

The economic dimensions of violence against women

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Economic violence, a form of domestic violence

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INTRODUCTION

Ladies and gentlemen

- I. Welcome to Madrid. Thank you very much for your invitation to this hearing on 'The economic dimensions of violence against women'.
- II. It is an honour to be here and to share with you some ideas about the Istanbul Convention and its notion of economic violence. But first, I would like to take the opportunity to thank the Parliamentary Assembly and its Committee on Equality and Non-Discrimination for its engagement and effort in bringing about this important piece of international legislation to combat VAW.
- III. As you know, the Parliamentary Assembly has played a key roll pushing VAW up the political agenda of the Council of Europe. In fact, its Recommendation 1450, in 2000, was the first political statement on VAW within the Council, a turning point in the way the organization dealt with the issue, which eventually led the way to the crucial Recommendation of the Council 5 (2002) and the European Plan of Action.
- IV. Again, in 2008 the Assembly made a decisive intervention calling for a Council of Europe treaty (Recommendation 1847 (2008)). The Council undertook the proposal one year latter and the process culminated in April 2011 with the adoption of *the Council of Europe Convention on preventing and combating violence against women and domestic violence*, also called the Istanbul Convention (CETS No. 210).
- V. Now, once again, the active involvement of the parliamentarians has proved to be critical in the ratification process. The Convention already attained 5 ratifications and many of the 25 signatories are under way.

THE ISTANBUL CONVENTION

- VI. We all agree that VAW and DV require vigorous and comprehensive but also effective and diligent laws and policies. This is essential to end impunity and bring perpetrators to justice. For many years Europe has lacked an instrument to frame such laws and policies. We did not have standards, nor did we have tools to cooperate among European States.
- VII. The Council of Europe Istanbul Convention is the most comprehensive, far reaching international instrument. It significantly reinforces action to prevent and combat VAW in Europe and beyond. But the European Convention also provides an opportunity to review our legislation, to improve standards and to benefit from best national and international practices.
- VIII. As you know, this Convention follows the so-called three “p” structure: prevention, promotion and prosecution. We usually add a fourth one: comprehensive policies, an idea deeply embedded in the Convention. In each of this “pillars” the Convention spells out detailed state obligations in different areas ranging from training of professionals to definition of criminal conducts.
- IX. Due to the limitations of time I do not want to go on further on the content of the Convention. However, I would like to point out what has been considered its main added value. For the first time in a legally binding instrument, the Istanbul Convention provides a definition of VAW as a violation of human rights and discrimination against women. In doing so the Istanbul Convention codifies the understanding of this form of violence already lurking in Recommendation 19 of the CEDAW or in UNGA Resolution 1993. VAW is definitely located in the area of human rights. However, this approach **does not preclude the Convention from creating specific legal obligations, notably criminal law obligations**. So the Istanbul Convention combines human rights principles and practical requirements, which is also a quite new approach.

- X. As professor Chinkin puts it, “Unlike war crimes, crimes against humanity and torture, violence against women is not *per se* an international crime; thus the Convention has to define specific criminal offences within the rubric of violence against women”. That is another crucial added value of the Convention. In fact, in a number of instances the Convention provides the first international legal definitions of specific crimes. That is the case with respect to stalking, sexual harassment, or forced abortion.

- XI. It is important to note that, also for the first time in a legally binding instrument, the Istanbul Convention provides a definition of domestic violence. It is a broad definition encompassing both the place of commission of the violence and the perpetrator of the violence. But more importantly for our purpose here today, despite some doubts as to whether certain types of violence could be brought effectively within an international convention, **the definition DV includes economic and psychological violence.**

ECONOMIC VIOLENCE

- XII. What's economic violence? Although its definition and boundaries are not clear, economic violence or economic harm refers to a conduct directed to depriving the victim of all or any of its economic or financial resources. Most psychological studies nowadays include EV as a form of psychological violence (Taverniers, Anson) and emphasize its roll in controlling the victim.

