volksanwaltschaft.gv.at/en/news/article/international-womens-day-ombudsman-achitz-sees-need-for-action-on-protection-against-violence/?utm_source=chatgpt.com accessed 12 August 2025; European Institute for Gender Equality, *Combating Violence Against Women: Austria* (Paper MH-04-16-662-EN-C, 2016) <https://eige.europa.eu/publications/combating-violence-against-women-austria> accessed 12 August 2025.

⁴⁶⁴ European Institute for Gender Equality, 'Gender Equality Index 2024: Violence' (2024) <https://eige.europa.eu/gender-equality-index/2024/domain/violence> accessed 12 August 2025.

⁴⁶⁵ European Institute for Gender Equality, 'Austria | Violence | 2024 | Gender Equality Index' (2024) <https://eige.europa.eu/gender-equality-index/2024/domain/violence/AT> accessed 12 August 2025.

⁴⁶⁶ A E Adams and M L Beeble, 'Intimate Partner Violence and Psychological Well-Being: Examining the Effect of Economic Abuse on Women's Quality of Life' (2018) *Psychology of Violence* <http://dx.doi.org/10.1037/vio0000174> accessed 12 August 2025.

⁴⁶⁷ Surviving Economic Abuse, 'What is Economic Abuse?' (Surviving Economic Abuse, 2021) <https://survivingeconomicabuse.org/what-is-economic-abuse/> accessed 12 August 2025.

⁴⁶⁸ Surviving Economic Abuse, 'Economic Abuse: A Global Perspective – Annex' (2022) https://survivingeconomicabuse.org/wp-content/uploads/2022/11/SEA_Economic-Abuse-A-Global-Perspective_Annex.pdf accessed 12 August 2025.

current partner or spouse.⁴⁶⁹ Furthermore, among female victims in shelters across 46 European countries, economic violence was reported as one of the four most common forms of violence.⁴⁷⁰ These comparative figures, while not (only) Austria-specific, indicate that economic violence is a pervasive element of intimate partner violence rather than an outlier and remains under-documented in Austria.

4.1 Austria's General System of Protection Against Violence Against Women

Austria has garnered recognition for its comprehensive and progressive approach to combating VAW, with its anti-violence legislation cited as a model in Europe.⁴⁷¹ Its system is built upon a series of legislative acts. The bedrock of Austria's system is the first Protection Against Violence Act, enacted as BGBl. No. 759/1996 and effective since 01.05.1997.⁴⁷² This landmark legislation fundamentally re-conceptualized domestic violence, moving it from a "private family matter" to a societal problem requiring state and public intervention.⁴⁷³ The Act established the statutory prerequisite for intervention in cases of domestic violence and brought amendments to various laws,⁴⁷⁴ and was last amended in 2019.⁴⁷⁵ In its most recent amendment to the so-called third Protection Against Violence Act – preceded by previous amendment in 2009 – provisions across multiple legislative instruments were adapted, such as: the Security Police Act (Sicherheitspolizeigesetz, SPG), the Enforcement Code (Exekutionssordnung, EO) and the General Civil Code (Allgemein Bürgerliches Gesetzbuch, ABGB), Criminal Code (Strafgesetzbuch, StGB).⁴⁷⁶

⁴⁶⁹ *ibid.*

⁴⁷⁰ *ibid.*

⁴⁷¹ Federal Chancellery – Federal Minister for Women and Civil Service, *Ten Years of Austrian Anti-Violence Legislation: International Conference in the Context of the Council of Europe Campaign to Combat Violence Against Women, Including Domestic Violence* (Vienna and St. Pölten, Austria, 5-7 November 2007) (2008) 6.

⁴⁷² Bundesgesetz zum Schutz vor Gewalt in der Familie (Gewaltschutzgesetz), BGBl I 1997/759 idF BGBl I 2019/105.

⁴⁷³ M Sorgo, 'Häusliche Gewalt in Österreich – vom feministischen Anspruch zur sicherheitspolitischen Umsetzung' in Mayrhofer and Schwarz-Schlöglmann (eds), *Gewaltschutz – 20 Jahre Gewaltschutzgesetz und Gewaltschutzzentren/Interventionsstellen* (2017) 15.

⁴⁷⁴ Federal Ministry for Women, Family, Youth and Integration, *Domestic Violence* (bmfwf.gv.at, 2025) <https://www.bmfwf.gv.at/en/women-and-equality/violence-against-women/domestic-violence.html> accessed 13 August 2025.

⁴⁷⁵ Bundesgesetz: Gewaltschutzgesetz 2019 BGBl. I 105/2019.

⁴⁷⁶ Gewaltschutzgesetz 2019 (LexisNexis 360) https://360.lexisnexis.at/d/gesetzgebung/gewaltschutzgesetz_2019/h_80002_2000511370507749712_8a69abde91 accessed 13 August 2025.

4.1.1 Police Powers and Protective Orders – Security Police Act

Regulations concerning barring and eviction orders are codified in Section 38a of the Security Police Act.⁴⁷⁷ A cornerstone of Austria’s immediate protection strategy is the principle of “whoever hits must leave” (“wer schlägt, der geht”), which prioritizes the victim’s rights to remain safely in their domestic environment.⁴⁷⁸ This is done through the empowerment of the Protection Against Violence Act of public security authorities to remove an endangering person from a shared dwelling and prohibit their turn through a barring order.⁴⁷⁹ Under Section 38a of the Security Police Act, police are authorized to impose barring orders and physically evict endangering individuals from the shared domicile and its immediate surroundings.⁴⁸⁰ This authority extends to any potentially dangerous person, regardless of kinship or property ownership, including the apartment owner or a former partner.⁴⁸¹ These initial barring orders are typically issued for a period of two weeks, with police supervising compliance during the first three days. If the endangered person applies for an interim injunction within this two-week period, the barring order's validity is extended to four weeks, aiming to ensure continuous protection while the court processes the application.⁴⁸² Non-compliance with a barring order is considered a regulatory offense, punishable by a fine of up to 500 euros, with persistent violations potentially leading to arrest.⁴⁸³ For cases involving endangered persons under the age of 14, the protective scope of the order is extended to include childcare facilities, schools, and a 50-meter radius around these buildings, safeguarding children in their daily environments.⁴⁸⁴ Austria also employs specially trained “Gewalt in der Privatsphäre”-police officers, currently numbering around 960 nationwide, whose role is to support field officers and provide counselling to victims.⁴⁸⁵ In Vienna, a dedicated GiP support unit assists with background checks for risk

⁴⁷⁷ Federal Ministry for Women, Family, Youth and Integration, *Domestic Violence* (bmfwf.gv.at, 2025) <https://www.bmfwf.gv.at/en/women-and-equality/violence-against-women/domestic-violence.html> accessed 13 August 2025; Sicherheitspolizeigesetz (SPG) § 38a, BGBl I Nr 566/1991, zuletzt geändert durch BGBl I Nr 50/2025.

⁴⁷⁸ Federal Ministry for Women, Family, Youth and Integration, *Domestic Violence* (bmfwf.gv.at, 2025) <https://www.bmfwf.gv.at/en/women-and-equality/violence-against-women/domestic-violence.html> accessed 13 August 2025.

⁴⁷⁹ *ibid.*

⁴⁸⁰ Sicherheitspolizeigesetz (SPG) § 38a, BGBl I Nr 566/1991, zuletzt geändert durch BGBl I Nr 50/2025; Federal Ministry for Women, Family, Youth and Integration, *Domestic Violence* (bmfwf.gv.at, 2025) <https://www.bmfwf.gv.at/en/women-and-equality/violence-against-women/domestic-violence.html> accessed 13 August 2025.

⁴⁸¹ Federal Ministry for Women, Family, Youth and Integration, *Domestic Violence* (bmfwf.gv.at, 2025) <https://www.bmfwf.gv.at/en/women-and-equality/violence-against-women/domestic-violence.html> accessed 13 August 2025.

⁴⁸² *ibid.*

⁴⁸³ *ibid.*

⁴⁸⁴ *ibid.*

⁴⁸⁵ ImproDova, *National Frameworks in Austria* (ImproDova Training, 2025) <https://training.improdova.eu/en/national-frameworks-in-austria/> accessed 13 August 2025.

assessment.⁴⁸⁶ The Federal Criminal Police Office maintains a dedicated unit for crime prevention and victim protection, coordinating efforts nationwide.⁴⁸⁷ Although there is no single, standardized protocol for intimate partner violence risk assessment across all federal States, training on protection against violence is mandatory in police education.⁴⁸⁸

Finally, it is of significance that sections 25 (4) and 38a (8) of the Security Policy Act require individuals subjected to a barring and restraining order to participate in six hours of violence protection counselling, an obligation that has been applied since 2021 and corresponds to Article 16 of the Istanbul Convention on “Preventive intervention and treatment programmes”.⁴⁸⁹

4.1.2 Court-Ordered Interim Injunction – Enforcement Code

For situations requiring prolonged protection, victims can apply for interim injunctions through the District Court under section 382 of the Enforcement Code, a process that does not necessarily require legal representation.⁴⁹⁰ These injunctions offer various forms of protection tailored to the specific circumstances of violence:

- "Protection against violence in apartments" (Section 382b EO):⁴⁹¹ This injunction can be sought when continued cohabitation with the perpetrator is deemed intolerable due to physical assault, threats of such assault, or significant psychological strain, and the apartment is essential for the applicant's urgent housing needs.⁴⁹² The court can order the perpetrator to leave the dwelling and its immediate vicinity and prohibit their return for a maximum of six months. This period can be extended if related legal proceedings, such as divorce, are initiated within the injunction's validity.⁴⁹³

⁴⁸⁶ *ibid.*

⁴⁸⁷ *ibid.*

⁴⁸⁸ *ibid.*

⁴⁸⁹ Sicherheitspolizeigesetz (SPG) §§ 25 (4), 38a (8), BGBl I Nr 566/1991, zuletzt geändert durch BGBl I Nr 50/2025; Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210, art 16; ‘Gewaltpräventionsberatung – ein neuer Baustein im österreichischen Gewaltschutz’ (Gewaltinfo.at, 2021) <https://www.gewaltinfo.at/themen/geschlechtsspezifische-burschen-und-maennerarbeit/gewaltpraeventionsberatung---ein-neuer-baustein-im-oesterreichischen-gewaltschutz.html> accessed 8 September 2025.

