

THE ECONOMIC DIMENSION OF DOMESTIC VIOLENCE: FROM CRIMINALISATION OF AN ACT TO REPARATION IN THE CONTEXT OF ECTHR PRACTICE

Dmytro Baranenko¹, Vitalii Porkhun², Oksana Chornomaz³

Abstract. The *subject* of the present study is the legal and institutional framework for responding to the economic dimension of domestic violence. The focus of the study is on the transition from criminalisation of the act to reparation for the victim in the context of the practice of the European Court of Human Rights. The paper focuses on the interaction between criminal liability, positive obligations of the state, economic autonomy of the victim, compensation mechanisms, social support, and human rights standards in ensuring effective protection against domestic violence. *Methodology.* This research draws on a combination of comparative legal, systemic, human rights-based, criminal law and institutional economic methods. The analysis integrates the European Convention on Human Rights, an examination of the European Court of Human Rights' (ECtHR) case law on domestic violence, an assessment of the economic consequences of abuse, and an evaluation of legal mechanisms for compensation, protection and restoration. This methodological approach has enabled the interdependency between criminalisation, institutional responsibility, economic deprivation, victim protection and the enforceability of human rights in cases of domestic violence to be identified. This work *aims* to define the legal and economic framework of the state's response to domestic violence, evaluate the limitations of criminalisation as a protective measure and develop a conceptual approach to reparation that encompasses compensation, restoration of autonomy, social support and the prevention of further violations. The article demonstrates that domestic violence is a human rights violation with direct material, social and institutional consequences. The *results* of the study demonstrate that domestic violence is a complex legal, social and economic phenomenon. The first necessary level of legal recognition is criminalisation, because it confirms the public nature of the violation and creates the basis for intervention, investigation, prosecution and protective measures. However, the practice of the European Court of Human Rights (ECtHR) demonstrates that formal criminal provisions are insufficient where public authorities fail to assess risks, respond to complaints, protect victims, or address repeated patterns of abuse. Cases such as *Opuz v. Turkey*, *Volodina v. Russia*, *Kurt v. Austria*, *Tunikova and Others v. Russia*, *Talpis v. Italy* and *Tkheldze v. Georgia* demonstrate that state responsibility can include effective prevention, protection and investigation measures, as well as just satisfaction and structural reforms. The study emphasises that the economic aspect of domestic violence is an integral part of the harm caused. Victims may be deprived of income, housing, employment opportunities, access to documents, family resources, childcare, mobility and the practical capacity to leave the abusive relationship. These losses are often hidden, cumulative and difficult to prove, yet they are crucial in determining whether the victim can establish an independent life. Therefore, the legal response should include compensation for material and non-material damage, as well as access to safe housing, legal aid, psychological and medical support, employment assistance, protection from financial abuse and stable public financing of infrastructure supporting victims. *Conclusion.* The legal regulation of domestic violence is the responsibility of the state in terms of criminal law, economics, and human rights. The shift from criminalisation

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¹ Admiral Makarov National University of Shipbuilding, Ukraine (*corresponding author*)

E-mail: dmytro.bar@ukr.net

ORCID: <https://orcid.org/0000-0002-9626-9607>

² Pervomaisk Educational and Scientific Institute

of Admiral Makarov National University of Shipbuilding, Ukraine

E-mail: zahust_prav@ukr.net

ORCID: <https://orcid.org/0009-0009-6794-3568>

³ Lviv State University of Internal Affairs, Ukraine

E-mail: ksunya_82@ukr.net

ORCID: <https://orcid.org/0000-0003-0574-1118>



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to reparation reflects the need to change the state's response from punishing the perpetrator to restoring the victim's autonomy and preventing repeated harm. In the context of the European Court of Human Rights' (ECtHR) practice, effective protection requires a model in which criminal liability, positive obligations, compensation, social support, institutional accountability, and financial responsibility operate within a single framework. The future development of this model hinges on national legal systems recognising the economic impact of domestic violence and redistributing the associated costs away from victims through compensation, public support and structural prevention measures.

Keywords: domestic violence, economic violence, criminalisation, reparation, compensation for damage, victim protection, economic autonomy, positive obligations, ECtHR practice, Article 41, Article 46, human rights, state responsibility.

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1. Introduction

Contemporary human rights law no longer understands domestic violence as a purely private conflict between family members or intimate partners. Rather, it is recognised as a complex form of violence that impacts personal security, dignity, equality, private life, health, family relations, and economic autonomy. The Council of Europe Convention on preventing and combating violence against women and domestic violence – commonly known as the Istanbul Convention – defines domestic violence as 'acts of physical, sexual, psychological or economic violence occurring within a family or domestic unit, or between former or current spouses or partners, regardless of whether the perpetrator shares or has shared the same residence as the victim' (Council of Europe, 2011a). This definition is significant because it expressly includes economic violence, thereby confirming that domestic violence can involve controlling access to money, property, work, housing, and basic resources (Council of Europe, 2011b).

