«Il diritto dell'economia» issn 1123-3036, anno 70, n. 113 (1 2024) pp. 295-324

Articoli e saggi

Economic Violence: which Economy Law instruments are more effective? Proposals for the foreseen future*

Eugenio Maria Mastropaolo

Background

Often the performing arts, in depicting scenes from the life reality, reproduce situations that provide insights into everyday events. Paola Cortellesi's film *C'è ancora domani* is on the topic of economic violence against women. After all, the starring, in addition to being a victim of physical and psychological violence, is also

* First results of the research have been presented to the Makelearn & TIIM 2018 Conference, Pegaso WEB University, Naples (Italy), on 16 May 2018. A first edition of the paper appeared on *Management Studies*, May-June 2019, Vol. 7, No. 3, 214-221. Based on further reasearch, the paper has been integrated and is published in its final form. All the quoted web pages have been consulted in February 2024. I would like to thanks (in a chronological order): CNGEI International Team, an Italian Scout association who gave me the possibility to cohoperate on the World Association of Girl Guides and Girl Scouts «Stop the Violence» project implementation; Prof. Luigia Melillo, Rector at Pegaso Int.l – Malta for her support in stimulating me in putting in writing the first results of this paper; Mrs. Rosa Salvati, the first student I had, who discussed her degree thesis in the economic violence topic; Prof. De Vido and Prof. Desana for their support in discussing their research domain; Mrs. Maltese, for her support in litterature searching; Mrs. Profeta, Mrs. Guida and Mrs. Staderini of the Bank of Italy for their support in data searching. This paper is dedicated to my grandmother Attilia, born in 1907, who took a degree in Pedagogy in 1930 but before attending such faculty she was firstly obliged to renounce to medical studies and degree, because in the Naples University Medical Faculty there were almost all male students.

a victim of economic violence, and precisely because of its perpetration, she cannot escape the first two forms of violence. Even the starring's daughter, had she married, without completing her studies, would have been a victim of all kind of violences: this insight leads the starring to make courageous, even "explosive" choices.

1. *Legal framework, definition and classification of economic violence*

The Council of Europe Convention on preventing and combating violence against women and domestic violence of 11th May 2011 (the so-called «Istanbul Convention») addresses the economic violence as one kind of violence a woman may face[1].

Economic violence may be defined as the violence which women may face when dealing with income from work, access to labour market, healthness and security of the working place, establishment of business, access to entrepreneurial activities and governance bodies or leading positions in business.

As such, economic violence is a consequence of gender inequality, which may be fought by economically empowered women. Such goal is, pursuant to High-Level Panel on Women's Economic Empowerment established in 2016 by the United Nations Secretary-General, the right and smartest thing to do to develop the World's economy and business[2].

Acknowledging economic violence is therefore instrumental to achieving gender inequality reduction rates and goals, but also to prevent looping situations which may hamper such achievements[3].

Economic violence can be classified as a second tier violence against women, within three different meanings: (i) although it is not a direct violence, physically hurting a woman, economic violence hinders a woman to make decisions freely on whether or not leave a situation where she is at risk of additional injuries, or worse being killed; (ii) economic violence may be considered on the other hand as a preliminary violence to psychologically justify subsequent violence and finally compress woman to make decisions freely about her professional life,

---

[1] On the Instabul Convention, see S. De Vido, *Donne, violenza e diritto internazionale, La Convenzione di Istanbul del Consiglio d'Europa del 2011*, Milan-Udine, 2016.

[2] United Nations Secretary-General's High-Level Panel Report on Women's Economic Empowerment, 2016.

[3] As stated by the Bank of Italy in the presentation of its educational programme aiming at fostering financial inclusion: see website «Le donne contano» (Women counts) in https://economiapertutti.bancaditalia.it/progetti-educativi/donne-contano/index.html. To a deeper analysis of the definition refer to «*What is economic abuse?*», by the «Canadian Center for women's empowerment», 2023 in the website https://ccfwe.org/what-is-economic-abuse/, with references to most recent scientific literature connecting physical and psycological violence (abuse) to economic and financial violence (abuse) (from now the «Canadian Study»).

which may lead to the difficulty or impossibility, in the situation described above under (i), to leave it; (iii) by pursuing some goals in terms of increasing women's participation in labour force through gender equality policies, economic violence may considered as a consequence of the implementation of such policies, if these policies are not properly implemented, by preventing distorting effects and further economic violence.

In this sense, economic violence is subtle and, due to profitable cultural environments to women economic discrimination, it is not easily perceived or at least distinguished from other kinds of violence. Worse, economic violence is a kind of permanent violence which once started always leads to a bad situation. Each discrimination, each gesture of economic violence, adds a single brick to the complex situation, preparing a fruitful ground for the next episode of economic violence or other kind of more serious violence. For such reason economic violence may be qualified as a sliding door, as it gives access to further violence[4].

2. *Economic violence schemes*

International scientific literature in respect of economic violence is very scarce in the definition of the different situations.

Economic violence has been the subject of few medical and psycological papers from US, Africa or South-Eeast Asia scholars addressing some definitions more connected to the general women wealth or with solutions applicable to the local context[5].

By expanding the research, however, through the analysis of international reports and studies with a more economic and social vocation than medical and psychological, as the quoted Canadian Study which adapts The Duluth Model of economic and financial violence (abuse) scheme firstly elaborated in 2008[6], one

[4] This is the reason why economic violence is just qualified by the Instanbul Convention as one of the form of violence against women and part of domestic violence and therefore no specific crime shall be provided into national legislation to counter it (see S. De Vido, cit., 47-48 and 115 ss.). Against 2023 EIGE Report (see below note No 59).

[5] The first leading study on the psycological effects of economic violence is the one wrote by A.E. Adams, C.M. Sullivan, D. Bybee, M.R. Greeson, *Development of the Scale of Economic Abuse*, in *Sage Journals*, May 2008, Volume 14 - Issue 5, 563-588. For the African context O.I. Fawole, *Economic violence to women and girls is it receiving the necessary attention?*, in *Trauma, Violence, & Abuse*, July 2008, Vol. 9, No. 3, 167-177. Another leading study again on the medical / psycological affected women recovery side, is the one made by C.K. Sanders, *Economic abuse in the lives of women abused by an intimate partner: a qualitative study. Violence Against Women*, January 2015, 3-29, in https://pubmed.ncbi.nlm.nih.gov/25548376/

[6] The connection between domestic violence (abuse) over women and their childreen, performed through physical or psycological violence, has been deeply and firstly explored by N. Sharp, *'What's yours is mine' The different forms of economic abuse and its impact on women and children experiencing domestic violence*,

can arrive at defining and qualifying many more schemes of economic violence against women with insights that go beyond the mere economic and social aspect but are framed in a legal perspective, which is also very interesting for that branch of law that studies the enterprise and its financing aspects. For such reason other very recent studies propose a broader definition of domestic violence which may partially overlap with economic and financial violence[7].

Thus, starting from some subsequent studies that we could define as "leading"[8] six different economic violence schemes have been found.

(A) "First scheme - Working denial". The first scheme is quite simple and common. The woman's male partners or the woman's original family deny or suggest that she avoid working on the basis that she has to take care of children or other family members or they suggest that professional activities will be overly time consuming with respect to family activities, such as housework[9].

This appears more as a psychological violence, conditioning affected woman will and weakening her possibilities in the future from a professional point of view. Normally these women end, before completion, their secondary educational process or fail to complete any kind of educational process, placing them in a not suitable position for finding satisfactory work and often as a consequence creating the conditions for them to ultimately give-up from searching any job.

(B) "Second Scheme - Revenues or assets seized. Denied access to property". The second scheme is more complex and violent. In this case, the woman's male partner or males in her original family (normally the father or a brother) seizes incomes gained by the woman or obliges the woman to work for free in a

ed. Refuge, 2008 through the elaboration of the wheel scheme reproduced in the website https://www.theduluthmodel.org/wheels/understanding-power-control-wheel/#economic-abuse and https://survivingeconomicabuse.org/wp-content/uploads/2020/11/Economic-abuse-wheel.pdf.

[7] Ref. is made to R. Legal-Pallaro, *Violences économiques, vers une mutation de la définition des violences domestiques?*, paper of the «07/03/2023, Institut du Genre en Géopolitique, igg-geo.org/?p=11602».