⁴⁹⁰ Federal Ministry for Women, Family, Youth and Integration, *Domestic Violence* (bmfwf.gv.at, 2025) <https://www.bmfwf.gv.at/en/women-and-equality/violence-against-women/domestic-violence.html> accessed 13 August 2025.

⁴⁹¹ Exekutionsordnung (EO) § 382b, RGebl Nr 79/1896, zuletzt geändert durch BGBl I Nr 136/2023.

⁴⁹² Federal Ministry for Women, Family, Youth and Integration, *Domestic Violence* (bmfwf.gv.at, 2025) <https://www.bmfwf.gv.at/en/women-and-equality/violence-against-women/domestic-violence.html> accessed 13 August 2025.

⁴⁹³ *ibid.*

- "General protection against violence" (Section 382c EO):⁴⁹⁴
This measure is applicable when contact with the perpetrator is intolerable due to physical assault, threats, or serious impairment of the victim's psychological health, and the application does not conflict with substantial interests of the endangering person.⁴⁹⁵ Unlike the "protection in apartments" injunction prior cohabitation is not a prerequisite.⁴⁹⁶ The court can prohibit the perpetrator from being in precisely defined locations (e.g., the victim's workplace, children's school) and order them to refrain from meeting or contacting the endangered person. These injunctions can be issued for up to one year and may be extended for an additional year in cases of non-compliance.⁴⁹⁷
- "Protection against invasion of privacy" ("Stalking Injunction" - Section 382g EO):⁴⁹⁸
This injunction specifically addresses persistent persecution or stalking, providing legal recourse against such behaviors.⁴⁹⁹

The explicit incorporation of "behavior that significantly impairs mental health" (die psychische Gesundheit erheblich beeinträchtigendes Verhalten)⁵⁰⁰ as grounds for these injunctions allows for a broader interpretation of domestic violence that can encompass the psychological toll inflicted by economic violence, even in the absence of explicit statutory definitions of economic violence. The psychological consequences of economic control, such as depression, anxiety and feelings of helplessness can thus be addressed under these existing provisions.

4.1.3 Criminal Offenses Addressing Domestic Violence

The Austrian Criminal Code does not have a dedicated section for domestic violence but criminalizes individual forms of violence associated with it. General provisions for violence apply and some sections directly or indirectly relate to domestic violence, such as article 107b Criminal Code, continuous abuse,⁵⁰¹ which was introduced in line with the second Protection Against Violence Act of 2009,⁵⁰² and which is framed as directly combating domestic violence.

⁴⁹⁴ Exekutionsordnung (EO) § 382c, RGBI Nr 79/1896, zuletzt geändert durch BGBl I Nr 136/2023.

⁴⁹⁵ Federal Ministry for Women, Family, Youth and Integration, *Domestic Violence* (bmfwf.gv.at, 2025) <https://www.bmfwf.gv.at/en/women-and-equality/violence-against-women/domestic-violence.html> accessed 13 August 2025.

⁴⁹⁶ *ibid.*

⁴⁹⁷ *ibid.*

⁴⁹⁸ Exekutionsordnung (EO) § 382g, RGBI Nr 79/1896, zuletzt geändert durch BGBl I Nr 136/2023.

⁴⁹⁹ Federal Ministry for Women, Family, Youth and Integration, *Domestic Violence* (bmfwf.gv.at, 2025) <https://www.bmfwf.gv.at/en/women-and-equality/violence-against-women/domestic-violence.html> accessed 13 August 2025.

⁵⁰⁰ Exekutionsordnung (EO) § 382b, RGBI Nr 79/1896, zuletzt geändert durch BGBl I Nr 136/2023.

⁵⁰¹ Strafgesetzbuch (StGB) § 107b, BGBl. Nr. 60/1974, zuletzt geändert durch BGBl. I Nr. 105/2019.

⁵⁰² Federal Ministry for Women, Family, Youth and Integration, *Domestic Violence* (bmfwf.gv.at, 2025) <https://www.bmfwf.gv.at/en/women-and-equality/violence-against-women/domestic-violence.html> accessed 13 August 2025.

This provision primarily addresses situations in close social environments, where the victim is subjected to repeated acts of violence over time.⁵⁰³ The law does not specify an exact duration, but the abuse must occur over multiple weeks.⁵⁰⁴ More severe acts of violence may require a shorter duration to constitute a criminal offense.⁵⁰⁵

Violence under § 107b includes physical abuse, threats or acts that restrict the victim's autonomy.⁵⁰⁶ Importantly, higher penalties apply under paragraph 3 when the perpetrator exerts ongoing control or significantly limits the victim's independent decision-making,⁵⁰⁷ which can include manifestations of economic violence. The criminal framework differentiates between various types of crimes relevant to domestic violence, including but not only:

- Criminal offenses against life and limb such as murder (§ 75 StGB), homicide (§ 76 StGB) and assault (§§ 83-87 StGB).⁵⁰⁸
- Criminal offenses against personal freedom such as deprivation of liberty (§ 99 StGB), coercion (§§ 105-106 StGB), forced marriage (§ 106a StGB) and dangerous threat (§ 107 StGB).⁵⁰⁹
- Criminal offences against sexual integrity and self-determination such as rape (§ 201 StGB), sexual coercion (§ 202 StGB) and infringing upon sexual self-determination (§ 205a StGB).⁵¹⁰

4.1.4 Violence Protection Centres

A crucial element of Austria's victim protection system is the network of Violence Protection Centres (Gewaltschutzzentren). These facilities are legally mandated and publicly funded, specializing in providing comprehensive support to victims of domestic violence across all federal States.⁵¹¹ A key feature of this system is the proactive collaboration between law enforcement and these centers: when the police issue a barring order, they are obliged to notify the local Violence Protection Centre, which then actively contacts the endangered person to offer

⁵⁰³ Gewaltinfo, 'Delikte' <https://www.gewaltinfo.at/recht/delikte.html> accessed 14 August 2025.

⁵⁰⁴ *ibid.*

⁵⁰⁵ *ibid.*

⁵⁰⁶ *ibid.*

⁵⁰⁷ *ibid.*

⁵⁰⁸ Strafgesetzbuch (StGB) §§ 75, 76, 83–87, BGBl. Nr. 60/1974, zuletzt geändert durch BGBl. I Nr. 105/2019, BGBl. I Nr. 154/2015, BGBl. I Nr. 112/2015, BGBl. I Nr. 111/2010.

⁵⁰⁹ Strafgesetzbuch (StGB) §§ 99, 105, 106, 106a, 107 BGBl. Nr. 60/1974, zuletzt geändert durch BGBl. I Nr. 112/2015.

⁵¹⁰ Strafgesetzbuch (StGB) §§ 201, 202, 205a, BGBl. Nr. 60/1974, zuletzt geändert durch BGBl. I Nr. 105/2019, BGBl. I Nr. 116/2013, BGBl. I Nr. 112/2015.

⁵¹¹ Federal Ministry for Women, Family, Youth and Integration, *Domestic Violence* (bmfwf.gv.at, 2025) <https://www.bmfwf.gv.at/en/women-and-equality/violence-against-women/domestic-violence.html> accessed 13 August 2025.

assistance.⁵¹² This proactive outreach aims to ensure that victims receive timely support, including safety planning, legal advice and psychosocial support.⁵¹³ Victims can also directly contact these centers without prior police intervention.⁵¹⁴ Put into practice, a total of 14 600 restraining orders are issued by the executive branch and transmitted to the Violence Protection Centres throughout Austria every year.⁵¹⁵ In 2024, counselling and support free of charge utilized by around 25 000 individuals all over Austria.⁵¹⁶

The comprehensive nature of these centers is further highlighted by their explicit recognition of "financial/economic violence" as one of the forms of violence they address, alongside physical, psychological, and sexual violence.⁵¹⁷ This direct acknowledgment by frontline support services is vital, as it fills a potential gap in explicit legal definitions by providing practical assistance for victims experiencing economic harm. Some local centers also offer specialized services such as "Perspective:Work", which aims to support women affected by violence in achieving economic independence and reintegration into the workforce.⁵¹⁸ This emphasis on economic empowerment directly addresses one of the primary barriers victims face in leaving abusive relationships.

4.2 Implementation of Economic Violence in the Austrian Domestic Legal System

Austria has expressed a clear stance against adopting a universally applicable legal definition of domestic violence that explicitly includes economic violence.⁵¹⁹ The rationale provided is that such a definition might render Austria's existing complex and multi-layered legislation in domestic violence inflexible and rigid.⁵²⁰ This position is contrary to GREVIO's recommendations on implementing such a definition, which aims to align Austria's legal framework with

⁵¹² *ibid.*

⁵¹³ *ibid.*

⁵¹⁴ *ibid.*

⁵¹⁵ Gewaltschutzzentren Österreichs, 'Gewaltschutzzentren in Österreich' <https://www.gewaltschutzzentrum.at/gewaltschutzzentren-oesterreichs/> accessed 14 August 2025.