Understanding the economic dimension of domestic violence is essential for grasping the nature of the violation and formulating an appropriate legal response. Domestic violence often results in direct and indirect financial losses, including medical expenses, loss of employment or inability to work, relocation costs, legal fees, loss of housing, interruption of education, reliance on social assistance, and long-term reduction in economic independence. The World Health Organization (WHO) notes that the social and economic costs of intimate partner and sexual violence are substantial. These costs may include isolation, an inability to work, a loss of wages, and a reduced ability to care for oneself and one's children (World Health Organization, 2026). Similarly, the World Bank emphasises that violence against women incurs significant economic costs in the form of expenditure on services, lost income for victims and their families, decreased productivity, and broader effects on social and economic development (Duvvury et al., 2013).

In this context, criminalisation should only be regarded as the first stage of legal recognition. Introducing criminal liability for domestic violence is necessary because it removes such conduct from the realm of tolerated 'family conflict' and establishes the state's duty to intervene. However, criminalisation itself does not repair the harm suffered by the victim or automatically eliminate the social and economic conditions that make the victim dependent on the perpetrator. While a criminal conviction may punish the offender, it does not necessarily restore the victim's lost income, housing, psychological stability, employment or personal autonomy. Therefore, if it is not supplemented by protection, compensation, rehabilitation and measures aimed at preventing repeated violence, a legal model focused exclusively on punishment remains incomplete.

Case law from the European Court of Human Rights shows that domestic violence triggers the state's positive obligations under the European Convention on Human Rights. In *Opuz v. Turkey*, the Court found that the authorities had failed to protect the applicant and her mother despite repeated complaints, ruling that the state's inaction in the face of domestic violence could constitute a violation of the Convention (European Court of Human Rights, 2009). Subsequent cases have built upon this approach, emphasising the responsibility of states to assess risks, implement preventive operational measures, conduct thorough investigations into complaints, and establish a legal framework that can effectively address domestic violence. The Court's domestic violence factsheet shows that such cases may concern Articles 2, 3, 8 and 14 of the Convention, depending on the intensity of the violence, the level of risk, how the authorities conduct themselves, and whether the state's inaction is discriminatory (European Court of Human Rights, 2024).

The economic dimension of domestic violence alters the meaning of reparation. In cases of domestic violence, reparation cannot simply involve paying moral damages after a violation has occurred. Instead, it should be understood as a broader set of legal,

social, and financial measures aimed at restoring the victim's autonomy and reducing the risk of future harm. These measures include access to compensation, shelters, medical and psychological support, legal aid, child protection, employment support, and safe housing. From the perspective of the European human rights system, the obligation to respond to domestic violence is both individual and structural: the state must address the situation of each victim and also establish an effective institutional framework to prevent future violations.

2. Criminalisation of Domestic Violence as the First Level of Legal Recognition

The criminalisation of domestic violence marks the first formal stage at which the legal system recognises such behaviour as a matter of public concern rather than a private dispute. This recognition is important because domestic violence has long been shrouded in legal ambiguity, with the autonomy of family life, emotional dependence, economic vulnerability, and social stereotypes preventing effective state intervention. Criminal law overturns this logic by establishing that violence within families or intimate relationships is no less serious simply because it occurs in private. In fact, the domestic context can exacerbate the severity of the offence because victims are often connected to their perpetrators through shared residence, children, property, emotional dependence, or economic subordination.

However, criminalisation should not simply involve the inclusion of domestic violence in a criminal code.

It serves as a threshold function. It marks the point at which the state can no longer remain passive. It establishes a legal basis for police intervention, prosecutorial action, judicial assessment, and protective measures. Criminalisation also has an expressive function because it communicates that violence within domestic relations is incompatible with dignity, equality, and personal security. In this sense, criminalisation serves as both a punitive measure and a means of legally recognising the victim's status as a rights holder.

The specific nature of domestic violence necessitates a more complex criminal-law model than that traditionally applied to isolated assaults. Domestic violence often develops over time rather than occurring as a single episode. It may involve repeated threats, humiliation, intimidation, surveillance, psychological pressure, coercion, deprivation of resources, and manipulation via children or housing. Although these elements may be less visible than severe physical injury, together they form a pattern of domination. Therefore, an effective criminal law response must be able to identify individual acts of abuse and recognise their cumulative effect.

If criminal law only reacts to physical harm that has already occurred, it intervenes too late. A system that only recognises domestic violence as legally significant when serious injury, hospitalisation or death occurs fails to understand the preventive function of criminalisation. Warning signs are often evident before the final act occurs, such as previous complaints, threats, stalking, forced entry into the victim's home, violation of protective orders, aggressive behaviour after separation, threats to children, possession of weapons, and repeated attempts to control the victim's movements and communications. Therefore, criminalisation must operate alongside mechanisms of early identification and risk assessment.

