

Global Study: Gender Equality and Media Regulation



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Gender equality and media regulation

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Preface

“... gender equality in freedom of expression remains a distant goal.”

Irene Khan, United Nations Special rapporteur on Freedom of expression 2021

Over the years, it has become evident that freedom of expression and gender equality are linked. They are both fundamental for the development of democratic societies.

Currently, we see both threats and gains concerning free speech and gender equality. There is a lack of knowledge on what has been done and what measures might work to safeguard freedom of expression and gender equality. While western countries have more extensive mapping and monitoring, such information is still missing in many Global South nations.

By tradition, legislation is seen as limiting to media freedom and freedom of speech. On the other hand, legislation has been key to contribute to gender equality in society. Media regulation may hinder or expand gender equality in freedom of expression. Is it possible to regulate so that more voices are heard and for more people, men and women to take part in public debate? How may societies expand freedom of expression without the cost of silencing voices?

This report is initiated by Fojo Media Institute in order to contribute to the understanding of the situation regarding gender equality in freedom of expression. It offers a global overview of legislations and policies with more in-depth studies of five Fojo partner countries; Armenia, Bangladesh, Rwanda, Somalia and Zimbabwe. The basic question has been: What kind of regulation and self-regulation on gender equality in the media exist, what are the good practices and what recommendations may be drawn?

In order to execute the study, Fojo has collaborated with Maria Edström, Associate professor at the Department of Journalism, Media and Communication, University of Gothenburg, as an expert consultant in gender and media research. For

the actual research, two consultants were recruited, Dr. Sarah Macharia (gender and media expert, coordinator of the Global Media Monitoring Project) and Professor Joan Barata Mir (international media law expert and Fellow at the Stanford Cyber Policy Centre). For comparative reasons Sweden is included, not just because Fojo is a Swedish organisation, but because it serves as an example of a country with both a high level of gender equality in society as well as strong legislation on freedom of expression.

To summarise, the report highlights:

- A gap between policy and practice regarding gender equality and freedom of expression. Even when legislation and agreed policies exist (on a global, regional or national level) it is not necessarily followed through in practice.
- That there is not one way or a quick fix to safeguard these values, but a combination of media regulation and self-regulation by the media industry appears to be a promising way forward.
- The lack of comparative sex-disaggregated data on the media, which hampers the possibility to map and compare conditions in various countries.
- The complexities of obtaining an overview of the status of freedom of expression and gender equality in the media, due to the dearth of key information.
- Freedom of information is still lacking and the access to official documents is crucial for further research and for the possibility for journalists to scrutinise power.

This report represents a first mapping by Fojo on Gender and Freedom of Expression.

Executive Summary

Over the years a large number of studies have pointed at gender related problems in the news media, both in terms of representation and portrayal in content as well as gender balance in staffing, management and ownership in the sector itself. Such problems are of course not unique for the media, but rather a reflection of norms and structures in societies.^a In more recent years issues of gendered disinformation and hate speech targeting women, and specifically women journalists, in an increasingly digitalised media world, have been observed.

This study is unique in its attempt to map both law and policy (regulation and self-regulation) and identify measures to promote gender equality in the media and women's freedom of expression. The study covers policy instruments adopted at international, regional, national, industry and media house levels in over 100 countries. Parallel to the global study, case studies have been developed in a sample of countries in which Fojo Media Institute is active: Armenia, Bangladesh, Rwanda, Somalia, Sweden and Zimbabwe.

The analysis reveals patterns of inconsistencies between commitment to gender equality in national policies, as well as gender equality in media policies and legislation. Widespread interest in gender equality at the overall international and national level does not appear to filter into statutory media sector regulation.

On a supranational level, there is a long-standing agreement between United Nations (UN) members States to advance women's rights and gender equality in and through the media, as part of the Beijing Declaration and Platform for Action for the Advancement of women (BPfA, 1995). For the 189 member states, the BPfA is a morally binding action plan, connected to the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).^b

Section J of the BPfA specifically deals with gender equality and the media, calling on member state governments to “promote women's full and equal participation in the media, including management, programming, education, training and research”. Such calls on State bodies can instil tensions between guaranteeing women's freedom of expression on the one hand and respecting media freedom and independence on the other hand. This might also be the reason why some of the member states are reluctant to act on this call (Sweden among others).

However, there are several examples of states that have taken progressive action to promote gender equality in the media. One example is Iceland, where the Media Act (Article 23) requires media organisations to submit annual reports to the Media Commission detailing for example the share of women and men in content and among their staff.

Given that news media have an important role for checks and balances in a democratic system, a maximum of independence from the state is considered to be preferable. Any media regulation imposed by the state should be consistent with Freedom of Expression. At the same time, the state has an obligation to protect the right to Freedom of Expression of all people, including marginalised groups (often women and girls) and minority groups.

All countries exist in unique cultural and historical settings, in which media have developed. Countries like Sweden, with a long tradition of women's rights movement and extensive gender equality legislation, score high on measures of gender equality in the media. In 2020, 38% of the people seen or heard in Swedish news media were women, compared with 25% globally^c. Furthermore, the gender balance in the journalist corps has tipped in favour of women. The Swedish example shows that change towards gender equality in media can come about without specific provisions on gender equality in media related laws, but rather as an effect of general gender equality laws and a growing societal awareness.

^a It is important to note that women's under-representation in content does not mirror reality, instead, it is a result of bias/discrimination.

^b Since then, a number of international and regional policy instruments have reconfirmed the ambition of the BPfA.

^c According to the Global Media Monitoring Project 2020.

Conclusions

The level of gender equality in the media is to some extent linked to gender equality in the society as a whole, specifically gender equality legislation and gender awareness in general within societies.

A preferred method to promote gender equality in media would be to establish proper and efficient self or co-regulatory mechanisms, which can be promoted through appropriate media policies and legislation.

In media legal frameworks where gender equality is referred to, the focus is most often on women’s representation in media content, particularly when it comes to combatting or avoiding sexist prejudices

and stereotypes. Proper and proportionate provisions might be considered in this area provided they do not interfere with media freedom in the right to freedom of expression.

Gendered disinformation is a form of harmful speech which can negatively affect gender equality and endanger public policies and the proper application of legislation in this field. However, restrictive measures would not be acceptable as remedies. The most powerful antidotes to gendered disinformation are:

- i) gender sensitive journalism; and
- ii) a well-informed and digitally literate population.

Recommendations

Media regulators should ensure that consistent and comparable sex disaggregated data on the media are collected, related to gender equality in content and organisation.

Gender provisions should be included in media and communication policies to protect communication rights of women and gender minorities..

In view of media’s centrality for gender equality, media-related provisions should be integrated in national gender policies and strategies.

Media regulators should include gender provisions in regulations regarding broadcasting licensing, which

could include conditions for approval and continued tenure of licenses.

Several content moderation policies established by online platforms may be used to curtail women’s freedom of expression. Normative interventions should be made by national, regional and supranational institutions to balance the self-regulation-only measures present today on online platforms.

More specific recommendations for different levels of actors can be found in table 3 in the end of the report.



Introduction

More than a quarter century has elapsed since 189 United Nations (UN) member states agreed to measures to advance women's rights and gender equality in and through the media, enshrined in the Beijing Declaration and Platform for Action for the Advancement of women (BPfA. United Nations, 1995). Critical Area 'J' of the global policy blueprint spells out specific actions for governments and other actors to "increase the participation and access of women to expression and decision making in and through the media and new technologies of communication", (Strategic objective J.1.) and "promote a balanced and non-stereotyped portrayal of women in the media (Strategic objective J.2.). Similar to provisions in other policy instruments prior to and following the BPfA's adoption, area J intimated at possible tensions between guaranteeing (women's) freedom of expression on the one hand and observing rights to media freedom and independence on the other hand¹.

With a particular focus on news media, the current study interrogates how media regulators worldwide have approached the mandate to promote and protect gender equality and women's freedom of expression (FoE), at the same time as attending to obligations to uphold media freedom.

Freedom of expression and media freedom are not mutually exclusive, both are necessary for democracy and protected in international standards. FoE and freedom of information are granted to "everyone", and not only media outlets or professional journalists. Every single person has the human right to freely seek, receive and disseminate ideas, opinions, and information. FoE is, above all, a fundamental right which is rooted in the very origins of constitutionalism and the modern state and is directly

connected to the democratic principle. On the one hand, through FoE, individuals can express, share, and compare their thoughts, opinions and ideas, as well as have access to and disseminate relevant information. On the other hand, protection of FoE affects in more 'objective' terms the democratic quality of the overall political, institutional, cultural, or economic system. Only in a society where there is a plurality of voices that participate in an accessible and dynamic public sphere is there room for the development and improvement of democracy.

In their joint declaration on "Ten Challenges to Freedom of Expression in the Next Decade", of 2 February 2010² the four³ Special rapporteurs on Freedom of Expression identify as a challenge (still pending one decade later) the existing "discrimination in the enjoyment of the right to freedom of expression". The declaration states the following: "Equal enjoyment of the right to freedom of expression remains elusive and historically disadvantaged groups –including women, minorities, refugees, indigenous peoples and sexual minorities – continue to struggle to have their voices heard and to access information of relevance to them." These inequalities constrain establishment of media by women and other groups, open room to misuse of hate speech laws to curb criticism against mainstream ideas and participation in societal debates, underrepresentation among mainstream media workers, inadequate coverage, or prevalence of stereotypical or derogatory information.

Outside the field of statutory regulation, the study considers industry self-regulation and co-regulation as mechanisms which imply a different approach to the control of the exercise of the rights to freedom of expression and freedom of information, through

1 For example: BPfA clause 239 (h), recommendation that governments "Guarantee the freedom of the media and its subsequent protection within the framework of national law and encourage, consistent with freedom of expression, the positive involvement of the media in development and social issues"; Clause 240. Recommendation that national and international media systems "Develop, consistent with freedom of expression, regulatory mechanisms, including voluntary ones, that promote balanced and diverse portrayals of women by the media and international communication systems and that promote increased participation by women and men in production and decision-making"; Clause 244 (a) recommendation to mass media and advertising organisations to "Develop, consistent with freedom of expression, professional guidelines and codes of conduct and other forms of self-regulation to promote the presentation of non-stereotyped images of women", and, (b) Establish, consistent with freedom of expression, professional guidelines and codes of conduct that address violent, degrading or pornographic materials concerning women in the media, including advertising;. (United Nations, 1995)

2 Tenth Anniversary Joint Declaration: Ten key challenges to freedom of expression in the next decade (LaRue, Haraszti, Botero, & Tlakula, 2010) Available from: <https://www.osce.org/fom/41439>

3 UN Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information,

means less intrusive than conventional regulation and sometimes more effective as well. Contrary to statutory regulation, the violation of norms or recommendations resulting from a process of self-regulation implies the adoption of measures of moral or symbolic reproach rather than those of sanctioning or limiting. Self-regulatory systems are useful tools when they are perceived and respected as mechanisms that solve problems related to the functioning of the media through the adoption of measures that do not involve the intervention of the administrative and judicial authorities. In any case, self-regulatory regimes need, in order to prosper and enjoy the trust of third parties, appropriate and reliable mechanisms that guarantee their respect. Self-regulatory codes generally contain provisions complementary to those featured in the legal standards.

This separation and complementarity between statutory regulation and self-regulation is particularly relevant within the context of the objectives of the present analysis. The preeminent role of freedom of expression within the context of democratic societies would deem certain provisions aimed at restricting or limiting the dissemination of opinions and ideas contrary to the notion and principles of gender equality excessive and disproportionate, and therefore unacceptable within the context of a free, open and pluralistic public sphere. This does not mean that States cannot use their legal and policy instruments to prevent and avoid the negative effects derived from such expressions. However, the chosen instruments from that purpose would need to be different from the imposition of restrictions or prohibitions to the exercise of the right to freedom of expression. Precisely, a relevant alternative method to promote gender equality in the field of media and journalism would be the establishment of proper and efficient self or co-regulatory mechanisms, which can also be promoted through appropriate media policies and legislation.

Chapter 1 analyses the panoply of policy instruments adopted at international, regional, national, industry and media house levels in over 100 countries⁴. The analysis reveals patterns of inconsistencies between commitment to gender equality in national policies, and gender equality in media policies and legislation. Widespread interest in gender equality at the overall

national level does not appear to filter into statutory media sector regulation to the same extent. When media policies do carry gender-related provisions, the most common issue raised regards the right not to be discriminated against on the basis of ‘sex’ or ‘gender’, included in a list of diversity dimensions, alongside race, disability, and age for example. In industry self- and co-regulation, the few instruments with gender-related provisions address a handful of concerns including non-discrimination on the basis of sexual orientation, gender identity, and most prevalent, treatment of sexual assault survivors. Some provide for content monitoring and mandate the respective authorities to investigate complaints, however studies have found that the extent to which complaints mechanisms function as intended, is limited. Surveys of media organisations have found only a fraction with gender equality, equal opportunities or gender diversity policies in place. Where adopted, policies “reflect an understanding of gender inequality as an issue of discrimination and persisting unequal opportunities in the workplace and in media content, accompanied by women’s exposure to different forms of abuse” (Padovani & Bozzon, 2020).

Chapter 2 presents an analysis of the interaction between the right to freedom of expression, gender equality and media regulation. It shows the scope and obligations derived from the protection of gender equality and freedom of expression as human rights by international and regional systems and assesses how such supranational principles inspire national legal systems, particularly when it comes to media regulation. In view of the tensions between statutory regulation and co-regulation, an argument is made for the establishment of efficient self or co-regulatory mechanisms as an alternative approach to advance gender equality in media, promoted through appropriate media policies and legislation.

This study proposes a pathway to catalyse the effectiveness of policy and legislation in addressing gender equality issues and enabling women’s freedom of expression in and through the media. We offer recommendations informed by the findings, and include illustrations from country case studies of Armenia, Bangladesh, Rwanda, Somalia, Sweden and Zimbabwe developed in parallel with the global study.

⁴ The sample is limited to instruments retrieved in English, French, Spanish and other Latin script documents that could be accessed through online translation applications.

Terminology

Sex and gender: ‘Sex’ and ‘gender’ are terms often used interchangeably despite being conceptually different. ‘Sex’ is the biological condition of being female, male or intersex, while ‘gender’ is socially constructed, pertaining to the roles, expectations and behaviour associated with being a girl, woman, boy, man, trans, two spirit and other identities. ‘Gender’ varies across cultures and contexts, is not static but can change over time as societies evolve, for example, to acknowledge (or restrict) hitherto unrecognized identities. Laws in countries such as India, Nepal and Pakistan have been amended during the past decade to recognise transgender persons, transcending the binary woman/man gender configuration characteristic of most of the rest of the world.

Policy: A set of ideas or a plan of what to do in particular situations that has been agreed to officially by a government, organisation or other body (Cambridge dictionary). Gender and media policies state the State or institutional position and measures on matters related to, for example, gender equality and gender discrimination in media structures, processes and practices.

Policy provision: The precise clause stating the conditions and measures to be taken on the issue addressed by the policy.

Statutory law: The law that exists in legislatively enacted statutes especially as distinguished from common law.

Constitutional law: The body of statutory and case law that is based on, concerns, or interprets a constitution.

Freedom of expression: The right protected under international and regional human rights systems that entails the right to hold opinions without interference; the right to seek and receive information; and the right to impart information of all kinds through any media regardless of frontiers.

Regulation: The set of rules and principles established by executive bodies (Government bodies, agencies, and regulatory authorities) to develop and implement the general provisions established by law.

Right to access to information: The fundamental right that encompasses the positive obligation of public (and some private) bodies to provide, to publish, and to disseminate information about their main activities, budgets, policies, and plans,

and the right of all persons to ask public officials for information about what they are doing and any documents they hold and the right to receive an answer.

Public service media: The media serving the needs of the public in a democratic society, via specific State regulation and oversight, which is neither commercial nor state-owned, free from political interference and pressure from commercial forces.

Self-regulation: The rules, principles and oversight mechanisms aiming at guaranteeing respect for ethical and professional standards by journalists and other media actors without the intervention of any State authority or regulatory body of any kind.

Co-regulation: The combination of basic elements of self-regulatory systems with the existence of specific and limited backstop powers in the hands of designated public authorities.

Online intermediaries/platforms: The online service providers that engage in non-editorial activities including online storage, distribution, and sharing; social networking, collaborating, and gaming; or searching and referencing.

Hate speech: The type of speech prohibited by international law because it creates real and imminent danger of violence resulting from the expression, together with the author’s intention to incite discrimination, hostility or violence and careful examination of the context in which the hate is expressed by the judiciary.

Gendered hate speech: Hate speech particularly targeting women or specific communities of women.

Disinformation: False information which is intended to mislead. This concept includes speech that falls outside already illegal forms of speech (defamation, hate speech, incitement to violence) but can nonetheless be harmful. It is problematic as it has direct implications on democracy.

Gendered disinformation: A subset of media-enabled gendered abuse that uses false or misleading gender and sex-based narratives against women, often with some degree of coordination, aimed at deterring women from participating in the public sphere. Gendered disinformation targets not only women, but feminist struggles and gendered discourse. In practice, it is used to silence; to push women to self-censorship; and to restrict their civic space.

Chapter 1: Gender and Media Frameworks

This chapter aims to give a brief overview of existing policy and legal frameworks related to gender and media, based on a mapping of over 100 countries, including existing self-regulatory bodies in the media industry of these countries. Mapping reveals the extent to which the various bodies have a mandate to address gender equality issues in media & communication regulation, as well as media & communication issues in gender equality regulation.

1.1 How the mapping was conducted

An extensive search in online databases, media regulators' websites, media policy web portals and other online locations⁵ was conducted to unearth the original international, regional and national policy texts (see annex 1 for the list of texts reviewed). Keyword searches⁶ in English, French and Spanish were applied to retrieve relevant documents, and the search function in Microsoft (MS) Word within each document to locate the specific clauses. Documents found in languages other than English, French or Spanish were accessed through online translation software where possible. Some documents were available as scanned images, making it necessary to type out the relevant sections in order to proceed with analysis. Following a gender analysis of the documents retrieved and accessed, the results were organised and applied to generate the maps in the policy findings

section below. The boundaries for the mapping and analysis in this chapter were drawn around traditional or legacy news media forms of print, television and radio; other genres such as film and advertising were excluded. The desk review of policy documents was complemented by analysis of relevant studies published in scholarly journals and other academic publications (see the list of references in the annex).

The process to retrieve policies and codes of national media houses was curtailed by inability to find the texts on the websites of most of the respective organisations. The discussion regarding media in-house policies draws therefore largely from the national case studies, for which information was gathered through document reviews and interviews with the organizations' representatives in the countries.