[8] Based on the analysis of many last reports, working and policy papers. *Ex multis*: (i) Gender Equality Advisory Council to the G7 Canadian Presidency, *Make Gender Inequality History – Recommendations from the Gender Equality Advisory Council*, 2018, Charlevoix (Canada) (the «Canada G7 Advise»); (ii) IMF (International Monetary Fund), *How to Operationalize Gender Issues in Country-Level Work - Policy paper*, 2018, Washington DC, ed. IMF (the «IMF Report»; (iii) OECD (Organisation for Economic Co-Operation and Development), *Opportunities for All: A Framework for Policy Action on Inclusive Growth*, 2018, Paris, (the «OECD Framework»); (iv) European Union - European Institute for Gender Equality (EIGE), *2023 Gender Equality Index report*, 2023, Luxembourg, ed. EU (the «*EIGE 2023 Report*»), which is published on an yearly basis and which shows how the gender gap is slightly going to be reduced (however the gap is still huge – less than 29% in all the covered comparable matters); (v) World Economic Forum, *Gender Gap Report 2023*, June 2023, which considers most of world countries. Also the Bank of Italy in recent times published an interesting paper on different gender gaps at international level (I. Buono, A. Polselli, *An international map of gender gaps*, in *Bank of Italy - Questioni di Economia e Finanza (Occasional Papers)*, No 714, September 2022).

[9] From an economical point of view, such activities are relevant, because they have a financial value if not provided by family women: in such case they shall be provided by someone else upon consideration. This is the reason why these activities are qualified as «unpaid caregiving job activities», by the OECD Framework.

family enterprise (in such cases revenues for the woman's work are not paid and the example must be turned to monies that she would have gained if she were employed out of the family context).

This kind of economic violence is more visible when the woman involved has no or poor access to financial resources or this access is not proportional to the quantity or quality of her work or is conditional on the willingness of her partner or the original family (i.e., the woman receives a certain sum of money, but this appears more as a gift than a salary). In all the above situations the woman has no evidence of the financial situation of her family and the money received is only granted for basic and specific needs, hampering any possibility of savings for future expenses or other expenses such as leisure or cultural ones.

In other situations, some laws of the country deny or create barriers to the access to land, movable or financial assets of women.

Sometimes this kind of violence has a legal impact as the woman is requested to issue personal guarantees on her personal assets (like dowry or inherited assets) for the benefit of lending entities and in the interest of the family business or the partner (in this case the woman faces the risk of being deprived of her assets as a consequence of lender actions) or worse the woman is formally appointed as the entrepreneur but in fact she is only a figurehead.

The impact of such kind of violence may be amplified by corrupted, poor or discriminatory legal and judiciary system.

(C) "Third scheme - Poor healty or secure working place and acceptance of low wages". The third scheme is widely spread all over the World and is very frequent. Althought women are part of the labour force, due to social and economical conditions, they accept to work in unsafe or unsecure conditions. Such conditions may hamper their health or may put women in a situation where further or different kinds of violence may be perpetrated against them, as their bosses are men. On the other hand, in order to continue working, women may accept any salary level but one. In a very competitive world where lowering unit labour costs counts, their bargaining power, in order to get better wages or better condition in the working place, is very small.

(D) "Fourth scheme – Economic cycle" – The fourth scheme is again common and historically spread all over the World. Women are the last to get in the labour force and the first to get out (CoViD19 common experience shows this situation). Historically during the First World War while many men where fighting, numbers of women took their working places. This destroyed a lot of stereotypes, but once war were ended, winner countries economies felt in an economic crisis due to the reconversion of their productions. Women in work had to give up their job to men coming back home, on the basis that women may work at home as (unpaid) caregivers, an activity that in any case they were continuing to perform during war years.

Such scheme is reproduced during and at the end of all economic crisis or in poor countries or zones of even developed countries, where competition for the access to a small number of working place is frequently won by men for social and demographic reasons.

Results of this fourth scheme of economic violence, are that women loose their job, they break their training on the job, they do not improve their skills and, once the crisis is ended and the economic cycle is inverted and new working places are created, they found themselves out of the market with poor skills and motivation and they continue in their unpaid care activities.

(E) "Fifth scheme - Heredity of the Family Business". In the fifth scheme although the woman has proper skills and aptitude to run the family business as an heir or potential heir, she has been convinced to build her educational career in a manner that she will be discriminated in the succession or, notwithstanding, even if she may be fit to take an executive role within the business, male family members are preferred.

Again, as in the second scheme, this economical violence does not emerge in one single episode, but grows little by little and finally at the end seems the unavoidable and reasonable consequence. It may even be as such, if one looks only at the end of the story but it would not be unavoidable if the concerned woman was properly educated and involved in the family business from the beginning. But even proper education and knowledge of the family business sometimes are not considered enough to run it at the time of generational change, as men are preferred to women. In certain situations the preferred man is the woman's partner who then becomes an executive and takes an important role in lieu of the woman, which *per se* it is not bad, as there are many successful examples of this situation, but there are as well examples of men who wasted assets inherited by their female partners.

(F) "Sixth Scheme - Access to quality jobs, hierachical positions and governance bodies and executive roles". The woman has high relationship, educational and professional skills but has to double compete (as a result of the competition for the single position *per se* and the competition because she is a woman) to get quality jobs or to step hierarchy or to get access to company governance bodies and in particular to executive position and/or bodies.

As a lateral consequence of the third and the fourth schemes, the quality of jobs women may get, compared to men, is in most of the cases worst.

Once carriers are started (let say after 5-10 years from the starting point which may be the end of university and post-graduation masters), the possibility that a woman gets the same quality job or scales hierarchy starts reducing as women may have stopped for a short time due to pregnancy (which still is considered as a barrier) or they have a family or just for mere stereotypes[10].

Although this is not perceived as a form of economic violence, this discrimination can be brought back to the broad definition of it, as it involves economic factors such as business, enterprises, companies … decision making, and executive roles[11].

Because this kind of economic violence involves women with high education and professional skills, it is more addressed and contrasted by legal measures and at a cultural level context, although results at least in EU, are long to come, if we move in the private sector from top and large companies to small – medium companies and in some countries even in some areas of the public sector, as pointed out by EIGE yearly reports.

3. *The impacy on the women, the society and the economy*

(A) – "Impact on the women" – As mentioned above economic violence generates three kinds of risks for women.

A woman who is subject to economic violence faces (i) the risk of being regarded as a minus if compared with men and consequently her poor self-esteem, which leads to undeveloped skills, laying the ground work for other kinds of violence; (ii) eventhough she gets access to labourforce, working environment is not expecially safe for a woman, who may face injuries to her reproductive system as well as she may face sexual harassment or violence due the use of raw mate-

[10] As shown in *EIGE 2023 Report*, 36, and in EIGE, *Tackling the gender pay gap: not without a better work-life balance*, 2019, in https://eige.europa.eu/publications/tacklinggender-pay-gap-not-without-better-work-lifebalance wages gender gap, for the same job and title position, starts almost at the same point when a young man and a young woman start working (just a 7% pay gap), but the gap, for the same job and title position, starts widening during the years to a 38%. Both researchs show that «family formation and corresponding gender norms and stereotypes are key factors in both the occurrence and widening of gender inequalities in pay during the life-course» and also that this gap may be increased also by different access to key and quality job positions. The *EIGE 2019 Report*, 31- 33 (https://eige.europa.eu/gender-equality-index/2019), found that the EU overall men / women FTE (full-time equivalent) gap amounts to 16% (57% against 41% of employment rate of each gender), but 31% of women (against 8% of men) have a part-time job, which *per se* prevents them to scale hierarchy or get better salaries. In addition they are over-represented in education, human health and social works (perpetrating the stereotype based on which women are bettere caregivers because they learned it at home). As pointed out by a very recenty study, indeed the gap starts at earlier stages of human resources selection process as reference letters define with different qualities men candidates and women candidates. Men are more often described with supposed and stereotypized positive qualities, while women are more often described with qualities which define them as «followers» and less brillant then men: A. Baltrunaite, A. Casarico, L. Rizzica, *Women in economics: the role of gendered references at entry in the profession*, in *Bank of Italy - Working Papers*, No 1438, February 2024.

[11] Ref. *EIGE 2023 Report*, 51 for the gender equality in decision-making processes.

rials, lack of security measures, lack of hygiene, sexual requests by bosses, mobbing and bossing behaviors by men colleagues; and (iii) the risk of not having any choice other than remaining in the violent situation, at risk of being harmed, badly injured, or even killed.

If we focus on poor self-esteem the consequence is not only psychological (which *per se* is highly negative) but also leads a woman to under-develop her own skills, to avoid pursuing her dreams or happiness, to give up what should be reasonably attained based on her education level and in line with expected professional growth.

(B) – "Impact on society" – For any society, economic violence is a pure loss.

Women's contribution to the growth of a better and peaceful society is fundamental.

The link between such contribution and the women's participation may be represented by the application of ESG principles (Environmental, Social, Governance) in any individual or collective activity. Such connection will be esplored in subsequent paragraphs.

Work and business relationships are better once they involve women who more easily and practically find reasonable solutions to the most disruptive situations where normally men would fight and take useless risks.