The European Court of Human Rights has consistently emphasised that a state's positive obligations in domestic violence cases are not fulfilled merely by the existence of criminal provisions. What matters is whether the legal framework and institutional practices can offer real and effective protection. In *Opuz v. Turkey*, the Court considered a case where the authorities had been repeatedly informed of violence and threats but failed to take adequate preventive and investigative measures. This became one of the leading cases in which the Court treated domestic violence as a serious human rights violation involving state responsibility under the Convention, rather than a private family matter (European Court of Human Rights, 2009).

The significance of 'Opuz' lies in its rejection of passive formalism. The authorities could not justify their inaction by citing the complexity of family relations, withdrawn complaints, or the alleged private nature of the conflict. The Court's reasoning shows that domestic violence requires active institutional responsibility. When public authorities are aware of, or should be aware of, a serious risk, they must take reasonable measures within their power to prevent further harm. Therefore, the criminal law framework must be operational even when the victim is frightened, economically dependent, socially isolated, or under pressure to withdraw accusations.

This approach is particularly important because victims of domestic violence may delay reporting the violence, play down its severity, return to the perpetrator, withdraw their complaint or refuse to co-operate with the investigation. Such behaviour should not automatically be interpreted as evidence that the danger has passed. It may instead reflect fear, financial dependence, concern for children, a lack of housing, emotional trauma, or a distrust of institutions. A mature criminal law system must consider these factors; otherwise, formal criminalisation depends on the victim's ability to act in circumstances that the violence itself has undermined.

Therefore, the procedural side of criminalisation is as important as the substantive definition of the offence.

A criminal norm has little value if victims cannot report abuse safely, police officers treat complaints as family disputes, prosecutors refuse to act without visible injuries or courts underestimate the cumulative effect of repeated threats. Effective criminalisation requires accessible complaint mechanisms, an urgent response, documentation of injuries and threats, assessment of previous incidents, protection against retaliation, and the ability to proceed in cases where public interest requires intervention despite the victim's vulnerability.

The ECtHR's judgment in *Volodina v. Russia* further illustrates the inadequacy of a fragmented, incident-based response. The applicant had been subjected to repeated violence, threats, abduction and harassment, but the domestic legal system failed to provide adequate protection. The Court emphasised the state's failure to apply mechanisms capable of addressing domestic violence as a continuing pattern of abuse rather than as a series of unrelated incidents. The judgment links the inadequacy of the legal framework to the victim's ongoing exposure to danger (European Court of Human Rights, 2019).

In *Tunikova and Others v. Russia*, the Court further developed this logic, finding that the domestic legal framework failed to provide adequate protection against domestic violence. The case concerned several applicants who had experienced serious violence and had not received adequate protection from the authorities. The Court identified structural deficiencies, including insufficient protective mechanisms and the system's inability to comprehensively address domestic violence. This judgment confirms that a state may violate the Convention by failing to apply existing legislation, or by maintaining a legal framework that is structurally inadequate for the issue it is intended to address (European Court of Human Rights, 2021).

In this sense, the effectiveness of criminalisation must be assessed. A state cannot fulfil its human rights obligations merely by prohibiting violence. This prohibition must be supported by institutions, procedures, and resources. Police officers must receive training in identifying domestic violence risks, while prosecutors must understand the evidentiary difficulties of such cases. Judges should assess patterns of behaviour rather than isolated facts, and social services must co-operate with law enforcement bodies. Victims must also have access to protective measures before the violence becomes irreversible. Without institutional infrastructure, criminalisation is merely a formal declaration rather than an effective guarantee.

A fundamental element of this infrastructure is the process of risk assessment. Domestic violence is distinguished from numerous other offences by the fact that the risk of future harm frequently arises from the history of the relationship between the perpetrator and the victim. The authorities may have access to previous complaints, medical records, police reports, witness

statements, messages, threats or information about weapons. In the absence of an integrated assessment of these elements, there is a risk that the gravity of the situation may be underestimated by the state. In the case of *Kurt v. Austria*, the Grand Chamber elucidated that authorities dealing with domestic violence are obliged to conduct an autonomous, proactive and comprehensive risk assessment, taking due account of the specific context of domestic violence (European Court of Human Rights, 2021).

Protective measures are another necessary element of the criminal law response. In cases of domestic violence, the period between the complaint being made and the trial taking place may be the most dangerous for the victim. If the perpetrator remains in the same home, has access to the victim, controls finances or childcare, or can intimidate the victim, the criminal process itself may increase the danger. For this reason, emergency barring orders, restraining orders, the removal of the perpetrator from the home, a prohibition of contact, and an urgent judicial review are all integral to the effective operation of criminalisation, rather than being secondary administrative tools.

This is where the economic dimension comes into criminal law analysis. If the legal system does not provide protective mechanisms, the victim often has to create their own safety measures at personal expense. This may involve leaving the family home, renting alternative accommodation, paying for transport, arranging childcare, changing jobs, paying for legal advice, and relying on relatives and shelters. In such situations, the cost of protection shifts from the state and the perpetrator to the victim. The absence of effective criminal law intervention therefore results in physical vulnerability, psychological vulnerability, and economic displacement.