1.2 Supranational policies

Gender equality policies are normative frameworks that provide a roadmap for securing the human rights of girls and women across a range of thematic concerns. Gender and media policies guide actions

to safeguard the rights of girls and women either within media structures, content and processes, or through media – recognizing the impact of gender portrayal and representation on the lived experiences

⁵ Websites consulted include:
Constitute Project, by the Comparative Constitutions Project at the University of Texas at Austin and the University of Chicago, a site where the world's constitutions are curated: https://www.constituteproject.org/constitutions?redirect_name=constitutions
Article 19's law and policy database: <https://www.article19.org/law-and-policy/>
The Asian Legal Information Institute (AsianLII) which curates legal information from all 27 countries and territories in Asia: <http://www.asianlii.org/databases.html>
UNESCO library for broadcast media regulation documentation: <http://www.unesco.org/>
UNHCR's Refworld's database: <https://www.refworld.org/>
International Labour Organisation library: <https://www.ilo.org/global/lang-en/index.htm>
World Intellectual Property Organisation Lex database: <https://wipolex.wipo.int/en/members>
UN Human Rights Office of the High Commissioner. Anti-discrimination library: <https://adsdatabase.ohchr.org/IssueLibrary/Forms/AllItems.aspx>
Eastern Caribbean Telecommunications Authority on telecommunication acts in the Commonwealth of Dominica, Grenada, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines: <https://www.ectel.int/>

⁶ Keywords applied include a combination of words (and equivalents in French and Spanish) from each of the following sets. (i): gender, women, female, sex, minorities. (ii) media, communication, news, broadcast, audiovisual, journalism, journalist. (iii) Policy, legislation, act, law, convention, agreement. (iv) discrimination, equality

of women and girls, and their ability to access rights such as those regarding freedom from violence and discrimination.

Global and regional gender and media policy frameworks may be classified under three broad constellations.(Table 1) Under one umbrella are gender policy frameworks with media-specific provisions, targeting content, structures, workplace practices, gender-based violence against women media workers, women's overall access to and participation in media. The second group brings together gender policy frameworks with media-relevant measures albeit without explicit mention of 'media', while the third are media policies with implications for gender equality.

1.3 Examples of gender equality indicators

An exhaustive compilation of gender equality indicators for media is found in UNESCO's Gender Sensitive Indicators for Media (GSIM) which includes seven sets of measures on gender equality within media organisations (gender balance at decision-making level, gender equality in work and working conditions, gender equality in media professionals' associations/union and self-regulatory bodies, in-house gender ethics codes, and, gender balance in education and training) and on gender portrayal in content (news and advertising). (UNESCO, 2012)⁷.

The Southern African Development Community Protocol on Gender and Development (revised in 2015) includes indicators on women's share of employment, of management and as sources in economics, sports and political news. Zimbabwe's Gender Equality and Women Empowerment framework adopted to operationalise the Protocol and national gender policy, among other instruments, lists a variety of indicators specific to media, communications, and ICT sector: these include women's share in decision-making and women's share as media owners. In the Zimbabwe experience, data collection is ad hoc and the results publicly accessible in the event that a report is published. "Monitoring and accountability is based on the media outlet and accessibility to data also depends on who is seeking it and why. Newsrooms are wary of sharing their data for fear of being compared to their competitors although

The provisions support either directly or implicitly the right to freedom of expression, the right to access to information and the right to communicate.

Whether regarding content, participation or use of media, supranational policies with gender provisions tend to remain at the level of generalities, focussing commonly on gender-based discrimination, gender stereotypes – including their role in the socialisation of children, and violence against women. Localisation of supranational policies by signatory States for implementation at national level results in handling and formulations that appear to be influenced by the prevailing national gender equality politics, as will be seen in the discussion below.

more recently data showing positive transformation is used to highlight competitiveness". (Zimbabwe case study report)

While not yet implemented, the Council of the European Union in 2013 acknowledged indicators to monitor the progress of gender equality in decision-making in media organisations. These are: (i) the proportion of women and men in decision-making posts within media organisations, across a range of management and operational functions; (ii) the proportion of women and men on the boards of media organisations, and; (iii) the existence of a range of policies, codes of conduct, mechanisms for implementation and monitoring gender equality, and practical measures to support women's career development and gender equality in decision-making in media organisations. (European Institute for Gender Equality, 2013)

Ten EU member states reported having adopted gender equality and media indicators, covering mainly "the participation of women in media organisations and leading roles, gender portrayal, coverage of violence against women, gender in film crews, the gender pay gap and wages, and sexist advertising" (Council of Europe, 2020b. p.38)

From the national case studies conducted in parallel to the current research, it was revealed that Sweden collects data on access to mobile phones, which is the sole gender and media indicator in the current global development policy framework, the Sustainable

Development Goals (United Nations General Assembly, 2015). Data on the share of women with access to a mobile phone are posted on Statistics Sweden's web site. The Bangladesh government's

2018 SDG monitoring and evaluation report raised data scarcity as a major challenge, and excludes the gender and media measure from its selected priority indicators.

1.4 National gender equality authorities

While governments worldwide have engaged with the question of gender equality as signatories to one or more global and regional gender conventions and having in place an authority responsible for gender equality policy, there are variations in how the concept is understood and the extent to which gender equality thought is embraced.

Data retrieved for 197 countries reveals a diffusion of gender equality authorities at various levels of government power hierarchies, [see the interactive map at https://datawrapper.dwcdn.net/3caCo/7/](https://datawrapper.dwcdn.net/3caCo/7/). Clearly evident is an eclectic combination of the gender portfolio with a variety of other issues, demonstrating disparities in approaches and perhaps fundamental differences in how gender (in)equality is defined.

Some authorities are located in close proximity to the highest seat of power (in the Prime Minister's office in Australia, Georgia and Trinidad & Tobago for instance), while numerous others operate further away in State Departments that also bear the responsibility for issues such as disability (Belgium,

Ireland, Malawi, St Vincent & the Grenadines, and South Africa), children (Sri Lanka, Tanzania, Yemen, Azerbaijan, Bangladesh, China, Democratic Republic of Congo, Ethiopia, Gambia, Fiji, Ghana, Liberia, Malawi, Mali, Mauritania, Nepal, Senegal and numerous others), the elderly (Barbados, Tanzania), and family (Djibouti, Greece, Morocco, Poland, Rwanda, Saudi Arabia, Seychelles, Singapore, South Korea, Slovakia, Syria, Tajikistan, Tunisia and various others). In some countries, this function is performed by dedicated authorities for which this is the only responsibility, such as Canada (Women and Gender Equality Canada), Cuba (Federación de Mujeres Cubanas), Guinea (Ministry of Women's Rights and Empowerment), Palestine (Ministry of Women Affairs), Paraguay (Ministerio de la Mujer) and Sweden (Swedish Gender Equality Agency). Clearly, while States share the goal to address gender inequalities, how they conceptualise it is not uniform, nor is the priority they give it or their strategies for redress.

1.5 Media regulatory authorities

Media in general, and news media in particular, are subject to national legislation regarding various levels of performance. Many countries protect media freedom within their constitutional law. At <https://datawrapper.dwcdn.net/F57vI/2/> there is an interactive map of national authorities primarily responsible for audio-visual and telecommunication regulation. The mandate of national regulators is diverse, the most common responsibilities being to grant licenses to broadcasters, and to monitor legal compliance of license holders.

In some countries the function of media regulation is carried out by government ministries, primarily those responsible for information, communication, telecommunications or information technology (Belarus, Cameroon, China, Djibouti, Ecuador, Eritrea, Eswatini, India Tonga, Vietnam and Yemen

for example). In numerous others, the task is devolved to independent Commissions or Authorities such as in Iran, Iraq, Ireland, Jamaica, Kenya, Kiribati, Lesotho, Liberia, Maldives, Mauritius, Nepal and the Netherlands. In a few others, the government is named as the regulator with no indication of a specific body (North Korea, Turkmenistan and Laos, countries that score very low on FoE, democracy and general human rights indices). In the United States only broadcast journalism is federally regulated, other mediums being subject to an informal self-regulating ecosystem of industry associations and other influential bodies (Orme, n.d.). Some countries "have introduced an ombudsman or organisations that provide opportunities for audiences to take action against sexist [...] media images" (Klaus 2009:111) Malaysia's Communication and Multimedia Act 1998

⁷ Work to update the GSIM under UNESCO's lead was underway at the time of writing this report.

Table 1. International and regional gender and media frameworks

A: Gender policy frameworks with media-specific provisions	B: Gender policy frameworks with media-specific measures
<p>Frameworks grouped here underline the media, for instance, media content, media workplace discrimination, gender-based violence against women journalists.</p>	<p>These frameworks do not mention ‘media’ explicitly, rather, they contain provisions that are relevant to media such as eliminating harmful gender stereotypes. Media images and narratives are a conduit of such stereotypes.</p>
<p><u>Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women “Convention of Belem Do Para”.</u> (1994) Clause 8(g) encourage the communications media to develop appropriate media guidelines in order to contribute to the eradication of violence against women in all its forms, and to enhance respect for the dignity of women.</p> <p><u>Beijing Declaration and Platform for Action.</u> (1995) Section J. Strategic objective J.1. Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication. Strategic objective J.2. Promote a balanced and non-stereotyped portrayal of women in the media.</p> <p><u>Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa</u> (2003) 12.1(b): States Parties shall take all appropriate measure to eliminate all stereotypes in textbooks, syllabuses and the media, that perpetuate such discrimination.</p> <p><u>Organization of Islamic Cooperation Plan of Action for the Advancement of Women (OPAAW).</u> (2008) III3a) The Governments of the OIC Member States should adopt the necessary policies and programs for promoting education of women and girls and encourage women’s access to advanced technologies including ICT in order to promote their role in the decision-making and development process; III4i) Combat gender-based violence in all its manifestations, including through awareness raising campaign involving men and boys, education and media campaigns.</p> <p>Council of Europe <u>Recommendation of the Committee of Ministers to member States on gaender equality and media.</u> (2013) Comprehensive guidelines for: EU member states (establishment of legal frameworks, regulation, support of initiatives to combat gender stereotypes in media); media organisations (on self-regulation, adoption of ethics codes, reporting standards); adoption of content standards, working conditions, targeting access, representation, participation in management, avoidance of portrayal that could lead to sex discrimination, incitement to hatred and gender-based violence), and; implementation measures (policy review, adoption of national indicators for gender equality in media, sharing good practices, accountability channels, research and publication, media literacy).</p> <p>Council of Europe <u>Convention on Preventing and Combating Violence against Women and Domestic Violence.</u> (Treaty No. 210) (Istanbul Convention) (2011) III.14.2: Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media; III.17.1: Parties shall encourage the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.</p>	<p><u>Convention on the Elimination of All Forms of Discrimination against Women.</u> (1979) Various articles address discrimination against women and women’s human rights. Article 3 mandates States Parties to “take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men”. Article 5 requires States Parties to “take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”</p> <p><u>Organization of Islamic Cooperation Plan of Action for the Advancement of Women (OPAAW)</u> (2008). III4h) Promote equality and fight against discrimination between girls and boys in education and culture so as to convey a positive and non-stereotyped image of girls and women and where appropriate, identify new pedagogical materials; IV5v) Social justice and well-being: Ensure that the discriminatory negative stereotypical images of women due to harmful customs and traditions are altered.</p> <p><u>The Declaration on the Elimination of Violence against Women and Elimination of Violence against Children in ASEAN.</u> (2013) Declaration 3. Develop effective strategies to eliminate harmful practices which perpetuate gender stereotyping, violence against women and violence against children.</p> <p><u>Preventing and Combating Violence against Women (Decision No. 7/14).</u> (OSCE, 2014) Indicator: (B)3, Strengthen efforts to reach out to the public through public awareness and sensitization activities, in order to address negative stereotypes.</p> <p><u>Transforming our World: The 2030 Agenda for Sustainable Development.</u> (2015) Goal 5. Ending discrimination against all women and girls in the public and private spheres. Target 5.b: Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women.⁸</p> <p><u>ECOSOC: Political Declaration on the Occasion of the Twentieth Anniversary of the Fourth World Conference on Women.</u> (2015) “the transformation of discriminatory norms and gender stereotypes and the promotion of social norms and practices that recognize the positive role and contribution of women and eliminate discrimination against women and girls.</p> <p><u>Outcomes and recommendations from the 13th Triennial Conference of Pacific Women and Sixth Meeting of Pacific Ministers for Women.</u> (2017) Various provisions on social norms, stereotypes and discrimination with implications for media.</p> <p><u>Outcomes and recommendations from the 14th Triennial Conference of Pacific Women.</u> (2021) Work with partners in media and communications to ensure messages consistent with gender equality and women’s rights.</p>
	<p>C: Media policy with implications for gender equality</p> <p>Unlike types A and B above that are about gender policy, this category lists the one supranational instrument specific to media policy found, that underlines the gender equality dimension explicitly or implicitly.</p> <p><u>Declaration of Windhoek</u> (1993) on “free, independent, pluralistic media worldwide characterizing free press as essential to democracy and a fundamental human right”.</p>

8 Indicator 5.b.1 Proportion of individuals who own a mobile telephone, by sex Goal: enhance the usage of enabling technology.. to promote the empowerment of women.

empowers the Commission to monitor “the level of compliance with voluntary industry codes, mandatory standards and undertakings” (clause 121 f) without mention of specific codes and standards, nor whether they provide for gender equality.

A fraction of national policy frameworks carry provisions on content monitoring, included in legislation or codes (such as that issued by the UK’s communication regulator Ofcom). The Maldives Broadcasting Act 2010 invites the public to lodge complaints and as well, places responsibility on the

Maldives Broadcasting Commission to take action on non-compliance; the Act prohibits airing of “content which disrespects the rights and dignity of any race, gender, any age group and disabled persons” (Chap 5, 37 (5)). Trinidad & Tobago’s National Policy on Broadcast and the Broadcasting Industry mandates the State to encourage “formation of watchdog bodies and industry-led groups that will assist in monitoring content” while its Broadcasting Code places the onus of investigating complaints on the Authority, in addition to implementing its own monitoring systems.

1.6 Gender in statutory media regulation

The interest in gender equality seen at the national level does not appear to filter into the media regulation to the same extent. Earlier we saw the widespread nature of national machineries for gender equality (see figure 2), across the broad configuration of cultures, political and economic systems worldwide.

Of the instruments governing media retrieved largely from the websites of the national media regulatory bodies identified in section 1.5 above, one third carry no provisions on gender equality or freedom of expression (FoE). A handful include FoE provisions without mention of gender equality, others contain gender-related clauses and of these, the majority also underline FoE.

Eighty percent of the instruments sampled containing gender equality provisions are specific to broadcast media (for instance, from Bangladesh, Maldives and Pakistan in Asia; Cyprus, Iceland and the United Kingdom in Europe; Jordan in the Middle East; Canada; Brazil, Ecuador and Mexico in Latin America; Guyana; and, Australia, New Zealand and Solomon Islands in the Pacific region).

Almost one half of instruments with gender equality measures protect the right to non-discrimination on the basis of a list of identities, including sex or gender, (for example in Cambodia, Timor East, Latvia, Uruguay, Jordan and Venezuela), making this the single most common issue underlined in Statutory regulation. One instrument in the sample specifically

recognizes gender diversity (Pakistan), two underscore ‘gender rights’ (Maldives, Chile), and another addresses ‘incitement to hatred based on gender’ (Zimbabwe). In numerous others, gender equality provisions are embedded across two or more clauses such as the broadcasting acts of Canada, Ireland and Czech Republic.

The lack of further elaboration of gender-related issues betrays perhaps a hesitation to delineate tighter boundaries and to leave the task of working out the details to other regulatory levels in industry and within media organisations. The hesitation may also be due to care not to appear as encroaching on media independence; learning from examples in gender policy instruments where media-related clauses are often prefaced by a reminder of the pre-existing obligation to uphold the right to FoE⁹. In launching the gender-sensitive indicators for media in 2012, UNESCO clarified this was “not an attempt to limit [media freedom] but to voluntarily enrich these cardinal characteristics.”¹⁰ Yet, as discussed in Chapter 2 of the current report, FoE and media freedom are not mutually exclusive, both are necessary for democracy and protected in international standards.

There are a few examples of authorities who have taken up the commitment to foster gender equality. One case is that of the Higher Audio-visual Council of France (CSA), legally mandated to enforce fair

representation of the diversity of French society in audio-visual and all media. It remains to be seen how the role will develop following the January 2022 merger with the country’s anti-piracy agency the High Authority for the Distribution of Works and the Protection of Rights on the Internet (HADOPI) to create the Regulatory Authority for Audio-visual and Digital Communication (Arcom).¹¹ A second example is that of Morocco’s High Authority for audio-visual communication that, guided by principles that include commitment to freedom of expression and to fighting sexist images in news and advertising, regularly monitors gender stereotypes in content and imposes penalties in cases of non-compliance.¹²

Klaus’ (2009) unpacking of “media freedom”

1.7 Media industry self-regulation

In most countries, media is also governed by self-regulatory mechanisms organised by the media industry themselves. It may contain ethical guidelines, code of conduct and complaint bodies run by the media industry. At <https://datawrapper.dwcdn.net/xvMBx/3/> is an interactive map with examples of self-regulatory bodies or organisations responsible for journalism code of ethics.

A third tier of bodies are self-regulatory mechanisms – industry organisations whose role includes monitoring content, responding to public complaints, and limiting state interference.

At least one self-regulatory body was found to be present in majority of the countries worldwide. Media/press councils are the most prevalent (Albania, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bhutan Bosnia, Botswana, Estonia, Ethiopia, India, Indonesia, Israel, Kenya, Mongolia, Myanmar, Nigeria, Papua New Guinea, among others) although some are in fact statutory, established by an Act of Parliament, for example in Bangladesh and India. Others are journalists’ associations or observatories in Francophone Africa (Burkina Faso, Côte d’Ivoire, Democratic Republic of Congo, Niger, Togo), journalists’ unions (Algeria, Comoros, Gambia, Liberia, Mozambique, Sao Tome and Principe, Somalia, South Sudan and others), and syndicates (Angola, Czech Republic, Slovakia, Jordan, Lebanon,

reveals how its legal aspects – the right to receive and transmit information without State or other interference – came to overshadow its other dimension that requires scrutiny of the media system and “addresses the prerequisites for participation and inclusion in media, both as subjects to speak and have one’s opinions heard, and as objects to be talked about and be represented in a non-discriminatory manner”. What the provisions affirm is that media freedom is not absolute, it is limited by the need to attend to competing rights and interests present in a democracy, and, following Nikoltchev (2003) the goal to ensure representation and balance of all members of society, at least on paper.

Syria and Yemen). The Eastern Caribbean Press Council, the East African Free Press Assembly and the European Broadcasting Union are examples of sub-regional self-regulatory mechanisms. Supranational collaboration in development of self-regulation tools is evident in a handful of cases, such as the Central Asia Professional Ethics Code established by journalists from Uzbekistan, Kyrgyzstan and Tajikistan.

Some countries have a form of co-regulation; within the EU, co-regulatory models are often based on the self-regulation framework anchored in public authority regulations either with the public authority laying down a legal basis for the self-regulation framework, or integrating an existing self-regulation system into a public authority framework (Nikoltchev, 2003a). Cishecki’s (2002) comparison of the American, Canadian and New Zealand co-regulatory models concluded that self-regulatory bodies were becoming increasingly important in modern regulation but public accountability had been edged out of the process. Her report noted the recommendation by MediaWatch Canada for models of co-regulation with industry, government, and the public and civil society organisations all playing a role.