⁵¹⁶ *ibid.*

⁵¹⁷ Gewaltschutzzentrum Wien, 'Informationen' <https://www.gewaltschutzzentrum.at/wien/info/> accessed 14 August 2025.

⁵¹⁸ Gewaltschutzzentren Österreichs, 'General Advice and Support' <https://www.gewaltschutzzentrum.at/en/general-advice-and-support/> accessed 13 August 2025.

⁵¹⁹ Federal Ministry of Health and Women's Affairs, AUSTRIA's Comments on GREVIO's Report (August 2017) 4; Federal Chancellery, Division III for Women and Equality, Austria's Comments on GREVIO's First Thematic Evaluation Report (August 2024), 11.

⁵²⁰ *ibid.*

the standards set out in the Istanbul Convention.⁵²¹ This recommendation has also been pointed out in reform proposals by the Austrian Violence Protection Centres over the past five years.⁵²²

However, Austrian law does recognize that economic violence can constitute a form of domestic violence if it reached a “critical level”.⁵²³ A primary example cited by Austrian authorities is the denial financial support, which can be considered a breach of obligations under marriage laws and consequently, factored into divorce proceedings.⁵²⁴ This indicates that while there is no dedicated statute on economic violence, its harmful effects can be addressed through existing legal avenues when they cross a certain threshold of severity or impact. Furthermore, as mentioned above, the broader categories within general domestic violence laws, such as psychological harm, can be utilized to address economic violence. When economic violence leads to serious psychological strain or involves the perpetrator leveraging a position of power and dependency to inflict harm, these existing providing can be invoked, which represents an interpretative leeway for the legal system.

4.2.1 Application of Economic Violence in Family Law

In the context of family law, Austrian legislation provides mechanisms that can indirectly address aspects of economic violence, particularly during marriage and upon its dissolution. Marriage in Austria entails mutual support obligations between the partners.⁵²⁵ A breach of these obligations, such as the denial of financial support, can be a relevant consideration during divorce proceedings, especially in contested divorces where fault may be assessed.⁵²⁶ This provides a legal basis for addressing financial deprivation within the marital context, even if not explicitly termed economic violence.

⁵²¹ GREVIO, Building trust by delivering support, protection and justice: First thematic evaluation report – Austria (10 September 2024) GREVIO(2024)4, para 13.

⁵²² Bundesverband der Gewaltschutzzentren, *Reformvorschläge 2025: Gesetzesvorschläge zur Verbesserung der Situation gewaltbetroffener Menschen* (Jänner 2025) para 1.4 <https://www.gewaltschutzzentrum.at/wp-content/uploads/2025/01/Reformvorschlaege-2025.pdf>; Bundesverband der Gewaltschutzzentren, *Reformvorschläge 2024: Gesetzesvorschläge zur Verbesserung der Situation gewaltbetroffener Menschen* (Mai 2024) para 1.4 https://www.gewaltschutzzentrum.at/wp-content/uploads/2024/05/Reformvorschlaege_2024.pdf; Bundesverband der Gewaltschutzzentren, *Reformvorschläge 2023* (Mai 2023) para 1.4 https://www.gewaltschutzzentrum.at/wp-content/uploads/2023/11/Reformvorschlaege_2023.pdf; Bundesverband der Gewaltschutzzentren, *Reformvorschläge 2022* (Juni 2022) para 1.3 <https://www.gewaltschutzzentrum.at/wien/wp-content/uploads/sites/8/2023/09/reformvorschlaege2022.pdf>; Bundesverband der Gewaltschutzzentren/Interventionsstelle Österreichs, *Reformvorschläge* (Juni 2021) para 1.3 <https://www.gewaltschutzzentrum.at/wien/wp-content/uploads/sites/8/2023/09/reformvorschlaege2021.pdf>.

⁵²³ Federal Ministry of Health and Women's Affairs, AUSTRIA's Comments on GREVIO's Report (August 2017) 4.

⁵²⁴ *ibid.*

⁵²⁵ Oesterreich.gv, ‘Heirat – Ehe’ https://www.oesterreich.gv.at/de/themen/familie_und_partnerschaft/partnerschaft-und-ehe/heirat/2/Seite.070320 accessed 14 August 2025.

⁵²⁶ *ibid.*

Regarding property, Austrian matrimonial law generally adheres to the principle of "separate estates" during marriage, meaning each spouse retains ownership of property acquired before and during the marriage.⁵²⁷ However, upon divorce, marital property and savings are subject to division upon request.⁵²⁸ Potential maintenance claims are determined based on the needs and the capacity⁵²⁹ and can be influenced by fault in the marriage breakdown.⁵³⁰ While the provided research does not detail specific Austrian court cases directly addressing economic violence as a primary cause of action, the mechanisms for property division and maintenance can serve as avenues for victims to recover financial stability after experiencing economic violence. For instance, tactics such as controlling income, denying access to funds, or accumulating debt in the victim's name, while not explicitly criminalized as economic violence, would significantly impact the financial situation considered during divorce settlements.

In its decision OGH 1 Ob 257/22h, the Austrian Supreme Court confirmed that not only financial, but also non-material contributions must be taken into account when dividing marital property and savings under § 83 Marriage Act.⁵³¹ Household work, care work and other forms of unpaid marital labor were recognized as relevant contributions leading the Court to uphold a 60/40 split in favor of the wife, who carried the dual burden of employment and primary caregiving responsibilities.⁵³² Austria's Gender Care Gap underscores the importance of this recognition: Women perform nearly twice as much unpaid care work as men, with the disparity amounting to an overall gap of 43 % in 2024.⁵³³ The consequences, ranging from multiple burdens and career disadvantages to financial insecurity and increased risk of poverty in old-age, demonstrate how the unequal distribution of care responsibilities perpetuates economic inequality.⁵³⁴ Situating the Court's decision within this broader socio-economic reality underscores the importance of acknowledging unpaid care work in legal mechanisms of marital asset division, thereby addressing one dimension of economic disadvantage arising from unequal gendered distribution of labor.

⁵²⁷ *ibid.*

⁵²⁸ *ibid.*

⁵²⁹ Oesterreich.gv, 'Unterhalt nach der Scheidung' https://www.oesterreich.gv.at/de/themen/steuern_und_finanzen/unterhalt/2/5/1/Seite.490530 accessed 15 August 2025.

⁵³⁰ Oesterreich.gv, 'Scheidung: Vermögensaufteilung, Unterhalt und Ehwohnung' https://www.oesterreich.gv.at/de/themen/familie_und_partnerschaft/partnerschaft-und-che/scheidung/7 accessed 15 August 2025.

⁵³¹ OGH 1 Ob 257/22h, ECLI:AT:OGH002:2023:0010OB00257.22H.0127.000, 27 January 2023, *Rechtsinformationssystem des Bundes (RIS)* https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Justiz&Dokumentnummer=JJT_20230127_OGH002_0010OB00257_22H0000_000 accessed 9 September 2025.

⁵³² *ibid.*

⁵³³ Arbeitsmarktservice Österreich, 'Gender-Care-Gap' (AMS, 2024) <https://www.ams.at/arbeitsuchende/frauen/gender-care-gap> accessed 9 September 2025.

⁵³⁴ *ibid.*

4.2.2 Application of Economic Violence in Criminal Law

As economic violence is not established as a standalone criminal offense in Austria, certain acts that can constitute economic violence may fall under existing provisions such as theft, fraud, or other property offenses if they involve unauthorized taking or manipulation of a victim's financial resource or asset.⁵³⁵ This approach means that while the specific term economic violence does not exist and therefore is not able to trigger criminal charges, the underlying harmful behaviors that comprise it may still be subject to criminal prosecution under broader categories. The legal system thus addresses the effects of economic violence through existing criminal statutes, rather than criminalizing the abusive act itself as a distinct offense.

4.3 Challenges and Future Directions

Despite Austria's commendable efforts in establishing a system of combating VAW, specific challenges and shortcomings persist in the explicit recognition and effectiveness of addressing economic violence. The primary challenge stems from Austria's deliberate policy choice not to adopt a universal legal definition of economic violence within the scope of domestic violence.⁵³⁶ While the intention is to maintain flexibility within its multi-layered legal framework,⁵³⁷ this approach leads to a lack of explicit recognition of economic violence as a distinct form of violence. As highlighted by the OECD, many countries similarly provide limited legal coverage for economic violence, making it the least addressed form of domestic violence in statutory frameworks.⁵³⁸ This limited recognition and systematic assessment of economic violence hinders understanding of its prevalence, identifying risk factors and developing effective protective measures for victims.⁵³⁹ This approach may contribute to economic violence remaining a hidden form of domestic violence.⁵⁴⁰ Furthermore, there are significant data and research gaps and challenges in assessing the true prevalence and effectiveness of interventions related to economic violence.⁵⁴¹ The absence of disaggregated and intersectional data on economic

⁵³⁵ H Lovells and SEA, *Legal rights and remedies for economic abuse* (March 2022) 10–20 <https://survivingeconomicabuse.org/wp-content/uploads/2022/03/Final-SEA-Report.pdf> accessed 15 August 2025.

⁵³⁶ Federal Ministry of Health and Women's Affairs, AUSTRIA's Comments on GREVIO's Report (August 2017) 4; Federal Ministry of Health and Women's Affairs, AUSTRIA's Comments on GREVIO's Report (August 2017) 4; Federal Chancellery, Division III for Women and Equality, Austria's Comments on GREVIO's First Thematic Evaluation Report (August 2024), 11.