Criminalisation is typically analysed in terms of liability, i.e., whether the perpetrator can be punished. In the context of domestic violence, however, criminalisation also has distributive consequences. If the state effectively criminalises domestic violence, it assumes public responsibility for risk management and protection. However, if it does so ineffectively, the victim is left responsible for financing their own safety. It is this difference that determines who bears the economic burden of violence, even before compensation or reparation is discussed.

The gender dimension of domestic violence is also relevant at the stage of criminalisation. The ECtHR has recognised that systematic state inaction in cases of domestic violence may constitute discriminatory treatment. In *Opuz*, the Court found a violation of Article 14 in conjunction with Articles 2 and 3, emphasising that general judicial passivity, which was discriminatory, created a climate conducive to domestic violence. This aspect shifts the focus of the analysis

away from individual procedural failures, suggesting that ineffective criminalisation can perpetuate social inequality when the authorities consistently underestimate violence primarily affecting women (European Court of Human Rights, 2009).

This does not mean that domestic violence only affects women. Men, children, the elderly and other vulnerable individuals may also be victims. However, the human rights framework recognises that violence against women in domestic settings often has a structural nature and is connected with unequal power relations, stereotypes, and patterns of dependency. Therefore, criminalisation must take into account the individual circumstances of each case and the broader social context in which violence occurs. A formally neutral law may be insufficient if it ignores realities such as fear, dependence and inequality.

The economic dimension reinforces this conclusion. If the victim lacks an independent income, housing or access to family property, deciding to report violence could entail significant financial risk. Criminal law that ignores this reality puts victims in a paradoxical position. They are formally invited to seek protection, but are practically required to endanger their livelihood, residence, or relationship with their children in order to do so. Therefore, effective criminalisation should be coordinated with social protection, legal aid, temporary accommodation, and financial support mechanisms.

For this reason, criminalisation should be seen as the first step towards a broader protective system. While it opens the door to state intervention, it does not fulfil the state's responsibility. The legal prohibition of domestic violence must trigger a coordinated response involving the criminal justice system, civil protection services, social services, healthcare institutions, and child protection agencies. If institutions are fragmented, the effect of criminalisation may be neutralised, because each body will see only part of the problem, whereas the victim experiences the violence as a single system of control.

At the same time, criminalisation must adhere to the principles of legality, proportionality, and legal certainty. The desire to respond effectively to domestic violence cannot justify criminal provisions that are vague or unlimited. The law must clearly define what constitutes a punishable offence in order to guide behaviour, structure police intervention and allow judicial control. The challenge lies in formulating offences and protective mechanisms that are precise enough for the purposes of criminal justice, yet broad enough to encompass the reality of coercive and repeated abuse.

The transition from criminalisation to reparation begins precisely at this point. Once the legal system recognises domestic violence as a public wrong, it must also acknowledge that the victim's suffering is not

limited to the criminal act itself. While criminalisation identifies the wrongdoing, it does not fully address its consequences. While it may stop the perpetrator, it does not automatically restore lost income, housing security, psychological stability, employment opportunities, or social participation. Therefore, criminalisation is the first level of legal recognition, but not the ultimate goal of justice.

The main limitation of a purely punitive approach is that it focuses on the past. It asks what offence was committed and what punishment should follow. Reparation, by contrast, looks forward. It considers what the victim needs to regain autonomy, safety, and dignity. This forward-looking perspective is particularly important in cases of domestic violence because the harm often continues after the immediate act has ended. The victim may be left economically displaced, traumatised, unemployed, in debt, dependent on relatives, caught up in custody disputes, or unable to return home safely.

Accordingly, the role of criminalisation in the economic dimension of domestic violence is ambiguous. On the one hand, criminalisation is indispensable because it makes abuse visible and activates public responsibility. However, it is also insufficient because it does not redistribute the costs generated by violence itself. Without compensation, social support and structural prevention, the victim may remain economically burdened even after the perpetrator has been punished.

Thus, criminalisation should be understood as forming the basis of protection, rather than constituting its entire architecture. It establishes that domestic violence is legally unacceptable, creates conditions for intervention, and enables risk assessment, investigation, and prosecution. It also symbolically affirms the victim's dignity. Nevertheless, its effectiveness hinges on its integration into a comprehensive system of protection and restoration. The next analytical step is therefore to examine the economic consequences of domestic violence: how abusive relationships create dependency and deprivation, and why these require solutions that go beyond punishment.

3. The Economic Nature of Domestic Violence: Dependence, Deprivation and Hidden Losses

The economic nature of domestic violence is that abuse often involves restricting autonomy. The perpetrator may use money, housing, employment, documents, transport, access to communication and control over family resources to maintain power over the victim. In this sense, economic harm is one of the mechanisms through which domestic violence functions. While the victim may formally remain a participant in family life, they may lose the ability to make independent decisions about work, movement,

spending, education, medical care or separation from the perpetrator in practice.