Presently, the Canadian Broadcasting Standards Council (CBSC) created by Canada’s private broadcasters administers industry codes covering

9 In the Beijing Platform for Action for example, governments are mandated to “Encourage, to the extent consistent with freedom of expression, [private, State/public media] to increase the number of programmes for and by women to see to it that women’s needs and concerns are properly addressed” (Section J, para 239)

10 Blurb accompanying the publication at <http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/gender-sensitive-indicators-for-media-framework-of-indicators-to-gauge-gender-sensitivity-in-media-operations-and-content/>

11 <https://www.csa.fr/> Accessed 28 February 2022

12 <https://www.haca.ma/fr> Accessed February 28, 2022.

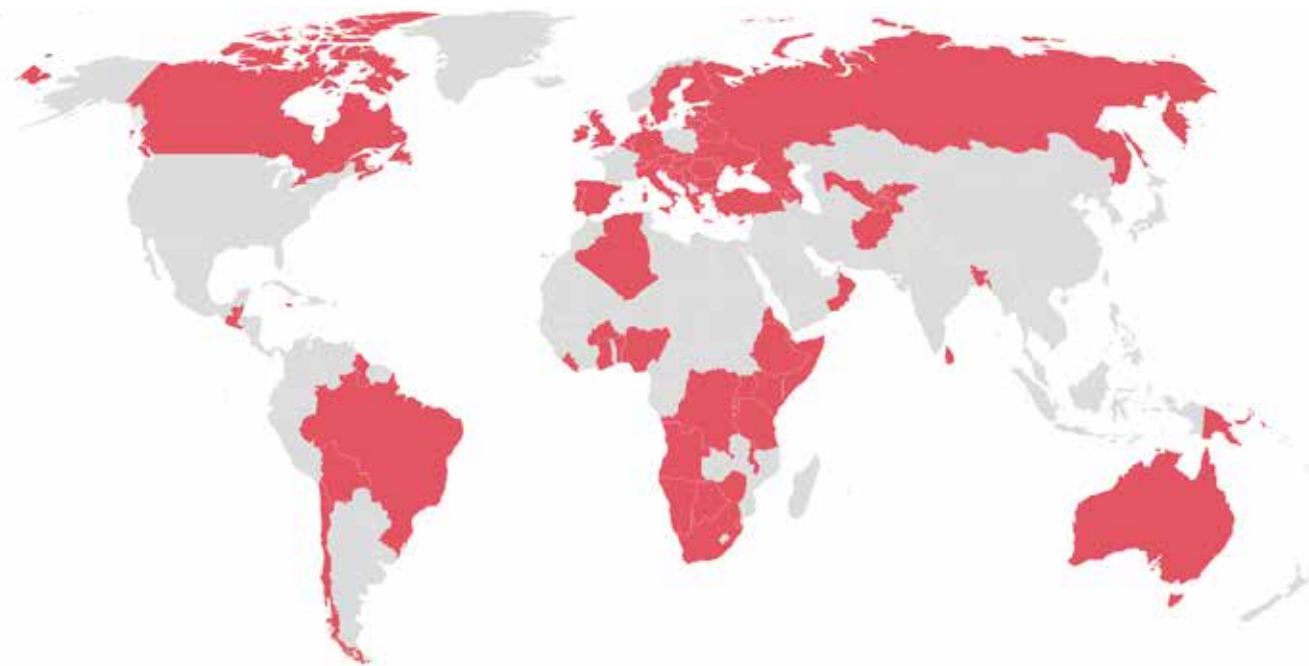


Figure 1. A sample of Gender Equality Provisions in Media Industry Codes can be found at <https://datawrapper.dwcdn.net/4ol4g/17/>

various issues, one of which is the Equitable Portrayal Code “intended to overcome unduly negative portrayal and stereotyping in broadcast programming, including commercial messages, based on matters of race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status or physical or mental disability” (para III). (Civil society groups engaged in gender and media work are concerned about the code’s treatment of gender as one among a long list of diversity factors. For example, raising the problem of hypersexualisation of girls, and hypermasculinisation of boys in broadcast content, MacKelvie et al (2017) argue for “restoring and updating a gender specific code, separate from the more general diversity code [to] better address the

issue of gender portrayal undiluted by the issue of diversity portrait¹³). The CBSC is recognised by the Canadian Radio-Television and Telecommunications Commission (CRTC), the State agency that oversees the country's broadcasting and telecommunications industries. Complaints logged by the public on the CBSC website¹³ are adjudicated by panels composed of representatives from the broadcasting industry and the general public. "Complaints about broadcasters which do not participate in the CBSC are dealt with by the CRTC. The CRTC also acts as an "appellate" body for anyone who is dissatisfied with a decision rendered by the CBSC and would like to have that decision reconsidered."¹⁴

The United States is exceptional in lacking

13 CBSC complaints portal. <https://www.cbsc.ca/make-a-complaint/>

14 Following information on the Frequently Asked Questions page on the CBSC website regarding the relationship between the CBSC and the CRTC.
<https://www.cbsc.ca/faqs/>

co-ordinated self-regulatory bodies, based on an argument of incompatibility with the First Amendment which enshrined press freedom as a founding principle of the nation state (Orme, n.d.) Nevertheless, “there are many significant self-regulating mechanisms in American journalism culture, most of them focused on issues of ethics and accuracy. These include the voluntary but influential codes of ethics promulgated by peer groups such as the Society of Professional Journalists (SPJ), which are mirrored in turn by the codes of ethics adopted by individual news organisations” (ibid.) The SPJ code does not mention gender equality, instead, it urges journalists to “boldly tell the story of the diversity” and to “avoid stereotyping” in two clauses that could be interpreted as ‘gender-related’.¹⁵

Media self-regulation tools take various forms: most common are ethics codes, charters and codes of conduct, while less frequent are professional standards (Georgia), ethics rules (Denmark), guidelines (Finland), principles of conduct (the Netherlands) and declarations (Switzerland). Instruments issued by industry bodies ([see the map in Figure 1](#)) are more likely to carry gender provisions than those established by State regulators, perhaps due to the former's particular engagement with media content. Macharia & Moriniere (2012) offer a typology through which to understand variations in the treatment of gender in codes, from single-clause mention of gender as a general, basic human rights norm, to elaborate, multi-clause, more exhaustive and firmer formulations underscoring journalists' responsibility in society.

Common to numerous codes, from the minimalist (for instance, Algerian Journalists' Charter of Personal and Professional Ethics) to the more elaborate (Canada's Equitable Portrayal Code and Tanzania's Media Gender Code of Ethics for example) is a prescription on gender non-discrimination and/or avoiding sexism. The codes treat gender as one among several other possible forms of discrimination, placing equal emphasis on biased treatment of people on the basis of race (e.g. the Code of Practice of Caribbean Journalists), religion (Press Code of Bosnia and Herzegovina; East Africa Free Press Assembly Code of Ethics), disability (Code of ethics - Declaration of Principles of Professional Journalists in Catalonia; Code of Ethics of the Chilean Order of Journalists), colour (Honour Codex of Croatian Journalists; The

15 SPJ Code of Ethics. <https://www.spj.org/ethicscode.asp>

Swaziland National Association of Journalists Code of Ethics), and ethnicity (the Ghana Journalists' Association Code of Ethics; Code of Ethics of the Association of Journalists of Guatemala).

Where codes incorporate a long checklist of diversity factors, gender issues fade into the background as demonstrated in the critique levelled against Canada's Equitable Portrayal Code discussed earlier. Media are duty-bound to reflect the diversity present in society, however, it is not clear to what extent intersectionality in codes is actually effective in keeping all issues salient in the high-pressure media production environment.

Some instruments make reference to sexual orientation, such as: the Code of Practice of Caribbean Journalists; the Guyana Media Code of Conduct; Code of Ethics of the Hong Kong Journalists Association; the Code of Ethics of Lithuanian Journalists and Publishers; the Malawi Code of Ethics and Professional Conduct, and; the Code of Ethics and Conduct for Namibian print, broadcast and online media. In India, the guideline issued by the Press Council (which while defined as a self-regulatory body is in fact statutory) contains prescriptions on portrayal of sexual minorities in clauses specific to reporting on HIV and People Living with HIV and AIDS.

Only a minority of instruments in the sample reference gender identity, for example, the UK's Editors' Code of Practice and the Australian Press Council's Statement of Principles.

Treatment of sexual assault survivors, specifically protection of their identities, is underlined in approximately one half of the instruments, including the Media Code of Conduct in the Sultanate of Oman, the Code of Practice of Caribbean Journalists, the Turkish Journalists' Declaration of Rights and Responsibilities, and the UK's Editors' Code of Practice.

A handful of self-regulation tools sanction journalism that can incite hatred on the basis of gender including: the Code of Conduct for Zimbabwean Media Practitioners; Armenia's Code of the Yerevan Press Club Member; the Ethical Code of the National Association of Hungarian Journalists, and; Azerbaijani Press Council's Code of Professional Ethics for Journalists.

1.8 Gender equality in the news vs gender equality in society

Gender equality policies in media organisations “reflect an understanding of gender inequality as an issue of discrimination and persisting unequal opportunities in the workplace and in media content, accompanied by women’s exposure to different forms of abuse” (Padovani & Bozzon, 2020). Studies of media organisations have found wide variations in gender equality policy adoption between and within countries and media organisations (c.f. C. Byerly, 2011; European Institute for Gender Equality, 2013). Padovani & Bozzon’s (2020) discuss policy adoption based on the : whether the organisation has in place (i) a gender equality policy, (ii) a policy on sexual harassment, (3) on maternity leave, (4) on paternity leave, and (5) whether women get the same jobs back after childbirth. The analysis paves way to insight on different levels of policy adoption, described as ‘gender-blind’, ‘structural-change-oriented’, ‘work-life balance’, ‘gender-sensitive’, and ‘gender-transformative’, levels that are informed by the varying combination of organisational policies present. (ibid.)

Gender equality in the news can be measured by the ‘GEM-Index’ which is concerned with women’s presence, role, and function in the news (Djerf Pierre & Edström 2020). The index may be used with other gender equality indices. *Figure 2* demonstrate the relationship between gender equality in the news (GEM-I) and gender equality in society (Gender Gap Index), indicating a positive relationship between the two, but with the news media lagging behind.

The Zimbabwe and Bangladesh country case studies found reporting guidelines and editorial

policies with gender equality provisions in most media organisations. Yet, their scores on the GEM-Index are —71 for Bangladesh and —57 for Zimbabwe, (where ‘0’ denotes gender balance, -100 (all men) and +100 (all women)). These scores are in contrast to that of Sweden (—26), a country with few gender equality provisions in editorial policies and guidelines, suggesting that factors beyond the presence of written-down rules influence gender-aware practice and performance. For instance, the positive moderate correlation ($r^2=.38$, $p<.001$) between the GEM-I and the Global Gender Gap Index points to a relationship between news media output and gender equality in the broader environment.

Media workers may be aware of organisational and/or national policies on sexual harassment but most incidents go unreported because of the stigma associated with coming forward. Melki & Mallat’s (2013) study of Lebanese newsrooms found that women failed to report due to fear of blame and the possibility of backlash against them as individuals or collectively.

With regard to reducing gender gaps in hiring, a case is made to accompany policy with affirmative action, illustrated by Klaus (2009) who concludes that the greatest advances in the employment figures of women in media in Germany were made in businesses where affirmative action and gender mainstreaming policies had been introduced by media organisations, citing as an example German broadcaster Westdeutscher Rundfunk Köln (WDR).

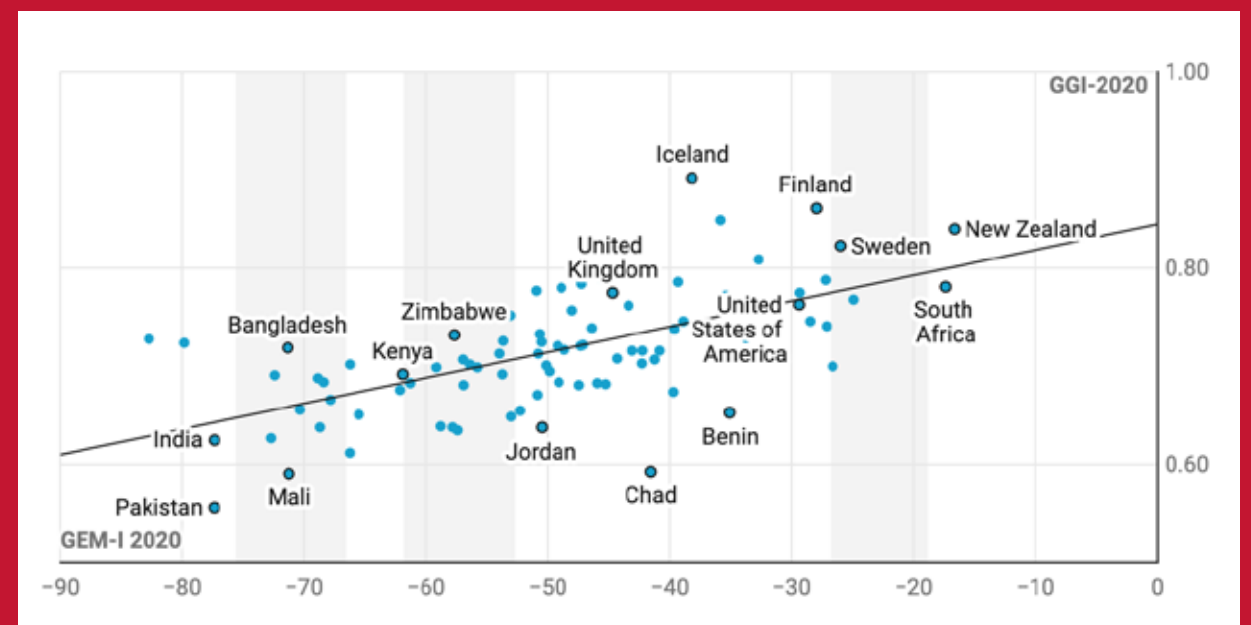


Figure 2. Relationship between gender equality in the news (GEM-Index) and gender equality in the lived experience (Global Gender Gap Index). Interactive chart at <https://www.datawrapper.de/VHMpm/>

Notes

1. The Gender Equality in News Media Index (GEM-I) measures the average gender gap in subjects, sources and journalists in the news and can vary between -100 (only men) and + 100 (only women in the stories). A GEM-I score of ‘0’ represents full gender media equality and as this chart depicts, no country has achieved this yet. Scores are calculated from six indicators of the Global Media Monitoring Project (GMMP), a worldwide study that documents change in the comparative status of women and men in news content once every five years since 1995. For details on how the index is constructed, see Djerf-Pierre & Edström, 2020 (p. 59-98). The country scores in this chart are published in the most recent GMMP report (Macharia 2021, p. 78-79). The GEM-I presents an opportunity for regulators, for use as a tool to monitor performance of news organizations on their implementation of newsroom / editorial gender equality guidelines.
2. The Gender Gap Index 2020 data published by the World Economic Forum (2019) ranks countries according to the gap between women and men in Economic Participation and Opportunity, Educational Attainment, Health and Survival, and Political Empowerment.

Zimbabwe case study report

In Zimbabwe, “constitutional dictates are clear in as far as gender equality is concerned”. Various clauses reiterate the State’s obligation to promote gender equality, guarantee gender equality and non-discrimination, and women’s right to full and equal dignity including equal opportunities in all spheres. The media organisations surveyed reported actions to address sex segregation of newsroom roles, such as requiring women and men journalists to handle “gender stories”, assigning women to traditionally male-dominated beats of politics, business, and sports, and including gender modules in staff development. Six out of seven media houses studied have in place in-house guidelines and editorial policies prohibiting sexist, blatantly discriminatory or derogatory language. Some media houses are at different stages of gender policy adoption, for instance, ZimPapers has a draft policy on portrayal and representation of women and socially excluded groups.



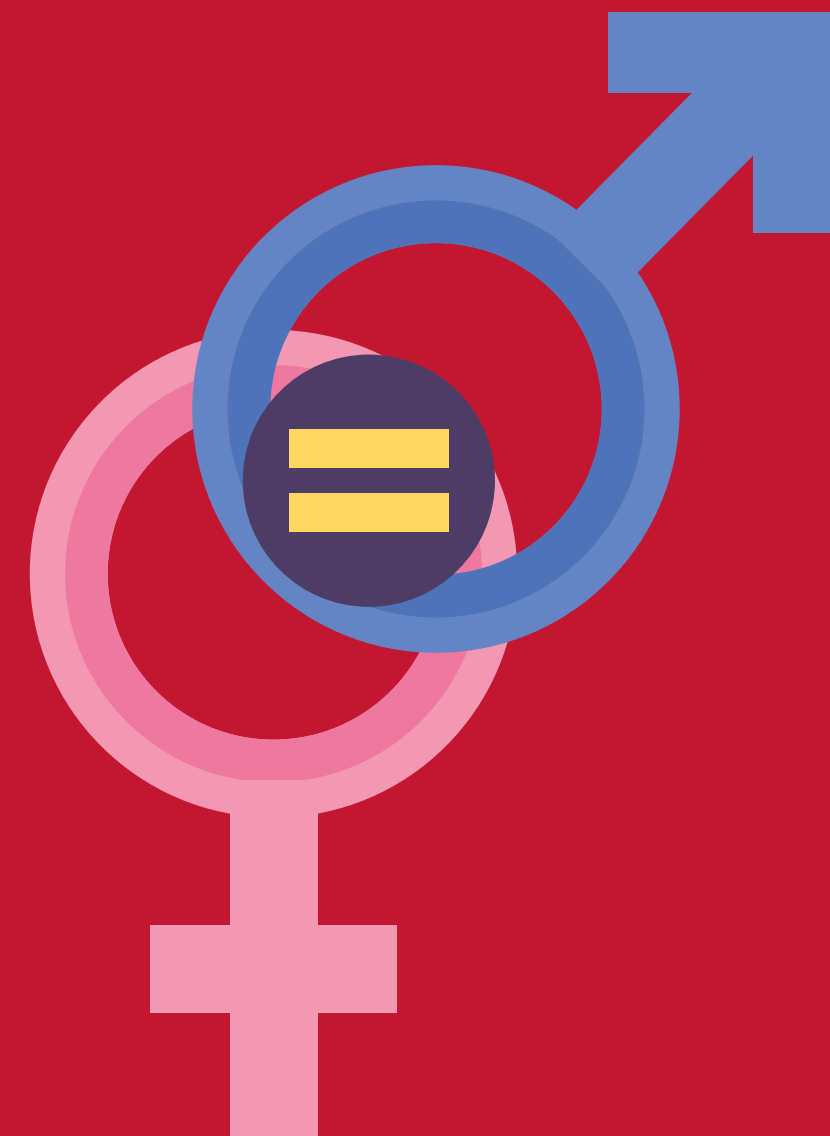
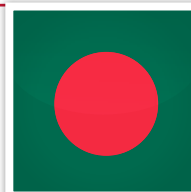
Sweden case study report

According to the representatives interviewed, most Swedish major media houses do not have their own special ethical codes, apart from the ones that the media industry has agreed upon. The ethics code posted on the website of one of the largest media houses contains no provisions on gender equality. However, all companies have to follow the Discrimination Act and its measures for gender equality at the workplace. Public service broadcasters are also obliged to follow the broadcasting permits, which require gender equality and diversity in general to be reflected in content. While questions such as inclusive language and gender stereotypes are discussed frequently in news rooms, written reporting guidelines are seldom elaborated. Managers reported that such documents tend to be forgotten or are not adhered to, and strategies, action plans or other written instructions are not considered very useful, preferring instead, dialogue and long-term thinking. Media houses tend to have electronic tools that monitor the sex of sources, at times disaggregated by age and geographic location. Some survey respondents considered gender equality to be less of a problem than lack of ethnic diversity of sources, while others cautioned on the need to keep the issue salient in order to prevent its disappearance from the agenda.