⁵³⁷ *ibid.*

⁵³⁸ OECD, *Breaking the Cycle of Gender-based Violence: Translating Evidence into Action for Victim/Survivor-centred Governance* (OECD Publishing, Paris 2023) 33 <https://doi.org/10.1787/b133e75c-en> accessed 15 August 2025.

⁵³⁹ B M Mellar and others, 'Economic Abuse by An Intimate Partner and Its Associations with Women's Socio-economic Status and Mental Health' (2024) 39(21-22) *Journal of Interpersonal Violence* 4415, 4430-4432.

⁵⁴⁰ J L Postmus and others, 'Economic Abuse as an Invisible Form of Domestic Violence: A Multicountry Review' (2020) 21 *Trauma, Violence & Abuse* 261, 262 <https://doi.org/10.1177/1524838018764160> accessed 15 August 2025.

⁵⁴¹ *ibid.*, 278-279.

violence hinders a clear understanding of its prevalence, the identification of patterns, and the evaluation of existing protective measures.⁵⁴² Without such detailed information, it is challenging to design targeted policies and evidence-based interventions that effectively respond to and prevent this form of gender-based violence.⁵⁴³ The World Bank’s “Women, Business and the Law 2024” report highlights that one of the lower scores for Austria is on the legal frameworks that promotes women’s safety.⁵⁴⁴ This suggests that Austria needs more comprehensive measures to tackle all forms of VAW, including its economic dimension.⁵⁴⁵ Given that economic violence often co-occurs with other forms of abuse⁵⁴⁶ and that physical/sexual violence prevalence in Austria is higher than the EU average (36 % to 31 %),⁵⁴⁷ it is reasonable to infer that the true scale of EVAW is likely underestimated, a pattern that aligns with the general underestimation of violence prevalence.⁵⁴⁸

In light of the current gaps in Austria’s recognition and treatment of economic violence and to further strengthen Austria’s legal framework and practice in addressing EVAW to align with international obligations based on the research in the previous chapters, the following measures are proposed:

- **Explicit legal recognition of economic violence:** While Austria has maintained its stance against a universal legal definition, the explicit inclusion of economic violence in the Istanbul Convention and GREVIO’s repeated recommendations highlight the continuing need for greater legal clarity. A clear, standalone legal definition of domestic violence including economic violence, as recommended by GREVIO, would provide the strongest basis for recognition, protection, and enforcement. Such a definition should reflect the breadth of conduct encompassed by economic abuse. Where full codification is not feasible, alternative measures could include interpretative guidelines or targeted amendments clarifying how current provisions such as those on psychological

⁵⁴² OECD, *Breaking the Cycle of Gender-based Violence: Translating Evidence into Action for Victim/Survivor-centred Governance* (OECD Publishing, Paris 2023) 59 <https://doi.org/10.1787/b133e75c-en> accessed 15 August 2025.

⁵⁴³ *ibid.*

⁵⁴⁴ World Bank Group, *Women, Business and the Law 2024: Austria* (2024) <https://wbl.worldbank.org/content/dam/documents/wbl/2024/pilot/WBL24-2-0-Austria.pdf> accessed 15 August 2025.

⁵⁴⁵ *ibid.*

⁵⁴⁶ AM Stylianou, JL Postmus and S McMahon, 'Measuring Abusive Behaviors: Is Economic Abuse a Unique Form of Abuse?' (2013) 28(16) *J Interpers Violence* 3186-3204, 3200 <https://doi-org.uaccess.uni-vie.ac.at/10.1177/0886260513496904>.

⁵⁴⁷ European Institute for Gender Equality, 'Austria | Violence | 2024 | Gender Equality Index' (2024) <https://eige.europa.eu/gender-equality-index/2024/domain/violence/AT> accessed 12 August 2025.

⁵⁴⁸ OECD, *Breaking the Cycle of Gender-based Violence: Translating Evidence into Action for Victim/Survivor-centred Governance* (OECD Publishing, Paris 2023) 99 <https://doi.org/10.1787/b133e75c-en> accessed 15 August 2025.

violence or continuous abuse, apply to economic control, exploitation and sabotage. This would enhance legal certainty, facilitate prosecution and align Austria more closely with its international obligations.

- **Integration of economic violence into risk assessment protocols:** All institutions engaged in the prevention, investigation, adjudication and support of cases of VAW should systematically incorporate indicators of economic violence into their safety and risk assessment tools. The establishment of standardized assessment instruments, capable of identifying both overt and subtle manifestation of economic violence and their interaction with wider patterns of coercive control is imperative. These instruments should be complemented by regular, mandatory and evidence-based training to ensure their consistent and effective application across relevant sectors.
- **Enhanced data collection and monitoring:** Accurate assessment of the prevalence, forms and impact of economic violence requires systematic collection of disaggregated and intersectional data. This should include variables such as age, socioeconomic status, migration background, disability, and rural or urban location. Comprehensive data collection would allow for the identification of patterns, the evaluation of existing interventions and the development of targeted policies. Such efforts should be supported by clear national guidelines, coordination between relevant agencies and regular publication of findings to inform evidence-based policymaking.
- **Addressing systemic economic and social factors:** Recognizing that economic violence is exacerbated by structural inequalities, policy measures should aim to promote women's economic independence and security. This includes ensuring equal access to employment, equal pay, and social protection, as well as targeted support for those in precarious or informal work. Legislative and policy reforms should also address gender stereotypes and discriminatory social norms that perpetuate unequal economic power dynamics, as these factors often underpin the perpetration and normalization of economic abuse.
- **Sustained and expanded support services:** The essential role played by Violence Protection Centres and specialized initiatives in addressing economic violence must be supported through secure, long-term funding. Expanding these services to cover the full range of needs, from immediate safety planning to long-term economic empowerment, is vital. This includes facilitating access to financial literacy training, employment opportunities, and social security entitlements, thereby reducing victims' economic dependency and enabling sustainable independence.

- **Awareness-raising and the role of gender stereotypes:** Many victims do not initially identify their experiences as economic violence, particularly when such abuse is normalized by prevailing gender stereotypes. Awareness-raising campaigns should therefore address these stereotypes, promote public understanding of economic violence as a form of domestic violence, and challenge patriarchal societal structures that perpetuate gender-based power imbalances. In parallel, perpetrator-focused interventions should be strengthened to address harmful norms, promote accountability, and prevent recidivism. At the institutional level, professionals should apply sensitive, trauma-informed questioning to facilitate disclosure and avoid reinforcing harmful gendered assumptions during investigations and proceedings.

5 Conclusion

This thesis embarked on an examination of how EAW is recognized within the evolving landscape of IHRL, with a particular focus on the CEDAW, the Istanbul Convention and the ECHR. The central aim was to ascertain the precise nature of the obligations consequently arising for Austria and to evaluate the extent of their practical implementation within Austrian domestic law, policy and institutional practice.

Methodically, this study combines a doctrinal analysis of key treaty texts, CEDAW General Recommendations and the jurisprudence of international human rights bodies. This was complemented by a policy appraisal, a core element of which involved foregrounding the pervasive influence of structural inequalities and their profound implications for victims' equitable access to protection and effective remedies. Guided by a set of research questions that delved into the normative recognition of EAW, the specific duties incumbent upon States, the current degree of Austrian implementation and the vital shift from largely aspirational to concrete actionable approaches, the analysis yielded several key insights. Despite Austria's notable strengths in general anti-violence legislation and victim support infrastructure, the detailed assessment revealed a critical shortcoming: its implementation of obligations concerning EAW remains insufficient, particularly where practical impact is most vital. This inadequacy is mainly attributable to the absence of an explicit legal definition of economic violence within Austrian domestic law. By not explicitly recognizing and operationalizing EAW, Austria falls short of its positive due diligence obligations to prevent and protect and, where harm occurs, to investigate, prosecute and punish. The thesis identified a systemic gap in the integration of EAW indicators into frontline tools and inter-agency case management protocols alongside a troubling

fragmentation of disaggregated data. This crucial finding underscores that Austria is not entirely fulfilling its obligation, particularly those enshrined in the Istanbul Convention, which is legally binding upon the state. As feminist scholarship profoundly reminds us, ‘the private is political’: by leaving out economic violence on the margins of legal definition and enforcement, there is a substantial risk of entrenching the very structural discrimination that perpetuates gendered hierarchies and disproportionately impact women and other marginalized groups. The central assumption of this thesis, that EVAW if normatively recognized in IHRL but remains insufficiently operationalized in national contexts, was therefore confirmed. The analysis that many initiatives remain highly appellative and less actionable is borne out by the reality that exhortation still significantly outpaces the establishment of enforceable duties, the allocation of adequately funded capacity and the achievement of measurable outcomes.

In conclusion, this thesis achieves its aim by clarifying the recognition of EVAW in IHRL, precisely the resulting obligations for States, assessing Austria’s current implementation status and proposing concrete, actionable reforms. These include the urgent adoption of an explicit statutory definition of economic violence within the realm of domestic violence, the systematic incorporation of EVAW indicators into safety and risk-assessment frameworks across all relevant institutions, supported by standardized tools and regular mandatory training and the establishment of evidence-based disaggregated data collection under clear national guidance with cross-agency coordination and public dissemination to inform policy development. Furthermore, the thesis emphasized the critical need for secure, long-term funding and the expansion of specialized support services. Finally, this thesis underscores the imperative for measures that are genuinely responsive to diverse lived realities, addressing the structural drives of economic dependence and harmful deeply entrenched gender-stereotyped norms alongside strengthened perpetrator-focused preventive interventions.