As we would point out below, women are less likely to be risk takers than men, if they have an economic goal they rather prefer to anticipate than postpone the adoption of measures, instead of bearing a risk[12] and are less keen to align themselves to groupthink. Although this approach may seem to be based on stereotypes, it is the same approach that has been taken by European Banking Authority and European Securities and Markets Authority in a formal document addressed to European Union banks and other financial institution (see below).

But the impact on the society is not limited to the above. There is a certain kind of systemic risk in economic violence. If perpetrated at a single level, it gives ground and it may seem possible for it to be perpetrated towards more women. Furthermore, even if not directly hampered, women start behaving as if they were victims of such violence, renouncing their rights (again a sliding door effect).

(C) "Impact on the economy" – From society to economy the step is very close.

Women's contribution is necessary for a growing and sustainable economy in the picture of and in the light of pursuing ESG goals. Such contribution must

[12] As pointed out in D. Masciandaro, P. Profeta, D. Romelli, *Do Women Matter in Monetary Policy-making*, in *Bocconi Working Paper*, 2018, No. 87, as they show «that central bank boards with a higher proportion of women set higher interest rates for the same level of inflation», i.e. they apply before reductive monetary basis measures or they delay the adoption of monetary basis expansive measures, if they look to the inflation risk.

be equal to the contribution of men in terms of quality and quantity. But the impact of economic violence may hamper such contribution.

Firstly: economic violence is a loss of financial resources for growing economies as well as mature economies. Education costs. If a well-educated woman faces difficulties in finding a job or has to fight against discrimination, culturally based stereotypes and unfit business organizational structures and fully or partially gives up, this will be a loss of finance resources because money spent for her education will not be recovered by ordinary and progressive taxation on her revenues, which – by the way – finances education for future generations. In the long period this may create further risks as the diversion of education investments to areas where men are prevalent workers or carrying out business activities[13].

Secondly: economic violence can be regarded as a loss of opportunity. Hampered through economic violence, female participation in the economic process in terms of not working, working as a non-skilled or poorly-skilled employee (these employees are more at risk of unemployment due to changes in the labour market and in industrial and commercial production and distribution processes), working in a job position which is personally perceived as unsuitable or which is perceived as the consequence of discrimination, generates economic damage in terms of frustrated employees which, in turn, slows working process, which issue shall be added to the loss of exploitable blue ocean economic ideas (through the establishment of start-up and new businesses or new products and services design) and the loss of the opportunity to change mentality in, and approach to, production and distribution processes.

Thirdly: the existance of economic violence schemes in an enterprise hampers the goodwill of the enterprise business[14]. An enterprise that in its business organisation does not promote the participation of women in managing and executive roles, that remunerates women in a discriminatory manner, compared to men, that discriminates women in their career progression, often in connection with maternity and during compulsory maternity leave, that does not represent a secure workplace for women, is a company whose goodwill cannot have the same value as an enterprise that does not implement at least such (negative) practices, but rather applies positive ones.

An extended concept of goodwill shall therefore be proposed.

---

[13] As pointed out by V. Moghadam, *Modernizing Women: Gender and Social Change in the Middle East*, 2003, Boulder, CO: Lynne Rienner Publishers. The Author substantially points out that growth of economies that generates job places mainly covered by men workers, as in many of the oil economies of Middle-East, confirms existing ideologies of the male «breadwinner», confirmg stereotypes and gender inequality effects.

[14] On goodwill under Italian law, ref. is made to M. Casanova, *vc. Azienda*, in *Dig. Sez. Comm.*, 79; C. Sasso, *vc. Avviamento d'impresa*, in *Dig. Sez. Comm.*, 56 ss.; G.U. Tedeschi, *L'azienda*, in *Tratt. Dir. Priv.*, dir. by P. Rescigno, ed. Utet, Turin, 2012, 20 ss.; F. Martorano, *L'azienda*, in *Tratt. Dir. Comm*, dir. by V. Buonocore, Turin, 2010, 39-43.

By classical definition, goodwill means the ability of the enterprise to produce income, i.e. the ability to regenerate at least the working capital and to repay the initial investments expressed in fixed assets given by the fixed capital investment. While it is true that the economic and legal concept of goodwill is only relevant in cases where the company or company branch becomes the object of legal transactions, such as contribution in-kind, merger, sale or lease, it is also true that the goodwill of an enterprise is relevant over any balance evaluation, if in the ability of the enterprise to regenerate income, other types of stakeholders (lenders, investors …) have placed their trust.

However, goodwill of an enterprise it should be also considered closely linked to the organisation of such enterprise, in terms of social relations, procedures and operational processes. Regardless of whether it is so-called subjective goodwill or objective goodwill (given that in a complex organisation, the former must necessarily be spread over a plurality of hierarchical levels and functions, each in charge of implementing a part of the entrepreneurial design), goodwill is indeed composed of certain subjective or quasi-subjective elements that better than others allow the ability to produce income to be projected into the future[15]: e.g. the capacity of the employees and other connected human resources; the relational capacity of the enterprise and in particular the relationships of the owners of the enterprise (shareholders or unitholder of the company owning the enterprise) and its executives or board of directors members with third parties; the reputation of the enterprise and, if represented by a company, of its shareholders, executives and board of directors members; the consensus that these people may have in the local area, the attitude of public administrations towards the enterprise as well as good industrial relationships with trade unions and broadly social forces; the enterprise ability to grasp and foresee the needs and expectations of customers; the ability to foresee market trends with reference to product demand; the ability to create new and high quality goods or services, enabling the acquisition of new customers and the consolidation of the relationship with long-standing customers; the enterprise image; and the composition and diversification of its management. An organisation that is differentiated in its composition by gender (and not only), in executives and management roles and broadly in all jobs positions at any level, is an organisation that is structurally more resilient and strong with respect to the evolutions of any reference market, because in the diversity of approaches, experiences and gender lies the capacity of the above human capital of the enterprise, which compose the organisation and applies the operational procedures and processes, to respond and anticipate risks and thus to reduce the possible impact

[15] On the composition of goodwill G.U. Tedeschi, cit., 23-24.

of weaknesses and threats (to the market positioning of the enterprise) and thus to its ability to (re)generate working capital through income[16].

Very broadly, as the organisation of an enterprise impacts on its goodwill and goodwill is one of its quality, although it cannot be considered an intangible asset, as it cannot be disconnected from the enterprise and cannot be an autonomous object of legal relations (in fact, it is not possible to purchase goodwill without the related enterprise or business branch), it is also true that goodwill with a strong subjective connotation or subjective elements can be valued not necessarily in an economic sense, but also in economic-social relationships sense once again with lenders and investors, as well as with prospective employees, suppliers and customers themselves. As demonstrated, such relations may have an indirect economic or financial impact. Consequently it can be argued that without the subjective or quasi-subjective component of goodwill, to which contributes a work organisation and connected operating procedures and processes that are respectful of women's rights and therefore does not give rise to forms of economic violence against them, it would not be possible or would be very complex to achieve and maintain over time any positive economic and financial result, i.e. on the "financial means" factor of production.

4. *Gender equality and economic violence as a matter of macroeconomy and connections with ESG principles*

Recent studies changed the approach to gender equality and economic violence, from social and labour legislation policies to a macroeconomic approach involving taxation, financing, monetary issues, supply-side and aggregate demand side.

The way suggested by OECD Framework is to establish an educational system that allows «lifelong acquisition of skills», «supporting business dynamism and inclusive labour markets through broad-based innovation and technologies diffusion, sharing competition and vibrant entrepreneurship and access to good quality jobs, expecially for women». The OECD Framework is focusing on the economic growth and not on how such achievement is realised and costs of it (sometimes the gap results increased).

Also the IMF Report proposes to increase women work participation through applying taxation and financing policies.

---

[16] Ref. is made to the whole essay of G. Mucciarone, *L'adeguatezza degli "amministratori" della banca. Dal capitale al capitale umano*, Turin, 2019.

The way suggested by Canada G7 Advise still focuses on economy, but not only on mere growth and macroeconomic tools. In order to achieve gender equality and reduce the impact of economic violence through women's economic empowering the Canada G7 Advise made some recommendations to G7 member States to create a gender-based, gender-responsible budget and gender-audits approach to any macroeconomic policy, close the financial inclusion gap between men and women for financial services and accounts ownership, enable conditions for decent works, uncluding informal sector and incentivize private sector to achieve pay equality for both genders, in companies and at all levels of management, with fines in case of breach.

All this studies focus themselves on promoting gender equality and consequently stop economic violence (although this is not a recognized goal, but shall be deemed the most direct and visible result), through growth and economic empowerment in order to speed the supply-side of economy (through macroeconomic tools) and increase the rate of women labour force participation, assuming that by removing barrier to women entry on the labour market, this will raise women's economic power, reducing the percentage of their time in unpaid care activities at home, which at that point must be shared with men.