Bangladesh case study report

In Bangladesh, the Constitution grants women equality of opportunities, participation and rights, even provides for positive discrimination in the form of different quotas. But this is limited to the public sphere or the national level. Laws ruling a woman’s personal life, that is, marriage, divorce, custody of children and inheritance are based on religious norms and customs. The influence of purdah (seclusion of women prevalent in Muslim and Hindu communities) has increased and so has violence against women. Three media organisations studied do not assign night-shift work to women. One that does so provides an evening drop-off service for women, and one excludes women from covering Islamist events. Ten out of 18 organisations surveyed have editorial guidelines with gender provisions, five have a gender policy and one has an ethics code. The most common provisions regard protection of the identities of victims or survivors of sexual offences.



Chapter 2: Gender and Media Law

2.1 Outline

This chapter will present, firstly, the most relevant international human rights standards that need to be contemplated to fully understand the obligations of States vis-à-vis the protection and development of both gender equality and freedom of expression. In particular, the text will present the preeminent protection of the right to freedom of expression and freedom of information in the international human rights system and describe to what extent gender equality can provide a basis for the introduction of conditions, limitations and restrictions to the exercise of such right. It is also important to note that the interplay between freedom of expression and gender equality will not be presented in terms of mutual exclusion: according to applicable human rights instruments, freedom of expression needs to be protected on a non-discriminatory basis, and all existing obstacles need to be removed for women to fully enjoy their expression and access to information rights.

Secondly, this chapter will analyse the specific areas

where national law can intervene in order to fully protect and create the conditions for an effective exercise of the rights to freedom of expression and gender equality. These areas may include constitutional provisions, legal instruments, as well as administrative and regulatory additional mechanisms for intervention. A general approach to specific matters will be presented accompanied with some examples from different regions of the world. This chapter will particularly explore how legal and policy measures aiming at protecting and promoting gender equality (including within the media sphere) need to be articulated so that they do not introduce unnecessary or disproportionate conditions, limitations or restrictions to the right to freedom of expression. Topics covered include women's right to freedom of expression to discuss issues connected to gender equality, gender-based violence and safety of female journalists, access to information, presence and role of women in the media, the role of online platforms, and gender equality vis-à-vis hate speech, disinformation, and certain forms of offensive speech.

2.2 Freedom of expression and gender equality as international human rights

The right to freedom of expression and thought has been recognised by international instruments which seek to incorporate a set of basic universal values for the proper functioning of all democratic societies. This means that all members of the international community should adopt the rules, mechanisms and institutions that are necessary to provide a minimum level of protection to the rights to freedom of expression and freedom of information.

At the international level these rights are recognised both in Article 19 of the Universal Declaration of Human Rights (UDHR),¹⁶ and in Articles 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR).¹⁷ According to these international legal standards, there are three tenets at the core of the right to freedom of expression: the right to hold

opinions without interference; the right to seek and receive information; and the right to impart information of all kinds through any media regardless of frontiers. The United Nations (UN) Human Rights Committee has described in General Comment No. 34 the main elements of the right to freedom of expression within the universal system of human rights.¹⁸

Basic international human rights instruments also protect the right to non-discrimination from different perspectives, including gender. The UDHR proclaims the universal entitlement of the rights enshrined in the Declaration “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”, and articles 2, 3 and 26 of the ICCPR reiterate

¹⁶ “Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

¹⁷ “Article 19: 1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.”

¹⁸ United Nations, Human Rights Committee. General comment No. 34 – “Article 19: Freedoms of opinion and expression.” CCPR/C/GC/34. July 2011. Available from: <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

such international protection, particularly regarding the equal right of men and women to the enjoyment of all civil and political rights, as well as the right to be equal before the law and to receive equal legal protection. General Comments 31¹⁹, 28²⁰ and 18²¹ describe the most important implications of such provisions. It is also important to refer, as an international legal instrument, to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by UN General Assembly resolution 34/180 of 18 December 1979. In 2015, the UN General Assembly adopted 17 Sustainable Development Goals (SDGs)²². Goal 5 consists of achieving “gender equality and empower all women and girls”. Goal 16 calls on all UN member states to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions at all levels, and target 16.10 refers to “ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements”.

All these rights are equally protected under regional human rights instruments, i.e., the European Convention on Human Rights (European Convention)²³, the Charter of Fundamental Rights of the European Union (EU Charter)²⁴, the American Convention on Human Rights (American Convention)²⁵ and the African Charter on Human and Peoples’ Rights (African Charter)²⁶.

2.3 Freedom of expression as a fundamental right granted to individuals without distinction of any kind

Three main ideas need to be stressed in connection to international human rights standards:

- Freedom of expression and freedom of information are essential rights that granted to every human being regardless of nationality or

It is also important to note that for the first time in the 27-year history of the mandate of the UN Special Rapporteur on Freedom of Opinion and Freedom of Expression, this institution, occupied for the first time by a woman, released an annual report to the General Assembly on freedom of expression and gender justice on 30 July 2021.²⁷

Freedom of expression and gender equality are universal human rights protected by international legal instruments. These legal standards do not only define such rights but also establish a series of obligations for States. Such obligations encumber duties not to restrict or interfere in the exercise of these rights, and to create the conditions which shall guarantee their full effectiveness via the most appropriate instruments.

Freedom of expression and gender equality are not mutually exclusive rights. The right to freedom of expression needs to be protected on a non-discriminatory basis, and all existing obstacles need to be removed for women to fully enjoy their expression and access to information rights (gender equality within the media). In addition to this, legal and policy measures aiming at protecting and promoting gender equality (including within the media sphere) need to be articulated in such a way that do not establish unnecessary or disproportionate conditions, limitations or restrictions to the free dissemination, reception and collection of facts, ideas, and opinions (gender equality in media content).

statelessness, including asylum seekers, refugees, migrant workers, and other persons, who may find themselves in the territory or subject to the jurisdiction of a State.²⁸

- The obligation to ensure to all individuals

19 United Nations, Human Rights Committee. General comment No 31 – “The Nature of the General Legal Obligation Imposed on States Parties to the Covenant”. CCPR/C/21/Rev.1/Add. 1326. May 2004. Available from: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsjYoiCfMKoIRv2FVvVzRkMjTnjRO%2Bfud3cPVrcM9YR0iW6Txaxgp3f9kUFpWog%2FhW%2FTpKi2tP-hZsbEJw%2FGcZRASjdFuujQRnbJEaUhby31WiQPl2mLFDc6ZSwMMvmQGVHA%3D%3D>

20 United Nations, Human Rights Committee. General comment No 28 – “Article 3: The Equality of Rights Between Men and Women”. CCPR/C/21/Rev.1/Add.10. March 2000. Available from: <https://www.refworld.org/pdfid/45139c9b4.pdf>

21 United Nations, Human Rights Committee. General comment No 18 – “Article 26: Non-Discrimination”. Adopted at the 37th session of the Human Rights Committee. 10 November 1989. Available from: <https://www.refworld.org/docid/453883fa8.html>

22 <https://sustainabledevelopment.un.org/>

23 Available online at: https://www.echr.coe.int/documents/convention_eng.pdf

24 Available online at: https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en

25 Available online at: <https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>

26 Available online at: <https://www.achpr.org/legalinstruments/detail?id=49>

27 Report to the General Assembly of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan. A/76/258. Available from: <https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Report-Gender-Justice.aspx>

28 General Comment No. 31, paragraph 10.

the enjoyment of international human rights requires that State authorities take all necessary steps to enable every person to enjoy those rights. These steps include the removal of obstacles to the equal enjoyment of such rights, the education of the population and of State officials in human rights, and the adjustment of domestic legislation. In other words, freedom of expression as a human right does not only entail negative obligations for State authorities and bodies to refrain from introducing certain limits or conditions, but also positive obligations as those mentioned in the previous sentence. For example, specific regulations regarding clothing

to be worn by women in public would represent a violation of their specific right to freedom of expression as women. However, States must not only respect individual autonomy, but also adopt positive measures in all areas to achieve the effective and equal empowerment of women.²⁹

- The enjoyment of rights and freedoms on an equal footing, however, does not mean identical treatment in every instance. The principle of equality sometimes requires States to take affirmative action to diminish or eliminate conditions which cause or help to perpetuate discrimination.³⁰

2.4 Gender equality and the exercise of the right to freedom of expression

Based on what has been presented, there are several areas to consider, from a legal point of view, regarding the protection and facilitation of the exercise of the right to freedom of expression and freedom of information under conditions of gender equality.

2.4.1 Women’s right to freedom of expression to discuss issues connected to gender equality

The right to freedom of expression entails the freedom to disseminate opinions, ideas and thoughts of all kinds. The European Court of Human Rights (ECtHR) has established since its first decision on freedom of expression (*Handyside v United Kingdom*)³¹, that such right does not only cover “information” or “ideas” that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no “democratic society”.

In the ECtHR decision on *Women and Waves and others v. Portugal*³², the Court considers that Portugal violated the right to freedom of expression of three nonprofit organisations supporting the debate about women’s reproductive rights. At the time of the facts (2004) abortion was illegal in Portugal. A series of

seminars were planned to take place on board of a Dutch ship docked in the harbor of Figueira da Foz. Topics of the seminars were prevention of sexually transmitted diseases, family planning, risks of illegal abortions and need for decriminalisation of voluntary interruption of pregnancy. However, the vessel was banned from entering Portuguese territorial waters. The Court recognised the right of the mentioned organisations and their members to undertake symbolic activities of contesting legislation that they consider unjust or infringing on women’s fundamental rights and freedoms.

Thus, the proper protection of women’s rights to freedom of expression, as well as the right to discuss societal and political issues with direct implications on women’s rights is not only relevant from a strictly individual point of view, but also constitutes a fundamental pre-requisite for women’s effective involvement in political, economic, and societal discussions, particularly those connected to gender equality issues.

Most States in the world have incorporated into their constitutional, legal, and regulatory systems provisions aiming at protecting both the right to freedom of expression and gender equality. However, in many cases these provisions are not properly enforced and remain merely declaratory. Effective promotion of gender justice thus becomes more connected to the adoption of specific policies than to the enforcement of legal and regulatory provisions.

29 General Comment No. 28, paragraphs 3 and 13.

30 General Comment No. 18, paragraphs 8 and 10.

31 <http://hudoc.echr.coe.int/eng?i=001-57499>

32 <http://hudoc.echr.coe.int/eng?i=001-91046>

Among the countries particularly considered in this study, Zimbabwe counts on a solid legal framework in this field. The Constitution of Zimbabwe contains a series of founding values and principles that recognise fundamental human rights and freedoms, gender equality and diversity of the people. The Constitution Bill of Rights' section guarantees gender equality and non-discrimination and provides that every woman has full and equal dignity of the person with men, and this includes equal opportunities in political, economic, and social activities. The Zimbabwe Media Commission Act and the Broadcasting Services Act also formally protect the right to freedom of expression and open the door to regulatory practices to protect diversity and gender equality in the media. Despite the existence of these relevant pieces of legislation (among many others), and the presence of no less than 12 independent institutions to promote constitutionalism, address violations of rights and ensure human rights are respected (including the National Peace and Reconciliation Commission; Zimbabwe Gender Commission, Zimbabwe Human Rights Commission, Zimbabwe Media Commission and Zimbabwe Electoral Commission), media policies, structures and content remain static or regressive at the expense of women as media workers, as consumers of media products and as citizens. In the absence of a specific gender equality law, the National Gender Policy of 2017 is the guiding document for implementation of gender equality commitments. While this has been strengthened by the adoption of a Gender Equality Women Empowerment Framework and sector-specific line ministries have also integrated gender into policies on legal, economic, education, health, information, communications, arts and culture and conflict transformation, this has not necessarily translated to increased freedom of expression by women through the media, increased representation of women in the media or gender-sensitive portrayal of women in media content. Country experts warn about the fact that there is still reticence to implement gender equality measures beyond policy adoption, addition in plans and or "cosmetic inclusion of women into decision making for instrumental reasons".

Sweden protects freedom of expression and freedom

of information on the basis of its Freedom of the Press Act, which dates back to 1766, while the first set of ethical and professional guidelines for media date back to 1923. For radio and television there is a parallel basic law, the Freedom of Expression Act. In the 1950s and 1960s a Press Ombudsman was established by the press organisations³³ and in 1968 a Union of Swedish Journalists agreed on a professional code of conduct. This has created three sets of rules that form the basis of the media accountability and self-regulatory system: the publicity rules, the rules of professional journalism and the guidelines of editorial advertising. Since the 1970s, Sweden has initiated several legislations to promote gender equality, among others a legislation on individual taxation in households (1971), dual parental leave (1974), the Sex Equality Act (1980) regarding gender equality in the workplace, the same year a government authority, the Gender Equality Ombudsman (JämO) was installed to monitor the legislation. In 1991 a broader gender equality legislation was implemented. In 2009 a joint Discrimination Act was implemented (adapting to EU legislation) aiming to advance equal rights and opportunities, regardless of sex, ethnic belonging, faith, and sexual orientation, among other factors, a government agency was formed, The Equality Ombudsman (DO), merging the former Ombudsman agencies.³⁴ In 2018 a special Gender Equality Agency was created, that among other things monitors Beijing Platform for Action follow-ups. It is worth noting that gender equality is not mentioned in media legislation. The Swedish Broadcasting Commission, and the Swedish Press and Broadcasting Authority have not produced relevant decisions in this field. Gender equality is not directly mentioned in the self-regulatory mechanisms either.

Restrictions to the freedom of women, particularly those belonging to vulnerable collectives, do not only come from legal instruments or judicial and administrative decisions. As the UN Special Rapporteur has recently mentioned, gendered censorship may also derive from interpretations of culture, religion and tradition that subordinate women. This is the case, for example, of Zimbabwe, where national experts warn about the fact that

³³ It is important to note here that in 2020 the so-called Press ombudsman was changed into the Media Ombudsman to better cover self-regulation also in internet-based media

³⁴ For an overview of Gender equality legislation see Eva-Maria Svensson & Åsa Gunnarsson (2018): Structuralism versus Individualism in Swedish Gender Equality Policy and Law, NORA - Nordic Journal of Feminist and Gender Research, DOI: 10.1080/08038740.2018.1497704

In Somalia...

... the Constitution protects both the right to freedom of expression and opinion, and the right to equality (including gender). It is also important to note the fact that among the so-called "founding principles", the Constitution establishes that "Women must be included in all national institutions, in an effective way, in particular, all elected and appointed positions across the three branches of government and in national independent commissions". There is no gender equality law in Somalia. However, a Gender Equality and Social Inclusion policy is currently being developed by the Federal Ministry of Women and Human Rights. There is as of 2018 a Media Law which regulates broadcasting/audio-visual licensing and registration in Somalia. However, the Somali Media Law does not speak of women and/or gender-based violence in detail. The Media Law is based on the Islamic doctrine and the Somali tradition. This opens the door to very vague and open limitations to freedom of expression, including the fact that the Somali media should avoid broadcasting and disseminating materials "jeopardising the Islamic religion and the Somali traditional ethics, unity of Somali people and sovereignty of the Somali republic".



In Bangladesh...

...there is an abundance of laws and rules with gender and media-related provisions. National experts mapped 43 laws and rules, as well as a relevant and diverse number of authorities and agencies in charge of enforcement, grouped into two broad categories: general regulations, which had provisions with implications for gender-equality and gender-sensitivity issues in media, and media-specific regulations, which had similar provisions. From a historical point of view, early provisions in this field focused primarily on decency, obscenity, and other such issues mainly from a moralistic perspective, rather than protecting the rights of women. In any case, the Constitution of the country ensures women equal rights and opportunities in the public sphere, although legislation and regulations impacting media however have been slow to integrate that. Over the last couple of decades, gender-related provisions in Bangladeshi media regulation and policies have been markedly influenced by development concerns. Media advocacy for women development along with other development goals started occupying a central space in regulatory and policy frameworks, and violence against women claimed a lot of attention more recently. Sector-wide self-regulatory frameworks, starting with one issued by the Dhaka Union of Journalists in 1972 and followed by the Press Council's Code of Conduct 1993, amended in 2002, reflected the regulatory trends. Self-regulatory codes or guidelines of individual media organisations came even later and are yet in a fledgling state, as the national survey of 18 media organisations finds, although things might be changing, even if slowly, and at least in terms of awareness. At the policy level, there are 12 national policies which have gender-equality in media or content-related provisions. Ten of them are specific to media, while two are umbrella women development policies and action plans. However, in most cases, responsibilities and implementation procedures are not clearly established.



In the case of Armenia...

...it is important to note that article 86 of the Constitution indicates equality between men and women as one of the main objectives of public policy.



males still dominate, and culture affects women's lives through laws, traditions, cultural beliefs, and practices which keep women in a position of subordination to men this often reflected in how the media reports on the former. These interpretations are used to justify discriminatory laws, regulations, and institutional practices, and they also have the effect of disempowering and undermining women's agency to express themselves and discuss and define their own cultural, familiar, religious, and social values. In other words, restrictions to women's right to freedom of expression may not only result from the existence and application of a certain legal framework but also from self-censorship caused by a repressive environment based on the already mentioned factors.³⁵

2.4.2 Gender-based violence and safety of female journalists

The protection of journalists is becoming an increasingly crucial issue regarding Freedom of Expression. Violence against female journalists may then be seen as a double violation of freedom of expression; as professionals and as women. From a general perspective, the Council of Europe Convention on preventing and combating violence against women and domestic violence, adopted in Istanbul on 11 May 2011 (commonly known as the Istanbul Convention) establishes that violence against women is “a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (article 1).

In addition to this, protecting media and journalists from attacks or intimidations of all nature, preventing

such threats, and the issue of impunity constitute fundamental elements at the core of the effective and full enjoyment of the right to freedom of expression and freedom of information. Safety of journalists (including physical, psychological, and legal angles) has been placed at the top of the priorities in the human rights agenda of most relevant international and regional organisations including the United Nations³⁶, UNESCO³⁷, the Council of Europe³⁸, the OAS³⁹, and the ACHPR⁴⁰. More detailed references to these international instruments can be found in Table 1 of Chapter 1.