Despite these insights and recommendations, open questions endure. Future legal and policy development must grapple with how to legislate effectively without inadvertently narrowing the complexity of economic violence, centering the experiences of those most impacted. Future research has to critically interrogate which interdisciplinary combinations of legal, social and economic measures yield the most sustainable pathways for victims to exit abusive relationships. For all the progress in establishing legal frameworks and support services, one of the most decisive triggers that still prevent victims from leaving abusive relationship – the ordinary, grinding risk of economic precarity at the point of exit – remains underexplored and under-

addressed. The path forward necessitates a concerted effort to translate normative commitments into tangible protection, ensuring that nobody is trapped in abuse by economic chains.

Bibliography

International Treaties and Instruments

Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) <https://treaties.un.org/doc/publication/ctc/uncharter.pdf> accessed 17 July 2025.

Committee on the Elimination of Discrimination against Women, ‘General Recommendation 12 on Violence against women’ (1989) UN DOC A/44/38.

Committee on the Elimination of Discrimination against Women, General Recommendation No 14: Female Circumcision (1990) UN Doc A/45/38.

Committee on the Elimination of Discrimination against Women, ‘General Recommendation No 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women’ (2010) UN Doc CEDAW/C/GC/28.

Committee on the Elimination of Discrimination against Women, ‘General Recommendation No 35 on gender-based violence against women, updating general recommendation No 19’ (2017) UN Doc CEDAW/C/GC/35.

Committee on the Elimination of Discrimination against Women, General Recommendation No 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change (2018) UN Doc CEDAW/C/GC/37.

Committee on Economic, Social and Cultural Rights, ‘General Comment No 3: The Nature of States Parties’ Obligations (Art 2, para 1)’ (1990) UN Doc E/1991/23.

Convention concerning the Elimination of Violence and Harassment in the World of Work C190, International Labour Organization (ILO), 21 June 2019.

Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210.

European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (opened for signature 4 November 1950, entered into force 3 September 1953) ETS No 5.

Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence’ (CETS No 210, 2011).

Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belém do Pará Convention) (adopted 9 June 1994, entered into force 5 March 1995) 33 ILM 1534

International Covenant on Civil and Political Rights, adopted 16 December 1966, entered into force 23 March 1976, 999 UNTS 171.

International Covenant on Economic, Social and Cultural Rights, adopted 16 December 1966, entered into force 3 January 1976, 993 UNTS 3.

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (adopted 6 October 1999, entered into force 22 December 2000) https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-8-b&chapter=4&clang=en accessed 28 July 2025.

Universal Declaration of Human Rights, GA Res 217A (III) (10 December 1948).

United Nations General Assembly, Declaration on the Elimination of Violence against Women (20 December 1993) UN Doc A/RES/48/104.

Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331.

Cases Law

European Court of Human Rights

Bevacqua and S v Bulgaria App no 71127/01 (ECtHR, 12 June 2008).

Kontrová v Slovakia App no 7510/04 (ECtHR, 31 May 2007).

Kurt v Austria App no 62903/15 (ECtHR, 15 June 2021).

Levchuk v Ukraine App no 17496/19 (ECtHR, 3 September 2020).

Opuz v Turkey App no 33401/02 (ECtHR, 9 June 2009).

Talpis v Italy App no 41237/14 (ECtHR, 2 March 2017).

T.M. and Others v Russia App no 31189/15 and others (ECtHR, 7 November 2017).

Tunikova and Others v Russia Apps nos 55974/16 and others (ECtHR, 14 December 2021).

Volodina v Russia App no 41261/17 (ECtHR, 9 July 2019).

X and Y v the Netherlands App no 8978/80 (ECtHR, 26 March 1985).

Inter-American Court of Human Rights

Velásquez-Rodríguez v Honduras (Merits) Inter-American Court of Human Rights Series C No 4 (29 July 1988).

CEDAW Committee

Committee on the Elimination of Discrimination against Women, *Views of the Committee under article 7(3) of the Optional Protocol: Communication No 2/2003, A.T. v Hungary* (26 January 2005) CEDAW/C/32/D/2/2003.

National Case Law (Austria)

OGH 1 Ob 257/22h, ECLI:AT:OGH0002:2023:0010OB00257.22H.0127.000, 27 January 2023, Rechtsinformationssystem des Bundes (RIS) https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Justiz&Dokumentnummer=JJT_20230127_OGH0002_0010OB00257_22H0000_000 accessed 8 September 2025.

Websites

Arbeitsmarktservice Österreich, 'Gender-Care-Gap' (AMS, 2024) <https://www.ams.at/arbeits-suchende/frauen/gender-care-gap> accessed 9 September 2025.

Austrian Ombudsman Board, 'International Women's Day: Ombudsman Achitz Sees Need for Action on Protection Against Violence' (6 March 2025) https://volksanwaltschaft.gv.at/en/news/article/international-womens-day-ombudsman-achitz-sees-need-for-action-on-protection-against-violence/?utm_source=chatgpt.com accessed 12 August 2025.

Cornell Law School, Legal Information Institute, 'Cisgender' <https://www.law.cornell.edu/wex/cisgender> accessed 17 July 2025.

Council of Europe, 'About monitoring' (Istanbul Convention, Council of Europe) <https://www.coe.int/en/web/istanbul-convention/about-monitoring1> accessed 31 July 2025.

Council of Europe, 'GREVIO publishes its first reports on Austria and Monaco' (27 September 2017) <https://www.coe.int/en/web/istanbul-convention/-/grevio-publishes-its-first-reports-on-austria-and-monaco> accessed 13 September 2025.

Council of Europe, 'Marking a Decade of Legally Binding Standards to Protect Women and Girls from Gender-Based Violence: The Istanbul Convention Entered into Force 10 Years Ago' (Council of Europe, 1 August 2024) <https://www.coe.int/en/web/istanbul-convention/-/marking-a-decade-of-legally-binding-standards-to-protect-women-and-girls-from-gender-based-violence-the-istanbul-convention-entered-into-force-10-years-ago> accessed 6 July 2025.

European Institute for Gender Equality, 'Gender Equality Index 2024: Violence' (2024) <https://eige.europa.eu/gender-equality-index/2024/domain/violence> accessed 12 August 2025.

European Institute for Gender Equality, Understanding Economic Violence against Women https://eige.europa.eu/sites/default/files/documents/EIGE_Factsheet_EconomicViolence.pdf accessed 14 July 2025.

European Institute for Gender Equality, 'What Is Gender-Based Violence?' (EIGE) <https://eige.europa.eu/gender-based-violence/what-is-gender-based-violence> accessed 6 July 2025.

Eurostat, 'Gender-based violence (GBV) statistics - Statistics Explained' (updated 15 February 2024) https://ec.europa.eu/eurostat/cache/metadata/en/gbv_sims.htm accessed 24 June 2025.

Federal Ministry for Women, Family, Youth and Integration, Domestic Violence (bmfwf.gv.at, 2025) <https://www.bmfwf.gv.at/en/women-and-equality/violence-against-women/domestic-violence.html> accessed 13 August 2025.

Gewaltinfo, ‘Delikte’ <https://www.gewaltinfo.at/recht/delikte.html> accessed 14 August 2025.

‘Gewaltpräventionsberatung – ein neuer Baustein im österreichischen Gewaltschutz’ (Gewaltinfo.at, 2021) <https://www.gewaltinfo.at/themen/geschlechtsspezifische-burschen-und-maennerarbeit/gewaltpraeventionsberatung---ein-neuer-baustein-im-oesterreichischen-gewaltschutz.html> accessed 8 September 2025.

Gewaltschutzgesetz 2019 (LexisNexis 360) https://360.lexisnexis.at/d/gesetzgebung/gewaltschutzgesetz_2019/h_80002_2000511370507749712_8a69abde91 accessed 13 August 2025.

Gewaltschutzzentrum Wien, ‘Informationen’ <https://www.gewaltschutzzentrum.at/wien/info/> accessed 14 August 2025.

Gewaltschutzzentren Österreichs, ‘Gewaltschutzzentren in Österreich’ <https://www.gewaltschutzzentrum.at/gewaltschutzzentren-oesterreichs/> accessed 14 August 2025.

Gewaltschutzzentren Österreichs, ‘General Advice and Support’ <https://www.gewaltschutzzentrum.at/en/general-advice-and-support/> accessed 14 August 2025.

Guney G, The Istanbul Convention: a Missed Opportunity in Mainstreaming Cyberviolence against Women in Human Rights Law? (EJIL:Talk!, 10 March 2022) <https://www.ejiltalk.org/the-istanbul-convention-a-missed-opportunity-in-mainstreaming-cyberviolence-against-women-in-human-rights-law/> accessed 17 July 2025.

ImproDova, National Frameworks in Austria (ImproDova Training, 2025) <https://training.improdova.eu/en/national-frameworks-in-austria/> accessed 13 August 2025.

LSE Blogs, “Volodina v Russia (2019) - Tackling Violence against Women” (Tackling Violence against Women - Progressing human rights - Accessing justice - Transforming equality, June 19, 2020) <https://blogs.lse.ac.uk/vaw/landmark-cases/a-z-of-cases/volodina-v-russia-2019/> accessed August 7, 2025.

OHCHR, ‘Convention on the Elimination of All Forms of Discrimination against Women’ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> accessed 24 July 2025.

Oesterreich.gv, ‘Heirat – Ehe’ https://www.oesterreich.gv.at/de/themen/familie_und_partnerschaft/partnerschaft-und-ehe/heirat/2/Seite.070320 accessed 14 August 2025.