This aim is unfortunately long to come through this way as UN Woman[17] pointed out in the UN Woman 2019 Study[18] about the impact of an effective gender equality and women inclusion process may have in achieving sustainable development growth, on how macroeconomic policies may foster this achievement and which kind of inclusion may harm such process, by turning and reshaping the approach of the above recent studies from focusing all policies on increasing women's labour force participation on the supply-side of the economy to a global approach which includes instruments dedicated to increase aggregate demand of goods and services, that respect in their production principles of participation and respect for women in the concerned business and in the business activity, exactly in the same way as for the respect of the environmental protection principles aimed at combating global warming.

In particular the UN Woman 2019 Study confirms that economic progress may increase inequalities because the process may increase and form barriers to a equally shared prosperity. The Study recalls that although the women's labour force participation rate may increase, this information does not means *per se* that the gender discrimination in wages or hierarchy is eliminated. In turn, woman's entry in the labour force may result in an increased competition among workers,

[17] UN Women is the United Nations entity dedicated to gender equality and the empowerment of women.

[18] D. Elson, A. Seth, *Gender Equality and Inclusive Growth: Economic Policies to Achieve Sustainable Development*, New York, 2019 (the «*UN Woman 2019 Study*»).

by lowering unit labour costs, leaving less interesting quality jobs, part-time jobs and social, education and caregiving jobs to women.

«Demand-stimulating policies» through taxation «can support the goal of creating full and productive employment, and thus more decent work opportunities for women». Public spending can promote «health and physical and social care infrastructure». Monetary policy may include «real economy targets such as employment growth, gender equality in employment, and improved incomes for workers in the informal sector or for women farmers» and may use prudential regulation such «asset-based reserve requirements and credit allocation policies» to speed the achievement of such goals. Other monetary policies may be put in place in order to compensate economic cycles and currency crisis, therefore systemic financial risk and volatility. Also the definition of costs and investments for public monies spent in health, education and training shall be changed by enlarging the scope of the investment definition in order to have more fiscal space to create a «gender-equitable inclusive growth».

As shown in the UN Woman 2019 Study, all policymakers at any level and in any domain must work with the aim of focusing themselves on gender equality and the economic violence consequence, fostering, through an appropriate mix of pushing and pulling marketing strategies, leveraging on the position the human rights and gender equality principles have in the value scale of each invidual, the aggregate demand of good and services produced in a women rights and environment respectful way[19]. In particular public intervention legislation over production of goods and services and with particular focus on financial aspects of business (in broader terms, the scope of Economy Law, in Italian legal theory and system), must integrate and evaluate the impact of any measure in order to reduce gender inequality and give its contribution to prevent and fight economic violence.

Therefore Economy Law must change the way these areas are studied and scrutinised, if they help to achieve above goals: taxation or direct public intervention in the economy legislation; banking, finance and insurance products; governance and organization for both regulated and unregulated private sector; the supervisory authority intervention for prudential supervision.

[19] The successful pursuit of supply-side policies to counter economic violence against women, can only be successful with reference to individual initiatives, but can never lead to a generalized benefit about its countering, with respect to different economic violence schemes. Policies must therefore be implemented in order to change the attitudes of end consumers, so that they demand products and services that in their production cycle have respected women's rights and are not based on economic violence schemes. In other words, it may be worth to borrow some instruments of climate change contrast, which from the pure and simple ban on the production and marketing of certain goods (e.g., petrol derivatives engines for cars, gas boilers …), are turning themselves to the consumer so that, regardless of any tax-based government contributions and incentives, he or she will change his or her spending habits and demand goods or services produced in a way that is climate change-neutral or climate change-counteracting.

The above can be regarded also as an advantage in pursuing ESG principles and goals. The connection between the macroeconomic aspects of gender equality and (the contrast) of economic violence and opposing the climate change is very straighforward. A very recent European Investment Bank study pointed out that pursuing gender equality (and therefore opposing economic violence in both a direct and indirect way) is "2X" objective as it has impacts on the environment and economy and viceversa[20].

But the situation may turn rapidly worse, if not properly managed as pointed in the most recent EIGE yearly report (i.e. the *EIGE 2023 Report*), which from one side welcomes results from the green transition which «is set to drive innovation and structural change towards a more environmentally friendly economy and society», but on the other side points out how «the gains and costs of adjustment are likely to be unequally distributed. Most job growth towards green transition is expected in sectors currently dominated by men and may therefore increase inequality between women and men if a gender perspective is not considered. A fair and socially sustainable green transition must account for these aspects.»[21].

5. *Gender based financial inclusion*

Financial inclusion of women, as a way to pursue gender equality and therefore directly and indirectly contrasting economic violence, is a topic which is explored by researchers since few years[22].

Without any doubt an inclusive economic development, with all advantages in terms of macroeconomic impact and ESG principles and goals meeting, shall consider also the financial inclusion of the women.

Indeed women financial inclusion i.e. access and subscription of quality financial products and services, allowing women to get their incomes, spend monies, save monies and invest them, has a positive effect over gender equality, preserving women from economic violence, as well as access to microcredit ini-

---

[20] EIB, *Gender equality and women's economic empowerment. Overview 2023*, with data on the impact of EIB activities in pursuing the "2X" goals.

[21] *EIGE 2023 Report*, 11 ss.

[22] Among others: L. Cabeza-García, E.B. Del Brio, M.L. Oscanoa-Victorio, *Female financial inclusion and its impacts on inclusive economic development*, in *Women's Studies International Forum*, Nov.-Dec. 2019, 77 ss. and M. Antonijević, I. Ljumović, D. Ivanović, *Is there a Gender Gap in Financial Inclusion Worldwide?*, in *Journal of Women's Entrepreneurship and Education*, Jan.-Feb. 2022, 79 ss. The two papers analyse information and data from 91 and 144 countries comprised Italy, with different methodologies. The 2nd paper segmented the financial sector in 7 different activities in order to carry out a more precise analysis. See also: A. Demirguc-Kunt, B. Hu, L. Klapper, *Financial Inclusion in the Europe and Central Asia Region: Recent Trends and a Research Agenda*, Policy Research Working Paper No. 8830, World Bank Group, 1999.

tiatives, fundamentals for establishing any kind of business. The greater financial inclusion of women is, the higher is economic development and consequently the higher is the possibility to face economic violence and at the end the other kind of physical and psycological violences.

Specific EU directives indirectly address such goals: EU Directive on consumer credit[23], EU Directive on consumer mortgage credit (so-called Mortgage Directive)[24], 2nd EU Directive on financial instruments markets[25], EU Directive on payment accounts (so-called PAD)[26], 2nd EU Directive on payment services[27] and finally EU Regulation on markets in crypto-assets (so-called MICAR)[28] mention the general consumer / investor protection as the aim of the above measures (as well as the 2nd level measures and EBA and ESMA 3rd level measures), but only PAD in «whereas» No 3 considers the access to payment accounts as an instruments to achieve a socially inclusive economy, while «whereas» No 54 of such Directive and «whereas» No 6 and No 17 of Mortgage Directive consider the borrowing consumer protection as a matter of protecting the financial inclusion of socially disvantaged people. Only MICAR in «whereas» No 2 goes a little beyond considering the access to crypto-assets as a way to get inclusive way of financing people and new businesses (but the issue is strangely not mentioned in EU Regulation on crowdfunding service providers[29]).

At Italian level some data kept from the annual survey carried out by the Bank of Italy on the degree of financial knowledge of Italian adults[30], shows that women are less included from a financial point of view as such gap is the mirrored immage of the economical gap: therefore almost Italian women have a banking or postal account and electronic payment means, with a percentage similar to the one achieved by men, but less women have investments in fixed income, equity,

---

[23] Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers.

[24] Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property.

[25] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments.

[26] Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features.

[27] Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market.

[28] Regulation (EU) 2023/1114 of the European Parliament and of the Council of 31 May 2023 on markets in crypto-assets.

[29] Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020 on European crowdfunding service providers for business.

[30] The Bank of Italy, *Indagini sull'alfabetizzazione finanziaria e le competenze di finanza digitale in Italia: adulti*, July 2023 (the 2023 IACOFI Adults Report) and The Bank of Italy, *Indagini sull'alfabetizzazione finanziaria e le competenze di finanza digitale in Italia: giovani*, January 2024 (the 2023 IACOFI Youngs Report), both available in https://www.bancaditalia.it/pubblicazioni/indagini-alfabetizzazione/index.html.

collective investment schemes or pension funds[31]. The percentage differences is reduced while the considered age fork looks to younger people and is taking into account financial knowledge compared to the occupational status[32].

6. *Italian Economy Law instruments promoting women entrepreneurship*

Italian Economy Law's provides some measures aiming at promoting the presence of women as entrepreneurs[33]. Measures may be classified in 2 categories: (i) financing with or without the capital reimbursement obligation and in the first case with a promotional interest rate; (ii) access to mutual guarantee funds; and (iii) tax incentives. Each measure may concur with one of the others. Measures may be at a state level, but also at local level as each Italian Region may establish local measures in order to promote women enterprises.