The UN Plan of Action on the Safety of Journalists and the Issue of Impunity highlights the susceptibility of female journalists to sexual violence as reprisal for their work, as part of mob-related violence when covering public events or when in detention or captivity, and notes that these crimes often go unreported due to “powerful cultural and professional stigmas”. In addition to the safety hazards affecting all journalists, women journalists are confronted with gender-specific safety concerns, which require dedicated attention and appropriate measures. A recent report by Fojo documents how recent years have seen an increase in reports of harassment of journalists, thus confirming that female journalists – wherever they are in the world – are significantly more at risk than male ones from online hate and harassment, as well as physical abuse⁴¹. It is also important to mention in this area the Report of the UN Special Rapporteur on violence against women, its causes and consequences, on “Combating violence against women journalists”. The Report points at different manifestations of gender-based violence against women journalists, the situation of women journalists who face multiple and intersecting forms of violence, risks and threats faced by women journalists (including gender-based violence) and media workers reporting from war zones, and the challenges associated with the application of

the international legal framework on the protection of women journalists.⁴²

The UN Human Rights Council Resolution on the Safety of Journalists acknowledges the specific risks faced by women journalists in the course of their work, and the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists. The Resolution also condemns the specific attacks on women journalists, including sexual and gender-based discrimination and violence, intimidation, and harassment, online and offline.

Therefore, in light of applicable international standards, safety of female journalists presents the following fundamental components:

- a) Threats to safety of female journalists are to be seen as considered as a specific and particularly challenging aspect of the more general issue of safety of journalists.
- b) Threats against female journalists, especially in the online world, are more numerous and often present a gender-oriented specific nature.⁴³
- c) Attackers tend to take advantage of the anonymity of the online space to inundate journalists with death threats and hate messages over social media platforms or email.
- d) Women journalists thus face a double burden: they are attacked as journalists and as women.
- e) The harassment of women journalists has an impact on the public at large. It affects the kinds of voices we hear, the stories we read, and ultimately the freedom and quality of the societies we live in.
- f) A female journalist may feel insecure in any

setting, not knowing who is watching and following her, where the threats are coming from, or how likely they are to manifest themselves in a physical attack.

- g) Bad advice from law enforcement may exacerbate these problems: “be accompanied in public”, “delete social media accounts”, “turn off computer”, “move elsewhere”.

Different measures can be adopted in this field, including unequivocal condemnation, awareness campaigns, gender specific trainings and collaboration between authorities and civil society. However, serious and committed action from states, prosecutors, and the judiciary to ensure accountability for such crimes is of utmost importance. Thus, from a strictly legal point of view, two options are possible: to implement new laws to address these challenges, or to rely on existing laws and apply them to the media environment and the new platforms.⁴⁴

In any case, article 5 of the Istanbul Convention establishes that States must not only “refrain from engaging in any act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation” but also “shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence”. When dealing with the challenges faced by women, including online, judicial officers and lawmakers must ensure that gender is given due consideration while also exercising caution to not unjustifiably limit the right to freedom of expression.⁴⁵

³⁵ See the report of the UN Special Rapporteur on Freedom of Opinion and Freedom of Expression, on the topic of on freedom of expression and gender justice, already mentioned.

³⁶ Human Rights Council Resolution 33/2 of 29 September 2016, on the safety of journalists, available online at: <https://undocs.org/A/HRC/RES/33/2>. Plan of Action on the Safety of Journalists and the Issue of Impunity, available online at: <https://en.unesco.org/un-plan-action-safety-journalists>

³⁷ UNESCO Journalists' Safety Indicators. Available online at: <https://en.unesco.org/themes/safety-of-journalists/journalists-safety-indicators>

³⁸ Recommendation CM/Rec(2016)4[1] of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors. Available online at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9#_ftn1

³⁹ Resolution of the General Assembly of the OAS (2017) on the right to freedom of thought and expression and safety of journalists and media workers. Available online at: <http://www.oas.org/en/iachr/expression/showarticle.asp?artID=1068&iID=1>

⁴⁰ 185 Resolution on the Safety of Journalists and Media Practitioners in Africa, adopted by the African Commission at its 49th Ordinary Session, held in Banjul, The Gambia, from 28 April – 12 May 2011. Available online at: <https://www.achpr.org/sessions/resolutions?id=181>

⁴¹ Available online at: <https://journaldefender.org>

⁴² Report to the UN Human Rights Council of 6 May 2020. A/HRC/44/52. Available from: <https://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/VAWJournalists.aspx>

⁴³ See the project of the OSCE Representative on Freedom of the Media on “Safety of Female Journalists Online”. Available from: <https://www.osce.org/fom/safety-female-journalists-online>

⁴⁴ In Estonia, a specialised court has been established to deal with harassment online, meaning that judges and law enforcement agencies have the necessary expertise, while in South Africa, for example, the Protection from Harassment Act has been used to address harassment both online and offline. In one particular example, it has been relied on to obtain a protection order for a victim of revenge pornography. See: <http://www.saflii.org/za/cases/ZAGPJHC/2017/297.html>

⁴⁵ See UNESCO (f2021), Toolkit for the Judiciary: Legal Standards on Freedom of Expression. Available from: <https://unesdoc.unesco.org/ark:/48223/pf0000378755>

2.5 Access to information

The right to access to information (ATI) is a fundamental right that encompasses two main aspects, the positive obligation of public (and some private) bodies to provide, to publish, and to disseminate information about their main activities, budgets, policies, and plans, and the right of all persons to ask public officials for information about what they are doing and any documents they hold and the right to receive an answer.

The right to access to information is founded on the broader right to freedom of expression and encompasses the right of every individual to seek and obtain information held by public authorities. There are now 124 countries worldwide that have access to information laws. The proper recognition and protection of this right has become a basic pre-condition of a democratic society. The RTI Rating, a joint initiative of Access Info Europe and the Center for Law and Democracy⁴⁶ encompasses the most relevant comparative law standards. The indicators are divided into seven different categories, namely: right of access, scope, requesting procedures, exceptions and refusals, appeals, sanctions and protections, and promotional measures. The right to ATI does not only encompass the obligation of States to adopt a proper, relevant legislation and regulations (including constitutional provisions, legislation and regulation and administrative decisions), but also to put in place all the relevant institutional and organisational instruments that would guarantee the effective implementation of the legal mentioned regime.⁴⁷

ATI is essential for people to know their rights and how they can be exercised and protected, particularly vis-à-vis those sectors of society that are marginalised or excluded and do not have systematic and dependable ways of acquiring information on the scope of their rights and how to exercise them.

It is important to note that ATI is a tool to enhance gender equality policies. According to the already mentioned recent report by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, ATI is key to women's empowerment and agency. Firstly, it can facilitate access to information of particular interest to women, e.g., data on workplace inequalities or violence against women. Secondly, it is an important instrument to grant access to gender-related information including reproductive and sexual health, and sexual education.

In addition to this, it is also important to underscore the fact that, from a broader perspective, the exercise of the right to ATI, as well as the general right to seek and receive information, is also dependant on having access to the technology and connectivity that can properly facilitate them. According to already mentioned Report by the UN Special Rapporteur on Freedom of Opinion and Freedom of Expression, the gender digital divide (unequal access to the Internet) is a major impediment to the empowerment of women, especially those who are excluded from other public spaces, such as gender nonconforming people or young women from traditional societies. She also very importantly stresses the fact that disparities in Internet access are grounded in other disparities that women face in society arising from their economic, social, political, and cultural contexts, and thus addressing the gender digital divide also requires addressing other very relevant societal divides. Being true that access to technology and connectivity may present, in some cases, further risks of control and harassment⁴⁸, this only confirms that addressing these matters requires a comprehensive legal and policy approach that properly covers all the relevant issues to be taken into consideration.

⁴⁶ <https://www.rti-rating.org>

⁴⁷ See Carlyn Hambuba and Rachel Kagoyi (2009), *Freedom of Information (FOI) and Women's Rights in Africa - A Collection of Case Studies from Cameroon, Ghana, Kenya, South Africa and Zambia*, Nairobi: African Women's Development and Communication Network. Available online at: <https://unesdoc.unesco.org/ark:/48223/pf0000187147>

⁴⁸ See Bridget Harris, Molly Dragiewicz, and Delanie Woodlock (2020), "Technology, Domestic Violence Advocacy and the Sustainable Development Goals", Blaustein, J., Fitz-Gibbon, K., Pino, N.W. and White, R. (Ed.) *The Emerald Handbook of Crime, Justice and Sustainable Development*, Emerald Publishing Limited, Bingley, pp. 295-313. <https://doi.org/10.1108/978-1-78769-355-520201017>

2.6 Presence and role of women in the media

The Beijing Declaration and Platform for Action of 1995⁴⁹ includes in its strategic objectives and actions (section J, on "Women and the Media"), the objective of increasing "the participation and access of women to expression and decision-making in and through the media and new technologies of communication". Actions to be taken by the States include the promotion of "women's full and equal participation in the media, including management, programming, education, training, and research", aiming at "gender balance in the appointment of women and men to all advisory, management, regulatory or monitoring bodies, including those connected to the private and State or public media", and to "encourage and recognise women's media networks". It therefore encourages national and international media systems to adopt regulatory and self-regulatory mechanisms "that promote increased participation by women and men in production and decision-making".

The guarantee of the presence of women within the media, i.e., as journalists and other media staff, collaborators, experts, managers, or owners, is generally absent, in terms of compulsory provisions, in media legislation. Media legal frameworks generally focus on gender equality and women representation in media content, particularly when it comes to combatting or avoiding sexist prejudices and stereotypes, as well as avoiding violence against women. However, media organisations are also subjected to general provisions included in gender equality legislation precisely regarding equality of opportunities and payment conditions in different sectors of economic activity. These provisions are usually connected to the principles included in the CEDAW globally and the European Social Charter at the level of the European Union.

As already mentioned, gender equality laws do not generally contain specific provisions in the mentioned areas beyond general principles, as the determination of staff composition and payment schemes tend to be acknowledged as tenets of the commercial freedom of private companies. Therefore, cases of gender inequality are usually tackled by Courts based on individual claims of violation of anti-discrimination

provisions included in labour legislation. In any case, an interesting formula can be found in the United Kingdom, in the 2017 Equality Act, which imposes on all companies (including media organisations) above a certain size the obligation to publish their gender pay gap data. According to a recent report by the Council of Europe, for big organisations like the BBC this has resulted in enhanced public scrutiny and pressure for action: following the publication of its pay gap, this company had to redress its gender pay gap.⁵⁰

It can thus be concluded that progress in this area particularly relies on the adoption of voluntary codes of conduct by media outlets. It is also important to note that due to their obligations in terms of pluralism, diversity and effective enjoyment of fundamental rights, public service media particularly have examples of good practices regarding gender equality internal staff policies. Regarding the former, Zimbabwe counts for example on a wide range of self-regulatory initiatives that include mechanisms to improve gender equality in the media (implemented by organisations such as Voluntary Media Council, Zimbabwe Union of Journalists, Zimbabwe National Editors Forum, Zimbabwe Association for Community Radio Stations, Media Monitors and Media Alliance of Zimbabwe, Gender and Media Connect, Women in News and the Humanitarian Information Facilitation Centre). These initiatives encompass ethical codes, trainings, awareness campaigns and other activities and tools to enhance good ethical practice, as well as gender-responsive reporting and inclusion.

Public service media is understood as media serving the needs of the public in a democratic society, via specific State regulation and oversight, which is neither commercial nor state-owned, free from political interference and pressure from commercial forces. This media sector, when it exists, is usually the object of specific obligations regarding the promotion of gender equality.

In Sweden, public service media, SVT (Sveriges Television), UR (Swedish Educational Broadcasting Company) and Swedish Radio (SR), are subject to the most extensive conditions. These media

⁴⁹ https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf?la=en&cs=1203

⁵⁰ See the report by the Council of Europe of 2017 on the progress made since Recommendation CM/Rec(2013)1 on gender equality and media: Gender Equality and Media. Pages 13 and 27.

are supposed to be impartial and, if inaccurate information is disseminated, to correct it. Regarding gender equality, the so-called broadcasting permission points out that SR, SVT and UR shall adhere to an equality and diversity perspective. These notions are only broadly presented, without a clear definition or practical development indicators. The oversight of these obligations is undertaken by the Broadcasting Commission within the Swedish Press and Broadcasting Authority (on the basis of an audit elaborated by the mentioned media companies). Despite formally being under Ministry of Culture, the Commission and the Authority Sweden count on effective regulatory safeguards for the independence of the Swedish Press and Broadcasting Authority, limiting the risk of political and commercial interests.

In Armenia, the Law of 2013 on Ensuring Equal Rights and Equal Opportunities for Women and Men provides that public media must support the progress of gender equality through the provision of relevant content in this field. More broadly, the Law of 2020 on Audiovisual Media establishes that public service media provide programs aimed at overcoming stereotypes including features of national, racial, religious and gender discrimination.

Regarding media regulatory authorities as such, the Gender Equality Commission of the Council of Europe underscored in 2015 that media legislation and regulation dealing specifically with gender equality is usually “either minimal or very general in scope”⁵¹. Thus, gender equality is promoted on the basis of the general constitutional principles of diversity, pluralism and non-discrimination. This being said, in some cases legal provisions on the role

and functions of regulatory authorities do contain specific measures to promote gender equality. They may relate to regulators’ human resources policies, requiring effective representation of women, or they may concern the content of programmes and improvements to the portrayal of women. It is also important to note that in the majority of the countries analysed for this study, currently there is no gender policy on the composition and functioning of media institutions beyond the generic requirements for gender balance (usually at the constitutional and/or legal levels). From a broader perspective, the European Regulators Group for Audio-visual Media Services (ERGA) (a coordination group of audio-visual regulatory bodies within the EU) published in 2019 a relevant “Study on Industry-led Good Practices related to Gender Diversity in the European Audio-visual Sector” with the objective of documenting existing industry-led practices to ensure a fair representation of genders both on and off-screen, and developing non legally binding recommendations on good practices, including common indicators of gender equality allowing for the analysis of the efficiency of the reported initiatives.⁵²

Last but not least, license tender procedures can also be used in order to promote gender equality in the media. Criteria including women ownership, presence of women in management and journalist responsibilities, and the inclusion of a particular focus/sensitivity regarding gender issues in the content proposal can be given relevance and value when considering the different bids. These elements may also be consequently incorporated into the license obligations accepted by the awardees.

collaborating, and gaming; or searching and referencing⁵³. This includes services provided by social media platforms like Facebook or Twitter, content sharing platforms such as YouTube or Vimeo, and search engines like Google or Yahoo. These providers

play an important role as facilitators of the exercise of the users’ right to freedom of expression.

Same legal and regulatory rules that apply to offline speech must in principle also be applied and enforced regarding online speech, including content distributed via online platforms. This being said, it is also important to note that some platforms moderate (regulate) content according to their own – private – rules. Content moderation consists of a series of governance mechanisms that structure participation in a community to facilitate cooperation and prevent abuse. Hosting platforms tend to promote the healthiness of debates and interactions to facilitate communication among users.⁵⁴ Platforms adopt these decisions on the basis of a series of internal principles and standards. Examples of these moderation systems are Facebook’s Community Standards⁵⁵, Twitter’s Rules and Policies⁵⁶ or YouTube’s Community Guidelines⁵⁷. In any case, it is clear that platforms have the power to shape and regulate online speech beyond national law provisions in a very powerful way.

Platforms do not only set and enforce private rules regarding the content published by their users. They also engage in thorough policing activities within their own spaces as well as play a fundamental role in determining what content is visible online and what content – although published – remains hidden or less notorious than others. Even though users are free to directly choose content delivered via online hosting providers (access to other users’ profiles and pages, search tools, embedding...) platforms’ own recommender systems are extremely influential inasmuch as they are in a central position among their interfaces and have become key content discovery features⁵⁸. Being true that final recommendation results are the outcome of a bilateral interaction between the user – including their preferences, bias, background, etc. – and the recommender systems themselves, it also needs to be underscored that the latter play an important gatekeeping role in terms of

prioritisation, amplification, or restriction of content.

In this context, it must be noted, firstly, that platforms’ content moderation systems contain rules and standards aimed at protecting users against certain types of abuses, attacks, and other malicious actions including gender-based ones. Just to mention a few examples, Facebook’s policy rationale regarding bullying and harassment⁵⁹ states that “we remove content that’s meant to degrade or shame, including, for example, claims about someone’s personal sexual activity”. Actions that are not allowed include “repeatedly contacting someone” in a manner that is “unwanted or sexually harassing or directed at a large number of individuals with no prior solicitation”, “making severe sexualised commentary” “sharing derogatory sexualised photoshopped imagery or drawings”, or “claims about romantic involvement, sexual orientation or gender identity”, among many others. It is important to note that many of these rules do not necessarily refer to illegal content or behaviour. They are aimed at creating a certain environment of civility within users of the platform, particularly those who could be particularly vulnerable to certain types of attacks.

In addition to organic content, it is also important to stress that platforms have specific rules regarding commercial messages or ads placed by third parties. To mention again three major players, YouTube Advertising Policies⁶⁰, Twitter Ads Policies⁶¹, and Facebook Advertising Policies⁶² do not appear to count on specific rules aimed at protecting and promoting gender equality in this field. However, all three platforms have general rules regarding non-discrimination based on a wide range of categories (and with a particular emphasis on “protected categories of costumers” or cases of “systemic discrimination”), as well as vis-à-vis sexually explicit imagery or language (usually with no specific references to gender).

Secondly, it is also true that several content

2.7 The role of online platforms

The intermediaries have become main actors in the process of dissemination and distribution of all types of content. The notion of intermediaries refers to a wide range of online service providers including online storage, distribution, and sharing; social networking,

51 Council of Europe, Handbook on the implementation of Recommendation CM/Rec(2013)1 of the Committee of Ministers of the Council of Europe on gender equality and media. Page 17

52 Available from: https://erga-online.eu/wp-content/uploads/2020/01/ERGA_2019_SG4_Report.pdf

53 See the comprehensive and detailed categorisation provided by Joris van Hoboken, João Pedro Quintais, Joost Poort, Nico van Eijk, “Hosting intermediary services and illegal content online. An analysis of the scope of article 14 ECD in light of developments in the online service landscape”, European Commission - DG Communications Networks, Content & Technology and IViR, 2018. Available online at: <https://op.europa.eu/en/publication-detail/-/publication/7779caca-2537-11e9-8d04-01aa75ed71a1/language-en>

54 James Grimmelman, “The Virtues of Moderation”, 17 Yale J.L. & Tech (2015). Available online at: <https://digitalcommons.law.yale.edu/yjolt/vol17/iss1/2>

55 <https://www.facebook.com/communitystandards/>

56 <https://help.twitter.com/en/rules-and-policies>

57 <https://www.youtube.com/howyoutubeworks/policies/community-guidelines/>

58 See a recent and thorough analysis on these matters in Paddy Leerssen, “The Soap Box as a Black Box: Regulating Transparency in Social Media Recommender Systems”, European Journal of Law and Technology, Vol 11, No 2 (2020).