Oesterreich.gv, ‘Scheidung: Vermögensaufteilung, Unterhalt und Ehwohnung’ https://www.oesterreich.gv.at/de/themen/familie_und_partnerschaft/partnerschaft-und-ehe/scheidung/7 accessed 15 August 2025.

Oesterreich.gv, ‘Unterhalt nach der Scheidung’ https://www.oesterreich.gv.at/de/themen/steuern_und_finanzen/unterhalt/2/5/1/Seite.490530 accessed 15 August 2025.

Statistik Austria, ‘Einkommen und der Gender Pay Gap’ <https://www.statistik.at/statistiken/bevoelkerung-und-soziales/gender-statistiken/einkommen> accessed 28 July 2025.

Statistik Austria, 'Pensionen' (Gender-Statistiken) (Statistik Austria, updated 10 December 2024) <https://www.statistik.at/statistiken/bevoelkerung-und-soziales/gender-statistiken/pensionen> accessed 25 August 2025.

Surviving Economic Abuse, 'What is Economic Abuse?' (Surviving Economic Abuse, 2021) <https://survivingeconomicabuse.org/what-is-economic-abuse/> accessed 12 August 2025.

Türk V, 'Speech at the 56th Session of the Human Rights Council – Annual Full-Day Discussion on the Human Rights of Women: Economic Violence as a Form of Gender-Based Violence Against Women and Girls' (18 June 2024) <https://www.ohchr.org/en/statements/2024/06/hc-volker-turk-56th-human-rights-council-session-economic-violence-women> accessed 27 June 2025.

United Nations Information Service in Geneva, "MORNING - At the Human Rights Council, Volker Türk Calls on States to Overhaul Discriminatory Laws and Practices Enabling Economic Violence against Women" (The United Nations Office at Geneva, June 28, 2024) <https://www.ungeneva.org/en/news-media/meeting-summary/2024/06/le-conseil-des-droits-de-lhomme-se-penche-sur-le-probleme-de-la> accessed July 14, 2025.

UN Human Rights Office of the High Commissioner, 'Domestic Violence and the Prohibition of Torture and Other Ill-Treatment' (OHCHR) <https://www.ohchr.org/en/special-procedures/sr-torture/domestic-violence-and-prohibition-torture-and-ill-treatment> accessed 17 August 2025.

UN Treaty Collection, 'Convention on the Elimination of All Forms of Discrimination against Women' https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-8&chapter=4&clang=en accessed 13 September 2025.

UN Women Asia-Pacific, 'Frequently Asked Questions (FAQ) about CEDAW' (FAQ, UN Women Asia-Pacific) <https://asiapacific.unwomen.org/en/focus-areas/cedaw-human-rights/faq> accessed 28 July 2025.

UN Women, 'Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women' <https://www.un.org/womenwatch/daw/cedaw/protocol/> accessed 24 July 2025.

UN Women, 'What is the CEDAW Protocol?' <https://www.un.org/womenwatch/daw/cedaw/protocol/whatis.htm> accessed 13 September 2025.

Wallis C, 'The Law That Shapes Us: Contemporary Feminist Jurisprudence' (Oxford Law Faculty, 3 May 2023) <https://www.law.ox.ac.uk/content/article/law-shapes-us-contemporary-feminist-jurisprudence> accessed 17 July 2025.

Weinberger LM, 'Kurt v Austria: A Missed Chance to Tackle Intersectional Discrimination and Gender-Based Stereotyping in Domestic Violence Cases' (2021) Strasbourg Observers <https://strasbourgobservers.com/2021/08/18/kurt-v-austria-a-missed-chance-to-tackle-intersectional-discrimination-and-gender-based-stereotyping-in-domestic-violence-cases/>.

World Bank, Women, Business and the Law 2024 (World Bank 2024) <https://doi.org/10.1596/978-1-4648-2063-2> accessed 17 July 2025.

World Bank Group, *Women, Business and the Law 2024: Austria* (2024) <https://wbl.worldbank.org/content/dam/documents/wbl/2024/pilot/WBL24-2-0-Austria.pdf> accessed 13 August 2025.

World Health Organization, 'Violence against Women' (WHO News-room, 25 March 2024) <https://www.who.int/news-room/fact-sheets/detail/violence-against-women> accessed 25 August 2025.

Wladasch K, 'Is there any room for vulnerability in Article 14 cases? The case law of the European Court of Human Rights' (GMR Blog, undated) <https://gmr.lbg.ac.at/is-there-any-room-for-vulnerability-in-article-14-cases-the-case-law-of-the-european-court-of-human-rights/> accessed 10 September 2025.

Articles and Books

Adams A, Huttunen K, Nix E and Zhang N, 'The Dynamics of Abusive Relationships' (2024) 139(4) *Quarterly Journal of Economics* 2135 <https://doi.org/10.1093/qje/qjae022>.

Adams A E, Sullivan C M, Bybee D and Greeson MR, 'Development of the Scale of Economic Abuse' (2008) 14 *Violence Against Women* 563 <https://journals.sagepub.com/doi/10.1177/1077801208315529> accessed 25 June 2025.

Adams A E and Beeble M L, 'Intimate Partner Violence and Psychological Well-Being: Examining the Effect of Economic Abuse on Women's Quality of Life' (2018) *Psychology of Violence* <http://dx.doi.org/10.1037/vio0000174> accessed 12 August 2025.

Akandji-Kombe J-F, *Positive Obligations under the European Convention on Human Rights: A Guide to the Implementation of the European Convention on Human Rights* (Human Rights Handbook No 7, Council of Europe 2007).

Alvarez J E and Bauder J, *Women's Property Rights Under CEDAW* (Oxford Academic 2024) <https://doi-org.uaccess.univie.ac.at/10.1093/oso/9780197751879.001.0001> accessed 24 July 2025.

Antai G, Mulegi T, Barongo E, Ekpenisi C and Okonji I, 'Exploring Mechanisms for Enforcing Human Rights within the Context of International Law: Issues and Challenges' (2024) 10 *NIU Journal of Legal Studies* 59 <https://doi.org/10.58709/niujs.v10i1.1943>.

Book L, Kayis-Kumar A, Lim Y, Noone J, Walpole M and Breckenridge J, 'Identifying and Supporting Financially Vulnerable Women Experiencing Economic Abuse: A Grounded Theory Approach' (2023) 21(2) *eJournal of Tax Research* 173 <https://digitalcommons.law.villanova.edu/facpubs/107>.

Boyd S, *Challenging the Public/Private Divide: Feminism, Law, and Public Policy* (University of Toronto Press 1997) <https://doi-org.uaccess.univie.ac.at/10.3138/9781442672819> accessed 17 July 2025.

Chernikov V V and Goncharenko O K, 'The Problems of Violence against Women in International Law' (2021) 3 *Vestnik of Saint Petersburg University. Law* 803–819 <https://doi.org/10.21638/spbu14.2021.319>.

Chinkin C M and Gormley L, 'Violence against Women' in Schulz P, Halperin-Kaddari R, Rudolf B and Freeman M A (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women and Its Optional Protocol: A Commentary* (2nd edn, Oxford University Press 2022) 627–684.

Conner D L, 'Financial Freedom: Women, Money, and Domestic Abuse' (2014) 20 *Wm & Mary J Women & L* 339 <https://scholarship.law.wm.edu/wmjowl/vol20/iss2/4> accessed 17 August 2025.

Crenshaw K, 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' (1991) 43(6) *Stanford Law Review* 1241 <https://doi.org/10.2307/1229039>.

Crenshaw K and Phillips A, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics' in *Feminism and Politics* (Oxford University Press 1998) <https://doi.org/10.1093/oso/9780198782063.003.0016>.

De Vido S and Frulli M (eds), *Preventing and Combating Violence Against Women and Domestic Violence* (Edward Elgar Publishing 2023).

De Vido S, 'States' Positive Obligations to Eradicate Domestic Violence: The Politics of Relevance in the Interpretation of the European Convention on Human Rights' (2017) 6:6 *ESIL Reflection*.

Dichter M E, Thomas K A, Crits-Christoph P, Ogden S N and Rhodes K V, 'Coercive Control in Intimate Partner Violence: Relationship with Women's Experience of Violence, Use of Violence, and Danger' (2018) 8(5) *Psychology of Violence* 596 <https://doi.org/10.1037/vio0000158> accessed 15 July 2025.

D'Agostino F, Zacchia G and Corsi M, 'Risk of Economic Violence: A New Quantification' (2024) 12 *International Journal of Financial Studies* 82 <https://doi.org/10.3390/ijfs12030082> accessed 8 July 2025.

Eriksson M and Ulmestig R, "'It's Not All About Money": Toward a More Comprehensive Understanding of Financial Abuse in the Context of VAW' (2021) 36(3–4) *Journal of Interpersonal Violence* NP1625 <https://doi.org/10.1177/0886260517743547>.

Evje J, Fluit S and von Soest T, 'Transgender People Experience More Discrimination and Violence than Cisgender Lesbian, Gay, or Bisexual People: A Multilevel Analysis across 30 European Countries' (2024) *International Journal of Transgender Health* 1, 11 <https://doi.org/10.1080/26895269.2024.2440856>.

García-Del Moral P and Dersnah M A, 'A Feminist Challenge to the Gendered Politics of the Public/Private Divide: On Due Diligence, Domestic Violence, and Citizenship' (2014) 18(6–7) *Citizenship Studies* 661 <https://doi-org.uaccess.univie.ac.at/10.1080/13621025.2014.944772> accessed 17 July 2025.