Aim of each measure is to increase women presence as entrepreneurs, reducing the connected gap, fostering economy and, although not expressly stated in the law, to prevent or fight economic violence, giving women the possibility to create their way to professional and economic independence (which allow them to get free from dangerous situations).

Measures are subject to frequent changes and their funding depends on annual or pluriannual state or regional budgets.

However a certain degree of certainty may be noticed in terms of the economic sector of women enterprises: usually incentives go to enterprises which must invest in industry, commerce, handcraft, agriculture, services, and tourism. However, measures are pushing towards the establishment of tech start-ups and innovative projects, as such enterprises are more resilient in the medium – long period.

[31] From the data set analysed by the Italian collective investment schemes managers association (Assogestioni), the gender gap in such kind of asset class is slightly reducing (from a 16% in 2002 to a 6% gap in 2022), although women are still more cautious in the choice of investment profiles, despite their young age once subscribing pension purpose products (which will be a disvantage in terms of pension revenues once a woman will retire). The reduction of the gender gap is more evident for the oldest and is even overturned in favour of women once the data set considers women of the age older than 75 years (Assogestioni, *Focus Risparmio*, September-October 2023, 8-10).

[32] M. Bianco, *Libere di contare. Più consapevolezza finanziaria, meno violenza economica*, Rome, Presentation at CONSOB Seminar, 27 November 2023, based on the 2023 IACOFI Adults Report and the 2023 IACOFI Youngs Report data.

[33] An enterprise is considered governed by women if (i) for limited liability companies, women hold a stake in the paid-in capital greater than 50% and they are majority in the board of directors; (ii) for partnerships with unlimited liability and mutual companies, if the percentage of women partners is greater than 50% of the overall number of partners; (iii) for individual enterprises if the entrepreneur is a woman and for other kind of legal entities if the number of women directors is greater than 50%. Ref. to https://www.imprenditoriafemminile.camcom.it/P42A0C0S806/Osservatorio-imprenditoria-femminile.htm.

7. *EU Economy Law instruments promoting the presence of women in governance and executive bodies*

Interesting Economy Law instruments are the ones (A) providing that EU banks and financial institutions shall promote diversity and inclusion, with particular reference to underrepresented gender to achieve prudential supervision targets and (B) obliging joint-stock companies per shares listed in EU regulated markets, to provide in their articles of association a quota of at least 40% of places in governance bodies to the underrepresented gender (normally women).

(A) The first set of measures is arising from the application of Article 88(2) letter (a) of EU Directive 2013/36 of the European Parliament and of the Council of 26 June 2013, hereinafter CRD IV.

Such measures have been trasposed in Italian legislation[34], but in order to understand the rationale, scope and potential consequences of the application of the EU measure it may be worth to go through the whereas to the CRD IV and the subsequent legislation.

CRD IV provides that major banks must appoint within the board of directors a special committee that evaluates candidates suitable for executive and non-executive roles. The nomination committee «shall decide on a target for the representation of the underrepresented gender in the management body and prepare a policy on how to increase the number of the underrepresented gender in the management body in order to meet that target. The target, policy and its implementation shall be made public in accordance with Article 435(2) (c) of Regulation (EU) No. 575/2013».

However more interesting is whereas No. 60 to CRD IV. Basically this whereas sais that the lack of monitoring by management bodies of management decisions is partly due to the phenomenon of «groupthink». This phenomenon is, *inter alia*, caused by a lack of diversity in the composition of management bodies. To facilitate independent opinions and critical challenge, management bodies of institutions should therefore be sufficiently diverse with regard to age,

---

[34] Basically for banks with (i) Minister of Economy and Finance Decree No 169 of 23rd November 2020 (hereinafter the MEF Decree) and (ii) Bank of Italy Regulation No 285 (Part I, Title IV, Chapter 1, Section IV, Paragraphs 1 and 2) containing supervisory provisions for banks. Although financial intermediaries, payment institutions and electronic money institutions board of director composition and members requirements are covered by the MEF Decree, the specific Bank of Italy regulation does not address the issue as such entities are considered too small to be targeted by the diversity regulation. In turn, the gender diversity issue in investment firms (which domain is covered by 2021 EBA and ESMA GL – see next) is targeted by the Bank of Italy regulation (enacted with Provision of 5 December 2019, as modified by 23rd December 2022 Provision, both implementing Legislative Decree No. 58 of 24 February 1998, the so-called «Consolidated Finance Act» or «CFA»), in a lighter form compared with the regulation applicable to banks. However the investment firm regulation provision on gender diversity is not applicable to collective investment schemes managers board of directors composition.

gender, geographical provenance and educational and professional background to present a variety of views and experiences. Gender balance is of particular importance to ensure adequate representation of population. In particular, institutions not meeting a threshold for representation of the underrepresented gender should take appropriate action as a matter of priority … More diverse management bodies should more effectively monitor management and therefore contribute to improved risk oversight and resilience of institutions. Therefore, diversity should be one of the criteria for the composition of management bodies. Diversity should also be addressed in institutions' recruitment policy more generally. Such a policy should, for instance, encourage institutions to select candidates from shortlists including both genders.

The European Banking Authority together with the European Securities and Markets Authority implementing whereas No. 60 to CRD IV[35] issued Joint Guidelines Implementing CRD IV, CRD V and MiFID2 No 6-2021 of 2nd July 2021 (hereinafter the 2021 EBA and ESMA GL replacing the 2017 EBA and ESMA GL) and (partially) transposed through the MEF Decree. Paragraph No. 3 of the 2021 EBA and ESMA GL and 2017 EBA and ESMA GL preparation works, identify as one of the reasons of the 2008 banking sector crisis weakness of bank governance bodies due to lack of diversity and the lack of independence of mind. Therefore the need to have diversity[36] in board of directors and executive roles as well as for «management and supervisory functions where a sufficiently large management body exists» and controlling functions, provided that for small entities the target may be reached through quality instead of quantity (i.e., one experienced woman against more women with less experience in the management body) (Paragraph No 103 of the 2021 EBA and ESMA GL) «to achieve a variety of views and experiences and to facilitate independent opinions and sound decision-making within the management body» (Paragraph No. 102 of the 2021 EBA and ESMA GL), which has been defined as «Independence of mind», a «psychological behavior that allows a person with courage, conviction and strength effectively assess and challenge the proposed decisions of other members of the management body; being able to ask questions to the members of the management body in its management function; and being able to resist groupthink». (Paragraph No. 81 of the 2021 EBA and ESMA GL recalled also in Paragraph No. 43).

[35] As well as the EU Directive No 2019/878 of the European Parliament and of the Council of 20 May 2019 amending Directive 2013/36/EU (hereinafter the CRD V).

[36] Indeed 2021 EBA and ESMA GL go far beyond the concept of gender diversity as they cover "diversity" in the broader sense CRD IV depicted (see Title V) as a quality of the composition of the board of director.

(B) The second set of measures are provided under EU Directive 2022/2381 of the European Parliament and of the Council of 23 November 2022 on improving the gender balance among directors of listed companies and related measure[37] now transposed into Italian legislation by Article 147-*ter*, Paragraph 1-*ter*, CFA. Before the applicable provision was contained in Law No. 120 of 12 July 2011 providing for gender quotas[38], but not for the obligation to include such provision in the company article of association. The provision regarding the 40% percentage minimum threshold will apply for the next six mandates of the governance body starting from the first composition renewal of the concerned governance body, subsequent to the implementation of Article 147-*ter*, Paragraph 1-*ter*, of CFA amending the previous applicable legislation, i.e. roughly until 2040 (six mandates means normally 18 years starting from 2022). Aim of such provision is that by that time, governance bodies composition will be naturally perfectly mixed in their gender composition as a result of at that time normal natural equilibrium.

