

Institutionalized economic violence in the face of the Istanbul Convention: state failure to combat child maintenance noncompliance in German

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Economic violence is recognized by the international legal framework, including the Istanbul Convention, as a form of gender-based violence. As defined by the European Institute of Gender Equality (EIGE), economic violence is any act or behaviour which causes economic harm to an individual“ (EIGE 2024). The many manifestations of economic violence (see, e.g. the 2014 survey of the European Union Agency for Fundamental Rights for a discussion, FRA 2014) include noncompliance with economic responsibilities related to child maintenance understood as payments that a noncustodial parent contributes towards the costs of raising their child (EIGE 2017; see Natalier 2018; Tegler et a. 2023; Kaufulu-Kumwenda 2021).

This contribution analyzes the child maintenance policies in Germany and their compliance with the obligations imposed by the Istanbul Convention. Following the 2018 ratification of the Istanbul Convention, Germany has been under obligation to implement measures to combat gender-based violence, including economic violence. Yet, Germany continues to display one of the highest at-risk-of-poverty rates in Europe for lone mothers – above 40% (Hübgen 2018) - despite very high (and among the highest in EU) employment rates for this group (Nieuwenhuis and Maldonado 2018). This translates into a 42% at-risk-of-poverty rate for children living in single-parent households (constituting ca. 20% of all families with children). A factor significantly contributing to the high poverty risk in single-parent households is the failure by the noncustodial but legally obligated parent to contribute adequate levels of child maintenance. The existing research suggests that up to 75% of children in single-parent households do not receive adequate, or any, maintenance. The phenomenon is highly gendered as lone mothers constitute a large majority (ca. 85%) of single parents in Germany. Moreover, the scope of the phenomenon suggests a systemic failure that needs to be addressed structurally.

This contribution follows Natalier (2018) in arguing that state processes and institutions regulating child maintenance facilitate economic violence against lone mothers, if they remain ineffective in sanctioning and compensating for child maintenance noncompliance. By doing so, they make themselves compliant of economic violence.

The first part of the paper undertakes a policy analysis and focuses on the existing legal and policy framework for child maintenance, including the enforcement of child maintenance, as well as institutional support, financial support, and litigation options for the lone mothers. The second part undertakes a documentary analysis of the content of the federal strategy and the „Bundesländer“-level strategies that have been formulated with the declarative aim of implementing the Istanbul Convention. Against the background provided by the first part of the paper, the aim of the analysis of the Istanbul Convention implementation

strategies is to determine whether and how economic violence is defined in these sources, whether economic violence in general, and the failing system of child maintenance payments in particular, are considered in the implementation plans, and if so – what measures are proposed to address the phenomenon of child maintenance noncompliance and its consequences.

The finding suggests that, as in other areas (e.g., femicide, custody and visitation rights, safe houses), the country has been lagging behind in the implementation of the Istanbul Convention in terms of combatting economic violence that rarely if at all is recognized and addressed in the studied material. By not adequately addressing the phenomenon, the state and its institutions make themselves compliant of limiting lone mothers' access to and use of financial resources, which erodes economic security and control thus producing outcomes that are at the very core of the definition of economic violence (see Natalier 2018; Adams et al. 2008). In this way, they normalize and effectively institutionalize this form of gender-based violence.