Gerards J, 'The Discrimination Grounds of Article 14 of the European Convention on Human Rights' (2013) 13 *Human Rights Law Review* 99 <https://doi.org/10.1093/hrlr/ngs044> accessed 8 September 2025.

Goldblatt B, 'Social and economic rights to challenge violence against women – examining and extending strategies' (2019) 35(2) *South African Journal on Human Rights* 169 <https://doi.org/10.2139/ssrn.3391625>.

Grans L, 'The Istanbul Convention and the Positive Obligation to Prevent Violence' (2018) 18 *Human Rights Law Review* 133 <https://doi.org/10.1093/hrlr/ngx041>.

Hearn J, *The Violences of Men: How Men Talk about and How Agencies Respond to Men's Violence against Women* (SAGE 1998) <https://doi.org/10.4135/9781446279069> accessed 14 July 2025.

Hedlund N, 'The ECHR and the Positive Obligation to Criminalise Domestic Psychological Violence' (2024) 24 *Human Rights Law Review* <https://doi.org/10.1093/hrlr/ngae019> accessed 6 August 2025.

Hellum A and Ikdahl I, 'Committee on the Elimination of Discrimination Against Women (CEDAW)' (*Max Planck Encyclopedia of International Procedural Law*, January 2019) <https://opil.ouplaw.com/display/10.1093/law-mpeipro/e1329.013.1329/law-mpeipro-e1329> accessed 28 July 2025.

Herring J, *The ECHR, the Istanbul Convention and Domestic Abuse, in Domestic Abuse and Human Rights* (Intersentia 2020) 59–112.

Johnson L, Chen Y, Stylianou A and Arnold A, 'Examining the impact of economic abuse on survivors of intimate partner violence: a scoping review' (2022) 22(1) *BMC Public Health* 1014 <https://doi.org/10.1186/s12889-022-13297-4>.

Kaaitila A, Hakovirta M and Kainulainen H, 'Types of Economic Abuse in Postseparation Lives of Women Experiencing IPV: A Qualitative Study from Finland' (2024) 30(2) *Violence Against Women* 426 <https://doi.org/10.1177/10778012221127727> accessed 15 July 2025.

Kelly L, 'The Wrong Debate: Reflections on Why Force Is Not the Key Issue with Respect to Trafficking in Women for Sexual Exploitation' (2003) 73 *Feminist Review* 139.

Krivenko E Y, 'The Role and Impact of Soft Law on the Emergence of the Prohibition of Violence against Women within the Context of the CEDAW' in D Shelton and R Saurwein (eds), *Tracing the Roles of Soft Law in Human Rights* (Oxford University Press 2016) <https://doi.org/10.1093/acprof:oso/9780198791409.003.0004> accessed 15 July 2025.

Lembke U and Steinl L, 'Die Istanbul-Konvention' (2018) 21(4) *Zeitschrift des Deutschen Juristinnenbundes* 203 <https://doi.org/10.5771/1866-377X-2018-4-203> accessed 30 July 2025.

Manjoo R, 'Special Guest Contribution: Violence against Women as a Barrier to the Realisation of Human Rights and the Effective Exercise of Citizenship' (2016) 112(1) *Feminist Review* 11 <https://doi.org/10.1057/fr.2015.54>.

Mayrhofer M, Ammer M and Wladasch K, 'The concept of vulnerability and its relation to equality in the context of human rights: cases from climate change, anti-discrimination and asylum' (2025) 10 *Frontiers in Sociology* 1522402 <https://doi.org/10.3389/fsoc.2025.1522402>.

McQuigg R, 'The Osman Test in the Context of Domestic Abuse: Y and Others v Bulgaria' (2022) 5 *European Human Rights Law Review* 501.

McQuigg R, 'Kurt v Austria: Domestic Violence Before the Grand Chamber of the European Court of Human Rights' (2021) *European Human Rights Law Review* 550.

Mellar B M, Fanslow J L, Gulliver P J and McIntosh T K D, 'Economic Abuse by an Intimate Partner and Its Associations with Women's Socioeconomic Status and Mental Health' (2024) 39(21–22) *Journal of Interpersonal Violence*.

Miškulin I, 'Economic Violence Against Women in Croatia' (2020) 44(3) *Collegium Anthropologicum* 115, 115 <https://doi.org/10.5671/ca.44.3.1> accessed 30 July 2025.

Mosher J, 'Grounding Access to Justice Theory and Practice in the Experiences of Women Abused by Their Intimate Partners' (2015) 32(2) *Windsor Yearbook of Access to Justice* 149.

Nedelsky J, *Law's Relations: A Relational Theory of Self, Autonomy, and Law* (OUP 2012) <https://doi-org.uaccess.univie.ac.at/10.1093/acprof:oso/9780195147964.001.0001> accessed 16 July 2025.

Niemi J, Peroni L and Stoyanova V, 'The Istanbul Convention as a Response to Violence against Women in Europe' in Johanna Niemi, Lourdes Peroni and Vladislava Stoyanova, *International Law and Violence against Women: Europe and the Istanbul Convention* (1st edn, Routledge 2020).

Olson L N, 'Violence, Aggression, and Abuse' in Berger C R and Roloff M E (eds), *The International Encyclopedia of Interpersonal Communication* (Wiley-Blackwell 2015) <https://doi.org/10.1002/9781118540190.wbeic060>.

Pence E and Paymar M, *Education Groups for Men who Batter* (Springer 1993).

Postmus J L, Plummer S B and Stylianou A M, 'Measuring Economic Abuse in the Lives of Survivors: Revising the Scale of Economic Abuse' (2016) 22(6) *Violence Against Women* 692–703 <https://doi.org/10.1177/1077801215610012>.

Postmus J L, Plummer S B, McMahon S, Shaanta Murshid N, Kim M S, 'Understanding Economic Abuse in the Lives of Survivors' (2012) 27(3) *Journal of Interpersonal Violence* 411 <https://doi.org/10.1177/0886260511421669>.

Postmus J L, Hoge G L, Breckenridge J, Sharp-Jeffs N and Chung D, 'Economic Abuse as an Invisible Form of Domestic Violence: A Multicountry Review' (2020) 21 *Trauma, Violence & Abuse* 261 <https://doi.org/10.1177/1524838018764160> accessed 15 August 2025.

Ristik J, 'Protection from Gender-Based Violence before the European Court of Human Rights' (2020) 6(2) *Journal of Liberty and International Affairs* 81.

Sarac E and Odabas D, 'Gender-based economic violence and the exploitation of women: A deep dive' (2025) 15(3) *World Journal of Psychiatry* 103725 <https://doi.org/10.5498/wjp.v15.i3.103725>.

Sanders C K, 'Economic abuse in the lives of women abused by an intimate partner: a qualitative study' (2015) 21 *Violence Against Women* 3 <https://doi.org/10.1177/1077801214564167> accessed 14 July 2025.

Sheley E L, 'Criminalizing Coercive Control Within the Limits of Due Process' (2021) 70 *Duke Law Journal* 1321.

Şimşek A A, Eliminating Economic Violence against Women for Gender Equality: Empowering Women through Human Rights Based Approach in *A Comparative Perspective of Women's Economic Empowerment* (1st edn, Routledge 2019).

Sivakumaran S, 'Crafting the Prohibition on Violence against Women under International Human Rights Law' (2025) XX(XX) *European Journal of International Law* 1–42 <https://doi.org/10.1093/ejil/chaf013>.

Sosa L, *Intersectionality in the Human Rights Legal Framework on Violence against Women: At the Centre or the Margins?* (Cambridge University Press 2017).

Sorgo M, 'Häusliche Gewalt in Österreich – vom feministischen Anspruch zur sicherheitspolitischen Umsetzung' in Mayrhofer and Schwarz-Schlöglmann (eds), *Gewaltschutz – 20 Jahre Gewaltschutzgesetz und Gewaltschutzzentren/Interventionsstellen* (2017) 15.

Spearman KJ, Hardesty JL and Campbell J, 'Post-separation abuse: A concept analysis' (2023) 79 *Journal of Advanced Nursing* 1225 <https://doi.org/10.1111/jan.15310>.

Stark E, *Coercive Control: How Men Entrap Women in Personal Life*, 2nd edn (OUP 2024) <https://doi.org/10.1093/oso/9780197639986.001.0001> accessed 10 July 2025.

Stark E, 'The Dangers of Dangerousness Assessment' (2013) 6(2) *Family and Intimate Partner Violence Quarterly* 13 https://www.ncdsv.org/uploads/1/4/2/2/142238266/fipvq_dangers-of-dangerousness-assessment_11-20-2013.pdf accessed 15 July 2025.

Stark E and Hester M, 'Coercive Control: Update and Review' (2019) 25(1) *Violence Against Women* 81.

Stöckl H and Sorenson S B, 'Violence Against Women as a Global Public Health Issue' (2024) 45(1) *Annual Review of Public Health* 277 <https://doi.org/10.1146/annurev-publhealth-060722-025138>.

Stylianou A M, Postmus J L and McMahon S, 'Measuring Abusive Behaviors: Is Economic Abuse a Unique Form of Abuse?' (2013) 28(16) *Journal of Interpersonal Violence* 3186 <https://doi-org.uaccess.univie.ac.at/10.1177/0886260513496904>.

Vujadinović D, Fröhlich M and Giegerich T (eds), *Gender-Competent Legal Education* (Springer 2023) https://doi.org/10.1007/978-3-031-14360-1_1 accessed 15 July 2025.