[37] The Directive contents have been commented in its final stage of drafting by C. Fioravanti, *La riviviscenza della proposta di Direttiva Women on Boards: un vecchia proposta per problemi attuali*, in *Eurojus.it*, 2022, vol. 2, who points out that introduction in EU legislation of such directive, which has been delayed for 10 years, comes too late and E. Hickman, *The EU Directive on women on boards, in European Company Law*, Milan, 2023, 84-90 who points out that the scope of the directive in imposing the gender balance among non-executive directors of companies listed on stock exchanges in order to diversify corporate boardrooms and thereby boost economic growth and gender equality (among other objectives), shall be considered as a missed opportunity as a 2022 directive should have been effective if its contents and obligations were addressed to executive director diversity. She reaches the conclusion «that the Directive, as drafted, might have been suitable 10 years ago but is not necessarily today. The changes of the last 10 years threaten to mean the Directive becomes obsolete before its pre-destined end date in 2038». In support of the Author conclusion, indeed the mentionned Whereas No. 60 to CRD IV refers to executives members of the banks and investment firms board of directors and not non-executives directors, as the first are the people taking decisions and risks or making proposals to the higher governance body (i.e. the whole board of directors), while the second group of directors are more keen on the controls side performace in a decision making process. Although the difference stands and shall be considered connected to the governance model (which is strictly linked to national corporate law), undoubtfully the Women on Boards Directive should have been more courageous. Nevertheless, is a question of perception as such results emerge from a very intersting study made by M. Wiersema, M.L. Mors, *How Women Improve Decision-Making on Boards*, in *Harvard Business Review*, 2023. The Paper contains results of a study carried out with women and men directors at more than 200 publicly traded companies on the major stock exchanges in the U.S. and Europe. Aim of the research is to assess as women influences boards: here are the results: «First, it turns out that women directors come to board meetings well-prepared and concerned with accountability. Second, women are not shy about acknowledging when they don't know something, are more willing to ask in-depth questions, and seek to get things on the table. As a result, the presence of women improves the quality of discussion».

[38] About the scope and the application of Law No. 120/2011 and the amended Article 147-*ter* of CFA, ref. is made to: E. Desana, *La legge n. 120 del 2011: luci, ombre e spunti di riflessione*, in *Riv. Dir. Soc.*, 2017, 539 ss.; E. Desana, *La legge Golfo – Mosca alla prova dei fatti: prime riflessioni a margine dell'applicazione della legge n. 120 del 2011*, in *Seminar Proceeds CIRSDe – Un progetto che continua. Riflessioni e prospettive dopo 25 anni di studi di genere*, 2018, dir. by C. Belloni, A. Bosia, A. Chiarloni, C. Saraceno, Turin, 178 ss.; E. Desana, *Gender Diversity e L. 120 del 2011: le nuove "Capitane d'industria"?*, in *Seminar Proceeds Saperi di genere – Prospettive interdisciplinari su prospettive, università, lavoro, politiche e movimenti sociali*, dir. by A. Murgia, B. Poggio, Trento, 671 ss.

8. *Establishing success rate of measures promoting the gender based financial inclusion in Italy*

The success rate of such measures in terms of percentage gap decreasing shall be considered not properly exciting, despite the huge efforts the Bank of Italy (the Italian banking authority legally mandated to promote financial education and inclusion) to foster financial education and financial inclusion[39]. Data contained in both adults and youngs 2023 IACOFI Reports[40] are in line with 2020 data[41]. Women are using less traditional banking services, electronic payment products or asking savings and investment services than men and such gap increases when the considered age is higher, the work situation is less professional, wages are lower and the education level is lower (naturally one would say as the above factors are strictly combined).

9. *Establishing success rate of Italian instruments promoting female entrepreneurship*

Data from Unioncamere (the organization grouping all Italian Chambers of Commerce) 2022 Press release on the topic are self-explanatory[42].

Sector segmentation of women enterprises, overall number, percentage and yearly difference – data at 31 December 2022

Sector	*Women Enterprises 2022*	*Rate of Women Enterprises*	*Yearly difference 2022-2021*	*Var. % 2022-2021*
A Agriculture, forestry and fishing	202.870	28,11%	-4.068	-1,97%
B Mining and quarrying	373	9,95%	-17	-4,36%
C Manufacturing	92.330	17,55%	-1.569	-1,67%
D Electricity, gas, steam and air conditioning supply	1.415	10,32%	44	3,21%

[39] The educational programme is contained in the website https://economiapertutti.bancaditalia.it However, due to its format is very unlikely that the information contained therein are spread towards women which may benefit of them, considering that the possession of IT skills normally goes in parallel with financial and economical knowledge.

[40] Ref. Footnote No 31.

[41] G. D'Alessio, R. De Bonis, A. Neri, C. Rampazzi, *L'alfabetizzazione finanziaria degli italiani: i risultati dell'indagine della Banca d'Italia del 2020*, in *Bank of Italy - Questioni di Economia e Finanza*, No 588, 2020.

[42] https://www.unioncamere.gov.it/comunicazione/comunicati-stampa/imprese-femminili-6mila-meno-nel-2022. For 2021 data ref. to https://www.unioncamere.gov.it/osservatori-economici/imprenditoria-femminile/rapporto-nazionale-imprenditoria-femminile with a wider data set.

E Water supply; sewerage, waste-water management and water supply activities …	1.476	12,76%	1	0,07%
F Building	55.993	6,68%	918	1,67%
G Wholesale and retail trade; …	339.959	23,56%	-7.701	-2,22%
H Transportation and storage	18.025	11,07%	178	1,00%
I Hosting, Hotellerie and food service activities	133.819	29,19%	-1.243	-0,92%
J Information and communication activities	27.132	19,20%	579	2,18%
K Financial and insurance activities	29.530	21,91%	354	1,21%
L Real estate activities	65.471	21,73%	1.438	2,25%
M Professional, scientific and technical activities	47.035	19,71%	2.197	4,90%
N Hire, travel agency, business support service activities	57.561	26,60%	808	1,42%
P Education	10.524	30,93%	359	3,53%
Q Health and social work activities	17.474	37,19%	285	1,66%
R Arts, sports, entertainment …	19.046	23,53%	288	1,54%
S Others service activities	130.150	52,17%	1.423	1,11%
Other sectors	86.506	21,83%	-288	-0,33%
Total	1.336.689	22,21%	-6.014	-0,45%

Source: Osservatorio per l'imprenditorialità femminile, Unioncamere-InfoCamere – Author's translation

Policies to foster women participation in enterprises are successful in terms of increasing the percentage of women enterprises compared to men enterprises. Indeed the decreasing of the number of women enterprises is more evident in a year where 48 thousand new enterprises were created[43].

However the difference is essentially due to the closure of enterprises in agricolture, manifacturing, wholesale and retail trade (shops) and hosting, hotellerie and food service activities (restaurants, bars …), while the boosting sectors for women enterprises are the most innovative ones, with higher knowledge content: professional and scientific activities, real estate and building activities, communication services and financial activities, rental, travel agencies and business services. Furthermore: 572 new enterprises in innovative sectors in the 2021 – 2022 year were created (and this is of key importance as such sector is targeted by financing and tax benefits measures)[44]. Women (and young people) participation in cultural enterprises (another

[43] https://www.unioncamere.gov.it/comunicazione/comunicati-stampa/48mila-imprese-piu-nel-2022-08-21mila-nelle-costruzioni.

[44] https://www.unioncamere.gov.it/comunicazione/comunicati-stampa/imprese-cresce-linnovazione-al-femminile-572-start-innovative-2-anni.

sector heavily targeted for financing and tax benefits measures) which establishment needs high education skills is increasing faster compared to other sectors[45].

10. *Establishing success rate of EU Economy Law measures promoting the presence of women in governance and executive bodies in Italy*

(A) EU Banking measures transposed into Italian legislation and regulation (through MEF and Bank of Italy applicable regulation to banks and investment firms) are too young to be evaluated. However, there are strong expectations regarding the implementation of such measures, which shall be complied by major banks (pursuant to the definition provided by CRD IV), not listed in EU regulated stock exchanges, by the 30 June 2024, through the appointment of at least 1/3 of the members of the board of directors and the board of statutory auditors of the under-represented gender, and by minor banks requested to appoint by the 30 June 2024 at least 1/5 of the members of the board of directors and the board of statutory auditors of the under represented gender, percentage to be increased at 1/3 within the first occurrence between the next corporate bodies renewal or the 30 June 2027.

In respect of the other regulated entities weakly or not yet obliged to provide gender diversity in their board of directors and board of statutory auditors, it could be possible that a spillover effect will cause the same effect of the hard law principle. Indeed such effect has not been observed by some researchers of the Bank of Italy, analysing data in respect of the composition of listed banks board of directors and board of statutory auditors, compared to non-listed banks[46].

(B) Application of provisions under Article 147-*ter*, Paragraph 1 *ter*, of CFA are monitored by the Italian Securities and Exchange Commission (CONSOB). The 2022 Annual Report on Corporate Governance (https://www.consob.it/web/area-pubblica/rapporto-sulla-corporate-governance) of March 2023 (the 2022 CONSOB Report) shows that the 2/5 target has been reached (43% on average of the number of directors assigments corresponding to 836 women of 2050 directors positions[47] and 41% of the number of statutory auditors positions corresponding to 271 women of 664 statutory auditors positions).

---

[45] https://www.unioncamere.gov.it/comunicazione/comunicati-stampa/piu-donne-e-giovani-fanno-impresa-nel-mondo-della-cultura.

[46] S. Del Prete, G. Papini, M. Tonello, *Gender quotas, board diversity and spillover effects. Evidence from Italian banks*, in *Bank of Italy - Working Papers*, No. 1395, Dec. 2022.