59 <https://transparency.fb.com/en-gb/policies/community-standards/bullying-harassment/>

60 Available from: <https://support.google.com/adspolicy/answer/10249050?hl=en>

61 Available from: <https://business.twitter.com/en/help/ads-policies.html>

62 Available from: <https://www.facebook.com/policies/ads/>

moderation rules and policies established by online platforms may also be used to curtail women's sexual expression. The Oversight Board is Facebook's (Meta) own, yet external, body to assess the implementation of the mentioned Community Standards. In one of its first decisions (28 January 2021), the Board overturned the decision to remove a post on Instagram for allegedly violating the company's Community Standard on adult nudity and sexual activity⁶³. The post included eight photographs within the picture showed breast cancer symptoms with corresponding descriptions. Five of them included visible and uncovered female nipples, while the remaining three photographs included female breasts, with the nipples either out of shot or covered by a hand. The Board expressed concern regarding the fact that, even though the content was allowed under a policy exception for

“breast cancer awareness” in Facebook's Community Standard on adult nudity and sexual activity, it was wrongfully removed by an automated enforcement system and potentially without human review or appeal. Apart from establishing the reinstatement of the images in question, the Board also recommended Facebook (Meta), among other things, to improve the automated detection of images with text-overlay to ensure that posts raising awareness of breast cancer symptoms are not wrongly flagged for review, ensure that users can appeal decisions taken by automated systems to human review when their content is found to have violated Facebook's Community Standard on adult nudity and sexual activity and to revise the Instagram Community Guidelines to clarify that the ban on adult nudity is not absolute and visible female nipples can be shown to raise breast cancer awareness.

2.8 Gender equality vis-à-vis hate speech, disinformation, and certain forms of offensive speech

2.8.1 Introduction

Not only female journalists may be object of certain forms of dangerous and offensive speech. Women in general are victims of practices such as direct threats or incitement to physical or sexual violence. These are actions that are already and broadly penalised in most criminal legal systems. In some cases, the legislation also includes, in the evaluation of aggravating circumstances, gender identity (and particularly the fact that the victim is a woman) and sexual orientation, provided that the defendant was precisely and demonstrably motivated by bias or animus based on such factors.

There are also other similar general crimes that can be specifically committed via the transmission or dissemination of specific information or content via online direct communication or online media public spaces, particularly social media. This includes practices such as “sextortion”, doxing, trolling, online bullying and harassment, online stalking, online sexual harassment, non-consensual sharing of intimate images, smear campaigns, electronic sabotage, impersonation of the victim online and the sending of

abusive messages in the victim's name.

Once again, some of these actions can still be prosecuted and punished via general criminal provisions originally designed for the offline world. Several national legal systems have also started to introduce specific criminal provisions aiming at particularly punishing these practices in the online world (particularly when they subject the victim to very wide exposure) with gender and sexual orientation also being aggravating circumstances. It is also important to note that at the level of Council of Europe there are international instruments that provide guidance on substantive criminal laws that protect children and women from abuse and violence, including in the online environment. The most relevant legal text in this field is the Convention on Cybercrime (Budapest Convention), adopted in Budapest 23 November 2001⁶⁴. In the international human rights system, it is also important to note here the report of the UN Special Rapporteur on violence against women, its causes and consequences, on online violence against women and girls from a human rights perspective, of 18 July 2018⁶⁵.

Apart from the general provisions that have already

been commented, it is important to focus now on other forms of possible illegal or harmful content affecting gender equality, in particular gendered hate speech as well as other forms of sexist speech, and gendered disinformation. These notions will be further explained below.

2.8.2 Hate speech vs offensive speech

Besides the general regime established in article 19 ICCPR (introducing a general protection and restrictive exceptions), the international human rights system also incorporates a specific provision which incorporates clearly established obligations for States to forbid certain categories of speech (article 20 ICCPR):

“1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

Article 20.2 ICCPR contains a broad definition of hate speech. However, it is the responsibility of the national legislator, as well as national judicial operators, to establish a clear legal definition and to make a proper assessment of each piece of content on the basis of principles, rules and conditions established in international law.

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has stressed, in light of consolidated international standards, that “the right to freedom of expression includes forms of expression that are offensive, disturbing and alarming”, and therefore “not all types of incendiary, hateful and offensive expressions can be regarded as incitement”.

Therefore, hate speech necessarily requires “the concurrence of a real and imminent danger of violence

resulting from the expression, the author's intention to incite discrimination, hostility or violence and careful examination of the context in which the hate is expressed by the judiciary”. It is important to take into account, in this sense, that “although some types of expression may generate concern from the point of view of tolerance, civility and respect for others, there are cases in which neither civil nor criminal penalties can be justified”.⁶⁶

It is important to note, in this area, the threshold test on hate speech extracted from the Rabat Plan of Action, which permits to assess if a particular statement reaches the level of actual incitement to discrimination, hostility or violence. The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence brings together the conclusions and recommendations from several expert workshops organised by the Office of the UN High Commission for Human Rights. The Rabat framework test lays out six parameters to check if a statement may amount to a criminal offence. On a case-by-case basis, the test looks into the context, speaker, intent, content, extent of the speech, and likelihood of harm.⁶⁷

Therefore, and still from a general perspective, it is important to differentiate three types of hateful speech:⁶⁸

- Severest forms of hate speech that are prohibited under international law, according to the parameters mentioned above, and particularly the six-part threshold test. In these cases, hate speech is not only illegal, but also criminalised.
- Forms of hate speech that do not reach the threshold of incitement may also be prohibited under international law, in specific circumstances. These include certain ideas or opinions expressed in certain periods such as in the run-up to elections, or in relation to certain contexts, i.e., in the broadcast media or in educational institutions. Legal responses may include civil or administrative measures, provided that they respect the already mentioned three-part test (legality, necessity, and proportionality).

63 Available from: <https://oversightboard.com/decision/IG-7THR3SI1/>

64 Available from: <https://rm.coe.int/1680081561>

65 Available from: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F38%2F47&Language=E&DeviceType=Desktop>

66 Report by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, September 7, 2002, A/67/367, available at: <https://documents-ddsny.un.org/doc/UNDOC/GEN/N12/501/28/PDF/N1250128.pdf?OpenElement>

67 <https://www.ohchr.org/EN/NewsEvents/Pages/Hate-speech-threshold-test.aspx>

68 See the document “United Nations Strategy and Plan of Action on Hate Speech. Detailed Guidance on Implementation for United Nations Field Presences” published in September 2020, and available online at: https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20PoA%20on%20Hate%20Speech_Guidance%20on%20Addressing%20in%20field.pdf

- c) Least severe forms of hate speech, which must not be subject to legal restrictions according to international law. This category includes speech which may contribute to spreading hatred but still deserves protection under the free speech clause. These include expressions that are “merely” offensive, shocking or disturbing, but do not trigger the harm and danger associated to the previously mentioned expressions of hatred.

In this context, how can gendered hate speech be understood and tackled? In order to answer these questions, it is important to focus on a fundamental element of the notion of hate speech: the so-called identity factor. Hate speech refers to a person or a group on the basis of a wide range of identity factors. Article 20.2 ICCPR mentions nationality, race and religion, but this is currently seen as an open list which may also encompass colour, descent, gender, language, political or other opinion, belief, social origin, property, birth or other status including indigenous origin or identity, caste, disability, health status, migrant or refugee status, place of residence, economic and social situation, marital and family status, sexual orientation, gender identity, intersex status, age, albinism or HIV, among many possible factors.

Is it therefore possible to use the notion of gendered hate speech in order to ban, prohibit or punish certain forms of speech targeting women? The general answer is yes, although it is also important to take a few factors into account:

- a) Gendered hate speech can be banned and criminalised in cases where the requirements of the Rabat six-part test are met and an imminent danger in terms of hostility, discrimination or violence is created by the public promotion and dissemination of hatred. The latter is to be understood as the expression of intense and irrational emotions of opprobrium, enmity and detestation towards the target group.
- b) The target group must consist, according to international standards, of groups in situations of vulnerability due to entrenched or historic stigmatisation, discrimination, long-standing conflicts, and exclusion and marginalisation from the political, economic, and social life of the society. Women play different roles and find themselves in different positions in different types of societies. Even though gender equality is an issue in most countries of the

world, inequalities and injustices vary from one territory to another. In very restrictive and gender unequal societies, the totality of women (even representing 50% of the actual population) might be considered as a sole, identifiable target group regarding hate speech. In other (the majority) of societies, gendered hate speech would hardly meet the international criteria to be criminalised, due to the fact that women may constitute a too broad and heterogeneous group in order for any form of hateful speech to create an actual and imminent danger. In these cases, gendered hate speech would generally encompass other additional identity factors, such as sexual orientation, gender identity, family status, migrant or refugee status or presence in a particular environment (i.e., women activists using social media). Moreover, in many advanced societies, several forms of misogynist or sexist speech are to be considered as merely offensive or inappropriate, to the extent that they are disconnected from any specific or minimally identifiable danger or harm.

- c) As mentioned earlier, there are certain forms of hate speech that do not reach the threshold of incitement but can still trigger legal consequences in the form of civil liability or administrative penalties. Examples of these cases may include certain expressions during an election campaign (for example, aiming at discrediting candidates because of gender), the dissemination of certain types of content via high-impact platforms (for example audiovisual services) or the communication of certain ideas and opinions to vulnerable audiences (as would be the case of an education environment). For example, the general European Union (EU) law that establishes the main principles regarding the regulation of audiovisual services (to be developed and implemented via the adoption of specific legislation and regulations at the national level), the Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), establishes in article 9 that commercial communications (advertising, product placement,



“...the right to freedom of expression includes forms of expression that are offensive, disturbing and alarming.”

sponsorships...) shall not “include or promote any discrimination based on sex”. In any case, legal provisions in this field must respect the three-part test to be considered as legitimate restrictions to the right to freedom of expression:

- c.1. Illegal acts need to be properly and specifically defined, thus avoiding broad categories such as “discriminatory content”, “sexist expressions”, “misogynistic opinions”, etc., so that legal certainty is guaranteed, and no excessive and discretionary interpretation powers are granted to courts and regulatory bodies.
- c.2. Necessity of the measures in question is to be properly justified based on the actual impact, societal harm, and verifiable negative consequences that the content in question generates. Although this study does not focus on advertising content (or, more broadly, commercial speech) and consumer protection, national legislation in these areas may contain specific restrictions, based on the fact that commercial communications are subjected to a lesser amount of protection than editorial speech.
- c.3. Any restriction, condition, liability, or penalty imposed in this context needs to represent a minimal degree of interference in the fundamental right to freedom of expression in order to avoid any collateral intimidatory or chilling effects.
- d) Offensive, shocking, or disturbing sexist or misogynist speech not included in the other categories explained in this section cannot be subjected to legal restrictions. As it was mentioned earlier, the protection of freedom of expression in democratic and pluralistic societies encompasses not only ideas or opinions that are aligned with basic principles of tolerance, equality, and respect. The right to freedom of expression goes beyond the dissemination of politically correct opinions or the “militant” promotion of democratic values. It also protects ideas that radically question, refuse, or contradict societal fundamental principles and may be perceived as offensive, hurtful, or

simply unacceptable by most of the society. These may also include the expression of sexist and misogynistic ideas and opinions. According to international standards, limits to freedom of expression cannot be defined on the basis of the content itself (its ideological orientation, background, correction, or truthfulness), but only on the overriding necessity to protect rights and dimensions of the public interest which are verifiably and directly endangered by the content in question. Introducing boundaries beyond these criteria would put in the hands of legislators, judges, and regulators the power to restrict critical, offensive, extremist and minoritarian speech. This would not only endanger the effective protection of the right to freedom of expression, but the fundamental idea of pluralistic democracy itself. Being true that these forms of speech may present a negative social impact and have the potential effect of “limiting” the voice and space of certain groups, from a human rights perspective such effects cannot be countered via the imposition of restrictions or limitations but rather at the policy and “positive” level in terms of enabling and promoting the visibility of certain messages and discourses and dealing with the societal root causes that originate such behaviours⁶⁹.

In Armenia, the Law of 2013 on Ensuring Equal Rights and Equal Opportunities for Women and Men considers reproducing gender stereotypes through mass media, education, and culture as a form of indirect gender discrimination. In addition to this, the Law of 2020 on Audiovisual Media also contains content provisions applicable to all types of service providers (both public and private) in areas including discrimination based on gender, hatred based on gender, stereotypes and sexism, as well as equal representation and treatment of women, men, and recognised gender minorities. In any case, according to this legislation, public media has a positive obligation to actively promote gender equality and counter discriminatory stereotypes.

It needs to be underscored that in a democratic society, general prohibitions of the elaboration,

distribution, or acquisition of “sexual content”, including pornography would not meet the requirements of necessity and proportionality. Restrictions in this area would only be accepted in cases where the creation of the content is directly connected to the commission of sexual crimes (like rape or sexual abuse) or are strictly necessary and targeted to prevent access to this type of content by vulnerable groups (particularly minors).

In the landmark case of *Akdaş v. Turkey*, the ECtHR protected under the freedom of expression clause in 1999 the publication in Turkey of the Turkish translation of the French erotic novel “*Les Onze Mille Verges*”, by Guillaume Apollinaire⁷⁰. The novel contains graphic descriptions of sadomasochist and other sexual acts. The Court stresses the fact that Apollinaire was a globally renowned author, and that the novel had been published many times, and in many languages, since it had first been released more than a century ago. The Court stresses the fact that cultural, historical, and religious peculiarities of the member countries of the Council of Europe, cannot go so far as to prevent public access of a given language, in this case Turkish, to a work belonging to the European literary heritage.

In Bangladesh, the Printing Presses and Publications Act has a section which establishes that if any book or paper appears to the Government to contain any indecent, obscene, or scurrilous elements, all copies will be forfeited and confiscated. The Bangladesh Telecommunication Regulation Act has a section highly penalising the transmission of obscene, threatening or seriously offensive messages or contents. It is also important to note, in terms of restrictions, that the umbrella regulator for all types of media is a political body, the Ministry of Information. The Press Council of Bangladesh, a statutory quasi-judicial body, funded mainly by the government, is an agency of the Ministry of Information. Plus, the Council chair is appointed by the Government. The Press council does not monitor contents on its own, as it only responds and acts when a complaint is placed before them. In any case, the Council does not have any specific mandate or provision for reviewing gender-related complaints. In addition to this, the fact that several criminal laws including those

concerning violence against women and children, have provisions applicable to media have enshrined the criminal justice system as the regulator by default in many relevant areas. The situation in this country clearly contradicts the already mentioned international standards in terms of legal certainty, necessity, and proportionality of speech restrictions (including those based on gender equality principles). Also, the fact that most of the limitations are interpreted and applied by politically guided and non-independent bodies raises important concerns in terms of arbitrariness and abuse of power.

As already mentioned above, even though legal restrictions would not be acceptable vis-à-vis merely offensive, shocking, or disturbing sexist or misogynist speech, it is obvious that such expressions can increase already existing gender-based differences and facilitate the promotion of stereotypes contrary to the values of an equal and diverse society. For this reason, policymakers, civil society, and other relevant stakeholders have the possibility to use a wide range of alternative (and probably more effective) positive measures to properly address the mentioned societal risks:⁷¹

- a) Establishment or reinforcement of codes of ethics for journalists, specifically covering gender treatment issues.
- b) Education curricula reform.
- c) Public policy/regulatory framework to promote media pluralism and reinforce the role and mission of public service media.
- d) Specific trainings and other actions aimed at public officials, politicians, teachers, members of the armed forces, the police and the judiciary, legal and medical professionals, the representatives of minorities, etc.
- e) Training of journalists and media professionals on freedom of expression and the right to equality and non-discrimination.
- f) Civil society initiatives (e.g., human rights education, peer-to-peer learning, monitoring and reporting of hate speech, and storytelling by victims/targets).
- g) Alliances formed between State and influential actors (such as religious leaders, faith actors and artists).

⁶⁹ The complexity of this matter and the need to take into consideration not only legal factors is very well presented in the “Report on legal and public policies proposals to address anti-gender hate speech”, elaborated by the members of the European project titled “Hate speech, gender, social networks and political parties” (GENHA). Available from: <http://genha.eu/sites/default/files/pdf/Report%20on%20legal%20and%20public%20policies%20proposals%20-%20copia.pdf>

⁷⁰ <http://hudoc.echr.coe.int/eng?i=001-97297>

⁷¹ More detailed initiatives can be found at the already mentioned document “United Nations Strategy and Plan of Action on Hate Speech. Detailed Guidance on Implementation for United Nations Field Presences”.

In the same sense, the Istanbul Convention tasks States with encouraging “the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity” (article 17.1). Equally, the second paragraph of article 17 establishes that States must also “develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful”.

Last but not least, besides these binding norms,

2.8.3 Gendered disinformation

The notion of gendered disinformation is relatively new and establishing an agreed definition may still be seen as a work in progress. Citing the work of Jankowicz, a paper elaborated by International Media Support (IMS) defines this concept as subset of online gendered abuse that “uses false or misleading gender and sex-based narratives against women, often with some degree of coordination, aimed at deterring women from participating in the public sphere.”⁷⁶

The Association for Progressive Communications (APC), in an oral statement to the UN Human Rights Council on 1 July 2021, subscribes the same definition and underscores the fact that it combines three defining characteristics of online disinformation: falsity, malign intent, and coordination. It also points out at the fact that “gendered disinformation targets not only women, but feminist struggles and gendered discourse. In practice, it is used to silence; to push women to self-censorship; and to restrict their civic space”.⁷⁷

From a general perspective, disinformation constitutes a harmful form of speech that contaminates and deteriorates the quality and

there are also some general standards aiming at promoting recommendations and good practices both at the level of State authorities and media actors. A good example of this, at the level of the Council of Europe, is the Recommendation CM/Rec(2019)1 of the Committee of Ministers of 27 March 2019 to member States on preventing and combating sexism⁷². The Parliamentary Assembly of this regional body (PACE) has also established relevant standards through three Recommendations:

- PACE Recommendation 1799 (2007) on the image of women in advertising;⁷³
- PACE Recommendation 1555 (2002) on the image of women in the media;⁷⁴
- PACE Resolution 1751 (2010) on Combating sexist stereotypes in the media.⁷⁵

inclusiveness of public conversations in many parts of the world. This notion is more accurate and comprehensive than the colloquial term “fake news”. Disinformation would include speech that falls outside already illegal forms of speech (defamation, hate speech, incitement to violence) but can nonetheless be harmful. It is in any case problematic as it has direct implications on democracy, it weakens journalism and some forms of traditional media, creates big filter bubbles and echo chambers, it can be part of hybrid forms of international aggression, using State-controlled media, it creates its own financial incentive, it triggers political tribalism, and it can be easily automatised.

Disinformation requires undertaking a broad and comprehensive analysis incorporating diverse and complementary perspectives, principles and interests. Due to the direct connection with the right to freedom of expression, an excessive focus on legal, and particularly, restrictive measures could lead to undesired consequences in terms of free exchange of ideas and individual freedom.

Addressing disinformation requires undertaking a broad and comprehensive analysis incorporating diverse and complementary perspectives, principles and interests.