- XIII. In fact, UN WOMAN recommends the term “coercive control”, shifting the focus to the aim of the behaviour. “Coercive control” includes psychological and economic violence but does so in a way that links the concepts to a pattern of domination. It refers to extreme control through intimidation, isolation, degradation... This approach is nowadays the international best standard and directs legislators and policymakers to target truly harmful behaviours that affect the victim’s autonomy, independence and dignity in ways that compromise her ability to make decisions to escape from the subjugation.

PSYCHOLOGICAL VIOLENCE

- XIV. Let me say at this point that despite several epidemiological studies consider psychological abuse as the most prevalent form of domestic violence, our legal frameworks usually focus on physical violence. Indeed, the WHO qualitative studies show that victims consider psychological violence to be more severe and harmful.
- XV. Since CEDAW Recommendation 19, 1992, and UNGA Declaration in 1993 definitions of VAW include psychological violence. The Istanbul Convention goes further and specifically includes economic “harm of suffering in both its definitions of VAW and DV.
- XVI. The European Convention approach isn’t new. There are precedents for example in the Protocol on the Rights of Women in Africa. Many national laws also include references to economic violence and some, like the India’s domestic violence law, include a definition of it.
- XVII. However, interestingly enough, since the adoption of the text there has been an opinion of the CEDAW Committee that elucidates psychological and economic violence. In *VK v Bulgaria*, the Committee noted that Bulgarian courts had neglected the victim’s emotional and psychological suffering. The complainant includes in her petition a very illustrative description of economic violence. She alleged that her husband “decided on the spending of the family’s income and provided [her] with money only for the basic needs of the family. She had no additional money for herself and was not allowed to spend money given to her for other purposes than those strictly specified; nor was she informed about how the rest of her husband’s income was spent. As a result, she was economically entirely dependent on her husband.”
- XVIII. In its conclusions the Committee recalls that gender-based violence “is not limited to acts that inflict physical harm, but also covers acts that inflict mental or sexual harm or suffering, threats of any such acts, coercion and other deprivations of liberty”. This decision is even more relevant in an area where prohibited behaviours are very difficult to prove.

- XIX. The European Convention does not explain further the notion of economic harm or suffering, but its inclusion in the definition of VAW and DV does have practical consequences. The explanatory report of the Convention relates economic harm to psychological violence. That led us to the definition of this particular form of violence in the criminal law part of the Convention. The offence entitled psychological violence (Art. 33) prohibits intentional conduct which seriously impairs and damages a person's psychological integrity. Although the definition does not spell out the means and methods by which it can be done, it should cover deprivation of economic resources when it "seriously impairs a person's psychological integrity".
- XX. Furthermore, the expansion of the traditional definition of DV to include economic harm reinforces the preventive and protective pillar of the Convention's approach to the issue. As I said earlier, one of the main added values of the Convention is its human rights antidiscrimination approach. This perspective reflects on the notion of economic violence to make a strong call for the empowerment of women and economic equality between women and men. Article 12 and many others in the prevention chapter require policies and measures directed to achieving gender equality by increasing women's agency, thus reducing their vulnerability to violence.
- XXI. Empowerment of victims is also the appropriate protective measure. Extreme control through economic violence, as we said, impairs the victim's ability to break the circle of violence. Art. 18 requires member states to take all measures to aim at the empowerment and economic independence of women victims. That includes, as the Explanatory report puts it, that protective services need to work towards financial security, in particular economic independence from the perpetrator.
- XXII. To conclude, let me summarize the key aspects of how the Istanbul Convention addresses economic violence. It is clear from the definitions that this behaviour falls within both VAW and DV and, as a form of psychological violence, it should be criminalize. Furthermore, the Convention acknowledges that VAW is deeply

rooted in social inequality. Preventing economic VAW requires active policies and measures aiming at economic equality between women and men and the empowerment of women. Finally, in cases of VAW, economic dependency is mayor obstacle to break the circle of violence. The Convention requires effective measures to facilitate victim's economic independence.

Thank you for your time.