[47] More precisely the 2022 Consob Report points out that: «most companies (180 accounting for 96.8% of market capitalization) have enacted the two-fifths quota for the underrepresented gender mandated by Law 160/2019. Such companies display on average 4 women, representing 43.6% of the seats. Fourteen

Based on 2021 data:

- the educational level of women directors is high (93.7% of women held a university degree vs. men at 86.6%)[48];
- women directors are younger (the average age of 54.2 years old for women and 59 for men);
- women directors have more a professional and academic background than a managing background (respectively 37.4% vs. 16.4% for professionals; 13% vs. 5.7% for academics; 48.3% vs. 77.3% for managers).

Based on 2022 data, the last information is reflected in the position women held in the board of directors: «women serve as the company's CEO in 17 small-sized companies (2.1% of total market value) and chair the board of directors in 32 larger companies (27.4% of total market capitalisation), with both figures showing a slight increase as compared to the previous years. Nearly three women out of four (73%) serve as independent directors and one woman out of ten was appointed by minority shareholders through the slate voting system (86 directors in 68 large companies, accounting for 76% of total market value».

Based again on 2022 data:

companies have applied the one-fifth quota mandated by the same [i.e. the CFA] for the first appointment after listing and display on average over 3 women on board, representing 37.1% of the body. Finally, 13 newly listed companies, that have not yet undergone a board appointment under the new rules, show similar figures for gender board diversity (3 women accounting for 36.3% of the board» (32-33).

[48] A very interesting data is the kind of degree women directors hold:

YEAR	2011	2019	2020	2021
Total No of directors	2476	2130	2084	2005
Total No of women directors	184	787	821	838
Total No of men directors	2292	1343	1263	1167
Total No of directors with a degree	2174	1937	1902	1836
Total No of women directors with a degree	146	741	774	793
Total No of men directors with a degree	2028	1196	1128	1043
Total No of directors with an economy degree	1122	1009	951	914
Total No of women directors with an economy degree	81	385	381	392
Total No of men directors with an economy degree	1041	624	570	522
Total No of directors with a law degree	405	388	408	397
Total No of women directors with a law degree	18	199	220	221
Total No of men directors with a law degree	387	189	188	176
Total No of directors with an engineering degree	358	273	279	260
Total No of women directors with an engineering degree	10	39	40	40
Total No of men directors with an engineering degree	348	234	239	220

Source: Table 2.14 – 2023 Consob Report

- family links with controlling shareholders are reducing (directors could also be the controlling shareholder or a member with a family relatioship with minority shareholders): 8.5% of family-linked women vs. 20.3% of men;
- there is a reduction of interlocking ratio for women (i.e., the same director member of one or more listed company boards or board of statutory auditors), from the peak reached in 2019. It means that listed companies prefer to have in their board of directors more experienced women, member of other listed companies board of directors. But it could also mean that unless a growing request, there is still a lack of women who are willing to be involved or who lack proper skills, although the percentage is reducing (in 2019 was 34.9% of the women directors sitting in more than one board of directors, while in 2022 this percentage is reduced to 28.6%. For men the percentage is 20.9%).

11. *The way forward*

(A) As UN Woman 2019 Study pointed out all the described measures to reduce gender inequality and consequently economic violence are focusing only on the supply side. The assumption is that to reduce gender inequality it may be enough to increase women's labour force particicpation as women's unpaid work at home is considered as a mere consequence of the lack of jobs offered to women. By removing barriers to women's access to labour force this will result in a deployment of their economic potential, although this may cause more issues as shown before on the short time.

To become really effective, Economy Law measures designed to have an impact on the result of gender inequality (i.e. economic violence), must consider also the demand side, pushing other businesses (as intermediate suppliers) and consumers to choose services and products from entities respecting publicly measurable and transparent gender equality standards.

Such goal may be only achieved through tax incentives measures, even accepting a certain degree of competition distortion (somehow similar to the promotion of low carbon dioxide products, achievable through a promotional tax incentive reducing the value added tax on green products), upon condition that producers met some standards in gender equality salaries, hierarchy and corporate governance bodies composition.

In respect of this last point the way forward should see the implementation of even tough measures in respect of women in governance and executive bodies of any limited liability company per shares which average total turnover, net assets and number of employees are greater of certain thresholds[49].

(B) In addition to any supply and demand side policy pushing gender equality as a mean of preventing economic violence, as all the quoted recent studies point out, special education must be fostered, in order to allow better educated women to take the job / role in domains where their presence is not significant such as top manager and executives.

This should be the aim of next EU legislation in respect of the presence of women in the boards of directors.

(C) But in order to achieve (B) it is necessary to address the "educational" aspects of the issue.

(i) There is a lack of educational opportunities exclusively dedicated to women who may wish to become entrepreneurs, top managers and executives and speed-up their carreers (i.e. filling the real or hypotetical gap of their managing preparation[50]), because the current issue (the gap between the kind of studies women made and the current needs in terms of knowledge and hard skills) comes from their past education choices and previous working experiences, by applying principles of lifelong learing as recalled by OECD Framework and therefore do not fall under the six risk scenarios, because even their good education is out of time.

The lack of better and specific education and training is more evident if one puts together the effects of previous Law 120/2011 and interlocking cases, which are reducing for women but are still higher in respect of men holding more positions. If more managers and executives women are needed in order to balance the proportions with male managers and the interlocking ratio be reduced, then more women are requested or the number of directors position shall be proportionally reduced.

In other words, any measure fostering gender quotas must be anticipated by educational measures in order to prevent lack of women able to take the position or a reduction in terms of quality (in the hypothesis that all women with a prop-

---

[49] As pointed out by Unioncamere in a 2022 survey women holding a position in a board of directors are increasing, while single woman enterprises are diminishing as well as relevant women company shareholders or participants. In 2022 the percentage of women holding a director position in any kind of company was 1/4 of the overall positions, not bad but far beyond the percentage in listed companies, considering also that unlimited liability partnerships (a kind of companies) legislation normally provide that partners must also be considered as directors. Ref. https://www.unioncamere.gov.it/comunicazione/comunicati-stampa/unioncamere-solo-un-amministratore-su-4-e-donna.

[50] The selfish perception of women as people engaged in business is weaker than men. It could be a psycological issue of self-exteem, but it is also a cultural issue: women are less keen to take risks and beeing self-employed professionals, entrepreneurs, managers or directors authomatically creates risks, which shall be addressed but shall also be prevented by education and training in order to foster the "indipendence of mind" women skills. Ref. to EY – SWG 2023 Survey, 17-22 @ https://www.ey.com/it_it/news/2023-press-releases/09/donne-e-leadership-a-che-punto-siamo-in-italia.

er education are fully occupied) with the waterfall consequence of an increasing business, reputational and liability risk on them.

Such issue will be more evident once gender diversity obligations become effective for boards of directors and board of statutory auditors of banks and other intermediaries (more or less 1,000 entities in Italy), where interlocking measures prohibits to hold positions in different entities, carrying out their activity in the same market segment.

(ii) There is a lack of women in Italy with a STEM degree[51]. People with a STEM degree are less affected by the economic cycle as they hold informations and hard skills to recover and restart or to plan new business.

(D) Incrementing all kind of incentives to foster women enterprises through financings, public guarantees and tax incentives is crucial. Results shall be spread on an annual basis. Because these monies are tax-payers monies the surving rate of these enterprises is fundamental as well as the finacial results of these companies, in order to create a positive buzz and promote women enterprises. This would avoid the risks pointed out in the EY – SWG 2023 Survey, which can be summarized under (i) the resistence of men and (ii) the permanence of poor self-exteem in the background.

And the reasons to promote such kind of measures are evidenced by the EIB in a very interesting survey[52]: «Women-led enterprises employ more women; support for female-led businesses has clear knock-on effects on female employment; the share of female workers and female-led firms differs strongly across sectors, but despite these sectoral differences, female-led firms have higher levels of female workers across all sectors; female-led firms generate further positive spillovers; female-led firms achieve higher environmental, social and governance scores; higher ESG scores attest to the broader benefits female-led businesses can generate; women-led firms differ from male-led companies on several key dimensions; female-led firms are more likely to undertake innovation, introducing new products and processes; female-led firms are more likely to have established good management practices; female-led firms are more likely to have started their digitalisation journey but there remain gaps on advanced digital technologies; few-

[51] F. Carta, M. De Philippis, L. Rizzica, E. Viviano, *Women, labour markets and economic growth*, in *Bank of Italy - Workshops and Conferences*, 2023, No 26, 29 ss. and A. Perrazzelli, *Le donne, il lavoro e la crescita economica*, Bank of Italy - Conference of 22 June 2023, slide No 6, quoting G. Bovini, M. De Philippis, L. Rizzica, *The origins of Gender Wage Gaps: the Role of School to Work Transition*, in *Bank of Italy - Working Papers*, 2024.