Economic violence can manifest in both direct and indirect ways. Direct forms include seizing the victim's income, restricting access to bank accounts, prohibiting employment, compelling the victim to justify every expense, accumulating debts in the victim's name, disposing of or damaging personal property, withholding funds for essential expenses, and obstructing access to documents required for employment and social security. Indirect forms are less visible, but can be equally destructive. The victim may be pressured to leave their job, prevented from studying, isolated from their professional networks, forced to depend on the perpetrator for housing or made responsible for unpaid care work, with no access to their own resources. According to the European Institute for Gender Equality, economic violence is defined as any act or behaviour that causes economic harm to an individual, including control over access to financial resources, education, or the labour market (European Institute for Gender Equality, 2023).

Economic abuse is particularly dangerous because it restricts a victim's ability to leave an abusive relationship. Physical separation from the perpetrator usually requires money for transport, temporary housing, food, childcare, legal assistance, medical care, and communication. If the victim has no independent income, savings or access to documents or a separate bank account, and has no secure housing, the legal possibility of leaving may become inaccessible in practice. In this situation, dependence is materially organised. The victim remains in the abusive environment because leaving could result in homelessness, poverty, loss of access to children, unemployment, or an inability to meet basic needs.

This illustrates why domestic violence should be analysed as a form of deprivation. The harm also consists of what the victim is prevented from doing. They may be prevented from earning money, studying, saving, receiving medical help, communicating with relatives, using public transport, applying for social assistance, or planning an independent future. This gradually narrows the victim's range of choices. The longer the abuse continues, the more difficult it becomes to regain autonomy. This is because the victim's economic position, professional skills, social contacts and psychological resilience may all be systematically weakened.

The hidden losses caused by domestic violence can be more extensive than the visible damage. Direct losses may include medical expenses, property damage, legal fees, relocation costs, and lost income during periods of injury, stress, or court proceedings. Indirect losses may include reduced productivity, interrupted career development, loss of employment history, an inability to complete an education, a deterioration in

creditworthiness, dependence on social support, and long-term exclusion from the labour market. Although these losses are difficult to calculate, they determine the extent of the victim's harm. According to the World Health Organization, intimate partner and sexual violence generate substantial social and economic costs, including isolation, an inability to work, a loss of wages, and a reduced ability to care for oneself and one's children (World Health Organization, 2026).

The economic consequences of domestic violence affect not only the victim, but also their children and other dependent family members. When a victim loses income, housing stability or access to resources, this has an impact on children's education, health, nutrition, emotional security and living conditions. They may be forced to change schools, leave their home and lose contact with relatives, or experience poverty as a result of the violence. Even when children are not the direct targets of abuse, they may still be affected economically by the destruction of household stability. Therefore, domestic violence produces intergenerational consequences by damaging the social and economic environment in which children develop.

The labour-market impact of domestic violence is significant. Victims may miss work due to injuries, psychological trauma, court appointments, relocation, or threats from the perpetrator. Some perpetrators deliberately interfere with their victims' employment by preventing them from going to work, harassing them at work, destroying their work clothes or documents, taking their phone, or creating situations that make regular employment impossible. As a result, victims may lose wages, promotion opportunities, their professional reputation and their long-term career prospects. Domestic violence therefore transforms private domination into public economic exclusion.

The economic dimension also helps to explain why formal equality is insufficient. For example, a victim may have the right to work, own property, report to the police, go to court, and leave the family home. However, these rights may be ineffective if they lack the material means to enforce them. Legal capacity without economic capacity can be meaningless. A person who cannot afford transport, childcare, legal advice, accommodation or food is not in an equal position to the person controlling the family's financial resources. Therefore, an economic analysis of domestic violence reveals the disparity between formal rights and access to them in practice.

At a societal level, domestic violence incurs costs for public institutions. Health services, the police, the courts, social protection bodies, shelters, child protection agencies and labour market institutions all bear part of this burden. These costs are not exceptional or accidental; they are structurally linked to the ongoing presence of violence. The World Bank has emphasised that intimate partner violence

incurs significant economic costs in terms of service provision, lost income for victims and their families, and reduced productivity, as well as having broader effects on growth and development (Duvvury et al., 2013). The European Institute for Gender Equality has estimated that gender-based violence imposes a significant annual financial burden on the European Union, with intimate partner violence constituting a substantial proportion of that cost (European Institute for Gender Equality, 2021).

This public cost is important for legal analysis because it alters the state's view of domestic violence. If violence results in ongoing costs for the courts, healthcare systems, social services and labour markets, then preventing it becomes both a moral and human rights obligation and a rational economic policy. Providing early support, shelters, legal aid, employment protection and financial assistance can reduce long-term costs by preventing repeated violence, homelessness, unemployment and chronic dependence on public assistance. Therefore, investment in victim support is not a secondary social measure, but rather part of the economic logic of reducing the total cost of violence.