According to international freedom of expression standards, the following main criteria and principles need to be considered when dealing with disinformation:

- a) General prohibitions on the dissemination of information based on vague and ambiguous ideas, including “false news” or “non-objective information”, are incompatible with international standards for restrictions on freedom of expression.
- b) State actors should not make, sponsor, encourage or further disseminate statements which they know or reasonably should know to be false (disinformation) or which demonstrate a reckless disregard for verifiable information (propaganda).
- c) State actors should, in accordance with their domestic and international legal obligations, and their public duties, take care to ensure that they disseminate reliable and trustworthy information, including matters of public interest, such as the economy, public health, security and gender justice.
- d) In order to avoid and discourage disinformation and counter its negative effects, public authorities

must promote a free, independent and diverse communications environment, including media diversity, ensure the presence of strong, independent and adequately resourced public service media, and take measures to promote media and digital literacy.⁷⁸

Gendered disinformation would thus be a particular modality of this general category, already explored by international human rights standards-setting bodies.

This is, no doubt, a form of harmful speech which can negatively affect gender equality and endanger public policies and the proper application of legislation in this field. However, and according to clearly set international human rights standards, to the extent that disinformation cannot be connected to the dangerous forms of hate speech mentioned above, restrictive measures would not be acceptable as remedies. In line with the criteria mentioned in the previous paragraphs, and as expressed by the UN Special Rapporteur on Freedom of Opinion and Freedom of Expression, the most powerful antidote to disinformation is “a well-informed and digitally literate population with access to multiple, diverse media and information sources, and multifaceted, multi-stakeholder approaches involving States, companies and civil society, including women’s groups”.⁷⁹

⁷⁸ See the Joint Declaration on freedom of expression, “fake news”, disinformation and propaganda adopted on 3 March 2017 by the UN Special Rapporteur on Freedom of Opinion and Freedom of Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information. Available online at: <https://www.osce.org/files/f/documents/6/8/302796.pdf>

⁷⁹ See UN Special Rapporteur on Freedom of Opinion and Freedom of Expression, Disinformation and freedom of opinion and expression. Report to the Human Rights Council A/HRC/47/25. 13 April 2021. Available online at: <https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Report-on-disinformation.aspx>

⁷² Available from: <https://rm.coe.int/168093b26a>

⁷³ Available from: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17553&lang=en>

⁷⁴ Available from: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=169968&lang=en>

⁷⁵ Available from: <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17893&lang=en>

⁷⁶ Aimée Vega Montiel and Emma Lygnerud Boberg (2021), Regulation, self-regulation and co-regulation in media and gender equality, IMS. Available from: <https://www.mediasupport.org/publication/regulation-self-regulation-and-co-regulation-in-media-and-gender-equality/>

⁷⁷ The statement is available online from: <https://www.apc.org/en/pubs/hrc47-apc-oral-statement-gendered-disinformation>

Chapter 3: Sample Good Practices

Good practice examples in gender and media regulation showcase approaches and measures that have yielded the desired outcomes. What counts as ‘good practice’ is however not easily apparent, as an initiative by the Council of Europe (2014) found in a study to compile examples from member States. Countries participating in the study offered media campaigns, specific legislation, media awards, databases of women experts, inventories of best practices, training courses, research and competitions as examples. Analysis of good practice compilations from the 2014 study and a second publication in 2020 by the Council’s Gender Equality Commission reveals a range of actions by regulators, industry actors and individual media organisations (Table 2).

Table 2. Illustrations of good practices by national authorities, industry bodies and media organisations to advance gender equality in and through media

NATIONAL (STATE) AUTHORITIES, GENDER AND OTHER	
GOOD PRACTICES	EXAMPLES
<ul style="list-style-type: none"> • Comprehensive gender guidelines • Legal requirement for media to submit performance reports on gender indicators • Funding research and conferences • Grants to media for content that promotes gender equality 	<p>Iceland: Media Act No. 38/2011 requires media organisations to submit annual reports to the Media Commission detailing for example the share of women and men among their staff.</p> <p>Serbia: Annual calls for co-financing projects encouraging production of media content that contributes to the promotion of gender equality and the elimination of double discrimination against women and minorities</p> <p>United Kingdom: Under the 2017 Equality Act, all companies (including media organisations) above a certain size must publish their gender pay gap data.</p>
INDUSTRY SELF-REGULATION BODIES, MEDIA WOMEN NETWORKS ⁸⁰	
GOOD PRACTICES	EXAMPLES
<ul style="list-style-type: none"> • Advocacy campaigns on specific gender issues • Equality plans • Knowledge-building tools such as how to recognise media sexism • Training, research and conferences 	<p>Belgium: Byte Back Campaign, an anti-online-harassment campaign by the journalists’ union</p> <p>Canada: Posted on the Canadian Broadcasting Standards Commission (governing private broadcasters) website, all codes, a clear complaints procedure, exhaustive Frequently Asked Questions, a complaints submission form, and full texts of decisions.⁸¹</p> <p>Finland: The Operational Equality Plan of the Union of Journalists</p> <p>Switzerland: The Women Executives in Media network engaged in training, research and conferences.⁸²</p> <p>Supranational: WAN-IFRA Women in News Network’s Leadership Accelerator, a career and leadership programme for women and non-binary journalists and editors working in Africa, the Arab Region and Southeast Asia. 100-150 applicants are accepted annually.⁸³</p>

Continued on next page.

⁸⁰ A Handbook on Gender Equality Best Practices in European Journalists’ Unions profiles various examples from unions and media organisations. https://www.ifj.org/what/gender-equality.html?tx_wbresources_list%5Bresource%5D=16&cHash=d1cc3c8a3d9f6ecd57baf82b524c45ad. Accessed 17 February 2022

⁸¹ <https://www.cbcs.ca/make-a-complaint/>. Accessed 17 February 2022

⁸² <https://www.women-leadership-network.com/about> Accessed 17 February 2022

⁸³ <https://womeninnews.org/win-accelerator/> Accessed 17 February 2022

Table 2. Continued

MEDIA REGULATION BODIES - NATIONAL AND REGIONAL	
GOOD PRACTICES	EXAMPLES
<ul style="list-style-type: none">• Analysis of benefits, salaries and working hours to compare differences between women and men employees• Peer exchange• Setting targets on staffing	<p>Italy: Peer-to-peer exchange by the Permanent Conference of the Mediterranean Audio-visual Operators (COPEAM) to strengthen the capacity of nine public broadcasters in favour of gender equality and women's empowerment in their respective internal policies</p> <p>Sweden: The Swedish Press and Broadcasting Authority monitor annual public-service-audits from the broadcasters that contain the gender & diversity issues.</p> <p>Switzerland: The federal communication office has set a target of 39-40% of women staff members.</p>
MEDIA ORGANISATIONS, MEDIA AGENCIES	
GOOD PRACTICES	EXAMPLES
<ul style="list-style-type: none">• Advocacy campaigns on specific gender issues• Media charters• Gender equality plans• Editorial guidelines• Clear guidance on complaints procedures posted on the website	<p>Morocco: 2M Charter for the enhancement of the image of women</p> <p>Ireland: Posted on public broadcaster RTE's website, clear guidance on the complaints process.</p> <p>UK: The 50:50 The Equality Project, to “inspire[e] and support the BBC and organisations around the globe to consistently create journalism and media content that fairly represents our world”</p> <p>The New York Times issues an annual “Diversity and inclusion’ report as well as diversity data on indicators such as gender, race and ethnicity in the organisation and its leadership.”⁸⁴</p> <p>Bloomberg: New Voices Initiative launched in 2018, “to increase the representation of women sources in both online and on-air content. The program includes the establishment of a definitive global list of women experts in finance and business, a system to track diverse sourcing, and the funding of media training for top women executives and other under-represented voices”.⁸⁵</p> <p>Internews: Reflect Reality resources portal and handbook to advance the voices of women in the news. Included are “content and strategies relevant to newsrooms, journalists and journalism trainers, interested in increasing the extent that women are sourced as subject matter experts in the news”.⁸⁶</p>

84 <https://www.nytc.com/company/diversity-and-inclusion/2020-diversity-and-inclusion-reportand-2021-update/>. Accessed 28 February 2022

85 <https://www.bloomberg.com/company/values/diversity-and-inclusion/advancing-women/amplifying-voices/>. Accessed 28 February 2022

86 <https://www.reflectreality.internews.org/>. Accessed 28 February 2022



Chapter 4: Gender Equality in Journalism Education

There are few comparative studies about gender and journalism education. One of the few is an in-country comparison, Louise North's (2010) study of 30 universities in Australia, that found no academic journalism programme offering a unit with a clear and significant gender or feminist component. She explains that no programme covered the gendered production of news or gendered newsroom culture, and where gender was included, it was part of a broader media studies subject that primarily investigated the representation of gender. She traced the problem to journalism academics' "lack of awareness, of interest or education about gender and

journalism issues, making it impossible to develop a gender-aware curriculum".

Gender mainstreaming in higher education and of curricula that are gender sensitive are lacking in media and journalism programmes globally (UNESCO UNITWIN University Network on Gender Media and ICTs, 2018)⁸⁷. While "the institutions prepare future media and ICT professionals and journalists [...] they have often concentrated on technological innovation, but not on the implications of the production of content for gender equality or on the importance and significance of gender equity processes, or understanding of participation (and barriers to it) for gender equality. (ibid.)

Zimbabwe case study report

In Zimbabwe most of the training institutions reached "do not have a fully-fledged module on gender and if they do, do not have mandatory course readings. As with most other media institutions, investments into integration of gender remains a bastion of external supporting organisations [...] More concerted gender training for journalists is on the job and while this may address the gender concepts and applications, they may not sensitise them in an environment where gender integration is, in practice, a desired but not mandatory expectation."



⁸⁷ UNESCO University Twinning and Networking Programme (UNITWIN) works to build university networks and encourage co-operation between gender, media and ICT scholars. It supports education and research on media, information and communication technologies, and seeks to promote gender equality and women's participation in and through media through research, education and advocacy. <http://www.unitwin.net/>

Chapter 5: Conclusions and Recommendations

General

The level of gender equality in the media is to some extent linked to gender equality in the society as a whole, specifically gender equality legislation and gender awareness in general in societies.

A preferred method to promote gender equality in media would be to establish proper and efficient self or co-regulatory mechanisms, which can be promoted through appropriate media policies and legislation.

Media regulators should ensure that consistent and comparable sex disaggregated data on the media is collected, related to gender equality in content and organisation.

5.1 Conclusions from the analysis of gender in media legislation

- 1 Gendered disinformation is a form of harmful speech which can negatively affect gender equality and endanger public policies and the proper application of legislation in this field. However, restrictive measures would not be acceptable as remedies. The most powerful antidotes to gendered disinformation are gender-sensitive journalism and a well-informed and digitally literate population.⁸⁸
- 2 Guarantee of the presence of women within the media, i.e., as journalists and other media staff, collaborators, experts, managers, or owners, is generally absent, in terms of compulsory provisions, in media legislation.
- 3 Women media professionals face several gender-based challenges that contribute to limiting their right to freedom of expression, such as sexual harassment and gender-based violence. It is of fundamental importance to acknowledge the specific risks they face in the course of their work, and the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists.
- 4 Media legal frameworks generally focus on gender equality and women representation in media content, particularly when it comes to combatting or avoiding sexist prejudices and stereotypes. Proper and proportionate provisions might be considered in this area provided they do not interfere with media freedom.
- 5 Intermediaries have become main actors in the process of dissemination and distribution of all types of content. Same legal and regulatory rules that apply to offline speech must in principle also be applied and enforced regarding online speech, including content distributed via online platforms. Platforms' content moderation systems contain rules and standards aimed at protecting users against certain types of abuses, attacks, and other malicious actions including gender-based ones. However, several content moderation rules and policies established by online platforms may also be used to curtail women's sexual expression. It is important for civil society and academia to pay particular attention and increase research and advocacy regarding gender equality on social media. It would also be necessary to promote and/or regulate increased transparency of platforms with regards to the impact of their content moderation policies on gender justice. Normative interventions should be made by national, regional and supranational institutions balancing the self-regulatory-only measures present today.
- 6 Gendered hate speech can only be banned and criminalised in cases where the requirements of the Rabat six-part threshold test on hate speech are met and an imminent danger in terms of hostility, discrimination or violence is created by the public promotion and dissemination of hatred. The test defines six parameters to check if a statement may amount to a criminal offence, assessing context, speaker, intent, content, extent of the speech, and likelihood of harm. At the same time, certain forms of hate speech do not reach the threshold of incitement but can still trigger legal consequences in the form of civil liability or administrative penalties.
- 7 Even though legal restrictions would not be acceptable vis-à-vis merely offensive, shocking, or disturbing sexist or misogynist speech, policymakers, civil society, and other relevant stakeholders have the possibility to use a wide range of alternative positive policy measures to properly address possible societal risks.

⁸⁸ With access to multiple, diverse media and information sources, and multifaceted, multi-stakeholder approaches involving States, companies and civil society, including women's groups.

5.2 Pathway to bolster regulatory frameworks for gender equality

Absence of gender policies or gender equality provisions within media regulatory instruments, goes against the undertaking that already exists in agreed supranational conventions, in Constitutions and in national gender equality policies at least. It is feminist movements largely that make effort to remind nations States – through the relevant government ministries and agencies – about their obligations, by lobbying for adoption and/or enforcement of gender policies for media, as can be seen in the experiences of numerous Latin American nations (c.f. Chaher, 2014). It is necessary for legislation and regulation to be based on international standards, to link gender justice to specific policies, and for access to information legislation to introduce specific gender provisions, among other recommendations. A pathway to bolster regulation and regulatory processes is proposed in Table 3 below.

Table 3. Pathway to bolster frameworks for gender equality in and through the media.

REGULATORY LEVEL	MEASURES
Supranational level (UN bodies etc.) <ul style="list-style-type: none"> Bodies responsible for gender equality and women’s rights Bodies responsible for communication, media and freedom of expression 	<ul style="list-style-type: none"> Integrate media-related provisions in gender policy across all thematic areas, affirming media’s centrality for the achievement of gender equality and women’s rights. Include gender provisions in media and communication policy to protect communication rights of women and gender minorities. (Bodies responsible for communication, media and freedom of expression; UNESCO and...) Considering that freedom of expression and gender equality are not mutually exclusive rights, always integrate non-discrimination on the basis of gender in FoE instruments. Require States to implement conventions and actions regarding gender equality in the media and to report periodically against indicators and targets. Verify the reports through civil society feedback, NGO shadow reports and commissioned research studies.
National level – State bodies <ul style="list-style-type: none"> Those responsible for gender equality, women’s empowerment Those responsible for communication, mass media, broadcasting, tele-communications, information technology 	<ul style="list-style-type: none"> In view of media’s centrality for gender equality, integrate media-related provisions in national gender policies and strategies. <p>Licensing</p> <ul style="list-style-type: none"> Include gender provisions in regulations. Such provisions could include appropriate conditions for approval and continued tenure of licenses. <p>Monitoring</p> <ul style="list-style-type: none"> Ensure that sex disaggregated data on the media is collected (related to gender equality in content and organisation). Establish dedicated committees to monitor and address compliance issues. Encourage feedback from audiences and civil society observatories. <p>Compliance enforcement</p> <ul style="list-style-type: none"> Apply measures laid down in legislation to address non-compliance. For example, withdrawing the licences of media outlets that consistently fail to comply with the gender policy.

Table 3. Continued

REGULATORY LEVEL	MEASURES
Media Industry Self-Regulators (including professional associations)	<p>Policy development</p> <ul style="list-style-type: none"> Gender sensitise professional media code of ethics. Define gender and diversity indicators and establish monitoring and compliance procedures. Consider using Gender Equality in News Media Index (GEM-I) as a tool to understand and continually assess gender gaps in news content. <p>Codes and guidelines</p> <ul style="list-style-type: none"> Accompany media organisations to adopt guidelines on the issues addressed in policy and law: on content (representation, portrayal, stereotypes, treatment of issues such as VAW, etc), on workplace practices (including affirmative action to address underrepresentation in senior positions and uprooting gender-biased organisational culture). <p>Public engagement</p> <ul style="list-style-type: none"> Tap expertise from civil society and academia to contribute to policy and legal standards development. Encourage public participation in reporting non-compliance, as members of adjudication committees and other levels of the regulatory process where possible. <p>Accountability</p> <ul style="list-style-type: none"> Require member organisations to report against gender and media indicators and targets. Regularly publish results on indicators and targets in the public domain (websites, open-source reports)
Individual Media Organisations (Outlets)	<p>Policy development</p> <ul style="list-style-type: none"> Integrate gender provisions in ethics codes and editorial guidelines. Define gender indicators and set progress targets. Establish routines and monitoring and compliance procedures. Adopt equal opportunities and non-discrimination policies and anti-sexual harassment policies. <p>Internal capacity</p> <ul style="list-style-type: none"> Integrate gender training as part of staff professional development programmes. Establish dedicated committees or staff positions to monitor and address compliance issues. Involve researchers and feminist civil society in gender training and capacity-building. <p>Transforming organisational culture</p> <ul style="list-style-type: none"> Integrate in everyday conversation spaces (staff meetings for example), discussions about gender and diversity issues arising, anchoring the conversations in (self-) regulation. <p>Monitor performance against targets</p> <ul style="list-style-type: none"> Regularly monitor content. Make use of the methodologies, tools and networks in place. Engage audiences and work with civil society observatories in monitoring. Regularly appraise institutional performance on all targets, for example, on gender equality in hiring and composition of boards. <p>Transparency</p> <ul style="list-style-type: none"> Publicise measures when these are adopted. Post the texts in the public domain where they can be easily accessed. Regularly publish results on the indicators and targets (staffing, content, etc.) in the public domain on organisational websites, open-access reports.



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Annex 1: Policies and Legislation Review







The list is composed of:

- all instruments found in media law and policy databases, notably: TheConstitute Project, by the Comparative Constitutions Project at the University of Texas at Austin and the University of Chicago https://www.constituteproject.org/constitutions?redirect_name=constitutions; Article 19's law and policy database <https://www.article19.org/law-and-policy/>; The Asian Legal Information Institute (AsianLII) which curates legal information from all 27 countries and territories in Asia <http://www.asianlii.org/databases.html>; UNESCO library for broadcast media regulation documentation <http://www.unesco.org/>; UNHCR's Refworld's database: <https://www.refworld.org/>; International Labour Organisation library <https://www.ilo.org/global/lang--en/index.htm>; World Intellectual Property Organisation Lex database <https://wipo.lex.wipo.int/en/members>; UN Human Rights Office of the High Commissioner. Anti-discrimination library <https://adsdatabase.ohchr.org/IssueLibrary/Forms/AllItems.aspx>; Eastern Caribbean Telecommunications Authority on telecommunication acts in the Commonwealth of Dominica, Grenada, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines <https://www.ectel.int/>;
- all instruments unearthed through a keyword Internet search using combinations of words (and equivalents in French and Spanish) from each of the following sets. (i): gender, women, female, sex, minorities. (ii) media, communication, news, broadcast, audio-visual, journalism, journalist. (iii) Policy, legislation, act, law, convention, agreement. (iv) discrimination, equality.