[52] European Investment Bank (EIB), *Support for female entrepreneurs - Survey evidence for why it makes sense*, 2022, https://www.eib.org/en/publications/support-for-female-entrepreneurs-survey-evidence-for-why-it-makes-sense with some conclusions confirmed also by a recent study: A. Cintolesi, E. Frattola, *Do female leaders choose women? Evidence from visible and hidden appointments*, in *Bank of Italy - Working Papers*, No. 1432, December 2023.

er female firms are fully self-financing, qualifying as autarkic; access to finance is among the top five obstacles female-led firms face; female and male-led businesses cite very similar issues in their operating environment; women-led firms differ in their financing mix; women-led firms in the most dynamic segment face challenges accessing adequate funds; differences in ambition and business activities could be confounding factors; accounting for differences in ambition and business activities, the financing differences between male and female founders remain; policy support can help mitigate some gaps for women founders; venture capital gaps may work to exacerbate gender disparities in the digital sector; structural differences, barriers and constraints female entrepreneurs face can also affect their resilience to shocks». All the above findings from the survey brought the EIB to these conclusions: «gender gaps are still prevalent in the European Union and in other regions around the world; supporting female-led businesses makes good economic sense, as these firms generate wider economic, social and environmental benefits; persistent gaps show that advances in educational and legal parity are not enough; stepping up efforts to achieve gender parity is needed to live up to global and EU commitments, and to revert recent setbacks; creating the right conditions for women-led firms to thrive serves to narrow gender employment gaps and bring wider socioeconomic benefits; a crucial enabler for women remains the availability of affordable childcare services; to tackle gender entrepreneurship gaps, particularly in dynamic sectors, improving access to finance and networks is crucial; countering a deepening of the digital gender divide requires comprehensive efforts; financial markets and ESG-conscious investors can help generate opportunities for women; policymakers, social partners and civil society need to work together to ensure that the twin transition is also an opportunity for women». All these conclusions are fully shareable and are in line with other organization and different studies conclusions.

(E) Financial education is key[53]. The Bank of Italy made a very good job and designed a very comprehensive tool. However financial education must be spread at all school levels, from childreen age and must be taught by experienced people in a nice and engaging way, through role-playing games.

Financial institutions must be engaged as this should be considered part of their institutional role towards the society in the light of client protection and trasparent application of business of conduct rules[54].

(F) Proposing positive models is crucial: it is not only a question of perception, a marketing issue or "pink washing" approach. As pointed out in several

---

[53] Ref. to https://www.secondowelfare.it/terzo-settore/donne-educazione-finanziaria-e-violenza-economica/.

[54] E.g. ref. to https://www.eticasgr.com/storie/news-eventi/violenza-economica-di-genere-etica-sgr with its educational programme called «Monetine» (i.e. small coins).

studies[55] proposing positive STEM women models, women entrepreneurs, women in business, women managers, results of women entreprises and of enterprises which reduced the gender gap helps in overturning stereotypes. In an internationally leading book of 1973 (frankly still actual in its conclusions) Elena Gianini Belotti, leader in the Montessori's educational methodology, argues that it is all an issue of sterotypes[56]. Therefore results and studies, such the ones which demonstrate overperformance result of all the above women[57], must be more highlighted as they undoubfully give evidence of all the already positive achieved results.

(G) Finally, in order to place economic violence in the spotlight it is necessary to collect data on economic violence, create a database of such violence with or without connections with other forms of violence and address it in a separate form from the mere gender pay gap or employement and management gender gap. This is one of the aims of EIGE who issued 3 specific recommendations to EU Member States in its 2023 paper on «Understanding Economic Violence against Women»[58].

As EIGE pointed out in respect of data collection, this task shall be considered instrumental for the exchange of information and good preventing practices at EU level, in the picture of a common definition of economic violence to be implemented with an EU directive. At national level, economic violence should be criminalised separately from other kinds of violence against women and dedicated financial measures shall be provided.

12. *Conclusions*

In order to foster effectiveness in Economy Law measures to contribute to the prevention of economic violence against women, through gender equality, quick and high level investments must go in the direction of increasing the managerial skills of women through proper executive business administration edu-

---

[55] For all of them, ref. should be widely made to F. Carta, M. De Philippis, L. Rizzica, E. Viviano, cit.

[56] E. Gianini Belotti, *Dalla parte delle bambine*, Milan, 2023.

[57] G.S.F. Bruno, A. Ciavarella, N. Linciano, *Boardroom gender diversity and performance of listed companies in Italy*, in *Consob - Finance Working Papers*, No. 87, 2018; S. Del Prete, M.L. Stefani, *Women as 'gold dust': gender diversity in top boards and the performance of Italian banks*, in *Bank of Italy - Working Papers*, No 1014, June 2015; EBA, *Report on the benchmarking of diversity practices and the gender pay gap (at the level of the management body at European Union level under Directive 2013/36/EU)*, based on 2021 data, (EBA/REP/2023/07) of 7 March 2023.

[58] https://eige.europa.eu/sites/default/files/documents/EIGE_Factsheet_EconomicViolence.pdf and in particular these actions: «Collect, analyse and share administrative data», «Regularly conduct population-based surveys» and «Improve coordination between institutions when recording, processing and sharing administrative and survey data». Data collection is also the focus of this study: https://www.ingenere.it/articoli/violenza-economica-rifacciamo-i-conti.

cation in order to allow more women as possible to take managerial and executive roles or to start new businesses as entrepreneurs, also pushing on the demand side, through tax incentives.

The overall picture of European Economy Law instruments, which may be used to stop economic violence which arise from gender inequality and may transform itself in physical violence, is rather good and there are huge possibilities to improve such level, as all economic instruments shall be employed and may be requested by women to remove themselves from potential and uninclusive dangerous situations and to enhance the overall women condition.

But I would like to conclude my paper quoting some Mrs. Gianini Belotti's book (and introduction) words: «If each child were seen as a unique individual, endowed with his or her own potential and to be given the maximum to help him or her develop in his or her direction, the question of gender would automatically lose its importance. The traditional difference in character between male and female is not due to 'innate' factors, but to the 'cultural conditioning' that the individual undergoes in the course of his or her development. Why then 'dalla parte delle bambine? ' [(on the girls side)]. Because this situation is all 'to the disadvantage of the female sex'. The culture to which we belong – like any other culture – uses all the means at its disposal to get individuals of both sexes to behave in the way that best suits the values it wishes to preserve and transmit: these include the 'myth' of 'natural' male superiority as opposed to 'natural' female inferiority. In reality, there are no 'male' qualities and 'female' qualities, only 'human qualities'. The operation to be performed, therefore, 'is not to shape girls in the image and likeness of males, but to restore to every new born individual the possibility of developing in the way that is most congenial to him / her, regardless of the sex to which he belongs'».

Eugenio Maria Mastropaolo - Abstract

Economic Violence: which Economy Law instruments are more effective? Proposals for the foreseen future

The 11th May 2011 Council of Europe Convention addresses the economic violence as one kind of violence a woman may face when dealing with income from work, access to the labour market, establishment of enterprises, access to entrepreneurial activities and governance bodies. Economic violence is a sliding door connected to gender inequality and physical violence. Some typical situations of economic violence and subsequent risks for the women and society and economy are shown. Economy Law may propose the use of tax, economic, financial and legal instruments to prevent or fight economic violence, through fostering the reduction of the gender gap, acting on the offer side but also on the demand side.
The paper will discuss data with respect to the effectiveness of certain instruments within the EU and Italian legal framework and address needs for better and specific education and training before introducing new Economy Law measures in respect of further economic violence prevention.

Violenza economica: quali strumenti del Diritto dell'Economia sono i più efficaci? Proposte per il prossimo futuro

La Convenzione del Consiglio di Europa dell'11 maggio 2011 considera la violenza economica come una delle violenze che una donna può subire sul posto di lavoro, rispetto al suo accesso al mercato del lavoro, all'attività imprenditoriale e alla creazione di imprese o al ruolo in organi societari.
La violenza economica è una porta scorrevole connessa all'ineguaglianza di genere e violenza fisica. Vengono pertanto illustrati alcuni esempi tipici di violenza economica e conseguenti rischi per la donna, la società e l'economia.
Il diritto dell'economia può proporre l'utilizzo di strumenti fiscali, economico-finanziari e legali per prevenire e combattere la violenza economica, attraverso la riduzione del divario di genere, agendo dal lato dell'offerta di beni o servizi, ma anche da lato della loro domanda.
L'articolo analizza i dati rispetto all'efficacia di certe misure nell'ambito del diritto dell'Unione Europea e del diritto italiano e si conclude nel ritenere necessaria una migliore e più specifica istruzione e formazione professionale delle donne rispetto a certe misure, prima che nuove misure normative di diritto dell'economia siano introdotte per prevenire ulteriormente la violenza economica.