The hidden nature of economic harm creates additional evidentiary problems. While physical injury can often be documented through medical records, economic deprivation may be dispersed across many small acts, such as withholding cash, monitoring spending, blocking access to transport, preventing work, refusing household money, creating debt, destroying property, and forcing unpaid labour. While each act may appear minor in isolation, together they form a system of control. Legal institutions therefore need methods of recognising economic harm as a pattern rather than as isolated financial disagreements between partners.

The concept of economic violence is useful because it reveals the material basis of dependency. It enables domestic violence to be recognised as an attack on the victim's ability to make their own decisions. When a person is deprived of access to income, housing, documents or employment, they are also deprived of the practical means of freedom. This is why economic abuse should be recognised as a serious aspect of domestic violence, rather than being considered a less harmful form of misconduct.

From this perspective, the victim's losses should be assessed broadly. These include immediate financial damage, loss of income, escape costs, recovery costs, health deterioration, loss of employment opportunities, credit history damage, dependence on relatives or social services, and reduced ability to provide for children. These losses form part of the harm caused by the abusive relationship. A legal model that ignores these losses will inevitably underestimate the seriousness of domestic violence, providing only partial remedies.

The economic impact of domestic violence also explains why reparation must extend beyond mere symbolic recognition. If the victim has been deprived of resources, opportunities and stability as a result of abuse, then effective reparation must address these deprivations. While compensation for moral suffering may be necessary, it cannot replace housing support, the restoration of documents, access to employment, protection from debt, childcare assistance, medical treatment, psychological care or legal aid. The purpose of reparation should be to enable victims to live independently and safely again, rather than merely acknowledging that harm occurred.

Therefore, domestic violence should be understood as a system of domination with material, social and institutional consequences. The economic dimension of domestic violence reveals how dependence is created, how deprivation is maintained, and how hidden losses accumulate over time. This approach paves the way for the next stage of analysis. As domestic violence causes harm that is both personal and economic, the legal response must include mechanisms for reparation that can restore autonomy, compensate for losses and prevent dependency from being reproduced.

4. From Punishment to Reparation: ECtHR Standards and the Financial Responsibility of the State

The shift from punishment to reparation represents a significant change in the legal response to domestic violence. While punishment addresses the offender's liability, reparation concerns the consequences suffered by the victim and the institutional failures that allowed the harm to occur or continue. This distinction is particularly important in cases of domestic violence. While a criminal sanction may acknowledge the wrongfulness of the perpetrator's actions, it does not automatically restore the victim's safety, economic autonomy, health, housing stability, or ability to participate in social life. For this reason, a victim-centred response requires a broader legal framework in which punishment, compensation, protection and structural reform are connected elements of justice.

In the European Convention system, reparation is primarily achieved through the just satisfaction mechanism set out in Article 41 of the Convention. If the European Court of Human Rights finds a violation and the domestic law only allows partial reparation, the Court can provide just satisfaction to the injured party. While this mechanism has a compensatory function, its significance extends beyond the transfer of money. It confirms that the violation has caused harm that is legally significant and that the state is responsible for the consequences of its failure to protect Convention rights. This is particularly important in domestic violence cases, where the

applicant's suffering is often exacerbated by the inaction, delays or inadequacy of public authorities (Council of Europe, n.d.; European Court of Human Rights, 2024).

Just satisfaction may cover both pecuniary and non-pecuniary damage, as well as costs and expenses. Pecuniary damage refers to financial losses that can be assessed, such as medical costs, loss of income, relocation expenses, and other quantifiable consequences of the violation. Non-pecuniary damage covers suffering, fear, humiliation, anxiety, trauma and loss of dignity. In cases of domestic violence, these categories often overlap in practice. Psychological suffering may reduce a victim's ability to work, while fear may force them to relocate. Institutional inaction may also prolong exposure to danger and increase material losses. Therefore, the financial aspect of just satisfaction should not be viewed as a purely technical calculation. Rather, it is part of the legal recognition of harm.

At the same time, however, Article 41 does not establish a comprehensive domestic compensation system. While the Court may award just satisfaction where it deems it necessary, it does not replace national mechanisms for compensation, social support, rehabilitation or protection. This limitation is important. The Strasbourg mechanism is subsidiary. Its role is to identify violations of the European Convention on Human Rights and, where appropriate, provide just satisfaction at the international level. The state has a primary duty to organise effective remedies. In the context of domestic violence, this means that national law should provide accessible procedures for compensation, as well as emergency support, shelters, legal aid, healthcare, psychological assistance, and measures to enable victims to become independent again.