- Afghanistan The Law on Mass Media 2006
- Albania Law on Audiovisual 2013
- Antigua and Barbuda Telecommunications Bill 2021
- Armenia Law on Television and Radio B 2000
- Austria Media Act 1981
- Azerbaijan Constitution 1995
- Bahamas Broadcasting Act 2010
- Bangladesh National Broadcast Policy 2013
- Belarus Law on Mass Media 2009
- Belgium Act on Radio and Television Broadcasting 1980
- Belize Broadcasting and Television Act 2011
- Bolivia Law No. 164, 2011
- Bosnia and Herzegovina Broadcasting Sector Policy 2008
- Brazil Law No. 9612, 1998
- Brunei Broadcasting Laws 2000
- Bulgaria Radio and Television Act 2007
- Cambodia Regime of The Press 1995
- Canada Broadcasting Act 1991 (Amended 2020)
- Colombia Law 182, 1995
- Croatian Radio and Television Act 2010
- Cyprus Law on Broadcasting Corporation 1959 Amended 2010
- Czech Republic Broadcasting Act 2001
- Dominican Republic Law No. 153-98
- Ecuador Broadcasting Act 1975
- El Salvador Decreto N° 372, 2016
- Finland Act on The Exercise of Freedom 2003
- Georgia, Law of Georgia 2013
- Grenada Telecommunications Act 2000
- Guatemala Broadcasting Law
- Guyana Broadcasting Act 2011
- Honduras Press Law 2015
- Hungary New Media Regulation 2011
- Iceland Broadcasting Act 2013
- India Cable Television Networks (Amendment) Rules, 2021
- Indonesia Regulation of Minister of Communications and Informatics 2018
- Iran Press Law 1987
- Iraq Law No. 35 2007
- Ireland Broadcasting Act 2009
- Israel Broadcasting Authority Law 1995
- Italy Law No.112, 2004
- Jamaica Broadcasting and Radio Re-Diffusion Act 1949
- Japan, Broadcast Act 1950
- Kazakhstan, Law No 545-Iv, 2011
- Kiribati Constitution 1995
- Kuwait Law No (3) on Press and Publications 2006
- Kyrgyzstan Memorandum 2005
- Liechtenstein Media Act 2005
- Lithuania Law on the Provision of Information to the Public 1996
- Macedonia Law on Broadcasting Activity 2005
- Malaysia Communications and Multimedia Act 1998
- Maldives Broadcasting Act 2010
- Malta Broadcasting Act 1991
- Mexico Federal Radio and Television Law 2012
- Micronesia Constitution 1978
- Moldova Code of Audiovisual Media Services 2020
- Mongolian Law on Freedom of Media 1998
- Montenegro Electronic Media Law 2017
- Myanmar Broadcasting Law 2015
- Nauru Communications and Broadcasting Act 2018
- Netherlands The Media Act 1987
- New Zealand Broadcasting Act 1989
- Pakistan Ordinance 2007
- Palestine Basic Law 2005
- Panama Law No. 24, 1999
- Papua New Guinea Broadcasting Corporation Act 1973
- Paraguay Law No. 642, 1995
- Poland The Broadcasting Act 1992
- Qatar Law No. 8 of 1979
- Republic of Palau Constitution 1979
- Rwanda Law N°02, 2013
- Saint Kitts and Nevis Telecommunications Act 2000 (Rev 2009)
- Saint Lucia Telecommunications Act 2000
- Saint Vincent and The Grenadines Telecommunications Act 2001
- Samoa Broadcasting Act 2010
- Samoa Media Regulation
- Samoa National Broadcasting Policy 2017
- Serbia Broadcasting Act 2002
- Sierra Leone Independent Media Commission Act 2000
- Singapore Broadcasting Act 2012
- Slovenia Mass Media Act 1989
- Solomon Islands National Broadcasting Policy 2015
- South Africa Telecommunications Act 2000
- South Korea Broadcasting Act 2007
- South Sudan Media Authority Act 2013
- Sri Lanka Broadcasting Corporation 1967
- Sweden Radio and Television Act 1996
- Thailand Public Broadcasting Service Act 2008
- Tonga Broadcasting Commission Act 1961
- Trinidad and Tobago Broadcasting Code Final 2014
- Tuvalu Public Broadcasting Act 2014
- Uganda Broadcasting Corporation Act 2005
- UK Broadcasting Act 1996
- United Arab Emirates Federal Law No.15, 1980
- USA 1st Amendment 1947
- Vanuatu Regulation Act 2009
- Venezuela Law 06022014, 2014
- Yemen Law No 25 1990
- Zambia The Independent Broadcasting Authority Act 2002
- Zimbabwe Broadcasting Services Act 2001

Annex 2: Summaries of Country Case Studies

Parallel to the review of gender and media regulation and self-regulation across the world, in-depth case studies were also conducted in some of Fojo's partner countries. This annex contains summaries of the country case studies, with the individual country reports published separately.

	Population (millions) 2020	GNI/capita (USD) 2020	Global Gender Gap Index Score 2020	Gender Equality in Media Index (GEM-I) Score 2020	Share of Women in the News (%)	Share of women in top and senior media management (%) 2011
 ARMENIA	3.0	4,220	0.673	*	*	*
 BANGLADESH	164.7	2,030	0.719	-71	19	4
 RWANDA	13.0	780	0.805	*	29	*
 SOMALIA	15.9	320	*	*	*	*
 SWEDEN	10.4	54,050	0.823	-26	38	67
 ZIMBABWE	14.9	1,140	0.732	-57	25	12

Notes

1. Population data from World Development Indicators (World Bank, 2020)
2. GNI per capita (formerly GNP per capita) is the gross national income, converted to U.S. dollars using the World Bank Atlas method, divided by the midyear population. Source: World Bank national accounts data, and OECD National Accounts data files.
3. The Gender Gap Index 2020 data published by the World Economic Forum (2019) ranks countries according to the gap between women and men in Economic Participation and Opportunity, Educational Attainment, Health and Survival, and Political Empowerment.
4. The Gender Equality in News Media Index (GEM-I) is a measure of the average gender gap in subjects, sources and journalists in the news and can vary between -100 (only men) and + 100 (only women in the stories.) The GEM-I is calculated from six indicators of the Global Media Monitoring Project (GMMP) research that takes stock of change in the comparative status of women and men in the news. See Djerf-Pierre & Edström, 2020 (p. 59-98) for details on how the index is calculated. Data source: Who Makes the News: The Global Media Monitoring Project 2020 (Macharia 2021, p. 78-79).
5. Data on the share of women in the news comes from the 2020 GMMP edition (2005 for Rwanda).
6. Data source for the share of women in top and senior management is the Global report on the status of women in the news media. (C. Byerly, 2011)



2.9 Bangladesh

Media landscape	30 private and 4 public television channels, 22 FM and 18 community radio stations, 1,323 daily newspapers, and 177 online news portals.
Central authorities responsible for regulating media on gender equality issues	<ul style="list-style-type: none"> Ministry of Information and Broadcasting & the Press Council of Bangladesh Bangladesh Telecommunication Regulatory Authority Ministry of Labour and Employment Ministry of Women and Children Affairs
Industry self-regulatory bodies	<ul style="list-style-type: none"> Newspaper Owners' Association of Bangladesh (NOAB) Established 2005 Editors' Council Dhaka Union of Journalists (DUJ). Established 1972 Dhaka Reporters' Unity (DRU). Established 1995 Bangladesh Nari Sangbadik Kendra (BNSK)—The Centre for Women Journalists of Bangladesh. Established 2001 Dhaka Sub-editors' Council. Established 2000
Good practices	<ul style="list-style-type: none"> High Court Judgments and directives/guidelines of 2009 and 2011 on sexual harassment and abuse of women and girls in workplaces and in public spheres. Prothom Alo; Established 1998. Codified gender guidelines, initiated policies and regular monitoring.

Gender equality

- The Constitution enshrines women equal rights and opportunities in the public sphere. Regulations impacting media however have been slow to integrate this.
- Provisions on gender-equality and sensitivity in media regulations and different government policies have two distinct features. The earlier provisions were concerned more about decency, obscenity and other such issues mainly from a moralistic perspective. The main concerns seemed to have been protecting the morality of society from effects of such content, rather than protecting the rights of women.
- Over the last couple of decades, gender-related provisions in media regulation and policies have been influenced by development concerns. Policy and law lack a requirement for equal coverage of women in media content. Explicit reference to gender-equality in media structures is rare or absent.
- Sector-wide self-regulatory frameworks are rare, as are individual media house-level ones. Written policies on gender-equality or sensitivity are few.
- Regulatory and supervisory authority of all media rests primarily with the Ministry of Information and Broadcasting (with its 12 agencies), while gender-related supervision is the responsibility of the Ministry of Women and Children Affairs. No implementation or monitoring mechanism could be located. Implementation and monitoring are generally weak in media organisations as well.
- According to the 2020 Report on the Status of Women in Media in South Asia, Bangladesh does not have a comprehensive gender-related policy for newspapers. While the broadcast policy and the online media policy mention gender-related issues, these are not being implemented. Individual media organisations in

general do not have gender-related policies. The study found that the national policies on broadcast and films particularly have some provisions concerning representation of women but not about participation. The advertising industry does not have any guidelines or a code of conduct.

- The National Women Development Policy 2011 and the corresponding National Action Plan of 2013-2023 include provisions on media content and employment. The National Broadcast policy has detailed guidelines on advertisement, addresses issues of gender stereotyping and gender hate speech. The Press Council receives and adjudicates complaints from the public on media content issues but complaints are few and the hearing process slow.
- Licensing laws have prohibitions concerning gender-sensitivity in content. Some criminal laws on violence against women have specific instructions for the media to ensure protection of victims and survivors. High Court directives for prevention and redress of sexual abuse in workplaces are present. But few media institutions have formed complaint redress committees as directed. The study did not find evidence of compliance monitoring by regulators. A respondent from the Press Council reported that monitoring was not taking place due to lack of resources; action is taken only if complaints are logged.
- 15 out of 18 media houses surveyed reported that measures on gender equality were in place, notably, maternity leave required by law and evening/night drop-off services for women employees.
- While most media organisations representatives are aware of the 2009 government guidelines on sexual harassment in the workplace, women journalists in a separate survey reported various forms of gender-based harassment in newsrooms.

Some general recommendations

- Appropriate state gender and media policies and policies at organisational levels are essential.
- News managers, editors particularly, have to own the gender-equality goals and efforts. News organisations are by default hierarchical organisations. It is necessary to get owners and editors on board.
- Unions and professional organisations need to formulate codes of conduct and to develop a system of monitoring the enforcement of codes, encouraging complaints and adjudicating in a fair and transparent manner.
- Existing regulations and policies need to be reformulated to underline gender-equality and gender-sensitivity in internal structures and in contents. Regulations and policies must pay special attention to enabling provisions. Existing ones should be re-written in gender-sensitive and gender-inclusive language.
- Regulatory bodies should institute a system for granting licences with conditions directed at ensuring adherence to gender equality requirements following policy ad law.
- Mechanisms for regular monitoring of media content are essential, by regulators, media organisations and professional bodies. Measures from within the industry have potential to be more effective than those by Statutory bodies.
- Content reviewing systems and publishing spaces for such reviews need to be developed. Simultaneously, there is a need to develop critical media literacy. A space for regular media reviews by audiences should be created. The role of audiences cannot be overstated.
- Media laws need to be strengthened from a freedom of expression and human rights perspectives. One key end goal is a free and responsible press; with freedom comes responsibility.



2.10 Rwanda

Central authorities responsible for regulating media on gender equality issues	<ul style="list-style-type: none"> Rwanda Utilities Regulatory Authority (RURA) Ministry of Local Government Rwanda Government Board
Industry self-regulatory bodies	<ul style="list-style-type: none"> Rwanda Media Commission
Gender equality measures in media organisations	<ul style="list-style-type: none"> Gender policy (Jobcentre.rw, Bridge magazine) Anti-sexual harassment policy (Ubumwe.com) Anti-sexual harassment strategy (The New Times)
Gender indicators in media	From the Rwanda Media Barometer, a biennial stock-taking on (i) Enjoyment of the right to freedom of expression, disaggregated by sex; (ii) Journalists' self-censorship, by sex; (iii) Women's representation as journalists and gender equality in media content.

Key findings

- Rwanda's Constitution requires gender equality to be observed across all sectors, an obligation that is integrated within sector-specific regulations.
- Despite Rwanda's stellar performance on gender metrics at the global level during the last two decades, media legislation remains silent on gender.
- Media apply general provisions in the Constitution, the Rwanda Media Commission Code of Ethics and other instruments to address gender issues.
- Media policy does not mention gender equality nor does the access to information law of 2013. The code of ethics contains guidelines on the protection of minors and survivors and victims/survivors of rape.
- Gender concerns in media organisations are integrated through internal rules and regulations. Some media houses have gender strategies in place.
- The public broadcaster Rwanda Broadcasting Agency (RBA) requires a minimum quota of 30% women in the board.

Some general recommendations

- Media houses and media organisations should initiate and implement their own gender policies, including anti-sexual harassment policies, and strategies.
- Institutions in charge of gender must support those in charge of media to define gender indicators and monitor progress.
- Law makers should enforce gender mainstreaming in all media houses.
- All media houses should mainstream gender in content and monitor their output.
- Regulatory processes must be accompanied by transformation of mindsets in favour of promoting gender equality in the media industry.



2.11 Zimbabwe

Central authorities responsible for regulating media on gender equality issues	<ul style="list-style-type: none"> Zimbabwe Media Commission Ministry of Information Broadcasting Services Ministry of Information, Communication and Technology Broadcasting Authority of Zimbabwe
Industry self-regulatory bodies	<ul style="list-style-type: none"> Voluntary Media Council of Zimbabwe (VMCZ) Zimbabwe Union of Journalists (ZUJ) Zimbabwe National Editors Forum (ZINEF)
Gender equality indicators	<p>From the SADC Protocol on Gender and Development (rev. 2015)</p> <ul style="list-style-type: none"> Women employees as a percentage of total Women as a percentage of the board of directors Women as percentage of management Percentage of women news sources Percentage of women news sources in economics, sports, and politics Percentage of women who participate in radio talk shows Percentage gender aware stories <p>From Zimbabwe's Gender Equality and Women's Empowerment Framework</p> <ul style="list-style-type: none"> Percentage of women in decision-making positions in state and private media and ICT entities Proportion of women owning media houses Proportion of women with access to various media sources Proportion of women with access to ICTs by age and location Proportion of women journalists in media houses Proportion of women trained in ICTs by age Number of ICT and media legal provisions reflecting gender priorities Percentage of gender equality targets achieved as set in the regional and international instruments to which Zimbabwe subscribes to are achieved Percentage of relevant government institutions and Commissions implementing and monitoring constitutional provisions on gender justice

Key findings

- The Constitution of Zimbabwe enshrines respect for group rights and recognises the need for action to address needs of previously excluded groups.
- While Zimbabwe's legislative and regulatory framework on gender equality is strong on paper, this has not effectively informed content of media laws and policies whose language remains generic. Most media laws and policies allude to rights of people in general without specifically addressing the gender dimensions. As a result, the media laws are not justiciable when gender violations occur; the relevant laws treat this simply as bad conduct rather than a more serious infraction.
- The proposed Information and Cyber Security Bill does not address digital gender-based violence.

- Implementation of the gender equality and women empowerment principles in general is low. There is lack of accountability to the Constitution including by most of the non-gender regulatory bodies.
- While the media industry demands Constitutional accountability from other stakeholders in society, economy and politics, it has not held itself to the same yardstick. Weak media regulation on gender flies in the face of the letter and spirit of Article 19 of the UDHR, the African Charter on Human and Peoples' Rights, as well as other continental and international instruments guaranteeing freedom of accessing, imparting, demanding, and speaking through different mediums.
- Most media houses may not have gender policies but their in-house guidelines and editorial policies prohibit sexist or blatantly discriminatory and derogatory language. Policies regarding media portrayal and representation of women, marginalised and socially excluded groups have been adopted at various stages by some.
- There is still reticence to implement gender equality measures beyond policy adoption, addition in plans and or tokenistic inclusion of women into decision making. Beliefs that gender is a stand-alone sector persist leading to efforts being concentrated on 'core business' after which gender is added on.

Some general recommendations

1. Media and media support organisations should recognise equality of opportunity and treatment as a right for all citizens and that all other rights may not be attained without adequate integration in organisational policies, structures, and programmes.
2. Appropriate organisational policies for mainstreaming gender, as well as specialisation on reporting gender issues should be adopted based on existing templates.
3. Media should recognise that credibility to demand certain rights from duty bearers can only exist if conduct is reflective of the same commitment and accountability to policies, laws, constitution.
4. Specialisation for effective delivery and competitive advantage should not be at the expense of a multi-sectoral approach to delivering the rights to freedom of expression and the media, access to information, equal and inclusive employment, freedom to work without fear or intimidation, and the full enjoyment of rights.
5. Equal representation in decision-making should be mandatory in all institutions rather than only those whose core business is gender equality and women's empowerment. Government should model transformative and diversifying mechanisms, including those tasked with regulation beyond gender and media, in line with the Constitution.
6. Media houses should be supported not only in developing gender policies and gender action plans, but in implementing, monitoring and evaluating performance.



2.12 Sweden

Media landscape	Freedom of Expression is safeguarded in the constitution through the Freedom of the Press Act (that dates back to 1766) and the Freedom of Expression Act (1991). Included in the Freedom of the Press act is also the right to public access to information, in order to hold public officials accountable. Sweden has a long tradition of subscribed printed daily newspapers, and strong public serve radio and television. Since the 1970-ies there is a state funded press subsidy system to support diversity of media outlets. Lately online news and digital newspapers are taking over the market, but they are also struggling with declining advertising revenues due to global platform providers. During the Covid-19 pandemic the state gave substantial financial support to the news media Most news media are privately owned.
Central authorities responsible for regulating media on gender equality issues	The Swedish Press and Broadcasting authority Within the authority there is The Swedish broadcasting commission that oversees complaints from the public on broadcasted content. The commission also monitors the annual reports from the public service broadcasters which contain how gender equality and diversity is handled within programming, a task that is stipulated through the broadcasting permissions from the government.
Industry self-regulatory bodies	The Media Ombudsman (MO) and the Media Ombudsman ethical committee (MEN). There are three sets of guiding codes agreed upon by the publishers and journalist union; <ul style="list-style-type: none"> • Publicity rules (the rules of good journalistic practice). Cover issues such as fairness of reporting, respect of privacy and the right to reply. These rules are supervised by MEN and MO. • The Journalists' rules of professional conduct. Cover issues such as integrity of journalists and acquisition of material. Overseen by the Committee for professional ethics in the Swedish Union of Journalists. • Guidelines of editorial advertising. Cover the relationship between advertising and editorial content. Advertising must not look like editorial pages.
Good practices	<ul style="list-style-type: none"> • SVT Umeå, a regional public service television has been monitoring the news for more than 20 years, reaching a gender balance in the news. • Bonnier News systematically works with achieving gender balance in the news and in the news rooms. • Mediakompaniet, an organisation working for several local newspapers that assist in monitoring content and educating of staff, both in the editorial and market side.

Findings

Sweden has strong, separate legislative systems for freedom of expression and gender equality. There are almost no gender equality regulations for the media, and the self-regulatory framework for the media do not have gender equality in focus. However, since the society as a whole has an objective to give men and women equal power to shape society and their own life, the news media is affected, both regarding working conditions and media content. Still topics and roles in the news are gendered, and there is still a way to go before the news organisations are gender equal.