Walby S, 'Reducing Gendered Violence: Defining, Measuring and Interpreting Interpersonal Violence and Responses to it' in *Kön och våld i Norden. Rapport från en konferens i Køge, Danmark, 2001* (Nordic Council of Ministers Tema Nord 2002).

Westmarland N, *Violence Against Women: Criminological Perspectives on Men's Violences* (Routledge 2015) 40.

Reports

Ad Hoc Committee on Preventing and Combating Violence Against Women and Domestic Violence (CAHVIO), *Interim Report* (27 May 2009) CAHVIO (2009) 4 FIN, section A 'Preliminary Remarks'.

Bundesverband der Gewaltschutzzentren, *Reformvorschläge 2025: Gesetzesvorschläge zur Verbesserung der Situation gewaltbetroffener Menschen* (Jänner 2025) <https://www.gewaltschutzzentrum.at/wp-content/uploads/2025/01/Reformvorschlaege-2025.pdf>.

Bundesverband der Gewaltschutzzentren, *Reformvorschläge 2024: Gesetzesvorschläge zur Verbesserung der Situation gewaltbetroffener Menschen* (Mai 2024) https://www.gewaltschutzzentrum.at/wp-content/uploads/2024/05/Reformvorschlaege_2024.pdf.

Bundesverband der Gewaltschutzzentren, *Reformvorschläge 2023* (Mai 2023) https://www.gewaltschutzzentrum.at/wp-content/uploads/2023/11/Reformvorschlaege_2023.pdf.

Bundesverband der Gewaltschutzzentren, *Reformvorschläge 2022* (Juni 2022) <https://www.gewaltschutzzentrum.at/wien/wp-content/uploads/sites/8/2023/09/reformvorschlaege2022.pdf>.

Bundesverband der Gewaltschutzzentren/Interventionsstelle Österreichs, *Reformvorschläge* (Juni 2021) <https://www.gewaltschutzzentrum.at/wien/wp-content/uploads/sites/8/2023/09/reformvorschlaege2021.pdf>.

Chinkin C, *The Duty of Due Diligence* (CAHVIO (2010) 7, Strasbourg, 21 May 2010) <https://rm.coe.int/1680593fc8> accessed 9 September 2025.

Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Ninth Periodic Report of Austria* (30 July 2019) UN Doc CEDAW/C/AUT/CO/9.

Committee on the Elimination of Discrimination against Women, *Concluding Observations on the Sixth Periodic Report of Lebanon* (1 March 2022) UN Doc CEDAW/C/LBN/CO/6.

Council of Europe, *Gender Matters: A Manual on Addressing Gender-Based Violence Affecting Young People* (2nd edn, Council of Europe Publishing 2019).

Council of Europe, *Regional Forum: Promoting the Implementation of the Istanbul Convention in the Western Balkans and Turkey – "Integrated Policies, Inclusive Partnerships"* Skopje, 27–28 November 2018 (Council of Europe 2018).

Duban E and Radačić I, *Training Manual for Judges and Prosecutors on Ensuring Women's Access to Justice* (Council of Europe 2017) 40.

European Parliamentary Research Service, *The Istanbul Convention: A tool to tackle violence against women and girls* (EPRS At a Glance, PE 659.334, November 2020) [https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/659334/EPRS_ATA\(2020\)659334_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2020/659334/EPRS_ATA(2020)659334_EN.pdf) accessed 18 August 2025.

European Union Agency for Fundamental Rights, *Violence Against Women: An EU-wide Survey – Main Results* https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf accessed 24 June 2025.

European Institute for Gender Equality, *Combating Violence Against Women: Austria* (Paper MH-04-16-662-EN-C, 2016) <https://eige.europa.eu/publications/combating-violence-against-women-austria> accessed 12 August 2025.

European Institute for Gender Equality, *Combating Coercive Control and Psychological Violence against Women in the EU Member States* (Publications Office of the European Union 2022).

Federal Chancellery, Division III for Women and Equality, *Austria's Comments on GREVIO's First Thematic Evaluation Report* (August 2024).

Federal Chancellery – Federal Minister for Women and Civil Service, *Ten Years of Austrian Anti-Violence Legislation: International Conference in the Context of the Council of Europe Campaign to Combat Violence Against Women, Including Domestic Violence (Vienna and St. Pölten, Austria, 5–7 November 2007)* (2008) 6.

Federal Ministry of Health and Women's Affairs, *AUSTRIA's Comments on GREVIO's Report* (August 2017).

GREVIO, *Baseline Evaluation Report Austria* (GREVIO/Inf(2017)4, 27 September 2017).

GREVIO, *Building trust by delivering support, protection and justice: First thematic evaluation report – Austria* (10 September 2024) GREVIO(2024)4.

Hess C and Del Rosario A, *Dreams Deferred: A Survey on the Impact of Intimate Partner Violence on Survivors' Education, Careers, and Economic Security* (Institute for Women's Policy Research 2018) https://iwpr.org/wp-content/uploads/2020/09/C475_IWPR-Report-Dreams-Deferred.pdf.

H Lovells and SEA, *Legal rights and remedies for economic abuse* (March 2022) <https://survivingeconomicabuse.org/wp-content/uploads/2022/03/Final-SEA-Report.pdf> accessed 15 August 2025.

Inter-Parliamentary Union and United Nations, *The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol: Handbook for Parliamentarians No. 36* (2023) <https://www.ohchr.org/sites/default/files/documents/publications/cedaw-parliamentarians-handbook-2023.pdf> accessed 28 July 2025.

Jansen H A.F.M., *kNOwVAWdata: Key Terminology* (UNFPA Asia and the Pacific Regional Office 2016).

'Kurt v Austria [GC] – 62903/15' (Legal Summary, *Information Note on the Court's Case-law* No 252, June 2021) <https://hudoc.echr.coe.int/eng?i=002-13249>.

Mayrhofer M, Ammer M and Wladasch K, *Vulnerability in the Context of Human Rights: Policy Brief* (Ludwig Boltzmann Institut für Grund- und Menschenrechte, 2023) https://gmr.lbg.ac.at/wp-content/uploads/sites/12/2023/11/Vulnerability_policy-brief_final.pdf accessed 11 September 2025.

OECD, *Breaking the Cycle of Gender-based Violence: Translating Evidence into Action for Victim/Survivor-centred Governance* (OECD Publishing, Paris 2023) <https://doi.org/10.1787/b133e75c-en> accessed 13 August 2025.

Parliamentary Assembly of the Council of Europe, *Resolution 1558 (2007) “The Feminisation of Poverty”* (26 June 2007).

Sharp-Jeffs N, *Money matters: Research into the extent and nature of financial abuse within intimate relationships in the UK* (Surviving Economic Abuse 2015) <https://survivingeconomicabuse.org/wp-content/uploads/2018/11/Money-Matters-Research-Report.pdf> accessed 2 July 2025.

Surviving Economic Abuse, ‘*Economic Abuse: A Global Perspective – Annex*’ (2022) https://survivingeconomicabuse.org/wp-content/uploads/2022/11/SEA_Economic-Abuse-A-Global-Perspective_Annex.pdf accessed 12 August 2025.

Tisheva G, ‘*Procedures under the CEDAW and the Optional Protocol to CEDAW as Good Practice in the Fight against Violence against Women in the Member States*’ (Presentation, FEMM Committee, European Parliament, 18 November [n.d.]) <https://www.europarl.europa.eu/cmsdata/188993/Last%20version%20presentation%20Genoveva%20Tisheva%2018%20Nov%20FEMM-original.pdf> accessed 28 July 2025.

The Optional Protocol to CEDAW: Mitigating Violations of Women’s Human Rights, International Training Seminar for NGOs and Women’s Rights Activists, 13–15 March 2003, Berlin, Germany (Seminar Documentation, Deutsches Institut für Menschenrechte) https://www.institut-fuer-menschenrechte.de/fileadmin/Redaktion/Publikationen/Weitere_Publicationen/DIMR_Optional_Protocol_CEDAW_Seminar_2003.pdf accessed 28 July 2025.

United Nations, *Beijing Declaration and Platform for Action, Fourth World Conference on Women* (15 September 1995) UN Docs A/CONF.177/20 and A/CONF.177/20/Add.1.

United Nations Department for General Assembly and Conference Management, *Report of the Committee on the Elimination of Discrimination against Women, Sixty-eighth Session* (Decision 54/IX, March 2013) <https://doi.org/10.18356/9789210606752c044>.

Ulbrick M, *Economic Abuse: Research Brief* (Monash University, Monash Gender and Family Violence, 2017) https://arts.monash.edu/_data/assets/pdf_file/0010/1529857/rb-economic-abuse.pdf accessed 17 August 2025.

World Conference on Human Rights, ‘*Vienna Declaration and Programme of Action*’ (25 June 1993) UN Doc A/CONF.157/23.

National Laws and Legislation

Bundesgesetz zum Schutz vor Gewalt in der Familie (Gewaltschutzgesetz), BGBl I Nr 759/1997 idF BGBl I Nr 105/2019.

Bundesgesetz über die Organisation der Sicherheitsverwaltung und die Ausübung der Sicherheitspolizei (Sicherheitspolizeigesetz – SPG), BGBl I Nr 566/1991 zuletzt geändert durch BGBl I Nr 50/2025.

Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024 (Qld).

Domestic Violence Act 2018 (Ir).

Exekutionsordnung (EO), RGBI Nr 79/1896, zuletzt geändert durch BGBl I Nr 136/2023.

Gesetz vom 23. Jänner 1974 über die mit gerichtlicher Strafe bedrohten Handlungen (Strafgesetzbuch – StGB), BGBl Nr 60/1974.

Serious Crime Act 2015 (UK).