The case-law of the ECtHR shows that reparation in domestic violence cases cannot be limited to financial compensation following a violation. In *Talpis v. Italy*, the Court found violations of Articles 2 and 3 because the authorities failed to respond promptly and adequately to a known situation of domestic violence, resulting in the death of the applicant's son and the applicant being subjected to an attempted murder. The case demonstrates that, where preventive action was possible, compensation after the event cannot neutralise the consequences of institutional inertia. While financial redress is necessary, it remains incomplete unless the state reforms the practices that made the violation possible (European Court of Human Rights, 2017).

The same logic applies to *Tkheldidze v. Georgia*, in which the authorities failed to protect the applicant's daughter from domestic violence despite repeated reports and clear indications of danger. The Court found violations of Articles 2 and 14 of the Convention,

emphasising the discriminatory nature of the police's inaction in the context of violence against women. This judgment is significant in terms of the concept of reparation, as it demonstrates that state responsibility encompasses both individual and systemic dimensions. While the victim's family may receive just satisfaction, the deeper legal problem concerns the institutional culture, risk assessment practices, and operational failures that allowed the violence to escalate (European Court of Human Rights, 2021).

This distinction highlights the importance of Article 46 of the Convention. Under this article, states undertake to abide by the Court's final judgments in cases to which they are parties. Execution of a judgment therefore encompasses more than the payment of just satisfaction. It may entail taking individual measures to remedy the applicant's situation, as well as general measures to prevent similar violations from happening again. In cases of domestic violence, general measures may include legislative reform, police and judicial training, the creation of risk assessment protocols, improvements to protective order systems, the development of shelters, better institutional coordination, data collection and the review of discriminatory practices (European Court of Human Rights, 2025; Council of Europe, 2019).

At this stage, the state's financial responsibility becomes apparent. Reparation requires resources. This includes budgetary allocations for compensation, legal aid, shelters, social workers, psychological services, forensic documentation, emergency accommodation, child protection, and institutional training. A state that recognises domestic violence as a human rights issue must also recognise that protection and restoration have a financial aspect. Without financing, legal guarantees remain merely declarative. Without enforcement capacity, protective orders cannot be effective; without stable funding, shelters cannot be effective; without accessibility, legal aid cannot be effective; and without budgetary predictability, compensation mechanisms cannot be effective.

Therefore, the financial responsibility of the state should be understood as responsibility for the entire response cycle. This begins with prevention and early support, continues through investigation and protection, and extends to compensation, rehabilitation, and structural reform. If the state only finances the punitive part of the system, victims may be left without the material conditions necessary for recovery. If the state pays compensation but does not fund prevention, similar violations will continue to occur, resulting in new applications, judgments and financial liabilities. Therefore, underfunding domestic violence prevention does not save public resources. Rather, it is a deferred cost.

The execution of ECtHR judgments clearly illustrates this problem. Payment of just satisfaction only resolves

one aspect of execution. General measures are often more important for reducing both future violations and the long-term fiscal burden. If domestic violence cases reveal failures in policing, social protection, judicial reasoning or emergency response, the state must finance the correction of these failures. Otherwise, the state repeatedly pays for the consequences of the same structural deficiencies. From a public finance perspective, this creates a cycle in which compensation replaces prevention, with the budget absorbing the cost of institutional passivity.

This approach is consistent with the Committee of Ministers' supervisory logic. States are expected to submit action plans and reports detailing the measures they have taken or intend to take to implement ECtHR judgments. In cases of domestic violence, such measures should demonstrate how the state intends to prevent recurrence. This should include details of the responsible institutions, allocated resources, established timelines, introduced training, collected data and assessment of effectiveness. Therefore, a judgment concerning domestic violence becomes a trigger for administrative, financial and institutional correction (Council of Europe, 2019).

Reparation also requires attention to accessibility. If victims cannot use a formal compensation mechanism because of cost, complexity, fear, lack of information or dependence on the perpetrator, it is ineffective. Procedures should therefore be designed with victims' actual situations in mind. This may entail providing free legal aid, simplifying applications, offering protection from retaliation, ensuring confidentiality, adopting trauma-sensitive communication approaches, and coordinating with social services. In cases of domestic violence, access to reparation is itself a form of protection. If victims must undertake a long, expensive and unsafe legal struggle to obtain compensation, the process may cause them further harm.

The financial model for reparations should distinguish between the responsibility of the perpetrator and that of the state. The perpetrator should face civil and criminal consequences for the harm caused. However, the state should be held responsible where public authorities have failed to protect Convention rights, failed to conduct effective investigations, tolerated discriminatory practices, or maintained an inadequate legal framework. In such situations, state compensation reflects public authorities' independent obligation to secure rights in practice. This distinction is important because, although domestic violence often involves private conduct, the analysis of the Convention concerns the state's response to known or foreseeable risks.

The practical dimension of reparation must be restorative. Its aim should be to rebuild the victim's capacity for independent living. This may require compensation for financial losses, access to safe

housing, restoration of documents, protection from debt incurred through abuse, help to find employment, childcare support, healthcare, and psychological rehabilitation. Such measures are instrumental in restoring autonomy. Where domestic violence has produced dependence and deprivation, reparation must address the conditions that expose the victim to further harm.

The ECtHR's case law on domestic violence also shows that reparation has an equality dimension. Where state inaction reflects stereotypes or a systemic underestimation of violence against women, financial compensation alone cannot eliminate discriminatory structures. General measures must address the institutional attitudes that permitted the violation to occur. This may include mandatory training, disciplinary accountability, gender-sensitive risk assessments, monitoring of police responses, and the collection of disaggregated data. In this context, financial responsibility means funding the transformation of institutions whose failures have contributed to violations.

Accordingly, moving from punishment to reparation requires a shift in legal thinking. Domestic violence should not be considered resolved simply because the offender has been punished or a judgement has been delivered. The central question is whether the victim has been placed in a position where their safety, dignity and autonomy can realistically be restored. It is the state's financial responsibility to create the material conditions for this restoration. This includes compensating for harm, supporting recovery, and financing reforms that reduce the likelihood of repetition.

Thus, reparation in cases of domestic violence should be understood as a multi-level obligation. At an individual level, this involves recognising the harm caused, providing compensation and offering support for recovery. At the institutional level, it requires the reform of practices that produced or exacerbated the violation. Financially, it requires stable resources for compensation, protection, rehabilitation and prevention. In the ECtHR system, Article 41 sets out the principles of just satisfaction, while Article 46 establishes the framework for enforcement and structural change. Together, these articles demonstrate that a state's responsibility does not end with punishment. It also involves restoring the victim and financing a system capable of preventing similar harm in future.

5. Conclusions

The economic dimension of domestic violence alters the legal perception of this phenomenon. It should be recognised as a form of domination which can result in victims being deprived of safety, income, housing,

employment opportunities, access to resources, and the practical ability to make independent life decisions. For this reason, the legal response must move beyond the narrow logic of punishment to include mechanisms that can restore the victim's autonomy.

Criminalisation remains the necessary starting point. It establishes domestic violence as a matter of public responsibility, creating the legal basis for intervention, investigation, prosecution, and protective measures. However, its effectiveness depends on the existence of practical procedures and institutions. Case law from the European Court of Human Rights shows that formal criminal provisions are not enough if the authorities fail to assess risks, respond to complaints, protect victims or address repeated patterns of abuse. The state's positive obligations require an operational system rather than a mere prohibition.

The economic aspect of domestic violence explains why punishment alone cannot deliver complete justice. Abuse can destroy a victim's financial independence by controlling their access to money, housing, employment, documents, family property, childcare, and social support. These forms of harm often remain hidden because they are dispersed across everyday restrictions and accumulated losses. Nevertheless, they determine whether the victim can leave the abusive relationship, recover from the violence, and rebuild an independent life. Failing to recognise these losses results in an incomplete understanding of the harm caused and the necessary remedies.

Therefore, the transition from punishment to reparation is essential. Reparation should encompass a wider range of measures aimed at restoring safety, dignity, and economic autonomy. These measures may include compensation for material and non-material harm, as well as access to safe housing, legal aid, medical and psychological assistance, childcare support, and protection from debt and financial abuse. In this sense, reparation is the practical continuation of the state's duty to effectively secure rights.

The European Convention system supports this approach through the interaction of Articles 41 and 46. Article 41 enables the European Court of Human

Rights to award just satisfaction where a violation has caused harm that can be compensated for. Article 46 requires states to execute the Court's judgments and, where necessary, to adopt individual and general measures. In cases of domestic violence, this means that the state must address the specific harm suffered by the victim and correct the structural failures that permitted the violation to occur. Payment of just satisfaction is one aspect of execution; the broader objective is to prevent recurrence.

The financial responsibility of the state is central to this process. A state that recognises domestic violence as a human rights issue must finance the necessary protection and recovery mechanisms. This includes shelters, legal aid, psychological services, emergency accommodation, risk assessment systems, police and judge training, data collection, and compensation mechanisms. All of these require stable budgetary support. Without such financing, legal guarantees remain merely formal and the victim continues to bear the cost of protection and recovery individually.

Thus, the shift from criminalisation to reparation signifies a profound change in the legal response to domestic violence. The state must punish the perpetrator and eliminate the factors that perpetuate the victim's dependence, insecurity and economic vulnerability. Effective protection requires a system in which criminal liability, social support, compensation, institutional reform and public financing work together. This approach can address domestic violence as a human rights violation with personal, economic, and structural consequences.

The main conclusion of this article is that domestic violence should be understood as both a legal and an economic phenomenon. The harm it causes extends beyond the immediate act of violence to affect the victim's material capacity for freedom. Therefore, justice requires the perpetrator to be condemned, the victim's autonomy to be restored, the costs of violence to be redistributed away from the victim, and the state to invest in prevention. In the context of ECtHR practice, this approach enables reparation to be recognised as an essential component of effective human rights protection.

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